



International Covenant on Civil and Political Rights

Distr.: General
19 March 2025

Original: English

Human Rights Committee 143rd session

Summary record of the 4191st meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 March 2025, at 3 p.m.

Chair: Mr. Soh

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second periodic report of Zimbabwe (CCPR/C/ZWE/2; CCPR/C/ZWE/QPR/2)

1. *At the invitation of the Chair, the delegation of Zimbabwe joined the meeting.*
2. **A representative of Zimbabwe**, introducing his country's second periodic report (CCPR/C/ZWE/2), said that significant progress had been achieved in the protection and promotion of civil and political rights through legislative reforms, administrative measures and a strong commitment to democratic processes. The enactment of the Death Penalty Abolition Act in December 2024 represented a transformative shift in the country's legal landscape in favour of sentences focused on rehabilitation, proportionality and justice.
3. The Constitution and the Electoral Act had been amended to extend the women's quota in the National Assembly by two parliamentary terms, mandate the representation of women under 35 and women with disabilities in the National Assembly, and introduce a 30 per cent quota for female candidates in local government elections. A wide range of international stakeholders had been invited to observe the 2023 harmonized elections, and multiparty liaison committees had been established to address electoral disputes and promote dialogue between the competing parties. The State's ratification of the African Charter on Democracy, Elections and Governance had reinforced its commitment to ensuring fair, free and transparent elections.
4. In December 2021, the Government had launched the biometric e-passport to ensure efficient and secure passport processing for citizens living abroad. The Government had also enacted the Freedom of Information Act, which provided for freedom of expression, freedom of the media and the right of access to information held by public bodies, and the Maintenance of Peace and Order Act, which provided for the rights of freedom of assembly, association, demonstration and petitioning without prejudicing the rights and freedoms of others.
5. A key step towards enhancing access to justice in Zimbabwe had been the decentralization of the courts, the Legal Aid Directorate, the Pre-Trial Diversion Programme and the Community Service Programme, in addition to the introduction of a performance management system for the judiciary. The Constitution had broadened the mandate of the Zimbabwe Prisons and Correctional Service, introducing explicit provisions on rehabilitation and correctional services, while the revised Prisons and Correctional Service Act had reinforced the justice system's commitment to rehabilitation.
6. In 2024, an Independent Complaints Commission had been established to receive and investigate complaints from members of the public about misconduct on the part of members of the security service, thus fostering a culture of accountability. The Commission's independence safeguarded its impartiality and empowered it to propose disciplinary actions or remedies.
7. Zimbabwe continued to face a heavy burden due to the negative impact of unilateral coercive measures imposed by some Western countries. Such measures had suffocated the country's economy and undermined the Government's capacity to fully implement initiatives intended to promote and protect civil and political rights. They had also hindered the provision of essential resources for governance, infrastructure development and social services, including education, healthcare, water and sanitation. The Government thus continued to call for the immediate and unconditional removal of those sanctions.
8. **Mr. Yigezu**, while welcoming the State party's adoption of a new Constitution that provided for an expansive declaration of rights, said that the Committee had received information that indicated that certain ongoing legislative amendments, such as the Criminal Law (Codification and Reform) Amendment Act and the Maintenance of Peace and Order Act, impeded the exercise of the fundamental rights and freedoms enshrined in the Constitution and the Covenant. He would like to know whether the State party would consider repealing those legislative amendments, as well as withdrawing and amending the Private Voluntary Organisations (Amendment) Bill in consultation with civil society organizations to guarantee their right to operate without reprisals. He would also welcome

further information on the measures in place to expedite the alignment of existing laws with the Constitution and the State Party's obligations under the Covenant.

9. It would be of interest to the Committee to hear examples of cases in which provisions of the Covenant had been invoked by national courts and to have clarification regarding the Covenant's position in the State Party's hierarchy of laws. He wondered what measures had been taken to raise awareness of the Covenant among the public, government officials and justice professionals, and whether civil society participated in the preparation of periodic reports and follow-up procedures. Could the State Party provide a timeline for the ratification of the first Optional Protocol to the Covenant?

