



Republic of Zimbabwe

COMBINED

**SIXTEENTH PERIODIC REPORT UNDER THE
AFRICAN CHARTER ON HUMAN AND PEOPLE'S
RIGHTS**

AND

**SECOND PERIODIC REPORT UNDER THE PROTOCOL
TO THE AFRICAN CHARTER ON THE RIGHTS OF
WOMEN IN AFRICA (2019-2023)**

December 2023

Table of Contents

Table of Contents	i
ACRONYMS	iii
PART A: SIXTEENTH PERIODIC REPORT UNDER THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS	1
INTRODUCTION.....	1
DEVELOPMENTS SINCE THE PREVIOUS REPORTING.....	1
RATIFICATION OF REGIONAL AND INTERNATIONAL INSTRUMENTS.....	2
DEATH PENALTY, EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCE	3
PROHIBITION OF TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT.....	5
DUE PROCESS AND CONDITIONS OF DETENTION.....	6
RIGHT TO FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION:	9
RIGHT TO FREEDOM OF ASSEMBLY AND ASSOCIATION.....	10
ECONOMIC, SOCIAL AND CULTURAL RIGHTS	11
RIGHT TO ADEQUATE STANDARD OF LIVING AND DEVELOPMENT.....	22
REFUGEES, MIGRANTS AND STATELESS PERSONS.....	26
WOMEN AND CHILDREN'S RIGHTS	29
PERSONS WITH DISABILITIES	39
OLDER PERSONS.....	44
EXTRACTIVE INDUSTRIES AND ENVIRONMENT	46
HUMAN RIGHTS INSTITUTIONS.....	53
PERSONS WITH DISABILITIES	66
COOPERATION WITH THE COMMISSION.....	66
CONCLUSION.....	66
PART B:.....	67
BACKGROUND INFORMATION.....	67
INTRODUCTION.....	67
INTERNATIONAL AND REGIONAL COMPLIANCE	68
NATIONAL CONSTITUTIONAL AND LEGISLATIVE MEASURES.....	68
CONSTITUTIONAL MEASURES.....	68

LEGISLATIVE MEASURES	69
ADMINISTRATIVE MEASURES	70
SPECIFIC PROVISIONS OF THE PROTOCOL	71
ARTICLE 2: ELIMINATION OF DISCRIMINATION AGAINST WOMEN.....	71
ARTICLE 3: RIGHT TO DIGNITY	73
ARTICLE 4: THE RIGHT TO LIFE, INTEGRITY AND SECURITY OF THE PERSON	75
ARTICLE 5: ELIMINATION OF HARMFUL CULTURAL PRACTICES	76
ARTICLE 6 & 7: MARRIAGE, SEPARATION, DIVORCE AND ANNULMENT OF MARRIAGE	77
ARTICLE 8: ACCESS TO JUSTICE AND EQUAL PROTECTION BEFORE THE LAW.....	78
ARTICLE 9: PARTICIPATION IN THE POLITICAL AND DECISION-MAKING PROCESS.....	79
ARTICLE 10 AND 11: RIGHT TO PEACE & PROTECTION OF WOMEN IN ARMED CONFLICT	80
ARTICLE 12: EDUCATION AND TRAINING.....	81
ARTICLE 13: ECONOMIC AND SOCIAL WELFARE RIGHTS	83
ARTICLE 14: RIGHT TO HEALTH AND REPRODUCTIVE RIGHTS.....	84
ARTICLE 15: RIGHT TO FOOD SECURITY	85
ARTICLE 16: RIGHT TO ADEQUATE HOUSING	85
ARTICLE 17: RIGHT TO POSITIVE CULTURAL CONTEXT	86
ARTICLE 18: RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT.....	86
ARTICLE 19: THE RIGHT TO SUSTAINABLE DEVELOPMENT.....	87
ARTICLE 20: WIDOWS RIGHTS & ARTICLE 21: INHERITANCE LAWS.....	87
ARTICLE 22: SPECIAL PROTECTION OF ELDERLY WOMEN	88
ARTICLE 23: SPECIAL PROTECTION OF WOMEN WITH DISABILITIES	88
ARTICLE 24: RIGHTS OF WOMEN IN DISTRESS.....	89
CONCLUSION.....	89

ACRONYMS

ACHPR- African Charter on Human and Peoples' Rights
GoZ- Government of Zimbabwe
TSP - Transitional Stabilisation Programme
NDS1- National Development Strategy 1
PWDA - Persons with Disabilities in Africa
CAT- Convention Against Torture
OPCAT- Optional Protocol to the Convention against Torture
CEDAW- Convention on the Elimination of All Forms of Discrimination against Women
ICCPR- International Covenant on Civil and Political Rights
ZHRC- Zimbabwe Human Rights Commission
ZPCS - Zimbabwe Prisons and Correctional Service
PTD - Pre-Trial Diversion Programme
LAD- Legal Aid Directorate
ICT- Information and Communication Technology
MOPA- Maintenance of Peace and Order Act
POSA- Public Order and Security Act
ZRP -Zimbabwe Republic Police
ZNHSP- Zimbabwe National Human Settlements Policy

CBA- Collective Bargaining Agreement
NSSA- National Social Security Authority
LMDA- Labour Market Diagnostic Analysis MSMEs- Micro Small and Medium Enterprises
SMEDCO- Small and Medium Enterprises Development Corporation
SMEs- Small and Medium Enterprises
STEM- Science, Technology, Engineering and Mathematics
ECD- Early Childhood Development
BEAM- Basic Education Assistance Module
SOA- Surgery, Obstetrics and Anaesthesia
MoPSE - Ministry of Primary and Secondary Education
MHCC - Ministry of Health and Child Care
NHS- National Health Strategy
CSSF- Community Systems Strengthening Framework
CHP- Community Health Package
PHC- Primary Health Care
PMTCT- Prevention of Mother-to-Child Transmission
EMA-Environmental Management Act
ZINWA- Zimbabwe
RSD- Refugee Status Determination

GCR -Global Compact for Refugees
GCM- Global Compact for Migrants
SADC- Southern African Development Community
CRD- Central Registry Department
UNHCR- Nations High Commissioner for Refugees
GBV- Gender Based Violence
OSC- One Stop Centers
VAC- Violence Against Children
EMIS- Education Management Information System
OPC- Office of the President and Cabinet
RNGP- Revised National Gender Policy
BEAM- Basic Education Assistance Module
CCWs- Community Child-Care Workers
NCMS- National Case Management System
IDTR - Identification, Documentation Tracing and Reunification
VAC- Violence against Children
FDMSP- Food Deficit Mitigation Strategy programme
ATIMC -
SASA- Start, Awareness, Support and Action
PWDs- Persons with Disabilities

ZHRC- Zimbabwe Human Rights Commission
ZBC- Zimbabwe Broadcasting Corporation
UNPRPD- United Nations Partnership on the Rights of Persons with Disabilities
ZITF- Zimbabwe International Trade Fair
CCWs- Community Care Workers
AMTO- Assisted Medical Treatment Order
EIA- Environmental Impact Assessment
EMA- Environmental Management Assessment
MAB- Mining Affairs Board
CSOTs- Community Share Ownership Trusts
CRF- Consolidated Revenue Fund
WHO- World Health Organisation
EMPs- Environmental Management Plans
SERA- Special Emergency Response and Assistance
CGU- Cash Generating Unit
WMS- Waste Management Services
ZMC- Zimbabwe Media Commission
ZMCAGR- Zimbabwe Media Commission Act General Regulations
FOIA- Freedom of Information Act
ZBC- Zimbabwe Broadcasting Corporation

IMLD- International Mother Language Day
IDFUI- International Day for Universal Access to Information
ICB- Institutional Capacity Building
ZHRC - Zimbabwe Human Rights Commission
NHRI- National Human Rights Institution
AOMA - Association of African Mediators
NPRC- National Peace and Reconciliation Commission
ZGC- Zimbabwe Gender Commission
GBV- Gender Based Violence
SGBV- Sexual Gender Based Violence
MOU- Memorandum of Understanding
CEDAW- Convention on the Elimination of Discrimination Against Women
NGF- National Gender Forum
ZEC- Zimbabwe Electoral Commission
ZAAC- Zimbabwe Anti-Corruption Commission
ZLC- Zimbabwe Land Commission
ZRP- Zimbabwe Republic Police
CAT- Convention Against Torture
ZPCS- Zimbabwe Prisons and Correctional Services
EPTH- Elections and Policing Training Handbook

CPEA- Criminal Procedure and Evidence Act
CLCRA- Criminal Law Codification and Reform Act.
CRC- convention on the Rights of a Child
NSSA- National Social Security Authority
ILO- International Organisation
PSMAS- Premier Services Medical Aid Society
NEP- National Employment Policy
ZLMDA- Zimbabwe Labour Market Diagnostic Analysis
TNF- Tripartite Negotiating Forum
STEM- Science, Technology Engineering and Mathematics
NDS1- National Development Strategy 1
TWG - Technical Working Groups
NSPPFZ- National Social Protection Policy Framework for Zimbabwe
NOC- National Orphan Care
LEDS- Low Emissions Development Strategy
NDC - Nationally Determined Contribution
WASH- Water Sanitation and Hygiene
SDGs- Sustainable Development Goals
NWHP- National Water Harvesting Programme
CCL- Cabinet Committee on Legislation.

