



**International Human Rights
Instruments**

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reports of States parties**

Zimbabwe*

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Part one General Information

I. Demographic; Economic; Social and Cultural characteristic of the State

1. Zimbabwe is a land locked Country situated in Southern Africa, divided into 10 provinces comprising of 72 districts. Land in Zimbabwe covers 386,848 square kilometres, while water covers 3,910 square kilometres of total land area, 85 percent is agricultural land and the rest consist of national parks, state forests and urban land.

Demographic Characteristics

2. The population of Zimbabwe is 13 714 014. Further breakdown of the demographic data is depicted in the table below:

Table 1

Demographic Indicators

<i>No.</i>	<i>Description</i>	<i>Value (Number or portion)</i>	<i>Source</i>
1.	Population size	13 714 014	2017/2018 DOTS, ZIMSTAT
2.	Population growth rate	2%	2017 ICDS ZIMSTAT
3.	Population density	35 person per square kilometre	2017/2018 DOTS, ZIMSTAT
4.	Population distribution by language		
(a)	Chewa	Currently not available	
(b)	Chibarwe	Currently not available	
(c)	English	Currently not available	
(d)	Kalanga	Currently not available	
(e)	Koisian	Currently not available	Section 6 of Constitution of Zimbabwe provides for 16 officially recognised languages
(f)	Nambya	Currently not available	
(g)	Ndau	Currently not available	
(h)	Isidebele	Currently not available	
(i)	Xangani	Available	
(j)	Shona	Currently not available	
(k)	Sign Language	Currently not available	
(l)	Sotho	Currently not available	
(m)	Tonga	Currently not available	
(n)	Tswana	Currently not available	
(o)	Venda	Currently not available	
(p)	Xhosa	Currently not available	

<i>No.</i>	<i>Description</i>	<i>Value (Number or portion)</i>	<i>Source</i>
5.	Religion		
	(a) Christianity	84.1%	ICDS 2017, ZIMSTAT
	(b) Islam	0.7%	ICDS 2017, ZIMSTAT
	(c) African Traditional	4.5%	ICDS 2017, ZIMSTAT
	(d) Other religion	0.5%	ICDS 2017, ZIMSTAT
	(e) None	10.2%	ICDS 2017, ZIMSTAT
6.	Ethnicity		
	(a) African	99.7%	ICDS 2017, ZIMSTAT
	(b) European	0.1%	ICDS 2017, ZIMSTAT
	(c) Asiatic	0.1%	ICDS 2017, ZIMSTAT
	(d) Mixed race	0%	ICDS 2017, ZIMSTAT
	(e) Other	0%	ICDS 2017, ZIMSTAT
7.	Sex		
	(a) Male population	48%	ICDS 2017, ZIMSTAT
	(b) Female population	52%	ICDS 2017, ZIMSTAT
8.	Area		
	(a) Rural	68%	ICDS 2017, ZIMSTAT
	(b) Urban	32%	ICDS 2017, ZIMSTAT
9.	Age-composition		
	(a) Children (below 15 years)	40%	ICDS 2017, ZIMSTAT
	(b) Adult (15–64)	54%	ICDS 2017, ZIMSTAT
	(c) Elderly (65 years and above)	6%	ICDS 2017, ZIMSTAT
10.	Dependency ratio		
	(a) Child dependency ratio (below 15 years)	74 dependents per 100 persons in the age group 15–64 years.	ICDS 2017, ZIMSTAT
	(b) Old dependency ratio (65 years and above)	9 dependents per 100 persons in the age group 15–64 years	ICDS 2017, ZIMSTAT
	(c) Age dependency ratio (Under 15 years and over 65 years)	83 dependants per 100 persons in the age group 15–64 years	ICDS 2017, ZIMSTAT
11.	Crude Birth Rate	29.8 live births per 1000	ICDS 2017, ZIMSTAT
12.	Death Rate	10.2 deaths per 1000	ICDS 2017, ZIMSTAT
13.	Life Expectancy	60 years	ICDS 2017, ZIMSTAT
14.	Fertility rate	3.9 Children per women	ICDS 2017, ZIMSTAT

<i>No.</i>	<i>Description</i>	<i>Value (Number or portion)</i>	<i>Source</i>
15.	Average household size	4.2 persons per household	MICS 2019, ZIMSTAT
16.	Proportion of population (households) headed by:		
(a)	Males	30%	ICDS 2017, ZIMSTAT
(b)	Females	36.6%	PICES 2017, ZIMSTAT
(c)	Children	No Data	No Data

Key historical facts

3. Zimbabwe attained its independence in 1980, following a protracted liberation struggle in which the nationalist movement fought against a colonial British regime. The liberation struggle was motivated by various reasons which include racial discrimination, unfair labour practices and unequal distribution of land among others of which 75% of arable land was occupied by the white minority. Seventy five percent (75%) of this land is in the high rainfall areas of Zimbabwe where the potential for agricultural production is high. The majority of black people were crowded in arid communal areas characterised by harsh hostile climate and marginal soils of limited agricultural potential. In order to redress the skewed land distribution in the country Government embarked on a land reform programme to address the challenges affecting the majority of the population. Moreover, the Government has embarked on compensation for value of improvement to the former land occupiers.

Social and Cultural Characteristics

4. The following are Zimbabwe's social cultural characteristics:

Languages

5. Zimbabwe has 16 official languages spoken across various ethnic groups. Zimbabwe has predominantly ascribes to African Traditional norms, customs and practices whilst other minority cultural trends are also respected.

Totems

6. Totems are critical cultural aspects used towards prevention of extinction of fauna. Totems are used to identify different clans that make up ancient civilization of dynasties. They are symbolised with animal names and provides a social identity to the clan. They are also meant to guard against incestuous behaviour. The people of Zimbabwe use several cultural markers to identify a person and show their origin. Every totemic lineage would have a praise poem that is associated with the lineage.

Food

7. The diversity of culture and lifestyle in Zimbabwe is reflected in the national diet. Sadza is widely eaten followed by millet and rapoko. For relish, domesticated meats are always a delicacy.

Traditional healers and medicine

8. Traditional healers and medicine are a source of primary care for many people. Traditional healers are consulted for political and religious powers. African traditional medicine use indigenous herbalism combined with aspects of spirituality. It involves diviners, midwives and herbalists.

Beadwork

9. Beadwork has a cultural and linguistic significance to the people of Matabeleland. Women often wear beaded ceremonial dresses. Men do so only on rare ceremonial occasions

Marriage

10. Marriage is perceived in terms of its value as an alliance between two kinship groups. Traditionally, a bride price called roora/lobola is paid to the bride's family as a way of uniting the two families. Polygamy is accepted and the number of wives and children a man has is a major signifier of his wealth.

Festivals and celebration

11. Cultural rituals associated with birth, death and adulthood are quite common characteristics of a Zimbabwean culture. Rural communities celebrate the beginning of harvest and hunting season. Popular ceremonies include rainmaking ceremonies, kurovaguva ceremony and the inxwala festivals.

Music and Arts

12. Zimbabwe has her own unique dances, typically accompanied by vocal and percussive music that varies from tribe to tribe. The dances fall into three main categories which are religious, ceremonial and storytelling. There traditional dances are associated with regions. For example in Manicaland-Muchongoyo, Mashonaland – Jelusalem and Matabeleland – amabhiza

Economical Characteristics

13. Zimbabwe's main economic activities are Agriculture, Mining, and Tourism as well as, Manufacturing. Government is targeting to a sustained turnaround of the economy through focused support for the productive sectors especially in agriculture, mining and infrastructure. The 2018/19 drought has however seen the agricultural sector registering a negative growth thus going forward Government has set aside ZWL\$1,8 billion towards production of crops, such as maize, soya beans and cotton. Of this amount, ZWL\$ 567, 4 million has been allocated for the provision of inputs for vulnerable households and ZWL\$332 million to ensure the procurement of inputs for cotton production. A total of ZWL\$968 million will augment the ZWL\$ 2, 8 billion put forward by banks and the private sector to support the Command Agriculture Programme. To render inputs more affordable to our farmers, Government is putting in place measures to facilitate the duty free importation of fertilisers, targeted electricity subsidies and the local manufacturing of fertilisers, including the full exploitation of phosphates from Dorowa.

14. The mining sector has continued to contribute positively towards economic recovery. During the period January to June 2019 the sector generated USD1,3 billion which constitutes 68% of the total export receipts. Government therefore, intends to support the mining sector through the exemption of duty on raw materials and capital equipment. This thrust is aimed at implementing the recently adopted Zimbabwe National Industrial Development Policy and Local Content Strategy. The overall thrust by Government is to promote the right to freely dispose of economic resources as enshrined in Articles 21 and 22 of the African Charter on Human and Peoples Rights.

15. Tourism sector remains on an upward growth trajectory generating about USD 1,3 billion. In order to accelerate this trend robust strategies are being pursued to boost investments in accommodation and conference facilities and widen the range of tourism products.

16. Manufacturing sector offers immense growth opportunities through backward and forward production linkages, some companies are gradually increasing their production and exports. The introduction of a mono-currency system is also set to boost the competitiveness of our manufacturing sector. In addition, Government is scaling up its support to the sector through duty exemptions on raw materials and capital equipment, tax breaks and holidays for priority projects and other import management measures. This thrust is anchored on the

implementation of the recently adopted Zimbabwe National Industrial Development Policy and Local Content Strategy.

17. Zimbabwe is also committed to continue cooperation with SADC, COMESA and the African Union development Agenda as well as the United Nations Sustainable Development Goal Agenda 2030. Zimbabwe continues to engage and re-engage with the International Community.

18. The sustained turnaround of our economy hinges on focused support for the productive sectors especially in agriculture, mining and manufacturing. The 2018/2019 drought has seen our agricultural sector registering a negative growth rate.

19. Government is fully aware of the economic challenges that are being faced by Zimbabweans as a result of the effects of the illegally imposed economic sanctions that have been perpetuated by the West and its allies. The devastating effects of sanctions have continuously posed a threat to the enjoyment of socio- economic rights of the people of Zimbabwe Our nation remains indebted to SADC following the landmark resolution adopted at the 39th Summit held in Tanzania declaring 25 October as the date for Member States to collectively call for the lifting of the illegal sanctions imposed on our country. Zimbabwe deeply appreciates this gesture of friendship and solidarity.

Table 2

Current Social and Economic Indicators

<i>No.</i>	<i>Indicators</i>	<i>Values</i>	<i>Score</i>
1.	Share of (household) consumption expenditures		
	(a) Food	31.3%	PICES 2017 Report, ZIMSTAT
	(b) Housing	27.6%	
	(c) Health	1.4%	
	(d) Education	4.3%	
2.	Proportion of population below poverty line (Individual poverty)	70.5%	Zimbabwe Poverty Report 2017, ZIMSTAT
3.	Proportion of population below the minimum level of dietary consumption	29.3	
4.	Gini coefficient (relating to distribution of income or household consumption expenditure)	0.435	
5.	Prevalence of underweight children under five years of age	10%	MICS 2019, ZIMSTAT
6.	Percentage of women of child bearing age using contraception or whose partner is using contraception		
	(a) Any method	48.6%	Zimbabwe Demographic Health Survey 2015, ZIMSTAT
	(b) Any modern method	47.9%	
7.	Medical termination of pregnancy as a proportion of live births	-	-
8.	Rates of infection of HIV/AIDS and major communicable diseases (Adults age 15–64 years)	40 974 New cases annually	Ministry of Health and Child Care, 2017
9.	Prevalence of HIV		

<i>No.</i>	<i>Indicators</i>	<i>Values</i>	<i>Score</i>
	(a) Children (Age 0–14)	13.3%	Ministry of Health and Child Care, 2017
	(b) Adults (Age 15–49)	14.6%	
10.	Deaths		
	(a) Road Accidents	1 918	ZIMSTAT, 2018
	(b) HIV/AIDS	23 107	Ministry of Health and Child Care, 2018
	(c) Low respiratory infections	605	
	(d) Tuberculosis	2 484	
	(e) Ischemic heart disease	11	
	(f) Neonatal disorders	-	
	(g) Diarrheal diseases		
	(i) Diarrhoea	277	
	(ii) Typhoid	51	
	(iii) Dysentery	171	
	(h) Stroke	293	
	(i) Malnutrition	201	
	(j) Diabetes	150	
11.	Net attendance ratio in primary schools (Children age 6–12 years)	91%	MICS 2019, ZIMSTAT
12.	Net attendance ratio in lower secondary schools (Children age 13–16 years)	60%	
13.	Net attendance ratio in up secondary schools (Children age 16–18 years)	9%	
14.	Drop-out rates in primary schools (Children age 6–12 years)	5%	
15.	Drop-out rates in lower secondary schools (Children age 13–16 years)	24%	
16.	Drop-out rates in upper secondary schools (Children age 16–18 years)	70%	
17.	Teacher-student ratio in public funded schools		
	(a) Early Childhood Development centres	1 Teacher to 40 pupils	2019 Annual Education statistics Report
	(b) Primary schools	1 Teacher to 37 students	
	(c) Secondary schools	1 Teacher to 23 students	
18.	Mortality Rates		
	(a) Infant	47 deaths per 1 000 live births	MICS 2019, ZIMSTAT
	(b) Maternal	462 deaths per 100 000 live births	