10. He would be grateful for further details on plans to allocate sufficient human and financial resources to the Zimbabwe Human Rights Commission, ensure that it could receive external funding without prior government approval and protect it from interference by the executive branch. He wished to know how the State Party guaranteed a clear, transparent, participatory and merit-based process for selecting and appointing the Commission's senior leadership team, as well as ensuring pluralism among its members.

11. It would be useful to have further information on the State Party's plans to revise the relevant provisions of the Termination of Pregnancy Act of 1977, reduce the high rates of maternal mortality and ensure full and unimpeded access to sexual and reproductive health services for all men, women and adolescents. Data on maternal and infant mortality in urban and rural areas would also be welcome.

12. He would like to know what measures would be taken to remove the provision of the Death Penalty Abolition Act allowing the reinstatement of the death penalty in exceptional circumstances, ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, incorporate the abolition of the death penalty into the Constitution, and commute the sentences of all persons sentenced to the death penalty pending rehearing and ensure their timely access to legal aid.

13. **Mr. Teraya** said that he wished to know how the 11 members of the Zimbabwe Anti-Corruption Commission were nominated, how the Commission was managed and whether any political motivations of the nominating authority could be eliminated. In view of reports that a new entity had been established, seemingly bypassing the Commission, he would like to know whether that entity had a constitutional basis, and how conflicts were handled when its decisions competed with those of the Commission.

14. He would welcome further details on the types of corruption cases brought before the Anti-Corruption Courts, the number that had resulted in convictions or penalties and the number involving high-ranking public officials. He would appreciate the delegation's response to allegations that high-level officials were able to bypass the one-farm-per-official policy by registering multiple farms under family members' names, and that those officials' associates were allowed to seize undesignated land. It would be useful to learn whether there were objective criteria for land redistribution and what mechanisms were in place to ensure transparency and impartiality.

15. He would like to obtain more information on the measures implemented to prevent threats against magistrates and judges handling corruption cases, and on the status of cases involving anti-corruption activists and journalists, including Hopewell Chin'ono and Jacob Ngarivhume. He wondered how the State Party assessed the effectiveness of programmes aimed at overcoming environmental challenges, addressed the issue of weak enforcement and distributed international climate-related funding, particularly at the local level. He would be grateful for further details on the State Party's disaster risk management strategies and its efforts to educate local communities on disaster preparedness and response.

16. He wished to know whether the State Party intended to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance. If not, he wondered what obstacles were preventing its accession. He also wondered whether the State Party could confidently assert that the existing provisions of the Criminal Law (Codification and Reform) Act fully covered torture and cruel, inhuman, or degrading

treatment, and how it ensured that existing domestic laws adequately addressed and prevented enforced disappearance.

17. He would welcome data on complaints received regarding torture, enforced disappearance and alleged misconduct by law enforcement and security forces, along with the corresponding investigations conducted by independent accountability mechanisms. He would also be grateful for information on the impact of human rights training provided to justice professionals.

18. **Mr. Helfer** said that he would like to know why the report of the Chihambakwe Commission of Inquiry on the atrocities committed by State security forces in the Matabeleland and Midlands provinces in the 1980s had never been published. He would appreciate clarification of the status of the community engagement plan to promote healing from the Matabeleland and Midlands atrocities, and would like to know whether the Community Engagement Manual of the National Council of Chiefs had been implemented. He wondered whether the previous granting of amnesty to the security forces would affect the State Party's ability to hold perpetrators accountable.

19. He would welcome further details on the steps that would be taken to investigate and prosecute the members of the State security forces who had been involved in election-related violence in 2008, and implement the recommendations of the International Commission of Inquiry regarding the election-related violence perpetrated by members of the State security forces in 2018. He also wished to know how the State Party intended to achieve the unfulfilled objectives of the National Peace and Reconciliation Commission, and would welcome an update on the status of the proposal to transfer that Commission's functions to the Zimbabwe Human Rights Commission.