MPSLSW- Ministry of Public
Service Labour and Social
Welfare
SNES- Special Needs
Education Section
ASGM- Artisanal and Small
Scale Gold Mining

EIE- Extractive Industries and
Environment
PWA- Parks and Wildlife Act
MECTHI- Ministry of
Environment, Climate,
Tourism and Hospitality
Industry

HRI- Human Rights
Institute

PART A:

SIXTEENTH PERIODIC REPORT UNDER THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

INTRODUCTION

1. The Government of Zimbabwe (GoZ) is pleased to present its 16th Periodic Report (hereinafter referred to as the "Report") under the African Charter on Human and Peoples' Rights (ACHPR). The Report details the progress made during the period from 2019 to date in the promotion and protection of human rights for the people of Zimbabwe, showing the State Party's commitment in improving and upholding human rights of its citizenry. Information is provided under each article with regards to the constitutional, legislative and administrative measures undertaken by the GoZ to implement obligations arising from the ACHPR. In addition, information is provided on challenges being faced by the GoZ in the implementation of such obligations.
2. The Report will provide responses to the recommendations made by the African Commission on Human and Peoples' Rights (hereinafter referred to as the "Commission") in its concluding observations on Zimbabwe's 11th- 15th Periodic Reports submitted in 2019.

DEVELOPMENTS SINCE THE PREVIOUS REPORTING

3. After having successfully implemented the Transitional Stabilisation Programme (TSP) which resulted in macro-economic stability and stimulated economic growth, the GoZ embarked on another economic blueprint informed by the achievements of the TSP, the National Development Strategy 1 (NDS1). The NDS1 provides for an inclusive development path, focusing on the judicious use of the country's resources to accelerate equitable and sustainable economic growth and development. The NDS1 (2021-2025) is an ambitious action plan that seeks to address bottlenecks facing the country, manage risks and exploit emerging opportunities that will transform lives in pursuit of the Nation's Vision of achieving a Prosperous and Empowered Upper Middle-Income Society by 2030.
4. During the period under review, the GoZ and the former farm owners' representatives engaged in extensive negotiations over the compensation figures for improvements, including assets and land clearing costs, on the land compulsorily acquired from the former farm owners. The Global Compensation Agreement was developed in compliance with the Constitution¹ and the GoZ's respect for the rule of

law. It is also a reflection of GoZ's commitment to the successful conclusion of the land redistribution process in a dignified manner that restores the integrity and dignity of all the people of Zimbabwe who were affected by the necessary land reforms.

5. GoZ is now strictly enforcing the law against illegal occupation of land. Small scale farmers, including former farm owners who were allowed to remain on their farms or parts thereof, are being granted bankable 99-year leases as tenure security. This is in line the Constitution which provides for security of tenure for occupiers of agricultural land.
6. It is imperative to note that the period under review witnessed the world-wide outbreak of the COVID 19 pandemic and Zimbabwe was not been spared from the global pandemic. COVID-19 pandemic has affected the social, economic, political and security dynamics in Zimbabwe. However, the GoZ managed to mitigate the impact of the pandemic by embarking on massive awareness raising, lockdowns, provision of social safety nets and countrywide vaccination campaign.

RATIFICATION OF REGIONAL AND INTERNATIONAL INSTRUMENTS

7. Zimbabwe continued with efforts to ratify, domesticate and implement provisions of international human rights treaties.
8. The GoZ is in the process of depositing instruments of accession of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.
9. The GoZ is in the process of depositing instruments of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.
10. Consultations on ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights are underway.
11. Zimbabwe signed the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment on 21 March 2018. Ratification of the Treaty is underway.
12. The GoZ is considering ratification of the African Charter on Values and Principles of Civil Service and Administration having conducted internal consultations.

13. The GoZ is yet to make a decision on acceding to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT).
14. The GoZ is yet to make a decision on acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT).
15. The GoZ signed and accession was done in 1991 to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
16. GoZ is yet to make a decision on acceding the following instruments: of the International Convention for the Protection of all Persons from Enforced Disappearance, CAT, Optional Protocol CAT.
17. The Instruments of ratification for the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families are currently under review and to be placed before Cabinet for approval.
18. Zimbabwe has not yet ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, Zimbabwe has adequate laws and policies that addresses the concerns raised and contained in the Protocol.
19. The GoZ ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities on 23 September 2013 together with the main Convention.
20. The GoZ is undertaking national consultations towards taking a position on ratification of the Second Optional Protocol to the ICCPR aiming at the abolition of the Death Penalty.
21. The GoZ is in the process of making policy considerations on the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

DEATH PENALTY, EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCE

22. The GoZ has no record of cases on extra judicial killings during the period under review and in the event of allegations of such they will be investigated in accordance with the law with the view of holding those responsible to account. It is, however, of interest and worth highlighting to the Commission that there is a disturbing trend of negative events that always happen in the country whenever there are

international events or visits to the country by prominent public officials. The Committee is referred to paragraph 26 for cases of alleged enforced disappearances.

23. As at July 2022 there were sixty-six (66) inmates on death row and one hundred and forty-nine (149) serving life sentences. All these are incarcerated either at Khami Maximum Prison, Harare Central Prison and Chikurubi Maximum Prison. Each of these prisons has a resident medical doctor as required by Part VI of the Prisons Act [*Chapter 7:11*]. Every prisoner is examined by doctors on admission into prison. Section 39 of the same Act makes specific provision for examination of inmates under sentence of death. Consequently, there have not been premature death of inmates under sentence of death or serving life terms. By way of statistics, from 2020 to the present, there have been two deaths of prisoners under sentence of death and the deaths were natural deaths not as a result of neglect. Of the two, one died due to tuberculosis and the other of abdominal pains.
24. In addition, GoZ recorded a total nineteen (19) inmates Covid-19 related deaths. To curb the widespread of the virus in prisons, between in 2021 out of 21 538 inmates, 16 165 received the first dose, 13 418 received the second dose and 2 647 received the third dose (booster).
25. Section 48 of the Constitution recognizes the right to life of every human being. Section 48 (3) of the Constitution limits the right to life in certain circumstances. The guarantee is limited in the circumstances of court granting a death penalty. Irrespective of this proviso, there is a moratorium on execution of death sentences. This is confirmed by the fact that the last death sentence was executed on 22 July 2005.
26. Of interest and worth highlighting to this Commission is the disturbing trend of negative events that always happen in the country whenever there are international events or visits to the country for the allegedly enforced disappearance. The report will highlight a few such examples: -
 - a. Peter Magombeyi was allegedly abducted on the eve of the visit by the Special Rapporteur Mr. Clemment Vole, which was two days before attendance of the UN General Assembly by the President of the Republic of Zimbabwe.
 - b. Johanne Mundoza was alleged abducted a week before 30 August International Day of Victims of Enforced Disappearances.

- c. Obert Masaraure was allegedly abducted on 6 June, two days after the Commemoration of the International day of Innocent Children Victims of Aggression.
 - d. Samantha Kureya was allegedly abducted soon after an unsanctioned demonstration.
 - e. Regarding the issue of the alleged enforced disappearances of the three women opposition political party members, firstly, this matter does not fall under the category of enforced disappearances. This is a case that involves three women, who are members of an opposition political party. The case was extensively investigated by the Zimbabwe Republic Police (ZRP). It was established that their allegations were false and that they had staged the abductions, in a bid to tarnish the image of the Government. Consequently, they were charged and arraigned before the courts. The matter is pending before the courts, although one of them has since absconded to Europe and a warrant of arrest has since been issued against her. It is believed that this is not mere coincidence, but a ploy to tarnish the image of the country.
27. On the reported case of Itai Dzamara, an activist journalist, who was allegedly abducted in 2015 and has since not been found. The GoZ is maintaining the fortnightly updates on the Itai Dzamara's case in compliance with the High Court order. Further to that, a reward of US\$10 000 for any information leading to his location is still standing.

PROHIBITION OF TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT

28. The GoZ does not condone torture. The Constitution and laws of Zimbabwe outlaws torture. In particular, section 53 of the Constitution provides for freedom from torture or cruel, inhuman or degrading treatment or punishment. This provision binds every person and institutions (including security and law enforcement agents). The Constitution further provides in section 86(3)(c) that no law may limit this right.
29. The Criminal Law (Codification and Reform) Act [*Chapter 9:23*] ("the Code"), criminalises acts of torture. In terms section 89 of the Code, physical torture can be prosecuted as assault or, in serious cases, attempted murder. Other forms of torture such as starving prisoners or detaining them under harsh and intolerable conditions can be prosecuted as criminal abuse of duty on the part of the perpetrator.