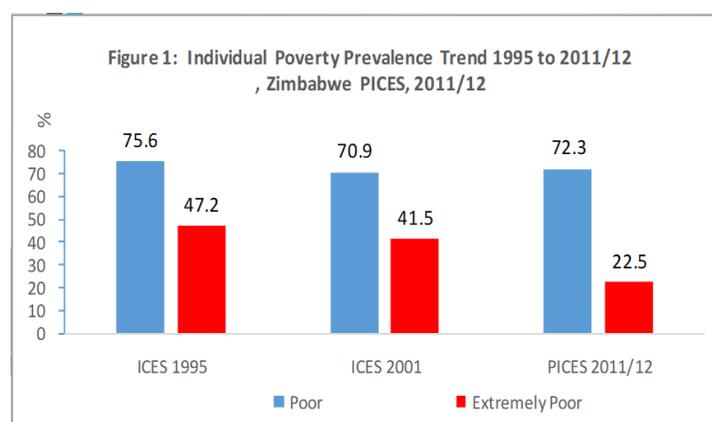
<i>No.</i>	<i>Indicators</i>	<i>Values</i>	<i>Score</i>
19.	Literacy rate (Age 15 years and above)	94%	ICDS 2017, ZIMSTAT
20.	Unemployment rate (Age 15 years and above)	18%	3rd Quarter Labour Force Survey 2021, ZIMSTAT
21.	Employment by major sectors of the Economy		
	(a) Formal Sectors	26.0%	3rd Quarter Labour Force Survey 2021, ZIMSTAT
	(b) Informal Sectors	45.6%	
	(c) Household Sector	4.8%	
	(d) Agriculture	23.6%	
22.	Work participation rates		
	(a) Labour Force Participation Rate (Age 15 years and above)	45.5%	3rd Quarter Labour Force Survey 2021, ZIMSTAT
	(b) Youth Labour Force Participation Rate (Age 15–34 years)	42.9%	
	(c) Employment to Population Rate (Age 15 years and above)	37.3%	
	(d) Youth Employment to Population Rate (Age 15–34 years)	32.5%	
23.	3rd Quarter Labour Force Survey 2021, ZIMSTAT	3rd Quarter Labour Force Survey 2021, ZIMSTAT	3rd Quarter Labour Force Survey 2021, ZIMSTAT
24.	Per Capita income (USD)	1 629	ZIMSTAT, 2018
25.	Gross Domestic Product (GDP) (USD)	24 312	ZIMSTAT, 2018
26.	Annual growth rate (%)	4.8%	ZIMSTAT, 2018
27.	Gross National Income (GNI) (USD Millions)	22 707	ZIMSTAT, 2018
28.	Consumer Price Index (CPI) (Inflation Rate)	175.7%	ZIMSTAT, June 2019
29.	Social expenditures as proportion to total public expenditure and GDP		
	(a) Food	-	-
	(b) Housing	-	
	(c) Health	-	
	(d) Education	-	
	(e) Social	-	

Table 3
Social, Economic and Cultural indicators

No.	Social, Economic and Cultural Indicators	Year				
		2013	2014	2015	2016	2017
1.	Proportion of population below the national poverty line (Refer to Table 2 Above)	-	-	-	-	-
2.	Proportion of population below the minimum level of dietary consumption (Refer to Table 2 Above)	-	-	-	-	-
3.	Per Capita Income (PCI)	1 422	1 415	1 432	1 441	1 532
4.	Gross Domestic Product (GDP) (ZW\$ Billions)	19.1	19.5	20.0	20.5	22.4
5.	Annual Growth Rate	2.8	2.4	1.8	0.8	4.7
6.	Gross National Income (GNI)	14.8	15.2	15.2	15.6	16.3
7.	Consumer Price Index (CPI)	1.6	-0.2	-2.4	-1.6	0.9
8.	Proportion of total public expenditure and GDP	20.9	20.1	19.7	24.0	28.5
9.	Social expenditure (excluding salaries) on:					
	(a) Health (USD Millions)	34.8	19.02	27.9	1.8	12.7
	(b) Education (USD Millions)	17.8	3.7	3.6	1.2	1.8
	(c) Social Protection (USD Millions)	13.3	6.4	11.2	5.6	7.5
10.	External and Domestic public debt	6.5	8.1	9.2	11.1	14.3
11.	External (USD Billions)	7.0	6.7	7.0	7.2	7.5
12.	Domestic (USD Billions)	0.3	1.4	2.0	3.4	6.2

20. Poverty levels remain high as indicated by PICES, though extreme poverty retreated from 47% in 1995 to 29.3% in 2017.

Table 4
Individual Poverty Prevalence Trends



21. The situation worsened in 2018 and 2019 when the economy was weighed down by poor agriculture seasons, as well as the effects of Cyclone Idai.

Current efforts to achieve economic recovery

22. Cognizant of the low levels of social indicators, in 2018, Government launched the Transitional Stabilisation Programme (Oct 2018 – Dec 2020) with a view to rebuild and transform the economy into Upper Middle Class-Income Status by 2030.

23. The objectives of the Transitional Stabilisation Programme (TSP) are to stabilize the macro-economy and create the necessary conditions and environment for private sector led growth. This will enable the economy to grow sustainably creating jobs in the process increasing per capita income to at least US\$3 500 by 2030 in line with the country's Vision.

24. This also entails further democratisation of the country, improving the business environment, normalising international relations to facilitate investment, infrastructure rehabilitation and development, public enterprises reforms, dealing with corruption and anti-money laundering issues.

Progress made by the Transitional Stabilisation Programme (TSP) Reforms

25. Implementation of reforms outlined in the TSP on course, with notable milestones on fiscal consolidation, monetary policy restoration, liberalisation of the foreign exchange market, structural and governance reforms, re-engagement, investment promotion and support for the productive sector. These reforms, present a strong foundation for economic rebound in 2020 and beyond.

26. Leveraging on positive strides made on stabilization, the 2020 National Budget seeks to consolidate and gradually exit from austerity measures in favour of growth, productivity and prosperity objectives. This means taking the economy to higher levels that emphasise on enhanced production and productivity, jobs creation, strengthening competitiveness and inclusive participation and empowerment.

National Development Strategy

27. Zimbabwe's next step towards Vision 2030 is the Five year National Development Strategy of 2021–2025 (NDS1). The NDS1 is the successor to the TSP and is underpinned by 5 annual National Budgets (2021–2025) that will be spread across the 14 (fourteen) Priority Areas. The NDS1 contains strategies, programmes & projects aimed at eradicating poverty and promoting sustainable livelihoods of the poor, women and youths empowerment and support to people living with disabilities, in line with Vision 2030 and simultaneously addressing the global aspirations of the Sustainable Development Goals (SDGs) and Africa Agenda 2063. The emphasis of the NDS1 is on Bold Strategies, i.e. strategies that will change the status quo. The NDS1 is building on the successes realised under the TSP, as well as addressing the TSP challenges and unfinished business, particularly consolidating macroeconomic stability.

28. Government has also developed a robust Monitoring and Evaluation system that is anchoring the NDS1. To this end, the NDS1 will be Integrated Results Based Management (IRBM) compliant. IRBM inculcates a culture of high performance, quality service delivery, measurement, goal clarity, continued improvement and accountability across the public sector.

29. NDS1 Priorities the following areas among others: Economic Growth and Stability; Food and Nutrition Security; Structural Transformation and Value Chain; Infrastructure, Utilities and Digital Economy; Housing Delivery; Governance; Social Protection; Image Building, International Engagement and Re-Engagement; Environmental Protection, Climate Resilience and Natural Resources; Management; Youth, Sport and Culture; Health and Wellbeing; Human Capital Development and Devolution.

II. Constitutional, political and legal structure of the State

Political Structure

30. In Zimbabwe the Head of State and Government is the President, who is elected to a five-year term; the president can serve no more than two terms. The president is deputised by two Vice Presidents. The Parliament consists of the National Assembly and the Senate. The National Assembly normally has 210 members, all of whom are directly elected. For the first two parliaments elected after the promulgation of the 2013 constitution, however, the National Assembly has 270 seats, with the 60 additional seats reserved for women 6 from each of the 8 provinces and the 2 cities with provincial status elected through a system of

proportional representation. The Senate comprises 80 members: 60 (6 from each of the 8 provinces and the 2 cities with provincial status) elected by a party-list system of proportional representation, with men and women being listed alternately on every list; 16 traditional chiefs elected by the provincial assemblies of chiefs in the 8 provinces; 2 seats for the president and deputy president of the National Council of Chiefs (the administrative body of traditional chiefs); and 2 representatives of people with disabilities. All parliament members serve five-year terms. Furthermore, citizens also have right to elect their local councillors that directly represent them in matters of local Government and Traditional Leaders for those situated in the rural areas.

Type of Government

31. According to Section 1 of the Constitution, Zimbabwe is a unitary, democratic and sovereign republic.

Electoral system

32. Zimbabwe's electoral system is a mixed system consisting of the Single Member Majority system, the Single Member Plurality System popularly known as the First-past-the-post system and the Proportional Representation System. Section 143 of the Constitution stipulates the periodicity for Presidential, Parliamentary, Local Authority elections. Parliament is elected for a 5 year term which runs from the date on which the President elect is sworn in and assumes office. Section 144 provides that a general election may be called by proclamation by the President or through Parliamentary resolutions to dissolve in terms of sections 109 and 143 (3) of the Constitution.

33. All elections and processes at all levels in Zimbabwe are managed and controlled by the Zimbabwe Electoral Commission, an independent body established in terms of section 238 of the Constitution. The main function of this Commission is to ensure that elections and referendums are conducted efficiently, freely, fairly, transparently and in accordance with the law.

34. The following are legal instruments that govern elections:

- (a) Constitution of Zimbabwe;
- (b) The Electoral Act [Chapter 2:13];
- (c) Zimbabwe Electoral Commission Act [Chapter 2:12]; and
- (d) Referendums Act [Chapter 2:10].

The Executive

35. Executive authority derives from the people of Zimbabwe and must be exercised in accordance with the Constitution. The President is the Head of Executive exercising authority, subject to Constitution, through the Cabinet. In the exercise of his or her executive functions, the President must act on the advice of the Cabinet, except when he or she is acting in terms of Section 110 (2). In addition, a decision by the President must be in writing if it is taken in terms of legislation.

36. The President exercise authority in terms of the Constitution and any Act of Parliament or other law, including those necessary to exercise the functions of Head of State. The Executive functions of the President are as follows:

- (a) Assenting to and signing Bills;
- (b) Referring a Bill to the Constitutional Court for an opinion or advice on its constitutionality;
- (c) Summoning the National Assembly, the Senate or Parliament to an
- (d) Extraordinary sitting to conduct special business;
- (e) Making appointments which the Constitution or legislation requires the President to make;

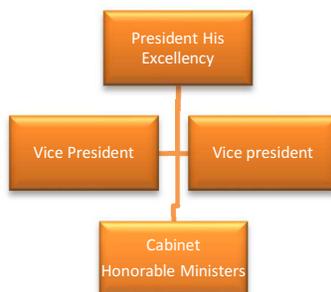
- (f) Calling elections in terms of this Constitution;
 - (g) Calling referendums on any matter in accordance with the law;
 - (h) Deploying the Defence Forces;
 - (i) Conferring honours and awards;
 - (j) Appointing ambassadors, plenipotentiaries, and diplomatic and consular Representatives;
 - (k) Receiving and recognising foreign diplomatic and consular representatives;
- and
- (m) May conclude or execute conventions, treaties and agreements with foreign states and governments and international organisations.

37. Section 105 of the Constitution provides that Cabinet consists of the President, as Head of the Cabinet, the Vice Presidents and such Ministers as the President may appoint to the Cabinet. Cabinet is responsible for-

- (a) Directing the operations of Government;
- (b) Conducting Government business in Parliament;
- (c) Preparing, initiating and implementing national legislation;
- (d) Developing and implementing national policy; and
- (e) Advising the President.

38. In particular, the Vice-Presidents assist the President in the discharge of his or her functions and perform any other functions, including the administration of any Ministry, department or Act of Parliament, that the President may assign to them.

Figure 2
Executive Organogram



The Legislature

39. According to Section 116 of the Constitution which provides that the Legislature of Zimbabwe consists of the Parliament and the President. Legislative authority is derived from the people of Zimbabwe and is vested in and exercised in accordance with the Constitution by the Legislature. Parliament consists of the Senate and the National Assembly. It is the role of Parliament to protect the Constitution and promote democratic governance in Zimbabwe; ensure that the provisions of the Constitution are upheld and that the State and all institutions and agencies of government at every level act constitutionally and in the national interest. Moreover, Section 119 (3) entrenches Parliament’s oversight authority over all institutions and agencies of the State and government at every level are accountable to Parliament.

40. The Legislature has the following powers to:
- (a) Amend this Constitution in accordance with section 328;
 - (b) Make laws for the peace, order and good governance of Zimbabwe; and

(c) Confer subordinate legislative powers upon another body or authority in accordance with Section 134.

41. Composition of Senate is as follows:

- (a) President of Senate;
- (b) Deputy President of Senate;
- (c) President of the National Council of Chiefs and his/her deputy;
- (d) 2 representatives of the disability sector;
- (e) 60 (proportional representation); and
- (f) 16 Chiefs (from the 10 provinces).

42. The National Assembly consists of 270 members, comprising of the following:

- (a) 210 members elected by secret ballot from the 210 constituencies within Zimbabwe;
- (b) 60 women members elected under a party system of proportional representation;
- (c) The presiding officer is known as the Speaker of the National Assembly; and
- (d) Deputy Speaker of national assembly.

The Judiciary

43. The judiciary of Zimbabwe consists of:

- (a) The Chief Justice, the Deputy Chief Justice and the other judges of the Constitutional Court;
- (b) The judges of the Supreme Court;
- (c) The Judge President of the High Court and the other judges of that court;
- (d) The Judge President of the Labour Court and the other judges of that court;
- (e) The Judge President of the Administrative Court and the other judges of that court; and
- (f) Persons presiding over magistrates courts, customary law courts and other courts established by or under an Act of Parliament.

44. Judicial authority is vested in the courts, which comprises of the following:

- (a) The Constitutional Court;
- (b) The Supreme Court;
- (c) The High Court;
- (d) The Labour Court;
- (e) The Administrative Court
- (f) The Magistrates Courts;
- (g) The Customary Law Courts; and
- (h) Other courts established by or under an Act of Parliament.

45. The Judiciary is independent and is subject only to the Constitution and the law which must be applied impartially, expeditiously and without fear, favour or prejudice. Section 165 (1) of the Constitution provides that in exercising judicial authority, members of the judiciary must be guided by the following principles:

- (a) Justice must be done to all, irrespective of status;
- (b) Justice must not be delayed, and to that end members of the judiciary must perform their judicial duties efficiently and with reasonable promptness; and

(c) The role of the courts is paramount in safeguarding human rights and freedoms and the rule of law.

46. In addition, members of the judiciary, individually and collectively, must respect and honour their judicial office as a public trust and must strive to enhance their independence in order to maintain public confidence in the judicial system. Therefore, when making a judicial decision, a member of the judiciary must make it freely and without interference or undue influence.