20. He would like to know what measures were being taken to prevent discrimination on all the grounds prohibited by the Covenant, including sexual orientation, and whether it was true that there were plans to adopt foreign funding restrictions for advocates of the rights of lesbian, gay, bisexual and transgender people. He would appreciate information on the legislation criminalizing sexual relations between consenting adults of the same sex and the individuals currently detained under that legislation. Would the State Party consider decriminalizing such relations?

21. He would be grateful for more information about the measures in place to enhance the social inclusion and political participation of persons with disabilities and the implementation of section 85 of the Constitution, which expanded access to remedies for victims of discrimination and third parties. The Committee would appreciate information on complaints of discrimination during the reporting period, including the alleged grounds for discrimination, the investigations conducted and any redress provided to victims.

22. He would welcome further information on investigations into reported incidents of hate crimes and hate speech on the basis of sexual orientation, gender identity, disability, and HIV status, as well as details on legislative and other measures taken to prevent and punish such crimes. He would like to know what steps were being taken specifically to improve the implementation of existing laws and policies aimed at increasing women's representation and participation in the public sphere. He would also be grateful for information on efforts to raise public awareness of the Cyber and Data Protection Act; on the remedies provided to victims of gender-based violence; and on initiatives to address negative media and Internet coverage of female elected officials and political candidates.

23. **Ms. Bassim** said that she would like to receive information on recent measures to prevent and combat all forms of violence against women; monitor and prevent femicide; encourage the reporting of cases by female victims of violence, especially rape victims; tackle the reportedly low prosecution rates of cases of violence against women; and identify all members of the State security forces who had committed acts of sexual violence during the crackdowns on protesters in January 2019 and bring them to justice. She also wondered how the Government had addressed the numerous reports of increased violence against women and girls during the coronavirus disease (COVID-19) pandemic.

24. She would be grateful for further details on the measures in place to ensure the full respect of basic procedural safeguards for detained persons, data regarding the use of

non-custodial alternative measures to pretrial detention, and information on steps taken to reduce the use and duration of pretrial detention. She would welcome the delegation's comments regarding reports of arbitrary arrests and the detention of political opposition leaders, trade union leaders and protestors.

The meeting was suspended at 4.05 p.m. and resumed at 4.35 p.m.

25. **A representative of Zimbabwe** said that the Private Voluntary Organisations (Amendment) Bill did not interfere with the financial obligations of civil society organizations, but rather sought to ensure that they declared their sources of funding. The amendment was part of a broader set of measures adopted in response to a mutual evaluation report published in 2016 by the Eastern and Southern Africa Anti-Money-Laundering Group, which analysed the country's level of compliance with the 40 recommendations of the Financial Action Task Force. Following significant legal and institutional reforms, Zimbabwe was now compliant with 33 of the 40 recommendations. Once the Bill had passed into law, its provisions would be subject to scrutiny by the Constitutional Court, and any citizen could challenge those provisions.

26. The main aim of the Maintenance of Peace and Order Act was to ensure that security and law enforcement forces were present to provide safety during gatherings, not to stifle or regulate when or how such events could take place. Individuals had the right to express themselves freely, but they must consider the rights of others while doing so.

27. Just 15 of the more than 200 pieces of legislation that had required alignment with the 2013 Constitution had yet to be amended. The Government's efforts to protect the environment included a ban on alluvial and riverbed mining, which had been the subject of engagement with stakeholders and was enforced by the security forces.

28. **A representative of Zimbabwe** said that the Chairperson of the Zimbabwe Human Rights Commission was appointed by the President in consultation with the Parliamentary Committee on Standing Rules and Orders and the Judicial Service Commission. The recommendations of the Speaker of Parliament must also be taken into consideration. The same process applied to the appointment of commissioners. It was important for the State to finance its own institutions, including the Zimbabwe Human Rights Commission, whose funding was allocated by the Treasury. External funding must be approved by the Government in order to prevent money-laundering and the sponsoring of State institutions by foreign bodies.