30. Zimbabwe is currently seized with amendments and alignment of its legislation with the Constitution and a comprehensive law on torture is under active consideration.
31. On the need to adopt measures to criminalise torture in line with the Convention Against Torture and the Robbin Island Guidelines, reference is made to response on paragraph 28 above. Zimbabwean laws are in conformity with provisions of CAT and the Robben Island guidelines.
32. Since the last report there are no known cases and statistics on torture.
33. Section 242 of the Constitution establishes the Zimbabwe Human Rights Commission, ("the ZHRC"). The ZHRC is an independent body whose functions include to receive and investigate complaints of human rights violations from the public. The ZHRC can also give directives to the Commissioner-General of Police to investigate cases of criminal or human rights violations and the Commissioner-General of Police must comply with such directives.
34. The GoZ is enacted the Zimbabwe Independent Complaints Commission Act [*Chapter 10:34*] in pursuant to section 210 of the Constitution which states that "*an Act of Parliament must provide an effective and independent mechanism for receiving and investigating complaints from members of the public about misconduct on the part of members of the security services, and for remedying any harm caused by such misconduct.*" The Act establishes an independent Commission that will allow complaints of misconduct from members of the public against members of the security services to be investigated and provides remedies for such misconduct. The Act also makes provision for the functions, composition and obligations of the Commission.
35. In addition to the independent mechanism cited in paragraph 28, the Police Service has professional updating centres to train members of Police on the treatment of arrested and detained persons humanely with respect to their inherent dignity. ZRP and ZPCS training of new recruits and serving members include human rights training modules as part of their core skills which includes the humane treatment of arrested and detained persons to give effect to section 53 of the Constitution. Furthermore, the Prisons Bill is also proposing extension of categories of persons or institutions to have the visiting justice status as a mechanism to strengthen observance of human rights.

DUE PROCESS AND CONDITIONS OF DETENTION

36. The Open Prison system has now been extended to female prisoners. On 2 June 2021, an Open Prison was opened for females in Marondera. The number of inmates has fluctuated from thirty-five (35) to three (3) inmates at Marondera Open Prison between as at May, 2022 and June 2023 respectively. Some of the female inmates are however accompanied by their infant children. Further, the GoZ is proposing in the Prisons and Correctional Service Bill to include correctional community centres and temporary correctional facilities as facilities for detention.
37. GoZ is utilising the Commission's Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines). The conduct of the security services is however also informed by the Constitution and legislation, in particular the Criminal Procedure and Evidence Act [*Chapter 9:07*].
38. Arrests are made with a Warrant or on reasonable grounds of suspicion. The law dictates that use of force should be reasonable and proportionate. Searches are carried out with a warrant and without a warrant where it is reasonable and justifiable to do so. Decency is also respected.
39. Section 50 of the Constitution comprehensively provides for the rights of arrested and detained persons. These rights include the right to be notified of these rights upon arrest and the reason for the arrest, the right to access to a legal practitioner and medical practitioner. Pre-trial detention should not exceed 48 hours unless extended by a competent court. Arrested persons are also entitled to decent and humane conditions of detention. Female accused persons are detained in cells separate from males. Accused persons who are perceived to pose harm to others are detained separately.
40. The Police also keep registers for detained and arrested persons which are subject to inspection. The Police command carries out checks to ensure compliance with the law by police officers. The police also have accessible "complaints against police" desks in all police districts and provinces. ZRP is accountable to independent institutions like Zimbabwe Anti-Corruption Commission, the Judiciary and Zimbabwe Human Rights Commission who occasionally carry out visits to police stations, investigate complaints against the police and give recommendations and directives.
41. Guided by section 48 of the Constitution, the Zimbabwe Republic Police has incorporated the provisions of General Comment No. 3 on the Right to Life in its training programmes. The police run extensive training programmes for both recruits and serving members. Recruits undergo a two-year programme, and the training curriculum includes a subject on Human Rights, Elections and Policing. ZRP also crafted the ZRP Human Rights, Elections and Policing Training Handbook which is a

guide for trainers. There are also Professional Updating Centres in all provinces where Public Order Management trainings are regularly conducted. The right to life forms a core component of the subjects. Members of the police are trained to exercise restraint in the use of force. Any use of force must comply with section 42 of the Criminal Procedure and Evidence Act and the Constitution.

42. The GoZ continues to increase budgetary support to the ZPCS and take measures to improve the conditions of prisons. For example, in the 2020 financial year ZPCS received a budgetary allocation of ZW\$708,415,000.00 which was later revised upwards to ZW\$1,381,000,386.00. In the 2021 financial year ZPCS received ZW\$5,083,942,000.00.
43. In addition to direct budgetary support to the ZPCS, Government is supporting production at its 24 prison farms. In 2020, ZW\$5,818,000.00 was allocated towards production enhancement at the farms to ensure food production for inmates. The figure was later revised to ZW\$50 000 000.00.
44. Facilities have been upgraded to improve conditions of detention. Treasury has been supporting Zimbabwe Prisons and Correctional Service ("ZPCS") rehabilitation programs. In 2022 GoZ has availed a total of one hundred and sixty-two million nine hundred and seven thousand dollars ZWL\$162,907,000.00 to ZPCS towards rehabilitation of inmates.
45. As at 18 July 2022, a total of thirty-nine (39) juvenile offenders are currently in prisons nationwide. However, the GoZ has established the Whawha Young Offenders Prison, specifically for juvenile offenders, where the inmates pursue educational programmes. In addition to other community based juvenile rehabilitation initiatives, the GoZ availed a total of thirty-nine million four hundred and eighty-four thousand nine hundred dollars, (ZWL\$39,484,900.00) in 2021 which was used for providing educational tools and machinery to facilitate skills training for the reintegration of young offenders.
46. Furthermore, Section 81(1)(i)(ii) of the Constitution provides that every child has the right not to be detained, except as a measure of last resort and if detained to be kept separately from detained persons over the age of 18 years. In this regard, the GoZ is working on a child justice law which seeks to establish a separate juvenile justice system that is centred on principles of restoration and rehabilitation of juvenile offenders. It aims among other objectives at increasing the minimum age of criminal responsibility to twelve and take into account specific vulnerabilities of children in conflict with the law, including the needs of children with disabilities. The

Bill contains a provision that establishes separate courts to deal with children in conflict with the law and fosters a restorative as opposed to a punitive justice system for children.

47. In 2009, the GoZ adopted as a policy position for the implementation of a pilot Pre-Trial Diversion Programme (PTD) for children in conflict with the law. The PTD programme is now in thirty-two (32) districts implementing diversion from a total of 54 court districts and in all ten provinces of the state. The GoZ has in the same vein improved budgetary allocations for the PTD programme which now receives an annual allocation from Treasury and it is funded under the programme-based budgeting. It must be highlighted that PTD is no longer a trial program but a national establishment which will be statutorily provided for with the enactment of the Child Justice Bill. Further, the GoZ conducts continuous professional development of staff and implementing stakeholders on child friendly justice system in all districts implementing PTD through trainings.
48. Like any other Government Department, the Legal Aid Directorate (LAD), through the Ministry of Justice, Legal and Parliamentary Affairs vote, receives yearly budgetary support approved by Parliament through the Appropriation Act. LAD is currently in all ten (10) provinces in Zimbabwe and the decentralisation to the districts has commenced with four (4) district offices opened namely Chiredzi, Chivhu, Gokwe and Chipinge. Accordingly, the GoZ is committed to opening at least three district offices on a yearly basis with a target of reaching at least thirty (30) new district centres by the year 2030.

RIGHT TO FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION:

49. The GoZ passed into law on the 1st of July 2020, the Freedom of Information Act [Chapter 10:33] which guarantees the right to access to information, as contained in section 62 of the Constitution. The Act provides for voluntary and mandatory mechanisms or procedures, to give effect to the right of access to information so as to facilitate swift, inexpensive and simple access to information. The Act further promotes transparency, accountability and effective governance by taking any steps necessary to educate or inform the public their rights in terms of the Act as well as ensuring that appropriate assistance is afforded to members of the public seeking to exercise the right of access to information in order to facilitate the exercise of the right.
50. Section 62 of the Constitution provides for the right to access to information in general through various mediums including the internet. While there is no specific law that deals with access to the internet and social media, the Cyber and Data

Protection Act [*Chapter 12:07*] was enacted to consolidate cyber related offences and provide for data protection with due regard to the Declaration of Rights under the Constitution and the public and national interest. The Act also establishes a Cyber Security Centre and a Data Protection Authority, as well as provides for investigation and collection of evidence of cyber-crime and unauthorised data collection and breaches, whilst providing for the admissibility of electronic evidence for such offences. This will create a technology driven business environment and encourage technological development and the lawful use of technology to access information.

51. Though there is no specific legislation on right to internet access, the GoZ under the National Development Strategy 1 (NDS 1), has prioritised digitalisation as a cross cutting measure to reduce urban-rural divide and popularise access to ICT by all its citizens. The GoZ also reviewed the Zimbabwe National Information and Communication Technology Policy (2021-2025) by placing more focus on issues of infrastructure development and management, research, innovation and industry development, policy streamlining, regulatory framework on ICTs and institutional mechanisms, as well as capacity building and content development.
52. It was noted that the COVID-19 pandemic ushered in the rapid growth of teleworking and the high demand for digital solutions in the economy, particularly in the Business and Education sectors, hence the need to continue development of the ICT sector to meet the changing demands. Through consultation, it was observed that the extent to which e-services and applications are used was dependent on the level of achievement of the aforementioned developmental issues.
53. Furthermore, through the National ICT Plan, the Government set the country on a path to become a knowledge-based society targeting ubiquitous connectivity by 2030. Strategic focusses include: closing the digital divide through rural coverage, improved electricity access, ICT skills development and policy streamlining. Under this initiative, the Government has also pushed for internet connectivity across all schools in Zimbabwe and has extended support to 6,300 primary and secondary schools with private sector technical partnerships in order to provide cost cutting internet service provision in rural and remote areas of the country.