47. To promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice in Zimbabwe there is a Judicial Service Commission established by the Judicial Service Act [Chapter 7:18]. The Commission is responsible for the employment, discipline and conditions of service of persons employed in the Judiciary.

48. Below is the structure of the Zimbabwean Courts and Judicial Service Commission:

Figure 3

Structure of Zimbabwean Courts

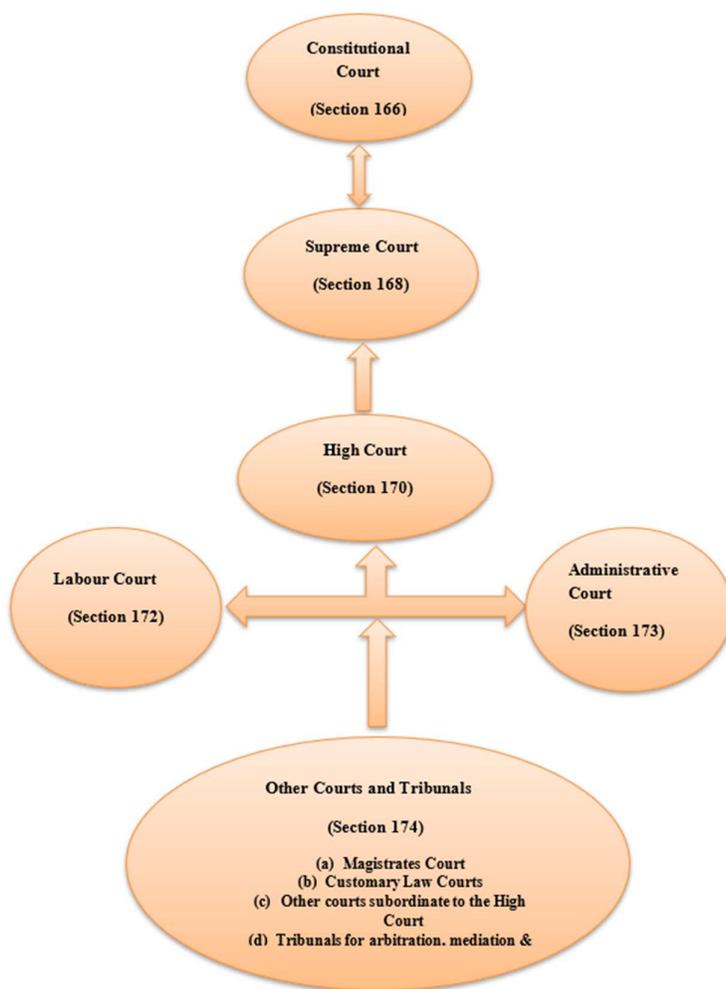
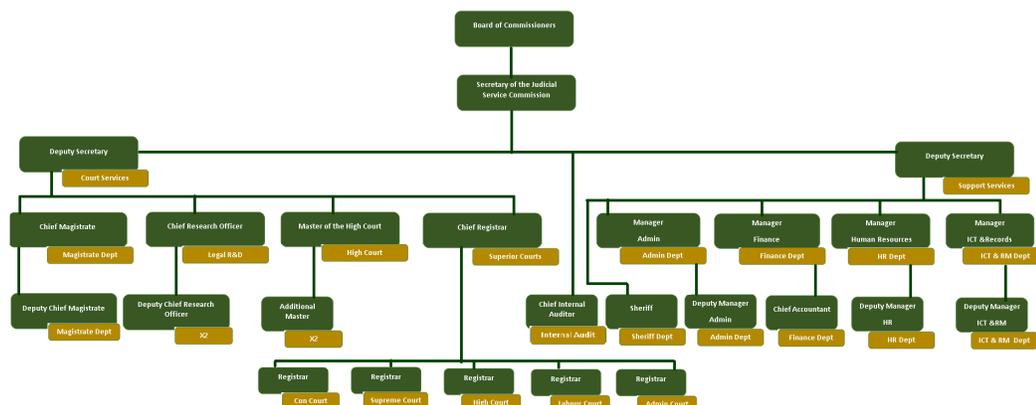


Figure 4
Structure of the Judicial Service Commission



Principles for recognition of non-governmental organisations

49. Non-Governmental organisations are registered in terms of the Private Voluntary Organisations Act [Chapter 17:05], and Deeds Registries Act [Chapter 20:05] whilst some are recognised as Common Law Universitas. There are 1 498 registered Private Voluntary Organisations (PVOs) that are exempted from paying customs duty tax on commodities used to enhance the promotion of their mandate. Of the registered PVOs 91 promote the rights of persons with disabilities and 263 are for child protection.

Administration of Justice

50. The following information represents disaggregated data on persons serving custodial sentences:

(a) Prison populations, as at 11 November 2019 was at 19 971; of the total population convicted persons are 16 856 whilst those on remand are 3 115;

(b) Prison population disaggregated by sex indicates that total male population was at 19 523, whilst, the Females stand at 448, of the total population 313 are serving custodial sentences whilst 135 are in remand with 27 females breast feeding Breast feeding;

(c) From the total prison population 89 Males have been sentence to death; whilst 136 are serving life Imprisonment;

(d) From the total prison population 112 prisoners are disabled, with 106 convicted and serving custodial sentences whilst 6 are on remand, all in this category are males. All prisoners with disabilities benefited from the presidential pardon in 2020 and 2021 regardless of the gravity of their offences and length of sentences;

(e) From the total prison population 359 are detained as mental patients, disaggregated by sex as 326 Male and 33 Female.

Part two General framework for the protection and promotion of human rights

I. Acceptance of international human rights norms

51. Below is an outline of the international treaties to which Zimbabwe is party to:

Table 5
Core International Human Rights Treaties and Optional Protocols

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
1.	International Covenant on Economic, Social and Cultural Rights	Ratified 13 May 1991	None
2.	International Covenant on Civil and Political Rights	Ratified 13 May 1991	None
3.	International Covenant on the Elimination of All Forms of Racial Discrimination	Ratified 10 April 1991	None
4.	Covenant on the Elimination of All Forms of Discrimination against Women	Ratified 13 May 1991	None
5.	Convention on the Rights of the Child	Ratified 8 March 1990	None
6.	Optional Protocol to the CRC on the involvement of Children in Armed Conflict	Ratified 22 May 2013	None
7.	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography	Ratified 14 February 2012	None
8.	Convention on the Rights of Persons with Disability	Ratified 23 September 2013	None
9.	Optional Protocol to the Convention on the Rights of Persons with Disability	Ratified 23 September 2013	None

Table 6
Other United Nations human rights instruments

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
1.	Convention on the Prevention and Punishment of the Crime of Genocide 1948	Acceded 13 May 1991	None
2.	Convention relating to the Status of Refugees 1951 and its 1967 Protocol	Acceded 25 August 1981	Reservation to Arts, 17, 23, 24 & 26
3.	Convention relating to the Status of Stateless Persons 1954	Acceded 1998	None
4.	United Nations Convention against Transnational Organized Crime 2000	Ratified 12 December 2007	None
5.	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime	Acceded 13 December 2013	None
6.	Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired Or Print Disabled	Acceded October 2018	None
7.	Beijing Declaration (1995)	Adopted 15 September 1995	None

Table 7
Ratification of ILO Conventions

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
1.	C14 Weekly Rest (Industry) Convention, 1921	Ratified 6 June 1980	-
2.	C19 Equipment of Treatment (Accident Compensation) Convention, 1925	Ratified 6 June 1980	-
3.	C26 Minimum Wage –Fixing Machinery Convention, 1928	Ratified 16 September 1993	-
4.	C29 Forced Labour Convention, 1930	Ratified 27 August 1998	-
5.	C81 Labour Inspection Convention, 1947	Ratified 16 September 1993	-
6.	C87 Freedom of Association and Protection of the Right to Organise Convention, 1949	Ratified 9 April 2003	-
7.	C98 Right to Organise and Collective Bargaining Convention, 1951	Ratified 27 August 1998	-
8.	C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	Ratified 16 September 1993	-
9.	C100 Equal Remuneration Convention, 1951	Ratified 14 December 1989	-
10.	C105 Abolition of Force Labour Convention, 1957	Ratified 24 August 1998	-
11.	C111 Discrimination (Employment and Occupation) Convention, 1958	Ratified 23 June 1999	-
12.	C129 Labour Inspection (Agriculture) Convention, 1969	Ratified 16 September 1993	-
13.	C135 Workers’ Representatives Convention, 1971	Ratified 27 August 1998	-
14.	C138 Minimum Age Convention, 1973	Ratified 6 June 2000	-
15.	C140 Paid Educational Leave Convention, 1974	Ratified 27 August 1998	-
16.	C144 Tripartite Consultation (International Labour Standards) Convention, 1976	Ratified 14 December 1989	-
17.	C150 Labour Administration Convention, 1978	Ratified 27 August 1998	-
18.	C155 Occupational Safety and Health Convention, 1981	Ratified 9 April 2003	-
19.	C159 Vocation Rehabilitation and Employment (Disabled Persons) Convention, 1983	Ratified 27 August 1998	-
20.	C161 Occupation Safety and Health Services Convention, 1985	Ratified 9 April 2003	-
21.	C162 Asbestos Convention, 1986	Ratified 9 April 2003	-

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
22.	C170 Chemicals Convention, 1990	Ratified 27 August 1998	-
23.	C174 Prevention of Major Industrial Accidents Convention, 1993	Ratified 9 April 2003	-
24.	C176 Safety and Health in Mines Convention, 1995	Ratified 9 April 2003	-
25.	C182 Worst Forms of Child Labour Conventions. 1999	Ratified 11 December 2000	-

Conventions of the Hague Conference on Private International Law

52. Zimbabwe ratified the Convention on the Civil Aspects of International Child Abduction, 1973. The only reservation is with respect to Article 26 to the effect that the costs mentioned in the second paragraph of Article 26 of the Convention shall not be borne by the State (labour to confirm).

Table 8

Geneva Conventions and other treaties on international humanitarian law

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
1.	Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949	Ratified/Accession 7 March 1983	None
2.	Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949	Ratified/Accession 7 March 1983	None
3.	Geneva Convention (III) relating to the Treatment of Prisoners of War, 1949	Ratified/Accession 7 March 1983	None
4.	Geneva Convention (IV) relating to the Protection of Civilian Persons in Time of War, 1949	Ratified/Accession 7 March 1983	None
5.	Additional Protocol (I) to the Geneva Conventions, 1977	Ratified/Accession 19 October 1992	None
6.	Additional Protocol (II) to the Geneva Conventions, 1977	Ratified/Accession 19 October 1992	None
7.	Optional Protocol on the involvement of children in armed conflict, 2000	22 May 2013	None
8.	Convention on the Prohibition of Biological Weapons, 1972	Ratified/Accession 5 November, 1990	None
9.	Convention prohibiting Chemical Weapons, 1993	Ratified/Accession 25 April 1997	None
10.	Anti-Personnel Mine Ban Convention, 1997	Ratified/Accession 18 June 1998	None
11.	Treaty on the Prohibition of Nuclear Weapons, 2017	Signature 4 December 2020	None
12.	Hague Convention for the Protection of Cultural Property, 1954	Ratified/Accession 17 July 1998	None

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
13.	Statute of the International Criminal Court, 1998	Signature 17 July 1998	None
14.	Convention on the Prevention and Punishment of Genocide, 1948	Ratified/Accession 13 May 1991	None
15.	OUA Convention on Mercenaries, 1977	Ratified/Accession 14 February 1992	None
16.	Arms Trade Treaty, 2013	Signature 18 December 2014	None

Table 9

Ratification of regional human rights conventions

<i>No.</i>	<i>Treaty</i>	<i>Status</i>	<i>Reservations/ Derogations</i>
1.	SADC Protocol on Mutual Legal Assistance in Criminal Matters	Ratified	-
2.	SADC Protocol on Extradition	Ratified	None
3.	SADC Code of Conduct on Child Labour	Ratified	None
4.	Protocol on Combating Illicit Drug Trafficking in SADC	Ratified	None
5.	SADC Protocol on Gender and Development	Ratified	None
6.	African Charter on the Rights and Welfare of the Child	Ratified 19 January 1995	None
7.	African Charter on Human and People's Rights	Ratified	None
8.	The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa	Ratified	None
9.	The African Youth Charter	Ratified	
10.	The Ougadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children	-	-
11.	African Charter on Democracy, Elections and Governance 2007	Signature 21 March 2018	-
12.	AU Continental Free Trade Area	-	-
13.	AU treaty for the Establishment of the Africa Medicines Agency	Ratified 17 August 2021	

II. Legal framework for the protection of human rights at the national level

53. The Constitution of Zimbabwe is the supreme law of the land, it entrenches in Chapter 4 a Bill of Rights obligating the State and every person whether natural or juristic to respect, protect, promote and fulfil the rights and freedoms set out in it. Juristic persons are expected to observe human rights to the extent applicable to them. The rights and freedoms contained in the Bill of Rights include civil and political rights, social, economic and cultural rights, as

well as, environmental rights, specifically elaborating on the rights of women, children, persons with disabilities, the elderly and veterans of the liberation struggle.

54. Regarding children, all the rights provided in the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child were incorporated in the Constitution. Thus, the best interest of the child is accorded paramount importance in every matter concerning the child. Children are entitled to adequate protection by the courts, in particular by the High Court as their upper guardian. Furthermore the Children's Act is being amended to further promote the principle of best interest of the Child. The current marriages Bill also set the minimum age of marriage at 18 in line with the Constitution.

55. All persons in the Zimbabwe are entitled to rights and freedoms contained in the Bill of Rights. However, enjoyment of some of such rights may be limited as prescribed by the Constitution. Section 86 (2) entrenches the grounds upon which freedoms and rights may be limited only in terms of a law of general application and to the extent that the limitation is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom, taking into account all relevant factors, including:

- (a) The nature of the right or freedom concerned;
- (b) The purpose of the limitation, in particular whether it is necessary in the interests of defence, public safety, public order, public morality, public health, regional or town planning or the general public interest;
- (c) The nature and extent of the limitation;
- (d) The need to ensure that the enjoyment of rights and freedoms by any person does not prejudice the rights and freedoms of others;
- (e) The relationship between the limitation and its purpose, in particular whether it imposes greater restrictions on the right or freedom concerned than are necessary to achieve its purpose; and
- (f) Whether there are any less restrictive means of achieving the purpose of the limitation.