29. **A representative of Zimbabwe** said that a programme to assist the victims, and their families, of atrocities occurring in rural areas in past decades was being led by Chiefs with the assistance of church leaders, and the possibility of granting compensation to them was under discussion. Provisions regarding the death penalty had been removed from legislation, including section 16 of the Defence Act. The process of amending legislation to guarantee women's right to abortion had begun. Although the country's culture and traditions prevented the legalization of same-sex marriage, homosexual persons lived normal lives free from discrimination and could have relationships with persons of the same sex. Although the National Peace and Reconciliation Commission had been disbanded in accordance with the sunset provision of the section of the Constitution relating to that Commission, its work had been taken up and continued by the Zimbabwe Human Rights Commission. Human rights issues were also dealt with by a unit in the Office of the Vice President.

30. **A representative of Zimbabwe** said that the courts very often invoked section 85 of the Constitution, which related to the enforcement of fundamental human rights. A great deal of progress had been made in the appointment of women to high-level positions. Women held, for example, the posts of Prosecutor General and Deputy Speaker of the Senate, and more than half of civil servants were women. The Constitution had been amended to introduce quotas for women in Parliament and in councils. A hybrid electoral system was in place, and Members of Parliament elected via proportional representation were not entitled to resources from the Constituency Development Fund. The judicial system protected women and men from domestic violence through, for instance, victim-friendly courts and facilities at police stations and hospitals. He was not aware of any cases in which members of the opposition party had been denied bail; the question of bail was a matter for the judiciary in which the executive branch did not interfere so as to respect the separation of powers.

31. **A representative of Zimbabwe** said that two distinct, and successful, phases of land reform had taken place since the 1980s with the aim of addressing land inequalities, easing overpopulation and enhancing agricultural productivity. That process had been fine-tuned in recent years, for example by the signing of an agreement in 2021 with white former commercial farmers that granted them compensation totalling \$3.5 billion, although that compensation had yet to be paid in full. A new tenure system was being introduced to further enhance productivity by transferring land titles to farmers, and the Government had issued 99-year leases to many small-scale farmers. The success of the reforms was illustrated by the country's self-sufficiency in wheat production during the current season.

32. **A representative of Zimbabwe** said that prior to its disbanding, the National Peace and Reconciliation Commission had not fully completed its mandate owing to, inter alia, financial constraints, and the Government was endeavouring to establish a replacement. Civil society was always consulted during the drafting of periodic reports. Although the courts invoked international instruments, national legislation took precedence in the case of conflicting provisions. Work was under way to ratify the two core international human rights instruments to which Zimbabwe was not yet a party.

33. The Ministry of Justice, Legal and Parliamentary Affairs had met with stakeholders to bring into force the legal amendments made to abolish the death penalty. Death sentences would not automatically be commuted to life imprisonment: all of the around 50 inmates previously on death row would be brought before the High Court for retrial and resentencing, and each case would be considered individually to ascertain their behaviour while in prison and how long they had spent in detention, among other aspects. Discrimination, particularly on the basis of gender and disability, was prohibited under the Constitution and other legislation, and provisions were in place to ensure equal opportunities in the workplace and in politics. The inclusion of persons with disabilities was promoted through a national disability policy.

34. **A representative of Zimbabwe** said that persons arrested on Fridays were no longer held in custody over the entire weekend; the 2013 Constitution had introduced a requirement for arrested persons to be brought before a court within 48 hours, and courts now sat on Saturdays to meet that requirement. An application must be made to extend detention beyond 48 hours.

35. **A representative of Zimbabwe** said that the provision of the Criminal Law (Codification and Reform) Amendment Act criminalizing wilful injury to State sovereignty and national interest could not be said to impair the enjoyment of fundamental human rights. Many jurisdictions around the world made similar provisions: no State expected its citizens to deliberately harm national interests.