RIGHT TO FREEDOM OF ASSEMBLY AND ASSOCIATION

54. Zimbabwe is fully implementing the ACHPR Guidelines on Freedom of Assembly and Meetings. Section 58 of the Constitution guarantees the right to freedom of assembly and association. In a bid to entrench democratic values and align legislation with the Constitution, Zimbabwe enacted the Maintenance of Peace and Order Act

(MOPA) [*Chapter 11:17*] which repealed the contentious Public Order and Security Act (POSA).

55. The MOPA facilitates the enjoyment of the right to freedom of assembly and provides limitations to the right within the framework of section 86 of the Constitution, which forms the preamble of the new Act. The Act requires conveners of meetings to “notify” the police of intention to assemble. There is no requirement to seek authorisation. The notification requirement is not burdensome. Whereas in terms of POSA, demonstrators could be arrested for failure to produce identity particulars upon demand, under the current legislative regime a person can only be arrested if he fails to produce the identity particulars within seven days of the request.
56. The police are mandated to protect assemblies free of charge thereby facilitating the enjoyment of the right to assemble. The Zimbabwe Republic Police continues to train its members on public order management and human rights to ensure that incidents of public disorder are handled in a way that does not violate in particular the right to freedom of assembly and association.
57. The rights of human defenders are guaranteed by the Constitution and other legislation including the Criminal Law Codification and Reform Act. Section 69 of the Constitution also grants everyone the right of access to courts for recourse. Like any other Zimbabwean citizen, human rights defenders are protected by law hence there is no need for the enactment of a specific legislation to protect their interests. The Constitution of Zimbabwe protects every person in as far as enjoyment and fulfilment of rights are concerned.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

RIGHT TO HEALTH

58. Measures have been taken to address harmful cultural and religious practices that negatively affect the health and wellbeing of children especially the girl child including:
 - a. Dialogue and capacitation of community leaders is a continuous process.
 - b. Awareness campaigns targeting children on Child Rights.
 - c. A policy has been put in place that all survivors of sexual violence should be attended to at the first port of call which is usually the health institution, overriding the previous policy where a survivor of sexual violence was expected to report to the police first before being attended to.

- d. To promote the health and wellbeing of children in such situations, they also benefit from the free maternity fees to promote access, prevent complications and mortality.
 - e. Government through the Ministry of Health and Child Care, has health personnel who go into the apostolic sects' shrines to raise awareness on the dangers of harmful cultural and religious practices.
 - f. Marriages Act [*Chapter 5:17*] now in place and criminalises child marriages.
 - g. Content on harmful cultural and religious practices has been mainstreamed into the curriculum for primary and secondary education as part of the human-rights-based approach adopted by the GoZ. The Education Act [*Chapter 25:04*] has been aligned to the Constitution of Zimbabwe, to take on-board the bill of rights for children. Ongoing community engagement on such issues is part of the education strategic plan.
59. To guarantee access and affordability of life saving surgeries for the population, Section 76 of the Constitution, provides that no person shall be refused emergency treatment at any health facilities. The Government of Zimbabwe is in the process of developing a Surgery, Obstetrics and Anaesthesia (SOA) Strategy, which is intended to define basic package of surgery so to increase access of affordable lifesaving surgeries. The SOA package is intended to be available to all citizenry in fulfilment of the right to health as set out in the Constitution, which is in sync with universal health coverage.
60. There is progressive growth of health budget towards commitment to the Abuja Declaration targets. In 2020, the health budget was at 13% of the national budget. The 15% target was exceeded with a larger part of the funds being rechannelled towards fighting the Covid-19 pandemic, by procuring vaccines and consumables separately outside the health budget.
61. The GoZ launched the Zimbabwe School Health Policy in March, 2018 to operationalise comprehensive school health programming from the time children enter school at the Infant level to the completion of secondary education. In spite of the school health policy, there are pertinent issues that need to be addressed to improve the health and nutrition status of children at infant school level.

62. With respect to nutrition provision, there is need to sensitise school heads, teachers-in-charge, teachers and parents on provision of nutritious meals to address the issues of unhealthy eating habits. Focus Group interviews reported rising cases of obesity and eating of junk food. There is need for this policy to ensure a cost effective and sustainable feeding programme at the infant level; implement a hygiene promotion programme; growth monitoring and promotion and ensure all teachers in the infant school are trained on health, nutrition and nurturing care principles. Since health, nutrition and care support is cross-cutting, there is need also for this policy to provide strategies to strengthen institutional linkages and collaboration especially with respect to referrals of learners who get sick in school.

Tables 1: the HPV immunisation figures for Zimbabwe for 2021:

Year	Province	Dose 1	Dose 2
2021	Bulawayo Province	14206	15328
2021	Harare Province	53430	26005
2021	Manicaland Province	42937	25677
2021	Mashonaland Central Province	22279	14694
2021	Mashonaland East Province	29299	15597
2021	Midlands Province	31481	20907
2021	Matabeleland North Province	15900	85725
2021	Matabeleland South Province	14038	7969
2021	Masvingo Province	30270	21227
2021	Mashonaland West Province	32325	20021
2021	Zimbabwe	286165	253150

Table 2

Year	Province	Dose 1	Dose 2
2022	Bulawayo Province	3	6
2022	Harare Province	126	0
2022	Manicaland Province	67	13
2022	Mashonaland Central Province	217	32
2022	Mashonaland East Province	535	527
2022	Midlands Province	271	79
2022	Matabeleland North Province	214	312
2022	Matabeleland South Province	68	58
2022	Masvingo Province	518	271
2022	Mashonaland West Province	77	83
2022	Zimbabwe	2096	1381

63. The GoZ is working on a National Health Insurance Scheme to ensure that, every citizen has access to a basic package of services at point of care without facing any financial outlet.
64. The National Health Strategy (NHS 2021-2025) provides strategic directions to improve on access to care provide for financial protection and ensure quality provision without leaving anyone behind. The NHS has been costed as a means to total resource need for the health sector response for the next five years. Of critical importance is the drive towards increased domestic resource utilisation and mobilisation.
65. Recognising that community health remains a key opportunity to advance Universal Health Coverage, Government through MoHCC has streamlined packages provided at community level. Following the adoption of the Primary Health Care Strategy which established the Village Health Worker program, Zimbabwe moved away from a curative focused health care system to a preventive and promotion model. The Village Health Worker cadres continues to provide a varied health care package across districts and provinces.
66. A Community Systems Strengthening Framework for health was developed with an aim of eliminating inefficiencies in community health financing, governance and other essential functions like training, development and aligning the package of service.
67. Comprehensive Health Package (CHP) outlines a core package of evidence- based and cost effective PHC interventions that will improve the health of Zimbabweans in both rural and urban communities. In developing the package of services for the community level, the GoZ used the life-course approach to ensure equity across populations. This approach focuses on a healthy start to life and targets the needs of people at critical periods throughout their lifetimes. It promotes timely investments with a high rate of return for public health and the economy by addressing the root causes and not the consequences of health. For effective implementation the package of services outlined in the CHP will be delivered as an integrated whole. The GoZ and all partners involved in PHC service delivery will use this package as a guide when implementing health programmes.
68. Aimed at delivering the right interventions at the right stages of life at the appropriate level of care the CHP follows an integrated life course and continuum of care approach. While the life course approach links the physical and social hazards during gestation, childhood, adolescence, young adulthood and midlife that affect chronic disease risk and health outcomes later in life an effective continuum of care

refers to continuity of individual care and ensures that appropriate care is available wherever it was needed and linked where necessary to other levels of care. The continuum of care approach involves a system that guides and tracks patients over time through a comprehensive array of health services that span all levels an intensity of care. The approach is targeted 3 main levels of continuity in care which are Informational Continuity, Management Continuity and Relational Continuity. Integration along the continuum also promotes opportunities to link with other important programs along the continuum of care such as nutrition promotion in addition to more vertical programs such as prevention of mother-to-child transmission (PMTCT) of HIV, Malaria control and Immunisation programs. CHP Interventions offer Promotional, Preventive and Curative Services including: -

- a. Reproductive Health.
- b. Pregnancy ANC; Postpartum Care.
- c. New-Born Care (0-28 Days).
- d. Infancy and Childhood Care split into different age groups to focus rehabilitation and support (28 days to 5 years); Community IMNCI/ICCM for under 5; 6 to 9 years; 10 to 14 years and 15 years and above.
- e. Geriatric Care.
- f. Key Populations.
- g. Population Based Support.

69. Zimbabwe’s health service delivery is established at 4 (four) levels to ensure access to health services as demonstrated by Table 3 below showing the health facilities profile serving the entire population of Zimbabwe. The GoZ has also increased access to health services at community level by establishing health posts below the clinic level. Each health post serves three hundred and fifty households; thus it decreases distance.