56. However, the Constitution also provides that the following rights cannot be limited by either a law or violated by a person:

- (a) The right to life, except to the extent specified in section 48;
- (b) The right to human dignity;
- (c) The right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment;
- (d) The right not to be placed in slavery or servitude;
- (e) The right to a fair trial; and
- (f) The right to obtain an order of habeas corpus as provided in section 50(7)(a).

57. Section 85 of the Constitution provides the mechanism for remedy available to an aggrieved party who alleges that their rights and freedoms have either been infringed or are likely to be infringed. The Constitution has widened the locus standi of persons who can approach the Constitutional court for redress. Moreover, the Constitution guarantees persons in conflict with the law right to obtain relief despite the fact that they have contravened the law.

58. An aggrieved party may be granted by the Constitutional Court appropriate relief, including a declaration of rights and an award of compensation. In addition, in terms of the State Liabilities Act [Chapter 8:14] any person whose right have been infringed by a public authority is entitled to compensation and redress.

59. In order to afford access to justice to all in human rights matters, section 85 (3) (a-d) of the Constitution provides that the rules of every court must provide for the procedure to

be followed in cases where relief is sought for the enforcement of human rights and the rules envision thereof must ensure that:

- (a) The right to approach the court under subsection (1) is fully facilitated;
- (b) Formalities relating to the proceedings, including their commencement, are kept to a minimum;
- (c) The court, while observing the rules of natural justice, is not unreasonably restricted by procedural technicalities; and
- (d) A person with particular expertise may, with the leave of the court, appear as a friend of the court.

Domestication of human rights treaties

60. Section 34 of the Constitution stipulate that once the State becomes party to international instruments, such treaties should be incorporated into domestic law and become binding upon approval by Parliament and enactment of an Act of Parliament. Section 327 sets out the procedure for domesticating international and regional treaties. An international treaty or agreement which has been concluded or executed by the President or under the President's authority does not bind Zimbabwe until it has been approved by Parliament; and does not form part of the law of Zimbabwe unless it has been incorporated into the law through an Act of Parliament.

61. The following are some of the main Acts of Parliament among others that provide for the protection, promotion and fulfilment of human rights:

- (a) Criminal Procedure and Evidence Act;
- (b) Labour Act;
- (c) Administration of Justice Act;
- (d) Zimbabwe Gender Commission Act;
- (e) Zimbabwe Human Rights Act;
- (f) Domestic Violence Act;
- (g) Electoral Act;
- (h) Child Abduction Act;
- (i) Public Health Act;
- (j) Education Act;
- (k) Social Welfare Assistance Act;
- (l) Marriage Act;
- (m) Children's Act; and
- (n) Criminal Law (Codification and Reform) Act.

Judicial authorities with competence affecting human rights matters

62. Section 166 (3) (a) of the Constitution states that the Constitutional court hears alleged infringements of fundamental human rights and freedoms enshrined in the Declaration of Human Rights:

- (a) The Constitutional Court is the highest court in all constitutional matters and its decisions on such bind the other courts;
- (b) The Supreme Court is the final court of appeal in Zimbabwe except in matters of which the Constitutional Court has jurisdiction;
- (c) The High Court has inherent jurisdiction over civil and criminal matters in Zimbabwe;
- (d) The Labour Court has jurisdiction over matters of labour and employment;

- (e) The Administrative Court has jurisdiction over administrative matters;
- (f) The Magistrate Court has jurisdiction to adjudicate over civil and criminal matters as enshrined in the Magistrates Court Act;
- (g) The Customary Law Courts have jurisdiction over customary law matters.

63. The following provisions from various human rights instruments have been, invoked before, or directly enforced by, the courts, other tribunals or administrative authorities. The table below illustrates available data.

Table 10

Cases Laws on application of the various human rights norms in Zimbabwe

<i>Case</i>	<i>Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied</i>	<i>Jurisprudence</i>
	Section 264: Devolution of governmental powers and responsibilities.	
	<i>Section 18: Fair regional representation</i>	
Nkomo v Minister of Local Government, Rural & Urban Development & Ors 2016 (1) ZLR 113 (CC)	Section 56: Equality and non-discrimination.	<i>“The right guaranteed under Section 56 (1) is that of equality of all persons before the law and the right to receive the same protection and benefit afforded by the law to persons in a similar position. It envisages a law which provides equal protection and benefit for the persons affected by it. It includes the right not to be subjected to treatment to which others in a similar position are not subjected. In order to found his reliance on this provision the applicant must show that by virtue of the application of a law he has been the recipient of unequal treatment or protection that is to say that certain persons have been afforded some protection or benefit by a law, which protection or benefit he has not been afforded; or that persons in the same (or similar) position as himself have been treated in a manner different from the treatment meted out to him and that he is entitled to the same or equal treatment as those persons.”</i>
S v Mutero SC 28/17:	Section 48: Right to life.	<i>“Section 48(2) of the Constitution states that the death penalty may only be imposed in terms of a law upon a person convicted of murder committed under aggravating circumstances. It was held that, a court which convicts an accused person of murder can only sentence such an accused person to death in terms of a law which provides for a murder committed in aggravating circumstances. Section 48 of the Constitution is not an operative provision for purposes of sentencing. It does not specify what sentence the</i>

Case	Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied	Jurisprudence
Nancy Kachingwe & Ors v Minister of Home Affairs & Anor SC 145/04, Jestina Mukoko v The Attorney General SC 11/12	<p>Section 49: Right to personal liberty</p> <p>Section 50: Rights of arrested and detained persons.</p> <p>Section 51: Right to human dignity.</p> <p>Section 52: Right to personal security</p> <p>Section 53: Freedom from torture or cruel, inhuman or degrading treatment or punishment.</p>	<p><i>court may pass upon a person convicted of murder. It defines and sets out out fundamental rights of a person convicted of murder.</i></p> <p><i>Court declared that the applicants were subjected to inhuman and degrading treatment. It found that the holding cells in which the applicants had been detained overnight at Highlands Police Station and Matapi Police Station, respectively, fell short of the minimum standards of decency. In particular, the failure:</i></p> <p><i>To screen the toilet facility from the rest of the cell to enable inmates to relieve themselves in private;</i></p> <p><i>To provide a toilet flushing mechanism from within the cell;</i></p> <p><i>To provide toilet paper;</i></p> <p><i>To provide a wash – basin; and</i></p> <p><i>To provide a sitting platform or bench;</i></p> <p><i>constitute inhuman and degrading treatment prohibited in terms of s 15(1) of the Constitution.</i></p>
S v Chokuramba Justice for Children’s Trust Intervening as Amicus Curiae Zimbabwe Lawyers for Human Rights Intervening as Amicus Curiae CCZ 10/19	<p>Section 54: Right from slavery or servitude.</p> <p>Section 55: Freedom from forced or compulsory labour.</p> <p>Section 64: Freedom of profession, trade or occupation.</p> <p>Section 65: Labour Rights.</p>	<p><i>It was held that Human dignity is therefore both the supreme value and a source for the whole complex of human rights enshrined in Chapter 4 of the Constitution.</i></p> <p><i>See above case of Jestina Mukoko</i></p>
Jestina Mukoko v The Attorney General SC 11/12 S v Makaza & Another AND S v Gumbo & Another CCZ16/17.	<p>Section 49: Right to personal liberty.</p> <p>Section 50: Rights of arrested and detained persons.</p> <p>Section 52: Right to personal security.</p> <p>Section 70: Rights of accused persons.</p>	<p><i>See above reported case of Jestina Mukoko</i></p>
S v Chokuramba Justice for Children’s Trust Intervening as Amicus Curiae Zimbabwe Lawyers for Human Rights Intervening as	<p>Section 51: Right to human dignity.</p>	<p><i>“Section 46 of the Constitution is the interpretative provision. It makes it mandatory for a court to place reliance on human dignity as a foundational value when interpreting any of the provisions of the</i></p>

Case	Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied	Jurisprudence
Amicus Curiae CCZ 10/19:		<i>Constitution which protect fundamental human rights and freedoms. This is because human dignity is the source for human rights in general. It is human dignity that makes a person worthy of rights. Human dignity is therefore both the supreme value and a source for the whole complex of human rights enshrined in Chapter 4 of the Constitution.</i>
Article 10: All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.		
S v Chokuramba Justice for Children’s Trust Intervening as Amicus Curiae Zimbabwe Lawyers for Human Rights Intervening as Amicus Curiae CCZ 10/19	Section 68: Right to administrative justice Section 69: Right to a fair hearing Section 70: Rights of accused persons.	No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation
Madzimbamuto v Registrar General & Others CCZ 114/13:	Section 66: Freedom of movement and residence. Section 74: Freedom from arbitrary eviction.	<i>A Zimbabwean citizen by birth does not lose his or her citizenship on acquiring a foreign citizenship. He or she is entitled to hold foreign citizenship and a foreign passport. Indeed, the Constitution has made it clear that Zimbabwean citizenship by birth cannot be lost.</i>
Berry & Another v The Chief Immigration Officer & Others CCZ 2/2016:	Chapter 3: Citizenship Section 66: Freedom of movement and residence. Section 74: Freedom from arbitrary eviction.	<i>Freedom of residence and movement: “... one does not need to be formally declared a prohibited person for him to be one. He becomes one by the mere fact of being in Zimbabwe in contravention of the Immigration Act. This point was stressed by this Court in Edwards v Chief Immigration Officer 2000(1) ZLR 485(S) at 487 E-F where GUBBAY CJ quoted, with approval, the following passage in the High Court case involving the same parties (HB 107/96): In the absence of authority to the contrary, I find that marriage, per se, does not entitle an alien wife of a Zimbabwean citizen to reside in the country without the relevant permit issued in terms of the provisions of the Immigration Act and Regulations.”</i>

Case	Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied	Jurisprudence
Cuthbert Tapuwanashe Chawira & 13 Ors v Minister of Justice Legal and Parliamentary Affairs & 2 Ors CCZ 3/17:	Section 56: Equality and non-discrimination. Section 57: Right to privacy. Section 61: Freedom of Expression and Freedom of media.	“ <i>The Constitutional Court, follows: - “Zimbabwe operates a self- hierarchical judicial system where in the ordinary run of things cases start from lower courts progressing to the highest court of the land. Generally speaking, higher courts are loath to intervene in uninterminated proceedings within the jurisdiction of the lower courts, tribunals or administrative authorities”</i>
Anna Colleta Chihava & 2 Ors vs The Provincial Magistrate Francis Mapfumo N O & 1 Other (CC 02/14:	Section 62: Access to Information.	“ <i>In that case the court held that the wording of s 85(1) of the Constitution should not be understood to mean that a litigant is free to unceremoniously abandon proceedings in a lower court, and be able to mount a constitutional challenge before this court, seeking the same relief that the lower court would have been competent to grant. A contrary interpretation would not only result in an absurdity - where different courts may be seized simultaneously with the same dispute - but would also cause procedural confusion pertaining to the courts’ jurisdictional parameters. It would also open the way to undeserving or ‘unripe’ cases being brought to the Constitutional Court, to the detriment of its effective operation.</i>
S v Feathers Mukondo CCZ 08/20	Section 69: Right to a fair hearing. Section 57: Right to privacy. Section 81: Rights of Children. Section 86: Limitation of Rights and Freedoms.	: “ <i>What amounts to a constitutional matter is defined in Section 332 of the Constitution as meaning a matter in which there is an issue involving the interpretation, protection or enforcement of the Constitution. The mere allegation that a fundamental human right enshrined in Chapter 4 of the Constitution has been infringed does not mean that a constitutional issue has arisen from a decision of a subordinate court.</i>
Mudzuru & Another v Ministry of Justice, Legal & Parliamentary Affairs (N.O.) & Others CC 12-15:	Section 45: Application of Chapter 4. Section 46: Interpretation of Chapter 4.	Horizontal and vertical application of the Declaration of Rights. “ <i>The quintessential example of a constitutional matter is one that involves the direct application of the Bill of Rights, that is, a constitutional challenge to law or conduct based on an unjustified infringement of a fundamental right ...”</i>
Katsande & Other v IDBZ CCZ 9/17:	The right to recognition everywhere as a person before the law. Section 85: Enforcement of fundamental human rights and freedoms.	