36. Following the violence in 2008, the police had duly carried out their investigations and cases had been tried and adjudicated in the courts. It was accepted that there had been disturbances following the 2018 elections and a commission of inquiry had been set up. While it was true that six people had died, there was no evidence to suggest that they had been killed by State security forces. Recommendations had been made to compensate the victims. The matter was being dealt with by the Ministry of Labour, though some of the claims had been unsuccessful.

37. **A representative of Zimbabwe** said that women who had been abused during the COVID-19 pandemic had reported their cases to the police, investigations had been carried out and the perpetrators had been brought to justice. The State was not inactive in such cases, but victims themselves did not always cooperate. The difficulty was that such incidents often occurred within a couple. A woman, for example, could report an incident but later withdraw her complaint, fearing that the family would lose its breadwinner. In such cases the State was powerless: no one could be compelled to testify against their partner. However, should a woman wish to escape from such a situation, she could take refuge in one of the shelters run by women's organizations; her case could then safely be reported and the perpetrator prosecuted. Legal assistance could be sought from women's organizations, women's lawyers associations and the Law Society of Zimbabwe.

38. **A representative of Zimbabwe**, referring to the question of detention of political opposition leaders, said that no one was brought before the courts unless there were

reasonable grounds to suspect that an offence had been committed. It was possible that individuals might claim political affiliation of some kind merely in order to evade arrest, but if they were suspected of an offence they should be brought before the courts. At times even senior members of the ruling party had been arrested for offences of various kinds. There was no selective justice.

39. **Mr. Yigezu** said that the proposals on registration of non-governmental organizations (NGOs) could be seen as an attempt to threaten or ban organizations that worked in defence of human rights. If the purpose of the Private Voluntary Organisations (Amendment) Bill was to curb money-laundering and the financing of terrorism, he would like to know what evidence there was that civil society organizations had ever engaged in such activities. Moreover, as the State Party already had legislation to prevent and suppress foreign and international terrorism, he wondered why it was necessary to introduce a new law targeting civil society organizations specifically. He was concerned that such proposals might pave the way for interference with the right to freedom of association and freedom of speech. The same applied to legislative amendments introducing extremely harsh penalties such as loss of citizenship. Such measures would hamper the work of civil society.

40. **Mr. Helfer** said that the Committee welcomed the information provided on the State Party's efforts to address impunity for past human rights violations. The reason for raising the issue was that there had been a number of incidents over the years, often in connection with elections, that had given rise to serious violations. The Committee would urge the State Party to continue with investigations in order to prevent impunity and provide comprehensive healing and reconciliation, which was key to ensuring that such incidents were not repeated.

41. He would welcome an answer to his earlier question on discrimination on the basis of sexual orientation, specifically in the workplace, and discrimination against Zimbabwean NGOs engaged in advocacy on such issues. He would also appreciate a reply to his question on the decriminalization of consensual same-sex relations, a measure that would allow all individuals to enjoy the rights and freedoms protected in the Covenant without discrimination.

42. The Committee would be interested to know how the legal framework on hate crimes and hate speech was applied and how reports of hate speech were investigated. It would also be interesting to hear about the State Party's experience in implementing the Cyber and Data Protection Act, which he understood criminalized online gender-based violence, as well as any affirmative steps that had been taken to address negative coverage of female political candidates on the Internet.

43. **Mr. Teraya** said that he would appreciate an answer to his questions concerning torture and enforced disappearance.

44. **A representative of Zimbabwe** said that work on the question of the death penalty was ongoing, including to clarify the Government's position. Change would take time.

45. **A representative of Zimbabwe** said that the Constitution allowed for abolition of the death penalty by legislation. Amending the Constitution was a cumbersome process and the enactment of the law had made abolition effectively possible in the meantime. The death penalty was no longer permitted.

46. **A representative of Zimbabwe** said it was notable that the bill proposing abolition of the death penalty had been proposed by a member of the opposition, and the Government had supported it.

The meeting rose at 5.45 p.m.