Table 3: Health facilities profile in Zimbabwe.			
Hospital Facilities	<i>Number</i>	Primary Health Facilities	<i>Number</i>
Central hospitals	6	Clinics	1122
Provincial hospitals	8	Polyclinics	15
District hospitals	44	Mission clinics	25
Mission hospitals	62	City council/municipal clinics	96
Rural hospitals	62	Rural health centres	307
		Private clinics	69

Total	214	Total	1634
<i>Source: National Health Strategy.</i>			

RIGHT TO WORK

70. Section 63 of the Constitution provides for the universal protection of all categories of workers in Zimbabwe without any discrimination related to the nature of the job. The Labour Relations (Domestic Workers) Employment Regulations, 1992 further provides protection to workers in the domestic sector. With regard to the setting of minimum wages, the Salaries and Wages Advisory Board which is a tripartite set-up meets regularly to review the wages and salaries of employees in the domestic sector. The National Employment Council of the Agricultural Sector, which is an institution composed of representatives of employers and employees in the agricultural sector also determines the minimum wages for employees.
71. The Commission is informed that the NSSA provides social security to workers in both the public and private sectors in Zimbabwe. The Government also has a pension scheme that covers civil servants whilst some private companies also provide pension private pension schemes to their workers. Currently the Government with technical support from the International Organisation (ILO) is seized with the development of social security schemes for workers in the informal sector with a view to ensure comprehensive social coverage of all workers in Zimbabwe.
72. With regard health care services, civil servants are catered through the Premier Services Medical Aid Society (PSMAS) where the employer contributes 80% of subscriptions whilst the employee pays the balance. Workers in the private sector are catered by the various company provided medical schemes that particular companies select for their workers.
73. The Labour Act [*Chapter 28:01*] provides for protection of all employees from hazardous labour for all workers including those engaged in the transport and industrial sectors. The Sectors also have sectoral Collective Bargaining Agreement (CBA) that are agreed between the employers and employees in the sectors through their National Employment Councils.
74. The GoZ, with support from the International Labour Organisation is reviewing the National Employment Policy which was adopted by Cabinet in 2010. To address the challenge of coordination in the implementation of employment creation activities, the GoZ has established a standalone Employment and Promotion

department that will coordinate employment issues across all Government Ministries and the private sector.

75. The GoZ together with the tripartite partners in 2021 conducted the Labour Market Diagnostic Analysis (LMDA) with a view to proffer policy options to address challenges in employment creation in the economy. In response to the LMDA as well as to support MSMEs in the various sectors, a total of two hundred and thirty (230) businesses in the sectors of manufacturing, retail, services, agriculture and financial services were funded to the tune of three hundred and sixteen million three hundred and seven thousand nine hundred and eighty- two dollars (\$316 307 982.00) through the Small to Medium Enterprise Development Corporation (SMEDCO). Further, eighty-eight (88) SMEs projects in livestock development, local endowments and Savings and Credit Cooperatives were funded in Matabeleland North, Masvingo and Manicaland Provinces under the OFID SME Projects to the tune of USD3,290,800.00. In 2022 at least four hundred and fifty (450) MSMEs were funded to the tune of over of \$2,000,000,000.00 through SMEDCO targeting mainly businesses in the manufacturing sector. This is against an allocation on \$838,550,000.00 which Treasury has provided.
76. In order to promote formalisation and decent work, land for construction have been identified in various Districts of the Country and agreements were signed between the Ministry and the respective local authorities and construction processes are currently underway.
77. The plan for 2022 was to construct 5 modern workspaces in other provinces to the tune of ZWL\$650,000,000.00. The GoZ has so far provided for ZWL\$318,649,000.00.

RIGHT TO EDUCATION

78. Science, Technology, Engineering and Mathematics (STEM) remains a key government policy which supports the teaching of science and mathematical subjects in schools. The GoZ has mainstreamed STEM from infant education to higher and tertiary education level. STEM has changed from funding individual students to institutional capacity strengthening. STEM is central to the Curriculum Framework for Primary and Secondary Education from Early Childhood Development to Advanced level. The GoZ has prioritized the provision of STEM teachers in its Teacher Capacity Development Programme as well as recruitment drive. Efforts are underway to avail science laboratories, technical workshops and equipment at all schools, including the use of mobile science laboratories. The number of technical and vocational learning areas has been expanded, particularly

at secondary education level. The curriculum assessment framework has been transformed to include the Continuous Assessment of Learning Activities, in order to strengthen the practical application of theory.

79. While science and technical-vocational education is compulsory at primary and lower secondary education level, pupils have defined choices of curriculum pathways at the secondary education level, hence the participation rates in STEM can easily be differentiated at the Lower Sixth and Upper Sixth form level.
80. To address this trend, the Career Guidance programme has been strengthened to sensitise pupils on career pathways from as early as ECD with a view to achieving gender equality in the STEM professions and industrialisation efforts.
81. Basic Education Assistance Beam (BEAM) has increased its target coverage to 1,5 million for primary and secondary pupils during the 2022 financial year. BEAM is also providing school uniforms and stationery for the beneficiaries as part of the Social Protection pillar under the NDS1. To address challenges in the administrative of timely processing of the BEAM payment, the BEAM operational manual is under review. Tables below illustrate the number of beneficiaries of BEAM for the year 2021.

Table 4: Primary School Learners with Funding Assistance by Type, Sex and Province, Number and Percentage, Zimbabwe 2021

Province	Total on BEAM, No.			Other Learners paid for outside BEAM, No.			Grand Total	% learners on BEAM
	Male	Female	Total	Male	Female	Total		
Bulawayo	5 226	5 304	10 530	1 941	2 687	4 628	15 158	8.84
Harare	7 753	7 845	15 598	1 884	2 031	3 915	19 513	4.90
Manicaland	62 933	65 826	128 759	7 824	9 037	16 861	145 620	28.67
Mashonaland Central	42 956	42 671	85 627	6 746	6 974	13 720	99 347	32.15
Mashonaland East	29 458	28 626	58 084	3 536	3 378	6 914	64 998	19.07
Mashonaland West	33 251	32 734	65 985	3 146	3 414	6 560	72 545	19.53
Masvingo	40 179	39 755	79 934	6 251	6 457	12 708	92 642	21.18
Matabeleland North	27 334	27 879	55 213	3 227	3 419	6 646	61 859	32.23
Matabeleland South	14 783	14 932	29 715	1 190	1 479	2 669	32 384	19.40
Midlands	46 298	47 613	93 911	5 684	6 390	12 074	105 985	25.19
Total	310 171	313 185	623 356	41 429	45 266	86 695	710 051	21.72

EMIS 2021 ANNUAL EDUCATION STATISTICS REPORT

Table 5: Secondary School Learners with Funding Assistance by Type, Sex and Province, Number and Percentage, Zimbabwe 2021 (EMIS 2021 ANNUAL EDUCATION STATISTICS REPORT)

Province	Total on BEAM, No.			Other Learners paid for outside BEAM, No.			Grand Total	% learners on BEAM
	Male	Female	Total	Male	Female	Total		
Bulawayo	991	1 129	2 120	1 185	3 859	5 044	7 164	3.62
Harare	2 858	2 582	5 440	1 137	1 448	2 585	8 025	3.90
Manicaland	19 640	18 182	37 822	2 845	10 416	13 261	51 083	20.73
Mashonaland Central	14 493	13 026	27 519	1 606	2 877	4 483	32 002	30.98
Mashonaland East	9 961	8 819	18 780	1 593	2 471	4 064	22 844	14.26
Mashonaland West	12 020	10 847	22 867	1 270	3 707	4 977	27 844	18.42
Masvingo	10 173	9 919	20 092	1 672	3 110	4 782	24 874	13.25
Matabeleland North	8 034	7 595	15 629	1 646	3 872	5 518	21 147	26.65
Matabeleland South	3 010	3 560	6 570	831	2 967	3 798	10 368	11.48
Midlands	13 087	12 551	25 638	1 296	5 224	6 520	32 158	17.71
Grand Total	94 267	88 210	182 477	15 081	39 951	55 032	237 509	16.05

82. In line with the constitutional provision on basic education, the GoZ has introduced Grants-in-Aid of Tuition as a measure towards the eventual elimination of user-fees by parents for children to enjoy the right to education.