Case	Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied	Jurisprudence
Madanhire & Another v AG CCZ 2/14	Section 60: Freedom of expression and freedom of the media. Section 62: Access to information. Section 56: Equality and non-discrimination.	
Madanhire & Another v AG CCZ 2/14:	Section 58: Freedom of Assembly and Association. Section 59: Freedom to demonstrate and petition. Section 60: Freedom of conscience. <i>Section 86 (2), Section 87 and the Second Schedule, Section 116 and Section 113</i>	<i>“What is in issue for determination by this Court is whether or not it is a limitation that is reasonably justifiable in a democratic society. The test as to what is democratically reasonable and justifiable is not susceptible to precise legal formulation. In my own appreciation, the test may well vary from one society to another depending upon its peculiar political organisation and socio-economic underpinnings. Nevertheless, as was recognised by Gubbay CJ in the oft-cited in re Munhumeso & Others 1994 (1) ZLR 49 (S) at 64B-C: “What is reasonably justifiable in a democratic society is an elusive concept – one which cannot be precisely defined by the courts. There is no legal yardstick save that the quality of reasonableness of the provision under challenge is to be judged according to whether it arbitrarily or excessively invades the enjoyment of a constitutionally guaranteed right.”</i>
Mudzuru and Anor v Minister of Justice, Legal and Parliamentary Affairs & Ors CCZ-12- 15	Section 78: Marriage Rights. Section 80: Rights of women. Section 81: Rights of children.	<i>: “The Constitutional Court outlawed child marriages and struck down section 22(1) of the Marriage Act [Chapter 5:11] and any law, practice or custom authorizing a person under the age of 18 years to marry or be married and that with effect from 20 January 2016, no person male or female, may enter into any marriage, including an unregistered customary law union or any other union including one arising out of religion or religious rite, before attaining the age of 18 years.</i>
Mudzuri and Anor v Minister of Justice, Legal and Parliamentary Affairs & Ors CCZ-12- 15	Section 81: Rights of children <i>Section 19: Children.</i>	See above

Case	Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied	Jurisprudence
Zimbabwe Development Party & Another v President of the Republic of Zimbabwe & 2 Others CCZ 3/18:	Section 59: Freedom to demonstrate and petition. Section 56: Equality and non-discrimination	<p><i>“The President is obliged under Section 144(1), as read with s 158(1)(a), of the Constitution to set dates by proclamation for the holding of harmonised general elections within the period prescribed. The use of the word “must” in both Sections 144(1) and 158(1) of the Constitution underscores the fact that the obligation imposed on the President to do what is specified for the specific purpose stated and, in the manner, prescribed is a mandatory obligation. The immutable requirement is that when the time comes for him to do so, the President has no option but to do what he is specifically bound by the Constitution to do. Section 90(1) of the Constitution imposes on the President the duty to obey the Constitution. Once the President has called and set the dates for the harmonised general elections in terms of s 144(1) of the Constitution, s 158(1)(a) makes it clear that those elections must be held on the dates set.</i></p>
Shumba & 2 Others v Minister of Justice, Legal & Parliamentary Affairs & 5 Others CCZ 4/18	Section 67: Political rights, participation in elections Section 144: General Election resulting from dissolution of Parliament.	
Hilton Chironga & Rashid Mahiya v Minister of Justice, Legal & Parliamentary Affairs & Ors CCZ 14/20	Section 158: Timing of elections. Fourth Schedule: Qualifications for Voters	
	Section 68: Right to administrative justice. Section 9: Good Governance.	
		<p><i>: The Constitutional Court dealt with the constitutionality of: 1. Section 23 of the Electoral Act [Chapter 2:13] as far as it excludes citizens not resident in Zimbabwe from registering as voters in contravention of s 67 (3) as read with para 2 of the 4th Schedule to the Constitution of Zimbabwe;</i></p> <p><i>2. Section 72 of the Electoral Act [Chapter 2:13] as far as it excludes citizens of Zimbabwe who are not in Government service from exercising their right to vote in contravention of s 56 (1), 56 (3), 56 (4) and 67 (3) of the Constitution of Zimbabwe.</i></p> <p><i>The Constitutional Court also dealt with the issue of diaspora vote in the 2018 Presidential, Parliamentary and Local Authority elections as voters.</i></p> <p><i>: “One of the crucial elements of the new constitutional dispensation ushered in by the 2013 Constitution is to make a decisive break from turning a blind eye to constitutional obligations. To achieve this goal, the drafters of the Zimbabwean Constitution Amendment (No. 20)</i></p>

Case	Constitution of Zimbabwe Amendment (No.20) of 2013: Provision Applied	Jurisprudence
		<i>Act, 2013 adopted the rule of law and supremacy of the Constitution as some of the core founding values and principles of our constitutional democracy. For this reason, public office bearers ignore the constitutional obligations at their peril. Left unchecked those clothed with state authority or public power may quiet often find the temptation to abuse such powers irresistible as Lord Acton famously remarked: "Power tends to corrupt, and absolute power corrupts absolutely."</i>

Administrative authorities with competence affecting human rights matters

64. Government established a number of institutions to address matters affecting human rights and these include, among others:

- (a) The Zimbabwe Human Rights Commission;
- (b) The Zimbabwe Gender Commission;
- (c) The National Peace and Reconciliation Commission;
- (d) The Zimbabwe Media Commission; and
- (e) The Zimbabwe Electoral Commission;

65. Section 235(1)(a-b) of the Constitution provides that the above-mentioned Commissions are independent and are not subject to the direction or control of anyone; and must act in accordance with the Constitution; furthermore, they must exercise their functions without fear, favour or prejudice; although they are accountable to Parliament for the efficient performance of their functions. The State has promulgated legislation to operationalize the functions of the abovementioned Commissions. No person may interfere with the functioning of the independent Commissions.

66. All the Commissioners of the independent Commissions are appointed by the President after receiving recommendations from Parliament. Section 237(1) of the Constitution provides that the Parliamentary Committee on Standing Rules and Orders before making its recommendation to the President must advertise the position; invite the public to make nominations; conduct public interviews of prospective candidates; prepare a list of the appropriate number of nominees for appointment; and submit the list to the President. However, the removal of a Commissioner is subject to Section 237(2) of the Constitution which provides that a Commissioner may be removed from office only on the grounds that he or she is unable to perform the functions of his or her office because of physical or mental incapacity; has been grossly incompetent; has been guilty of gross misconduct; or has become ineligible for appointment to the Commission concerned. A Commissioner can only be removed on the abovementioned grounds through a Tribunal appointed by the President in terms of Section 187 of the Constitution.

67. The Independent Commissions enjoy financial independence as they receive their allotted budget directly from the Treasury. The Commissions are also allowed to receive donations, grants, requests with the approval of the responsible Minister.

68. Independent Commissions have the following objectives in addition to those given to them individually to:

- (a) Support and entrench human rights and democracy;
- (b) Protect the sovereignty and interests of the people;

- (c) Promote constitutionalism;
- (d) Promote transparency and accountability in public institutions;
- (e) Secure the observance of democratic values and principles by the State and all institutions and agencies of government, and government-controlled entities; and
- (f) Ensure that injustices are remedied.

Zimbabwe Human Rights Commission

69. The Zimbabwe Human Rights Commission established in terms of Section 242 of the Constitution has the following functions :

- (a) To promote awareness of and respect for human rights and freedoms at all levels of society;
- (b) To promote the protection, development and attainment of human rights and freedoms;
- (c) To monitor, assess and ensure observance of human rights and freedoms;
- (d) To receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- (e) To protect the public against abuse of power and maladministration by State and public institutions and by officers of those institutions;
- (f) To investigate the conduct of any authority or person, where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person;
- (g) To secure appropriate redress, including recommending the prosecution of offenders, where human rights or freedoms have been violated;
- (h) To direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigation;
- (i) To recommend to Parliament effective measures to promote human rights and freedoms;
- (j) To conduct research into issues relating to human rights and freedoms and social justice; and
- (k) To visit and inspect prisons, places of detention, refugee camps and related facilities; and places where mentally impaired persons are detained; in order to ascertain the conditions under which persons are kept there, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.

70. The Human Rights Commission has replaced the office of the Ombudsman, unlike its predecessor the ZHRC has unlimited powers in investigating violation of human rights. Notably since its operationalisation in 2014, In 2017, ZHRC dealt with a total of 689 cases and 175 cases of the 689 cases dealt with were a combination of cases carried over from the previous years as well as cases submitted from the formerly know Public Protector's Office. The 175 cases were presented for closure before the Commissioners and 154 cases were closed, with the remaining 19 deferred for further action. Therefore, ZHRC received a total of 514 cases from the public in 2017. These were lodged either through email, messages, phone calls, letters and walk in. In 2018, capacity development was a crucial component to the ZHRC and it exchanged its best practices with the regional and international stakeholders through participation at different forums. The ZHRC monitored and inspected prisons and police cells ensuring that the conditions of those places were in line with the minimum human rights standards. The National Inquiry on Access to Documentation was launched in 2019. The National Inquiry was implemented in a systematic manner in all ten provinces of the country starting with stakeholder engagements at provincial level followed by deployment of teams for outreaches in all Districts to raise awareness and receive evidence submissions forms from witnesses and stakeholders. A total of 7,544 (4,877 females and 2,647 males)

witness and stakeholder submission forms were received. The public Hearings were conducted from July to November 2019. The National Inquiry focused on five identity documents namely, birth certificates, national identity cards, death certificates, passports and citizenship certificates. The Commission concluded the National Inquiry on Access to Documentation in Zimbabwe in 2020 and presented its findings to Parliament, recommendations thereof are being considered for implementation by the Ministry of Home Affairs and Cultural Heritage. While the promotion work of the Commission was centred on the National Inquiry, the Commission continued to employ multi-faceted strategies to promote awareness of human rights. These strategies included human rights trainings for duty bearers; community outreaches, issuing of press statements, exhibitions and development of IEC materials that included human rights training manuals. The Commission made a breakthrough in terms of promotion of Human Rights Education (HRE) in tertiary institutions and schools through extra-curricular activities, namely debates and quiz competitions.

Zimbabwe Gender Commission

71. The Zimbabwe Gender Commission established in terms of Section 245 of the Constitution has the following functions to:

- (a) Monitor issues concerning gender equality to ensure gender equality as provided in this Constitution;
 - (b) Investigate possible violations of rights relating to gender;
 - (c) Receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
 - (d) Conduct research into issues relating to gender and social justice, and to recommend changes to laws and practices which lead to discrimination based on gender;
 - (e) Advise public and private institutions on steps to be taken to ensure gender equality;
 - (f) Recommend affirmative action programmes to achieve gender equality;
 - (g) Recommend prosecution for criminal violations of rights relating to gender;
 - (h) Secure appropriate redress where rights relating to gender have been violated;
- and
- (i) Do everything necessary to promote gender equality.

72. The Government has operationalized the ZGC through the Zimbabwe Gender Commission Act [*Chapter 10:31*] The Commission has developed an investigation and complains manual to guide its investigations. During the period 2015 to 2017, it has handled a number of gender violations by both men and women these cases related to gender-based violence, land disputes, inheritance, divorce settlements, sexual assault, attachment of matrimonial properties by commercial banks. The Zimbabwe Gender Commission handled 19 cases. Women filed 70% of the cases, while men filed 30% in 2017. The cases related to matrimonial issues, gender-based violence and property rights. In 2018, 25 cases were received. 10 were on sexual harassment, 6 were on domestic violence, 5 were property disputes while 4 were gender-based violence. In 2019, 5 cases were reported. 3 of the cases involved systemic barriers. A total of 402 people were provided with legal aid by the Commission. In 2020, the Commission received different nature of cases such as 12 cases of sexual harassment, five cases of gender based discrimination, 12 matters involving property rights, 20 cases of gender based violence and 2 cases involving gender stereotyping in social media and broadcasting services. So far the Commission has received 52 cases in 2021, 6 were property disputes, 16 were sexual exploitation and abuse/marriage, 5 were Gender Based Violence, 3 were rape, 8 were domestic violence, 5 were sexual harassment, 2 were divorce, 3 were land dispute, 1 case was received on drug abuse & mental health and 1 case on verbal abuse of a minor child. In 2021, women filed about 60% of the cases, while men filed 40%.

73. However, investigations were affected by the COVID 19 as the lockdown measures deprived the Commission an opportunity to continuously interact with the public while the humanitarian crisis posed by the pandemic ushered in a new pattern of gender rights violations. Routine tasks such as attending to walk in clients, conducting mobile legal clinics, convening alternative dispute resolution mechanisms and investigations into systemic barriers prejudicial to gender equality were hampered owing to the need to comply with regulations at limiting physical interactions.

Case Analysis

74. The majority of the cases received are centred on sexual exploitation and abuse, sexual gender based violence in its various manifestations. The Commission also noted a surge in cases involving the deprivation of women from matrimonial property upon the dissolution of marriage either through divorce or upon death of the husband. Rights violations such as Gender Based Violence are being used as an accessory to the deprivation.

National Peace and Reconciliation Commission

75. The National Peace and Reconciliation Commission established in terms of Section 251 of the Constitution has the following functions to:

- (a) Ensure post-conflict justice, healing and reconciliation;
- (b) Develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes;
- (c) Bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice;
- (d) Develop procedures and institutions at a national level to facilitate dialogue among political parties, communities, organisations and other groups, in order to prevent conflicts and disputes arising in the future;
- (e) Develop programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support;
- (f) Receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- (g) Develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures;
- (h) Do anything incidental to the prevention of conflict and the promotion of peace;
- (i) Conciliate and mediate disputes among communities, organisations, groups and individuals;
- (j) Recommend legislation to ensure that assistance, including; and
- (k) Documentation, is rendered to persons affected by conflicts, pandemics or other circumstances.

76. The NPRC was operationalised in 2018 through the National Peace and Reconciliation Commission Act [*Chapter 10:32*]. The Commission will exist for a period of 10 years.

77. The National Peace and Reconciliation Commission is an independent Commission set up in terms of the Constitution of Zimbabwe, 2013. The NPRC's Constitutional mandate and legal framework provide the foundation upon which the Commission unites Zimbabweans for sustainable peace by resolving conflicts of the past, dealing with current conflicts and preventing the recurrence of conflicts of the past, dealing with the current conflicts and preventing the recurrence of conflicts in the future. This will be achieved by the NPRC performing a set of functions as outlined in the Constitution of Zimbabwe 2013, Sections 233 and 252 as well as in Section 3(2)(a-d) of the NPRC Act [*Chapter 10:32*] which state that the Commission's functions shall, in summary deal with past, present and future potential conflicts.

78. Whilst the NPRC has a lifespan of ten years, the Commission has set out its 5-year plan spanning a period between 2018 and 2022, and asserts that by 2022 it will have initiated and enabled a healing and reconciliation process as well as put in place collaborative mechanisms for consolidating the nation's capacities in handling conflicts and sustaining peace.

Strategic Engagements of the NPRC

79. Strategic engagements are an effective tool used in peace building for maximizing the success of an institution's strategy. In 2019, the Commission held a number of strategic engagements with national stakeholders and partners, key among which were the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs and Thematic Committees on Human Rights, Defence and Security; the Traditional leaders, Church Organizations, Civil Society Organizations, Political parties, as well as the command structures of the Security Sector, among others to dialogue over the work of the Commission and explore ways of collaboration for the achievement of peace, healing and reconciliation.

80. The NPRC had bilateral engagements with political parties (ZANU-PF, MDC-T and MDC Alliance) to share its strategic plan as well as peace and reconciliation programs being implemented in the country. The engagements showed that all political actors are keen to work towards the building and promotion of peace.

81. During the public protests that took place in January and August 2019, The NPRC also engaged key actors to find amicable ways to deal with the conflict. Behind-the-scenes shuttle diplomacy was conducted by the Commission which contributed to the quelling of the public demonstrations which posed a great risk to the peace and security of the nation. Bilateral engagements were held with then Minister of Defence, the security sector and leaders of political parties during the January 2019 protests, all aimed at reaching consensus on the need for peaceful ways of dealing with conflict.

82. Dialogue meetings were held with senior members of the leadership of Zimbabwe Defence Forces, where the strategy of the Commission and the meeting explored areas of collaboration in the peace building process. The NPRC also met with the membership of civic society, coordinated through the National Association of Non-Governmental Organizations, women's coalition groups, War Veterans as well as churches to explore the areas of collaboration and for them to understand the work of the Commission.

83. In order to understand that all levels of government appreciated the work of the NPRC, meetings were held with Permanent Secretaries of all Ministries. Further engagements were made with the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs and the Thematic Committee on Human Rights in February and August 2019. The five-year strategy of the Commission was shared, as were areas of collaboration between the State and the Commission in order to achieve peace. Meetings with the portfolio and thematic committees provided necessary oversight, guidance and direction on the work of the Commission.

84. There were efforts made by the Commission to meet with government and junior doctors during the protracted dispute between the two parties. The NPRC invited representatives of the Zimbabwe Hospital Doctors Association and their mediator to discuss possible avenues of resolving the conflict and to share the common interest about the need to save human lives. The junior doctors made a commitment to continue to engage positively for the good of the nation and for citizens in need of medical attention. The Commission in turn urged the junior doctors to consider the request from government to return to work while their concerns were being considered. Government was also engaged and urged to be considerate when dealing with the issues in the health services sector as presented by the health practitioners.

85. The NPRC partnered with the Zimbabwe Council of Churches (ZCC) to convene a summit with Chiefs and senior church leaders in the Midlands Province. The summit was meant to discuss the role of traditional leaders and the Church in peace building as well as to highlight the challenges that Traditional Leaders face. Traditional leaders and Church Leaders are custodians of the people in communities and therefore are important stakeholders

in the peace agenda. Other stakeholders such as Police, Ministry of Mines and the Provincial Development Coordinator's office were among the attendees.

Programs of the Commission in 2019

86. In terms of Section 8(1) of the First Schedule of the NPRC Act, the Commission established seven Thematic Committees chaired by Commissioners as the vehicle for policy guidance and program coordination. These Committees are divided into four external and three internal committees. Internal Committees were set up for support services and are only open to members of staff of the NPRC while external committees draw the bulk of their membership from experts representing various stakeholders outside the Commission. The concept of thematic Committees was adopted as a multi-stakeholder platform that provides advisory support to the NPRC in accordance with the Act and Regulations. For each of the seven Thematic Committees there is a corresponding department which coordinates the implementation of NPRC programs. The Committees of the Commission are Conflict Prevention and non-Recurrence, Healing, Reconciliation and Rehabilitation, Research and Knowledge Management, Victim support, Gender and Diversity.

Zimbabwe Media Commission

87. The Zimbabwe Media Commission established in terms of Section 248 of the Constitution has the following functions which are to:

- (a) Uphold, promote and develop freedom of the media;
- (b) Promote and enforce good practices and ethics in the media;
- (c) Monitor broadcasting in the public interest and, in particular, to ensure fairness and diversity of views broadly representing Zimbabwean society;
- (d) Encourage the formulation of codes of conduct for persons employed in the media and, where no such code exists, to formulate and enforce one;
- (e) Receive and consider complaints from the public and, where appropriate,
- (f) Take action against journalists and other persons employed in the media or broadcasting who are found to have breached any law or any code of conduct applicable to them;
- (g) Ensure that the people of Zimbabwe have fair and wide access to information;
- (h) Encourage the use and development of all the officially recognised languages of Zimbabwe;
- (i) Encourage the adoption of new technology in the media and in the dissemination of information;
- (j) Promote fair competition and diversity in the media; and
- (k) Conduct research into issues relating to freedom of the press and of expression, and in that regard to promote reforms in the law.

88. In May 2020 the Commissioners of the Zimbabwe Media Commission were appointed in terms of Section 248 of the Constitution.

Zimbabwe Electoral Commission

89. The Zimbabwe Electoral Commission established in terms of Section 238 of the Constitution has the following functions to:

- (a) Prepare for, conduct and supervise elections to the office of President and to Parliament; elections to provincial and metropolitan councils and the governing bodies of local authorities; elections of members of the National Council of Chiefs established by section 285; and referendums;
- (b) Ensure that those elections and referendums are conducted efficiently, freely, fairly, transparently and in accordance with the law;

- (c) Supervise elections of the President of the Senate and the Speaker and to ensure that those elections are conducted efficiently and in accordance with the law;
- (d) Register voters;
- (e) Compile voters' rolls and registers;
- (f) Ensure the proper custody and maintenance of voters' rolls and registers;
- (g) Delimit constituencies, wards and other electoral boundaries;
- (h) To design, print and distribute ballot papers, approve the form of and
- (i) Procure ballot boxes, and establish and operate polling centres;
- (j) Conduct and supervise voter education;
- (k) Accredite observers of elections and referendums;
- (l) Give instructions to persons in the employment of the State or of a local authority for the purpose of ensuring the efficient, free, fair, proper and transparent conduct of any election or referendum; and
- (m) Receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate.

Other Institutions

Attorney General

90. The Attorney General is appointed by the President and is qualified for appointment if he/she is qualified for appointment as a Judge of the High Court. The functions of the Attorney General's office according to section 114(4) of the Constitution of Zimbabwe 2013 are to:

- (a) Act as the principle Legal Advisor to the government;
- (b) Represent the Government in Civil and Constitutional Proceedings;
- (c) Draft legislation on behalf of the government;
- (d) Promote protect and uphold the rule of law and to defend the public interest and;
- (e) Exercise any other functions that may be assigned to the Attorney General by an Act of Parliament.

National Prosecuting Authority

91. Section 258 of the Constitution establishes the National Prosecuting Authority which is responsible for instituting and undertaking criminal prosecutions on behalf of the State and discharging any functions that are necessary or incidental to such prosecutions. The NPA is independent and is not subject to the direction or control of anyone; and must exercise its functions impartially and without fear, favour, prejudice or bias. The NPA was made operational through the National Prosecuting Authority Act [*Chapter 7:20*].

Zimbabwe Land Commission

92. The Zimbabwe Land Commission is established in terms of Section 296 of the Constitution, it was operationalised through the Land Commission Act [*Chapter 2: 29*]; the commission has the following functions to:

- (a) Ensure accountability, fairness and transparency in the administration of agricultural land that is vested in the State;
- (b) Conduct periodical audits of agricultural land;
- (c) Make recommendations to the Government regarding the acquisition of private land for public purposes; equitable access to and holding and occupation of agricultural land,

particularly the elimination of all forms of unfair discrimination based on gender; the enforcement of any law restricting the amount of agricultural land that may be held by any person or household; as well as, fair compensation payable under any law for agricultural land and improvements that have been compulsorily acquired amongst others; and

(d) Investigate and determine complaints and disputes regarding the supervision, administration and allocation of agricultural land.

Tripartite Negotiating Forum

93. It is a negotiation platform for Government, Business and Employees. The Tripartite Negotiating Forum was established through an Act of Parliament Tripartite Negotiating Forum. The participants negotiate economic, social and labour issues. The platform was created to bring about transparency, consensus and accountability as no party to the platform can enforce a policy before it has consulted the forum.

Comments on Promotion of Human rights at National Level

94. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC IHL).

95. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC IHL) was established by Cabinet in 1993 to coordinate human rights activities and functions of Government Ministries and Departments, to ensure that obligations arising from human rights treaties which Zimbabwe is party to are being complied with and generally to advise the Government on human rights issues. The IMC coordinates and oversees the preparation of State Party Reports.

96. The following are the other functions of the IMC:

(a) Co-ordinate the human rights and international humanitarian law functions and activities of Government Ministries and to act as an advisory body to Government;

(b) Promote the protection of human rights and rights arising out of International Humanitarian Law, through the use of international human rights and humanitarian law instruments, respectively;

(c) Identify those human rights and humanitarian law instruments that have not been ratified and in appropriate cases, to recommend to Government, the ratification of such instruments;

(d) Facilitate Government's compliance with human rights and humanitarian law instruments; and

(e) Promote the awareness of human rights and humanitarian law in the country by conducting workshops, seminars and the dissemination.

97. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC-IHL) liaises with the Parliamentary Thematic Committee on Human Rights in a number of its activities, including the training of public official on State Party Reporting.

98. The IMC-IHL has embarked on the publication of State Party reports that have been submitted to treaty bodies. A training manual on State Party reporting has also been developed to ensure consistency and uniformity in the preparation of reports.

The Justice, Law and Order Sector (JLOs)

99. The JLOS has been in existence since 2012 and covers institutions in the Executive arm of Government, Government Agencies and Departments, the Judiciary and law-based Civil Society Organisations. This mechanism has since then gained more and more recognition as a platform to deliberate and coordinate justice delivery efforts of different actors in the three arms of the State, while recognizing their individual and independent mandates.

100. The JLOS is therefore a collaborative platform that brings relevant institutions with a mandate on justice delivery to dialogue and develop joint strategies for the improvement of access to justice by the citizens. This is very key in enhancing the human rights.

Universal Periodic Review Steering Committee

101. The National UPR Steering Committee was set up to oversee and steer the business of the implementation of the UPR recommendations. The Steering Committee is composed of representatives of all stakeholders including Government, Independent Commissions, civil society organisations and UNDP, which sits in a technical advisory capacity. The Minister of Justice, Legal and Parliamentary Affairs chairs the Steering Committee and also provide the UPR national Secretariat.

The Zimbabwe Refugee Committee

102. The Zimbabwe Refugee Committee was established in terms of the Refugee Act [Chapter 4:03] to assess asylum claims in order to determine their status. The main function of the ZRC is to receive and consider application for refugee status referred to the Committee.

The Inter-Ministerial Taskforce Against Child Prostitution and the Multi Sectoral Approach to Management of Sexual Offences

103. The Inter-Ministerial Task Force Against Child Prostitution and the Multi Sectoral Approach to Management of Sexual Offences, among others, were established to combat child sexual abuse.

Child Welfare Council

104. It is a Committee established within the provisions of the Children's Act. Its main mandate is to advise the Minister on child welfare issues. Also, it seeks to promote and encourage coordination of the activities of organisations which have as their objectives, the promotion and protection of the rights of the child. It also administers the Child Welfare Fund. The Committee also conducts quarterly meetings with relevant key Ministries. Composition of the Council:

- (a) One representative each from the Ministries responsible for education, health, the registration of births and deaths, justice, local government and the creation of employment;
- (b) One representative from the Police Force;
- (c) Six representatives from private voluntary organizations or other organizations which the Minister considers deal with issues concerning the welfare and upbringing of children;
- (d) One representative from the Council of Chiefs established in terms of section 37 of the Traditional Leaders Act [Chapter 29:17];
- (e) One representative from an association which the Minister considers represents local authorities; and
- (f) The Director.

105. In line with the ongoing alignment process, the Children's Amendment Bill proposes to amend the name of the Council from Child Welfare Council to Child Welfare and Protection Council. This clause will increase the size of the Council, which will now have an additional three representatives from Children's Parliament and two representatives from organisations of parents of children with disabilities. The functions of the Council are to:

- (a) Advise the Minister and any other person that the Council thinks appropriate on any matter relating to the welfare of children;
- (b) Monitor the overall situation of children in need of care and to try to ensure that their welfare and rights are advanced;

- (c) Promote and encourage the co-ordination of the activities of organizations which have as their object the promotion and protection of the rights of children; and
- (d) Administer the Child Welfare Fund; and
- (e) Perform any other function that may be assigned to it by the Minister.

106. The proposed law also seeks to include an additional function of the Council which will be to receive complaints from children so as to devise child protection measures and promote children's rights.

Junior Parliament

107. The Junior Parliament draws its representation from 210 constituencies drawn from the 10 Provinces of the country. Each constituent will be represented by a child. Junior Parliament is designed as shadow Government with participants holding offices mirroring the actual Government. The platform allows children to discuss topical issues affecting children. The Junior Parliament of Zimbabwe is an institution established to give regard and respect to the views of Children as stipulated in Article 12 of the Convention on the Rights of the Child (CRC) which was adopted and ratified by the Government of Zimbabwe. Children's opinions and participation in decision making are central to the realisation of their rights.

Older Persons Board and National Disability Board

108. The Older Persons Board, established in terms of the Older Persons Act [Chapter] and the Disability Board, established in terms of the Disabled Persons Act [Chapter 17:01] were created with a mandate to fulfil, promote and protect the rights of the elderly and the disabled persons respectively.

Inter-Ministerial Committee on Migration and Development

109. The Inter-Ministerial Committee on Migration and Development was established as part of the implementation of the agreement between the Government of Zimbabwe and European Union which agreement was signed on behalf of the Government by the Ministry of Finance and Economic Development. The Ministry of Home Affairs and Cultural Heritage has the mandate to coordinate the activities of the IMC on Migration and Development. The functions of the IMC on Migration and Development are as follows to:

- (a) Coordinate efforts by all line ministries in Government that have a mandate to manage any aspects of migration;
- (b) Craft the national migration policy and implementation matrix;
- (c) Review and recommend amendments to laws with regard to migration;
- (d) Convene quarterly meeting annually for members to update progress made and challenges faced in the implementation and administration of migration issues;
- (e) Propose policy reforms in the administration of migration related matters;
- (f) Raise awareness on migration laws and policies; and
- (g) To coordinate interface with local, regional, as well as continental migration organisation.

Office of the Special Advisor to the President on Disability Issues

110. The President appointed the Special Advisor to the Office of President and Cabinet whose duties include advising the President on disability issues and coordinating disability issues within the Government.