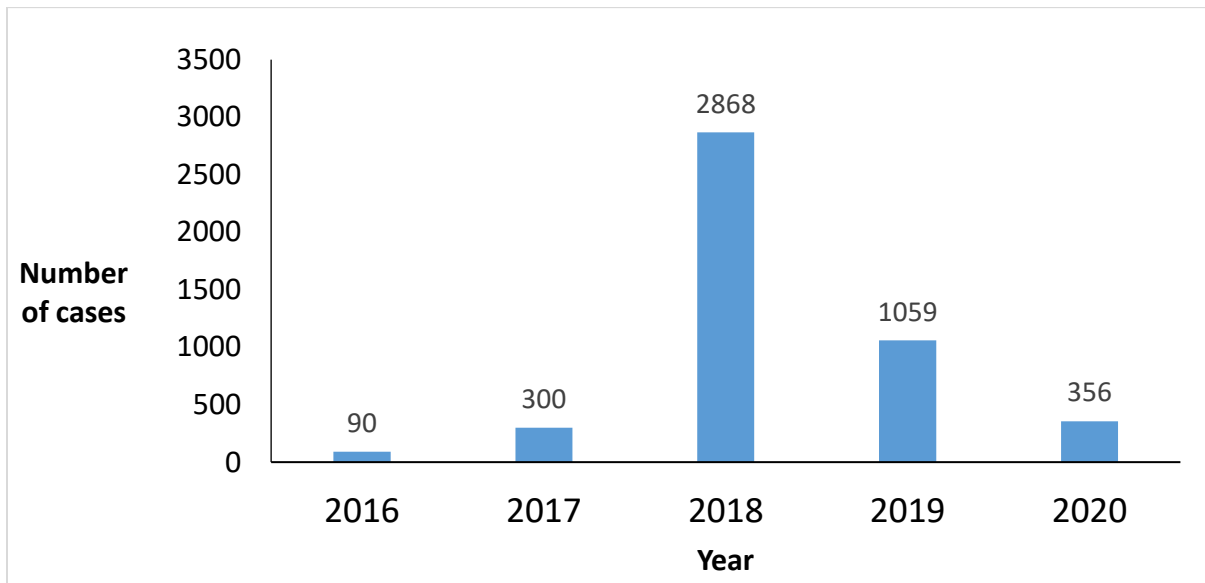
RIGHT TO PROPERTY

83. **99-year lease-** The Attorney General is currently working on an Organogram Laws Amendment Bill which will amend a number of Acts in order to make the 99 year lease a more robust form of land tenure. This includes making the 99 year lease bankable and transferable and shortens the process of acquiring a 99year lease. A2 farmers including former farm owners who were allowed to remain on their farms or parts thereof are to get 99 Year leases as tenure security. This is in line with section 292 of the Constitution which provides for security of tenure for occupiers of agricultural land.
84. **Security tenure documents-** In order to ensure and entrench security of tenure, the Ministry of Lands introduced the securitized land occupation permit for the resettled commercial farmers. This permit is an improvement from the previous offer letters which were not proper legal tenure documents.
85. **The Joint venture framework-** As the GoZ moves towards ensuring food security and self-sufficiency in food production, it has introduced forms and joint venture framework. Given the increased demand in land, government created a platform where potential farmers and investors in agriculture can access land through joint ventures with land holders under the land reform program. These Joint Ventures are approved incidentally by the Ministry of Lands in order to protect investors. Any interested investor can participate regardless of race or country of

origin. Currently 1400 joint ventures have been approved with a total hectareage of 150 000 ha under joint ventures.

86. **Periodic Land Audits**- The Land Commission Act establishes the Zimbabwe Land Commission whose duty among other things is to make recommendations to Government regarding equitable access and holding occupation of agricultural land and the diminution of unfair discrimination. They also conduct periodic land audits to ensure compliance with the law. The ZLC carried out the first phase of the national land audit in 2018 through sampling one district per province. The ultimate intention is to cover each district. The report is being used to inform land policy on various issues.
87. The ZLC is mandated by section 297 of the Constitution to investigate and determine complaints and disputes regarding the administration and allocation of agricultural land. Through resolving disputes ZLC has also made several recommendations to improve on the administration, transparency and accountability in the allocation or withdrawal of tenure thereby improving rights to access land. Since 2016, ZLC has handled a total of 4 668 cases. The information of cases brought to ZLC for the period under review is shown in diagram below.

Table 6: Number of land disputes handled



88. **Decentralisation** of ZLC to district level in 2018 has made it easier for farmers to access justice closer home, hence the big jump of reported cases since 2018.

89. **Global Compensation Deed**- This is an agreed framework for the compensation of former farm owners whose land was redistributed under the land reform **program**. The former farm owners agreed to US\$3 Billion in compensation. Further to this over 200 farmers who retained use of their land have been given tenure documents in the form of offer letters and 99 year leases.
90. **The Zimbabwe National Human Settlements Policy** (ZNHSP) was launched in 2020 towards a well-planned and well governed sustainable human settlement towards all people including the poor and rural population. The policy provides the following;
- a) **Sanitization and Regularization** is a process of correcting the wrong whereby all informal settlements will be regularized and sanitized by central government in conjunction with respective local authorities like Council. Regularisation will ensure that proper sewer and water reticulation are put in place to ensure that human settlement standards are met. A regularization protocol will be developed to standardize the process. In particular instances where applicable, high rise apartments will be used to address double and multiple allocations e.g Epworth, Caledonia, Solomio are in the process of being regularised.
 - b) **Social Housing**- It will be provided by the Government and local authorities to cater for those who do not qualify or may not afford rental housing will be accommodated e.g. vulnerable groups like orphans. The GoZ in conjunction with Local Government built houses for the victims of Cyclone Idai, for example, thirty-seven (37) houses in Binga. Zimbabwe has measures in place for the provision of social security, health care and pension schemes for civil servants and the private sector workers. Zimbabwe pensions' industry has a has four basic pillars namely: -
 - (i) the mandatory old age pension, survivor insurance and invalidity insurance under the National Social Security Authority (NSSA),
 - (ii) The mandatory public occupational pension,
 - (iii) the private voluntary employer sponsored group pension arrangements and
 - (iv) the individual savings plan.
91. The Commission is further informed that NSSA administers a compulsory defined pension arrangement for employees working in the formal sector under the National Pension Scheme, also known as the Pension and Other Benefits Scheme.

For employees in the public sector, there is the Public Service Pension Scheme which is a pay-as you go scheme for employees in the civil service.

RIGHT TO ADEQUATE STANDARD OF LIVING AND DEVELOPMENT

92. The impacts of climate change and variability are becoming more evident with increased incidences of droughts, cyclones, floods, hail-storms and heat waves.
93. Zimbabwe recognizes the threat of climate change which is a hazard to its sustainable socio-economic development and a possible risk to the attainment of its own Vision 2030. Recognizing the threat of climate change and the high vulnerability of its people and communities, Zimbabwe adopted its National Climate Policy in 2017 to guide climate change management in the country, enhance the national adaptation capacity, scale up mitigation actions, facilitate domestication of climate related global policies and ensure compliance to the global mechanisms. Implementation of the Policy is supported by the National Climate Change Response Strategy which aims to mainstream climate change across all sectors of the economy and provides costed mitigation and adaptation options.
94. Currently, Zimbabwe is developing a National Adaptation Plan. The GoZ has conducted a national climate change risk and vulnerability assessment and future climate scenario projections which inform the selection of appropriate adaptation options. The National Adaptation Plan will also come up with a financing strategy and monitoring and evaluation framework for the identified adaptation options.
95. On climate change mitigation the country has adopted its Low Emissions Development Strategy (LEDS) in 2022 which guides climate change mitigation across all sectors for the period 2021–2050. The LEDS identified thirty-eight (38) mitigation actions among them; renewable energy, energy efficiency, climate smart agriculture, sustainable forestry management and integrated waste management among others.
96. The right to safe, clean and portable drinking water is central to the realisation of other human rights such as the right to food and livelihoods, children’s rights, rights of persons with disabilities and women. Section 77 of the Constitution states that every person has the right to safe, clean and portable water. In this regard, the State is directed to take reasonable legislative and administrative measures, within its limits to achieve the progressive realisation of this right. Against this background, the GoZ, in collaboration with development partners, undertook the following programmes:

- a. **Rural Wash programmes:-** The goal of rural Water Sanitation and Hygiene (WASH) programmes is to contribute to the reduction of morbidity and mortality due to WASH related diseases; to reduce the burden of water collection on women and girls, to improve dignity, basic education outcomes and gender equality towards achievement of the SDGs. The programmes undertaken are as detailed in the table below.

Table 7: Rural wash programmes

Activity	Number
Borehole drilling	2 575
Borehole rehabilitation	5 574
Community managed piped water schemes	12
Water points rehabilitation	10 377
Construction of Blair Ventilated Improved Pit Latrines	181 646
Open defecation free villages	1 069

- b. **The Small Towns WASH Programme:** - This programme contributes to the reduction of diarrheal diseases, including the risk of cholera and other water borne diseases. The GoZ conducted several activities including rehabilitation of water and waste-water infrastructure thereby increasing water supply and waste water treatment efficiency, operation and maintenance. In addition, the GoZ undertook capacity building and establishment of community health clubs as vehicles for hygiene promotion in urban areas through health education resulting in behavioural change.
- c. **Urban Resilience Project:** - The goal of this project is to develop a model for urban resilience in Zimbabwe. Urban resilience was achieved through training of vulnerable members of urban communities on entrepreneurial skills to stimulate local economic development, improved access to WASH facilities at urban public places through rehabilitation and construction of WASH facilities at public places.
- d. **WASH in Schools:** - The goals of WASH in schools are improved access to safely managed WASH infrastructure to learners and teachers (disability and girl friendly,

and age appropriate), improved hygiene behaviour among learners (with age appropriate messaging), enhanced capacity for operation and maintenance of WASH infrastructure in the target schools.

- e. **Water resources management:** - Tugwi-Mukosi dam, which was built through Public Sector Investment Project was commissioned in 2017. The main goal for the construction of the dam is to improve water security to support livelihoods and irrigation in Masvingo Province. The construction of the dam has improved water security in the Masvingo Province through irrigation, fishing and tourism among other opportunities meant to improve livelihoods. The Goz further commissioned Marovanyati Dam, Muchekeranwa Dam, Biri Dam to alleviate the water shortage problems in the country.
- f. **The National Water Harvesting Programme** whose goal is to enhance water security for domestic use and cattle watering in rural communities and enhanced food security through irrigation. The information for this programme is detailed below.

Table 8: Distribution of water harvesting programmes

Programme	Number
construction of Weirs/Small dams	117
nutrition gardens and fish ponds weirs or small dams constructed	48 completed and 158 under construction
Model rooftops systems installed	22
Offtakes implemented	6
integrated projects established	6
dams under construction	11

- 97. The Commission is referred to page 19-22 of the Compendium of Projects Implemented by the Second Republic for more information on projects under

improved access to water supply and climate adaptation implemented during the period under review. ¹

98. The GoZ considers improving on adaptive capacity, increasing climate knowledge and reducing over-relying on climate sensitive sectors as key to reducing the country’s vulnerability to climate change. While Zimbabwe was affected by major disasters such as Cyclone Idai and cyclical droughts that impacted livelihoods of its citizens by depleting water sources, the GoZ has taken the following measures to mitigate the problem: -

a. Cyclone Idai Interventions

Table 9: Cylone Idai Interventions

Intervention	Number
Boreholes drilled in affected areas.	20
Restoration of water supplies for stations affected	18
Rehabilitation of dams and conveyance systems affected	5

- b. Provision of bulk water trucking was successfully carried out in Chipinge and Chimanimani.
- c. Presidential borehole drilling scheme began to mitigate droughts that the country was experiencing due to climate change.
- d. Pertaining to sanitation, the GoZ has a mandate, through the Environmental Management Agency (EMA) to ensure ambient water quality. This refers to the quality of water in open water bodies such as rivers and lakes, ensuring that it is free from pollution. EMA conducts the monitoring of solid waste and effluent management within local authorities. Section 57 of the Environmental Management Act [*Chapter 20:27*] criminalises water pollution. The section also empowers a convicting court to make an order for remediation of any damage which may have occurred as a result of the pollution.
- e. EMA has on several occasions taken local authorities to court for poor waste management. An example is Norton Town Council which has been before the Magistrates Court three times in the past 5 years. A successful example in terms of remediation was when the court ordered Masvingo Municipality to repair pumps at their waste management plant and to also bear cost of removal of water hyacinth which had resulted from frequent deposits of nutrient rich effluent into a

¹ Attached as Annexure 1

water body. Recently, ZINWA settled out of court after they made urgent arrangements to sort out their effluent treatment plant in Maphisa.

REFUGEES, MIGRANTS AND STATELESS PERSONS

99. To ensure the full protection of refugees and asylum seekers in the country, Zimbabwe has made strides in creating favourable conditions to promote the admission, protection and attainment of durable solutions. To this effect, Zimbabwe ratified the 1951 Convention on the Status of Refugees and its 1967 Protocols. These international legal instruments extended the responsibility to protect refugees and asylum seekers by State Parties and Zimbabwe has complied with its international obligations under these instruments pursuant to Article 26 of the Vienna Convention on The Law of Treaties.
100. To ensure the attainment of effective protection through fair Refugee Status Determination (RSD) procedures, Zimbabwe further acceded to the 1969 OAU Convention on Specific Aspects of Refugee Problems in Africa. This instrument extended the refugee definition to cover circumstances that are specific to Africa.
101. Furtherance to the aforementioned, in 2019 Zimbabwe consented to the Global Compact for Refugees (GCR) and the Global Compact for Migrants (GCM) towards safe, orderly and regular migration. These two sources of soft law necessitated the submission of protection initiatives that are to be attained in a cycle of three (3) to five (5) years. As part of the phase (1) submissions Zimbabwe has:
 - a. Conducted a regional symposium on Environment and humanitarian affairs which paved way for the integration of climate related displacement to humanitarian interventions. It also resulted in the crafting of a response strategy to climate related displacement.
 - b. Establishment/ Re- opening of a reception centre at Nyamapanda Border aimed at improving reception condition of newly arrived asylum seekers.
 - c. Strengthening of self-reliance projects at Tongogara so as to foster possible graduation from dependency on hand-outs. Projects like horticulture with the use of hydroponics, piggery, poultry and other initiatives were established.
 - d. Measures are underway to improve and amend the Refugees Act [*Chapter 4:03*] and national policies on refugee protection to ensure that current global trends and improvements that have been effected in international law are also incorporated into local legislation.

102. In order to protect the rights of migrants in line with International Law, Zimbabwe with the assistance of development partners, is in the process of developing the Migration Policy for Zimbabwe, which is now in its final stage.
103. In 2019, Zimbabwe developed the National Referral Mechanism for Vulnerable Migrants in Zimbabwe. The mechanism was developed to cater for the rights of migrant persons and it links together the different stakeholders involved in identification, referral, assistance, repatriation and monitoring, and defines clear roles for each, along with the procedures to follow, to ensure the protection of migrants' rights.
104. The establishment of Reception and Support Centres in Beitbridge and Plumtree was a major stride in advocating for the rights of migrant persons. The Centres were designed to cater for the immediate needs of deported persons from South Africa and Botswana. At the Reception and Support Centres, migrants are guaranteed of a place of safety, transport assistance, food, shelter, safe migration advice, health care among other basic necessities. Other places of safety in Zimbabwe include the Repatriation Centre in Harare. The Centre is a place of safety for destitute and in most instances old foreign nationals from around the world in need of return and reintegration to their countries of origin.
105. Zimbabwe also enacted the Trafficking in Persons Act [*Chapter 9.25*] to fight trafficking in persons. It is important to underscore the fact that the National Plan of Action is the implementation tool of the Trafficking in Persons Act and is based on four pillars, namely; prevention, protection, prosecution and partnership.
106. The 2030 Agenda for Sustainable Development recognizes migration as a core development consideration, marking the first time that migration is explicitly integrated into the global development agenda.
107. SDG 4 is explicit in addressing the issue of quality education and this covers migrant children. Education can facilitate migrant children's socio-economic integration and improve their livelihoods as children. The implementation of the SDGs provides an opportunity to protect and empower mobile populations to fulfil their development potential and benefit individuals, communities and countries around the world.
108. In Zimbabwe, migrant children are a priority and once they return, they are included in social protection programs like BEAM. In some instances, young

migrant returnees are placed in places of safety like children's homes where they have access to education. As at June 2022 GoZ had a total of 15 151 refugees. There are 646 children enrolled at Tongogara ECD, 2 351 children at Tongogara Primary School, 630 at St Michael's Secondary School. In addition, 67 youths are studying various disciplines at both state and private higher and tertiary education institutions.

109. Zimbabwe's constitutional and legislative framework broadly covers the issue of statelessness and substantially gives effect to the spirit of the two Conventions. The coming into effect of the Constitution in 2013 sought to cure the problem of statelessness encountered by children of refugees displaced by war and civil strife within and around the SADC region. Section 43(2) of the Constitution provides Zimbabwean citizenship to every person born in Zimbabwe before the publication day if one of his or her parents was a citizen of a country which became a member of the SADC, and he or she was ordinarily resident in Zimbabwe on the publication day.
110. Chapter 3 of the Constitution of Zimbabwe, 2013 provides for the acquisition of Zimbabwean citizenship and related matters. Zimbabwean citizenship is acquired by birth, descent, or registration. In terms of section 39(3) of the Constitution, Zimbabwean citizenship by registration must not be revoked if the person would be rendered stateless. In order to reduce statelessness, section 36(3) of the Constitution provides that a child found in Zimbabwe who is or appears to be less than fifteen years of age, and whose nationality and parents are not known, is presumed to be a Zimbabwean citizen by birth. Furthermore, in terms of section 38(3) of the Constitution a child who is not a Zimbabwean citizen, but is adopted by a Zimbabwean citizen is entitled to be registered as a Zimbabwean citizen upon application.
111. The GoZ promotes reduction of statelessness as provided by Section 11(3) of the Citizenship of Zimbabwe Act [*Chapter 4:01*] which prohibits the Minister from depriving a person of citizenship if he or she would be rendered stateless. In addition, where a person has dual citizenship, he is required to renounce his foreign citizenship to retain Zimbabwean citizenship. At no point is the person rendered stateless as renunciation can only be done when the person is already a citizen of another state.
112. The Constitution also gives effect to the provisions of the 1954 Convention relating to the Status of Stateless Persons. The Convention accords stateless persons the right to non-discrimination, the freedom to practice their religion, right of

association, right of access to courts and freedom of movement within the territory. The Constitution guarantees every person these rights. In particular, section 56(3) of the Constitution provides for the right to non-discrimination. Efforts are also being undertaken to align the Citizenship of Zimbabwe Act to the Constitution. The Bill, amongst other things, defines a child as a person under the age of eighteen years. This will essentially increase the age of an abandoned child who can be granted citizenship from fifteen years.