Inter-Ministerial Committee on Trafficking in Persons

111. The Inter-Ministerial Committee on Trafficking in Persons is established in terms Section 9 of the Trafficking in Persons [Chapter 9:25]. Its functions are as follows to:

- (a) Formulate a national plan of action against trafficking in persons for any period of one year or more as it deems fit, and monitor and report on the implementation of the national plan of action;
- (b) Liaise with appropriate Government agencies to promote the rehabilitation and reintegration of victims;
- (c) Take note of and implement appropriate measures to adopt or comply with international and regional developments and standards in the prevention and combating of trafficking in persons;
- (d) Do anything which it is mandated to do by this Act and the national plan of action against trafficking in persons, and by the Minister in pursuance of this Act; propose and promote strategies to prevent and combat trafficking in persons;
- (e) Provide advice on the investigation and prosecution of cases of trafficking; and
- (f) Introduce and implement public awareness programmes or other measures designed to inform and educate the public on issues relating to trafficking in persons including the causes that foster trafficking in persons, especially women and children and common methods used by traffickers to entice or coerce victims for purposes of trafficking or to keep victims captive amongst others.

Jurisdiction of any other human rights courts

African Commission on Human and People's Rights

112. Zimbabwe is a State party to the African Charter on Human and People's Rights, and the treaty establishing the African Commission on Human and People's Rights as a reporting mechanism. The Commission is mandated to receive complaints from the organisations and individuals alleging any human rights violations.

113. Government of Zimbabwe has handled 15 cases of alleged torture and inhumane and degrading punishment which had been filed before Commission dating back to 2008. The cases include Jestina Mukoko, Pascal Gonzo, Gandi Mudzingwa, Preta Kaseke, Fidelis Charamba, Audrey Zimbudzana, Underson Manyere, Brodreck Takwira, Zacharia Nkomo, Concillia Chinanzavana, Violet Mupfura Nehwe and Another, Chimoto Mukwezaramba Zulu, Collen Mutemagau and Mupfuranhewe Nigel.

114. Jestina Mukoko was paid USD150 000 being an award of compensation through a deed of settlement. However, the remaining 14 cases, Government has entered into a settlement to pay USD 80 000 as full and final settlement to each of the complainants.

115. Government is working towards ratifying the Statute establishing the African Court on Human and People's Rights.

III. Framework within which human rights are promoted at the national level

Constitutional Awareness raisings campaigns

116. In terms of Section 7 of the Constitution, the State must promote public awareness of the Constitution in particular by translating it into all officially recognised languages and disseminating it as widely as possible, teaching it in schools and as part of the curricula of the Security Services, the Civil Service, members and employees of Public Institutions. The Constitution also encourages all persons, institutions and agencies of government as well as organisations to disseminate awareness and knowledge of the Constitution throughout Society.

117. There are 16 officially recognised languages in Zimbabwe and to date, the Government has successfully translated and disseminated the Constitution into all the officially recognised languages.

118. Government is embarking on continuous Constitutional Awareness Raising Campaigns to all Provinces and Districts of the country. At such workshops, the participants receive knowledge of the Constitution, human rights and other ancillary matters. This will go a long way in improving human rights knowledge of general populace. Copies of Constitution in all languages are also distributed to members of the public. So far the campaigns have reached all the 10 provinces of the country.

119. In 2019 the Ministry started the dissemination and awareness of translated copies of the Constitution to areas where each language is dominantly spoken. The meetings were targeting stakeholders of every community such as village heads, counsellors, teachers, Diocesan Coordinators etc so that they would further disseminate the knowledge of the Constitution within their communities. During those meetings, 1 559 copies of the Constitution were distributed and 36 251 copies was given to the Diocesan Coordinators, stakeholders and leaders of the community for the purpose of further dissemination.

Table 10

Total number of participants proposed and reached during the dissemination meetings

<i>No.</i>	<i>Dioceses</i>	<i>Female</i>	<i>Male</i>	<i>Total Expected</i>	<i>Total Actual/Reached</i>
1.	Masvingo	231	150	375	381
2.	Mutare	145	85	200	230
3.	Hwange	81	147	400	228
4.	Gokwe	136	144	200	280
5.	Bulawayo	254	186	300	440
Grand Total		847	712	1 475	1 559

120. In addition, section 7 of the constitution encourages all persons and organisations to disseminate awareness and knowledge of the Constitution throughout society. The Ministry of Justice held advocacy meetings in all provincial towns of the country imparting knowledge of the constitution to citizenry as well as distributing copies of the Constitution. Currently this noble activity is cascading to districts of the country. So far we have managed to reach almost all the districts except 5.

Table 11

Total number of people reached in each province

<i>No.</i>	<i>Provinces</i>	<i>Number of people reached</i>
1.	Bulawayo	15 700
2.	Harare	19 020
3.	Manicaland	14 300
4.	Mashonaland Central	10 000
5.	Mashonaland West	10 754
6.	Mashonaland East	12 598
7.	Mashonaland South	11 600
8.	Mashonaland North	10 429
9.	Midlands	14 976
10.	Masvingo	13 430
Grand Total		132 807

121. The department participated each year at the Zimbabwe International Trade Fair and Zimbabwe Agricultural Show where we had an opportunity to share the knowledge of the Constitution to members of society as well as distributing copies of the Constitution.

Table 12
Number of people reached each year at ZITF since the Constitution came into law

<i>No.</i>	<i>Year</i>	<i>Approximate Number of People reached</i>
1.	2013	5 000
2.	2014	7 000
3.	2015	7 800
4.	2016	6 400
5.	2017	8 670
6.	2018	5 900
7.	2019	6 600
Grand Total		47 370

Table 13
The approximate number of people reached each year at the Zimbabwe Agricultural Show since the Constitution came into law

<i>No.</i>	<i>Year</i>	<i>Approximate Number of people reached</i>
1.	2013	6 000
2.	2014	7 500
3.	2015	6 800
4.	2016	7 400
5.	2017	9 600
6.	2018	6 400
7.	2019	5 700
Grand Total		49 400

122. We also have various platforms of disseminating the knowledge of the Constitution, such as; public lectures, Provincial Show, Exhibition at Tertiary Institutions just to mention a few.

Table 14
Approximate total number of people reached

<i>No.</i>	<i>Areas of awareness</i>	<i>Number of people reached</i>
1.	Dissemination meetings	1 559
2.	Provincial and District Advocacy meetings	132 807
3.	Zimbabwe International Trade Fair	47 370
4.	Zimbabwe Agricultural Show	49 400
Grand Total		231 136

123. To operationalise the Global Compact on Refugees, the first ever Global Refugee Forum was held in December 2019 with the Government of Zimbabwe making 7 pledges. In October 2019, at the High-level segment of Statelessness, the Government made 7 additional pledges. The High-Level Segment on Statelessness was convened as part of the UNHCR Executive Committee in October 2019 and marked the mid-way point of the #IBELONG Campaign to End Statelessness.

124. The Government of Zimbabwe committed to reviewing and updating the legal and policy framework on refugees and asylum seekers, promoting and increasing access to tertiary education not only for refugees and asylum seekers but hosting communities too, strengthening the institutional capacity of the national civil registry, improving asylum

procedures, enhancing self-reliance opportunities for refugees, climate change and inclusion of refugees and asylum seekers in sport and cultural programmes.

Access to justice

125. Refugees and asylum seekers have the same access to courts as nationals. The Government has deployed police in Tongogara Refugee camp with cases proceeding to court including GBV cases affecting women and girls.

Access to Civil Status Documentation

126. The Government continues to ensure that refugee children are registered and issued birth certificates. This has been sustained over the years however with the pandemic, these services have been suspended like in most parts of the country.

127. In 2019, the Government of Zimbabwe through the Office of the Registrar General issued and or replaced lost civil status documentation to internally displaced persons affected by Cyclone Idai in Chimanimani and Chipinge Districts. More than 65,000 documents were issued during the 3 months mobile registration exercise. These included identity cards, birth and death certificates.

Access to Health Services

128. Refugees and asylum seekers are fully integrated into the national health system in Zimbabwe. This enables access to National Health services at district, provincial and national levels without discrimination. Expecting mothers benefit from ultrasound scans in line with national health protocols to reduce cases of neonatal and maternal deaths.

129. Inclusion of refugees and asylum seekers in national response plans including on COVID-19 with the primary care facility in the Tongogara Refugee camp benefitting from medical supplies and staff training from the Government of Zimbabwe. On the other hand, the continued industrial action by the Health Care workers has led to increased referrals of refugees and asylum seekers to private healthcare providers particularly in urban areas.

Access to Education

130. Refugees and asylum seekers are fully integrated into the national education system in Zimbabwe. Refugee children enjoy the right to education as enshrined in the Convention on the Rights of the Child (CRC). The Ministry of Primary and Secondary Education supports schools within the refugee camp with the deployment of teachers who are remunerated by the government. Refugees also have access to local schools with some refugees being supported to attend boarding schools.

131. Refugees have access to public universities with many young refugee women benefitting.

132. The Government has provided several sponsorship opportunities for refugee students.

Gender Based Violence (GBV)

133. The Government through its various ministries including the Ministry of Public Service, Labour and Social Development and the Ministry of Woman Affairs is supporting training of staff and refugees on GBV. This collaboration extends to working with Disabled Peoples Organisations to ensure awareness raising on the rights of persons with disability among refugees and asylum seekers. This includes working with Zimbabwe Council of Persons with Disability; Chipinge chapter to facilitate training for person with disabilities to raise awareness on GBV including available reporting and referral pathways. Working with the Ministry of Women Affairs, Community and Small Enterprises Development to ensure GBV training for staff working in Tongogara refugee camp focusing on legal framework in Zimbabwe, basic interviewing and counselling skills.

134. In partnership with the African Development Bank, lighting in and around the camp has been improved to reduce risk to GBV especially for women and children. The project also supports women's livelihood needs.

Persons with Disabilities

135. The Government ensured the participation of refugees with disabilities during the Provincial consultations on the draft national disability policy and the Persons with Disabilities Bill held in Mutare. These sessions provided opportunity for refugees to better understand the CRDP, draft national disability policy and draft bill on Persons with Disabilities.

Access to Food

136. The Government supports refugees and asylum seekers with food donations while prioritizing persons with specific needs including persons with disabilities, unaccompanied and separated children, women and girls at risk.

Individual registration

137. The Government of Zimbabwe in collaboration with UNHCR is conducting registration of all refugees and asylum seekers. Sex, age and gender disaggregated data is collected which is critical for programming.

Refugee Status Determination procedures

138. The Government of Zimbabwe through the Zimbabwe Refugee Committee conducts eligibility interviews for asylum seekers and prioritises persons with disabilities, Un accompanied and separated women as well as survivors of torture and or violence which in some instances are women. Interviews are conducted with same sex interviewers and or interpreters.

139. The new education curricula incorporate the Bill of Rights in order to raise awareness on human rights at an early age.

140. Judges, Prison Officers, Prosecutors, Immigration Officers, Police, Lawyers, Medical Doctors, Teachers, Social Workers, Members of the armed forces are receiving training in Human Rights. The Police training manual has incorporated Human Rights as a subject that is taught at recruitment and during Continued Professional Development (CPD).

141. Human Rights Training Manual for Police Officers contains a human rights component which encompasses the enlightenment of officers on relevant international legal instruments, particularly those dealing with human rights which covers the rights of arrested and detained persons. These rights entail the attendant rights to legal representation, presumption of innocence and the right to be brought before the courts within forty-eight (48) hours.

142. In order to promote the right to assembly and association in the labour market, Government with the assistance of development partners has trained 17 Judges, 32 Magistrates, 97 assessors, 170 labour officers and 40 Legal Officers on the International Labour Standards and the rights to freedom of association and assembly.

143. Human Rights training at Universities are available in most degree programmes usually in the Law and Humanities faculties.

144. The Government of Zimbabwe promotes freedom of the media to disseminate information with regards to human rights. Section 61 (4) (a-c) provides that all State-owned media communication must be free to determine independently the editorial content of their broadcasts or other communications; be impartial; and afford fair opportunity for the presentation of divergent views and dissenting opinions. Further, Section 62(2) obligates the State to disseminate information vital to the protection of rights in particular, the Zimbabwean media has the right of access to any Information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.

145. The Government creates an enabling environment for Non-Government actors to participate in the protection and promotion of human rights. Non- Governmental Organisations and other actors in the promotion and protection of Human Rights are registered in terms of the Private Voluntary Organisations Act [Chapter17:05], and Deeds Registries Act [Chapter20:05] whilst some are recognised through the common law

universitas. There are 1 498 registered Private Voluntary Organisations (PVOs), of the registered PVOs 91 promote the rights of persons with disabilities and 263 are for child protection.

Status of the Jurisdiction of Regional Human Rights Mechanisms

146. Zimbabwe is party to a number of regional human rights treaties, as depicted above. The African Charter on Human and Peoples' Rights has an individual complaints mechanism, which is managed by the African Commission on Human and People's Rights.

IV. Reporting process at the national level

147. IMCHRHL collect and gather data from Government institutions including the Judiciary and Parliament. Stakeholder consultative meetings where discussion of draft reports with keys stakeholders in the government institutions, departments and Ministries, CSOs and NHR arena are conducted. Drafting workshops are conducted and mainly constituted of the relevant Subcommittee under IMC. After effecting comments from stakeholder consultations and drafting workshops, the next stage will be validation of the State Party Report by full IMC. Once the report is validated, the report will then be adopted by Head of Ministries as a true reflection of human rights situation in Zimbabwe. The Report will then be submitted to Cabinet for approval. After Cabinet's approval, it will be submitted to the Ministry of Foreign Affairs and International Trade who are responsible for transmission of the same to the Embassy in Geneva to the Treaty Body.

The existence of a national coordinating structure for reporting under the treaties

148. In an effort to promote human rights, the Parliamentary Portfolio and Thematic Committees referred to above consult the public on the contents of all Bills before Parliament. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC) liaises with the Parliamentary Thematic Committee on Human Rights in a number of its activities, including the training of public official on State Party Reporting.

149. The IMC has embarked on the publication of State Party reports that have been submitted to treaty bodies. A training manual on State Party reporting has also been developed to ensure consistency and uniformity in the preparation of reports.

150. Further, the IMC is divided into Sub-Committees based on thematic areas falling under the mandates of different member Ministries and Departments, which have the liberty to consult their sector specific stakeholders.

151. Other measures taken to promote human rights include the establishment of gender equality mechanisms, children's rights mechanisms and the Organ for National Healing, Reconciliation and Integration among others, as outlined in Zimbabwe's Initial National Report under the Universal Periodic Review (UPR) 2011.

Part three Information on non-discrimination and equality and effective remedies

Non-discrimination and equality

Constitutional Framework

152. Section 56 (1) of the Constitution, 2013 provides that all persons are equal before the law and have the right to equal protection and benefit of the law. The Constitution guarantees the application of this right by entrenching the independence, impartiality and effectiveness of the courts¹ and has conferred authority to Judicial Officers to discharge their mandate to

¹ Section 164 of the Constitution of Zimbabwe Amendment (No.20) of 2013.

safeguarding human rights and freedoms and the rule of law. Furthermore, it has entrenched the right to appear before the courts and be heard² whilst prosecuting any impugned right or freedom whether personally,³ on behalf of someone else,⁴ as a class of persons,⁵ as an association,⁶ and in the public interest.⁷

153. In addition, Section 56 (6) of the Constitution mandates the State to take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination.

154. Section 56 (3) of the Constitution guarantees that every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

155. In particular Sections 120 and 124 of the Constitution provide for the representation and participation of women in politics through reserved quota for women in the National Assembly and proportional representation in the Senate. The Electoral Act [*Chapter 2:13*] was amended in 2014 to reflect the provisions of sections 120 and 124 of the Constitution. Furthermore, Section 17 (b) (ii) of the Constitution stipulates that women should constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under it or any Act of Parliament. Section 80 (1) further confers women the right to equal opportunities in political, economic, cultural and social spheres.

156. The Zimbabwean system allows for the adoption of special measure that guarantee full and equal enjoyment of human rights in particular to women. Sections 3 (1)(g) and 17 (1) (a-c) provide that the State must promote full gender balance in Zimbabwean society, and specifically it must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men. Moreover it must also take legislative measures and other measures, needed to ensure that both genders are equally represented in all institutions and agencies of government at every level.

157. It has also become Government policy that women should constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under the Constitution or any Act of Parliament; and the State and all institutions and agencies of Government at every level. The Government is obliged to take practical measures to ensure that women have access to resources such as land on an equal basis to men. The State is obligated by the Constitution the State to take positive measures to rectify gender discrimination and imbalances to redress inequalities that were caused by past practices and policies.

158. In particular section 56 (2) of the Constitution enjoins Government to ensure that women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres. In addition, Section 17 of the Constitution places on obligation on the State to promote full gender balance in Zimbabwean Society and in particular, the State is required to ensure that both genders are equally represented in all institutions and agencies of Government at every level.

159. Consequently, section 80 of the Constitution prohibits all laws, customs, traditions and cultural practices that infringe the rights of women conferred by the same and confer women with the same rights as men regarding the customs and guardianship of family. Further, Section 26 provides for equality of rights and obligations of spouses during marriage and at its dissolution.

² Section 85 (3) and (4) of the Constitution of Zimbabwe Amendment (No.20) of 2013.

³ Section 85 (1) (a) of the Constitution of Zimbabwe Amendment (No.20) of 2013.

⁴ Section 85 (1) (b) of the Constitution of Zimbabwe Amendment (No.20) of 2013.

⁵ Section 85 (1) (c) of the Constitution of Zimbabwe Amendment (No.20) of 2013.

⁶ Section 85 (1) (e) of the Constitution of Zimbabwe Amendment (No.20) of 2013.

⁷ Section 85 (1) (d) of the Constitution of Zimbabwe Amendment (No.20) of 2013.

160. Furthermore, section 245 of the Constitution establishes the Zimbabwe Gender Commission (ZGC) which is mandated, among other things, to monitor implementation of gender equality and programmes as provided for in the Constitution. The Zimbabwe Gender Commission Act [Chapter 10:31] was enacted in 2016 to operationalise the ZGC.

Legislative Framework

161. Zimbabwe has promulgated various legislation to prevent discrimination, the principal legislation in the country is the Prevention of Discrimination Act [Chapter 8:16] that repealed the Public Premises (Prevention of Racial Discrimination) Act [Chapter 8:12] and the Immovable Property (Prevention of Discrimination) Act [Chapter 10:12].

162. However, the following legislation compliment the principal Act amongst others which are the Administrative Justice Act [Chapter 10:28]; Labour Act [Chapter 28:01]; Unlawful Organizations Act [Chapter 11:13], Banking Act [Chapter 24:01], Building Societies Act [Chapter 24:02], Insurance Act [Chapter 24:07], Education Act [Chapter 25:04], Estate Agents Act [Chapter 27:05]; Disabled Persons Act [Chapter 17:01]; Zimbabwe Gender Commission Act [Chapter 10:31; Electoral Act [Chapter 2:13]; and Private and Voluntary Act [Chapter 17:05].

163. The Prevention of Discrimination Act [Chapter 8:16] echoes the spirit entrenched in the Constitution. The Act primary prohibits discrimination on the ground of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender and promotion of such discrimination. Further, it guarantees criminal and civil litigation of offenders and prosecution, conviction and sentencing of transgressors. The offense of discrimination attract a sentence of both fine and imprisonment. A victim of such repugnant conduct has an option for remedies in civil litigation which will also attract compensation and reparation as restitutions.

164. Examples of conduct that is deemed to be repugnant and therefore prohibited under the Act on the grounds above-stated include but are not limited to the following:

- (a) Refusal to admit any person or class of persons to any public premises;
- (b) Refusal to supply or provide any commodity, service or facility to any person or class of persons on the same grounds also constitutes an offense;
- (c) Refusal of admission of any person or class of persons to any public premises or the supply or provision of any commodity, service or facility;
- (d) Refusal to sell, let or otherwise dispose of or to negotiate the sale, lease or other disposal of any immovable property is also a triable offense;
- (e) Publishing or causing the published of a notice, advertisement or statement in connection with the sale, lease or other disposal of any immovable property, which indicates, expressly or impliedly shows unwillingness to sell, let or otherwise dispose of any property;
- (f) Refusal by a financial organization, its employee or agent to grant a loan or other financial assistance;
- (g) Knowingly communicating statements based on racial superiority or hatred if there is a substantial risk that the statement may adversely affect the reputations, rights and freedoms of other persons in Zimbabwe or make any statement or do anything which is reasonably likely to incite or encourage discrimination; and
- (h) Refusal of admission of any child in Zimbabwe to any school; or discrimination against any child by the imposition of onerous terms and conditions in regard to admission to any school.

Other Measures

165. Government continues to carry out campaigns through high level constitutional advocacy meetings, local exhibitions, expos and fairs at national, provincial and district levels to raise awareness on constitutional provisions pertinent to equal representation.

166. Government has also taken the following measures:

(a) Reviewing enabling legislation that creates Boards, Councils, Authorities and Institutions to ensure 50/50 representation of men and women in all elective and non-elective boards and all government institutions;

(b) Developed the Women in Politics and Decision-Making Strategy. This is an affirmative action framework designed to achieve gender balance in politics and decision-making positions. The strategy is in line with the Constitution and provides measures to ensure attainment of a 50/50 representation of men and women in politics and other key decision-making positions;

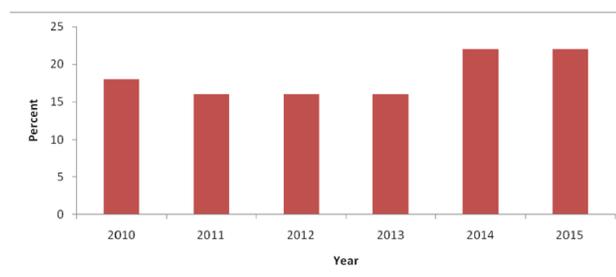
(c) Capacity building programmes for sitting and aspiring women leaders. These programmes are aimed at enhancing assertiveness and leadership confidence in women to ensure equal participation;

(d) Temporary special measures with regards to increasing representation of women in both houses of Parliament (Sections 120 (2) and 124 (1) (b) of the Constitution;

(e) Established ZGC with a mandate to monitor issues concerning gender equality, to ensure gender equality as provided in the constitution, to recommend affirmative action programmes to achieve gender equality and to conduct research into issues relating to gender and social justice, and to recommend changes to laws and practises which lead to discrimination based on gender, among others; and

(f) As a result of these interventions, Zimbabwe has witnessed an increase in women's participation in decision making as illustrated in Figure the Tables below.

Table 15
Women Participation in Politics



Source: Parliament of Zimbabwe, 2016.

Table 16
Representation of women in Zimbabwe's Parliament and Senate

Year	Parliament			Senate		
	Seats	Women	Percentage of Women	Seats	Women	Percentage of Women
2012	214	32	15	99	24	24
2013	270	85	31	80	38	48
2014	270	86	32	80	38	48
2015	270	86	32	80	38	48

Source: Parliament of Zimbabwe 2016.

Table 17
Personnel in Decision-Making Positions in the Zimbabwe Prisons and Correctional Services by Rank and Sex; 2013, 2014 and 2015

Designation	2013			2014			2015			2021		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total
Commissioner-General of Prisons	0	1	1	0	1	1	0	1	1	0	1	1
Deputy Commissioner General of Prisons	1	2	3	1	3	4	1	3	4	2	2	4
Commissioner	0	0	0	2	4	6	2	3	5	4	12	16
Assistant Commissioner	5	11	16	5	8	13	4	27	31	20	9	29
Chief Superintendent	5	38	43	5	39	44	13	32	45	10	22	32
Superintendent	25	104	129	33	121	154	27	114	141	20	112	132
Chief Correctional Officer	57	202	259	60	221	281	63	240	303	60	219	279
Principal Correctional Officer	157	369	526	173	398	571	161	403	564	162	385	547
Total	250	727	977	279	795	1 074	271	820	1 094	248	762	1 010

Source: ZIMSTAT, Zimbabwe Women and Men Report, 2016. ZPSC, 2021.

Table 18
Distribution of Positions in the Judiciary by Sex, 2013–2015

Position	2013		2014		2015		
	Female	Male	Female	Male	Female	Male	
Supreme Court	Chief Justice	0	1	0	1	0	1
	Deputy Chief Justice	0	1	0	1	0	1
	Judges	5	3	5	3	6	5
High Court	Judge President	0	1	0	1	0	1
	Judges	11	18	11	18	13	18
Labour Court	Senior Judge	1	0	1	0	1	0
	Judges	10	5	10	4	10	4
Chief Magistrate's Dept.	Magistrates	92	115	92	115	98	112

Source: ZIMSTAT, Zimbabwe Women and Men Report, 2016.

Table 19
Women in Leadership in the Public Service, 2017

Position	Females	Males	Total	%
Heads of Ministries (Permanent Secretaries)	11	26	37	29.7%
Principal Directors	12	46	58	20.6%
Directors	72	190	262	27.4%
Deputy Directors	151	442	593	25.4%
Councillors (in local authorities)	313	1 649	1 962	15.9%
Boards of Parastatals/State Enterprises	29	71	100	29%
Chief Executive Officers of Parastatals/State Enterprises	23	77	100	23%

<i>Position</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>	<i>%</i>
Vice Chancellors-State Universities	3	8	11	27%
Principals of State-owned Teachers Colleges	8	6	14	57%
Principals of State-owned Agricultural Colleges	2	6	8	25%
Principals of State-owned Poly-Technical Colleges	2	6	8	25%
Heads of Government Primary Schools	776	2 168	2 944	26%
Heads of Government Secondary Schools	416	1 940	2 356	17.6%
Ambassadors	10	36	46	21.7%
Commissioners in the Public Service	26	34	60	43.3%

Source: Public Service Commission, 2017.

164. In terms of Section 124(1)(b) of the Constitution, in an endeavour to achieve gender equality in parliament, the Government for a period of ten years, put in place a temporary measure that allow 60 women to be parliamentarians appointed on a proportional representation system. The system was initiated in 2013 and is ending in 2023. It is presumed that by 2023 parliamentary gender equality will have been achieved.

Disability

165. Sections 22 and 83 of the Constitution provide for the rights of persons with disabilities. Non-discrimination on the basis of disability is constitutionally guaranteed through the obligation placed on the State to develop inclusive programmes which consider specific requirements aimed at improving the quality of life of persons with all forms of disability.

166. The Disabled Persons Act [Chapter 17:01] prohibits and penalises discrimination against persons with disabilities. In addition, Section 120 of the Constitution and Section 45 (a) of the Electoral Act [Chapter 2:13] provide for the Electoral College as a measure to ensure the representation of people with disabilities in Parliament.

Administrative Measures

167. Government has adopted several specific policies and measures that address discrimination issues such as the National Gender Policy and the National Disability Policy,

168. Other administrative measures that promote non-discrimination include:

169. The printing and dissemination of the Constitution in all the languages recognised by Section 6 of the Constitution.

170. The teaching and learning in different languages officially recognised in the Constitution in primary schools.

171. The establishment of independent Commissions such as the Zimbabwe Human Rights Commission (ZHRC), Zimbabwe Gender Commission (ZGC), Zimbabwe Electoral Commission (ZEC), Zimbabwe Media Commission (ZMC) and National Peace and Recreational Commission (NPRC).

172. In its concluding observations, the Commission passed a recommendation for Zimbabwe to undertake a comprehensive review of the application of statutory and customary laws in the country with a view to ensure that adequate safeguards are in place to protect the human rights of women and girls from discriminatory practices and to ensure fair dispensation of justice. The Constitution provides a comprehensive Bill of Rights that adequately addresses the rights of women and children. As opposed to the previous Lancaster House constitution, the current Constitution clearly states in Section 80 (3) that all laws and customs and cultural practices that infringe the rights of women are void to the extent of the infringement. Furthermore, Government had embarked on a process of aligning all laws to the Constitution in an effort to fully give effect to the rights and freedoms guaranteed by the Constitution.

173. Government is mandated by Section 7 of the Constitution to promote public awareness on constitutional and human rights provisions and this applies to gender equality and women empowerment issues including temporary special measures.

Remedial Measures

174. In Zimbabwe victims of Human Rights violations have right to approach the Judiciary at all levels to seek redress.

175. Further, the victims can pursue both civil and criminal litigation in order to enforce their rights.

176. The Constitution guarantees the victims compensation for injury caused due to violation of rights, and the court has discretion to quantify damages.

177. In addition, where the local remedies are not sufficient and effective a victim has right to approach regional and international courts to enforce their rights especially where such rights have been violated by the State.