113. The Central Registry Department periodically undertakes mobile registration exercises to increase access to documentation. The GoZ, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), is set to conduct a study to establish whether there are stateless persons in Zimbabwe and the extent thereof. Modalities to conduct the study are now at an advanced stage. A consultant was engaged and has produced a desk review report which is currently awaiting adoption. The outcome will inform Government on the way forward.
114. Refugees who have been resident in Zimbabwe for a period of 10 years can acquire Zimbabwean citizenship by registration as provided for in terms of section 38 of the Constitution. Section 4 of the Citizenship of Zimbabwe Act sets out the procedure for the acquisition of citizenship. The person (including a refugee) makes an application for citizenship to the Minister of Home Affairs and Cultural Heritage or any Minister who may be assigned with the administration of the Act and must satisfy the requirements set out therein.

WOMEN AND CHILDREN'S RIGHTS

115. The GoZ continues to engage communities at different levels and platforms with the aim to sensitize and create a mind-set shift within communities in a bid to reduce cases of domestic violence and GBV.
116. In addition, the GoZ continues to **decentralize courts** to districts in order to afford every citizen access to courts within a 15-kilometer radius. New courts have been officially opened and commissioned in districts and major high-density areas.
117. The Domestic Violence Act criminalises acts of violence against women such as forced virginity testing, female genital mutilation and any other forms of physical or psychological violence.
118. Government carries out community-based awareness campaigns on Gender Based Violence (GBV) that focus on raising awareness on domestic violence, popularising the Domestic Violence Act, building community activism against domestic violence,

strengthening the capacity of the community to establish mechanisms for preventing and responding to domestic violence. Sensitisation campaigns are conducted for traditional leaders to take the lead role in discussing transformative masculinity, addressing rigid gender and social norms and the negative effects of patriarchy

119. In addition to the five (5) static One Stop Centers (OSC) as previously reported, the Goz continues to establish more static Centres as well as avail mobile ones in areas where there are no static Centres in order to ensure that service provision is readily available. More funds have been availed to establish more Centres across the country, also working with Development Partners, the State is moving with great strides in achieving this goal. In addition to the OSCs, the GoZ also operates toll-free numbers for purposes of receiving GBV cases to respond to such instances or cases.
120. Health institutions on their own, have one stop shop models where health service, social service and police service provisions are readily available for victims and survivors of GBV which promotes the National Health Strategy vision of well integrated health services. The Government of Zimbabwe has developed and operationalised a well disaggregated Violence Against Children (VAC) and GBV register for child and adult survivors of sexual violence. This allows for efficient and appropriate reporting of cases of VAC separate from sexual gender based violence.
121. The GoZ continues to promote and safeguard civil and political rights. In order to enhance the participation of women in politics, Parliament has extended the women’s quota (60 seats) in the National Assembly beyond 2023. In addition, the Constitution also provides for a 30% quota for women in local government.
122. The year 2021 saw the successful separation of the Constitutional Court and the Supreme Court. Zimbabwe now has a full Constitutional Court bench, comprising 5 men and 4 women Justices.

Table 10: Women in decision-making politics and public sector

Source: Ministry of Women Affairs, Community, Small and Medium Enterprises Development 2018-2021

	2018				2021			
	Women	Men	Total	% share of women	Women	Men	Total	Share of women
Political life								
GoZ Ministers	6	14	20	30	5	15	20	25
Ministers of State	5	5	10	50	6	6	12	50

Parliament	120	230	350	34	113	205	318	35.5	
Local Government Councilors	190	1,169	1,359	14	274	1,684	1,958	14	
Public sector									
Permanent Secretaries	6	14	20	30	8	25	33	24	
Commissioners in the Public Service	4	3	7	57	2	4	6	33	
Chief Directors/ Directors/ Deputy Directors	267	660	927	29	220	495	715	31	
Ambassadors	10	29	39	26	11	36	47	23	
Vice Chancellors – State Universities									
	0	11	11	0	1	11	12	8	
Principals of State owned Teachers Colleges / Agricultural colleges/ PolyTechnical colleges	12	18	30	40	7	14	21	33	
	<i>2018</i>							<i>2020</i>	

Table 11: Women in decision making position

Position		Men	Women	% Share of Women
Cabinet Ministers		16	5	23.3%
Ministers of State		5	5	50%
Parliament	Lower House	185	85	31%
	Upper House	45	35	43.7%
Local Government Councilors		1697	261	13%

	Men	Women	% share of Women
Permanent Secretaries	17	4	19%
Commissioners in the Public Service	5	2	28.5%
Chief Directors	59	24	29%
Directors	166	82	33%
Deputy Directors	463	239	34%
Ambassadors		11	28%
Vice Chancellors – State Universities		0	0%

	Men	Women	% Share of Women
Supreme Court Judges	7	7	50%
High Court Judges	19	11	36%
Registrars	8	5	38%
Magistrates	156	94	37.6%

<i>Name of Parastatal</i>	<i>Men</i>	<i>Women</i>	<i>% Share of Women</i>
Grain Marketing Board	6	2	25%

National Railways of Zimbabwe	4	3	42.8%
Minerals Marketing Cooperation of Zimbabwe	4	3	43%
Zimbabwe Tourism Authority	5	4	44%
ZESA Holdings	5	2	29%
ZINWA	5	5	50%
ZERA	2	4	66%
ZBC	5	4	44%
NSSA	5	4	44%
Zimbabwe Parks and Wildlife	5	2	28%
Environment Management Agency	7	3	30%

123. The Education Management Information System (EMIS) informed by the annual school census, includes gender disaggregated statistics on school dropout and the reasons. The trend shows that financial challenges and abscondment account for the bulk of school dropout among learners while pregnancy and under-aged marriages affects more girls at secondary than primary school level.
124. Zimbabwe has adopted a whole-of-government approach as a mechanism for retaining girls in school. It involves the provision of psychosocial support, through the school based Guidance and Counselling-Lifeskills Empowerment programme, the role that the Social Development Department in supporting affected families and the mainstreaming of gender equality initiatives across sectors. The GoZ also offers the option of non-formal education for girls who may prefer more flexible arrangements to pursue their studies. The GoZ has discovered that documentation of cases of girls that have completed their basic education cycles after having fallen pregnant is aiding in overcoming stigma and discrimination in this regard.
125. Government embarked on the process of aligning all laws to the Constitution including marriage laws. This was done in an effort to fully give effect to the rights and freedoms of women and girls guaranteed by the Constitution.

126. To that effect, the matrimonial laws have been reviewed with the view to come up with a comprehensive and consolidated piece of legislation that addresses all matrimonial issues. In May 2022, the GoZ passed into law the Marriages Act [*Chapter 5:17*], which had the effect of repealing the Marriages Act [*Chapter 5:11*] and the Customary Marriages Act [*Chapter 5:07*], thus comprehensively rendering all marriages equal. The new law provides that spouses have equal rights and obligations during marriage and at its dissolution.
127. The Government has established a National Monitoring and Evaluation Department under the Office of the President and Cabinet (OPC) and has adopted a National Monitoring and Evaluation Policy to track and assess progress in the implementation of programmes in various agencies. Gender equality is one of the guiding principles of the National Monitoring and Evaluation Policy. In 2017, Government developed a Monitoring and Evaluation Framework dealing specifically with Gender Equality and Women Empowerment to enable the national gender machinery to monitor and assess implementation of national, regional and international commitments on Gender Equality and Women Empowerment. Government continues to redirect focus to issues of gender equality in the formulation of budgets through Program Based Budgeting. The Revised National Gender Policy (RNGP) also provides strategies to implement, monitor and evaluate effectiveness of the various actors and policies in addressing gender inequality. This Policy further provides for an institutional framework to monitor and evaluate gender equality and women empowerment issues across all sectors.
128. The GoZ conducts routine and random labour inspections to monitor issues relating to child labour at enterprises to check compliance with legislative requirements for the minimum age for entry into employment. This ensures that incidences of child labour are constantly monitored by authorities. The Government of Zimbabwe through the Labour Amendment Act Number 5 of 2015 further raised the minimum age of entry into employment from 15 years to 16 years. This was important as it ensured that the minimum age of entry into employment aligned with the age that most children complete the mandatory secondary education in Zimbabwe. Furthermore, the Government of Zimbabwe has over the years been increasing the number of children that benefit from the Basic Education Assistance Module (BEAM) which pays school fees and buys uniforms and books for underprivileged children. This ensures that children from disadvantaged backgrounds attend school and are not engaged as child labour in different sectors of the economy.
129. The GoZ enacted the Trafficking in Persons Act [*Chapter 9:25*] which also protect and safeguard women and girls from trafficking and sexual exploitation.

The Anti-Trafficking Inter-Ministerial Taskforce on in Persons was also established to spearhead and implement Government policy towards eradication of trafficking in persons and exploitation of women and girls.

130. There has been Progress in addressing challenges relating to child Labour, trafficking and sexual exploitation of women and girls.
131. On child Labour it is being addressed through the National Case Management System (NCMS) which is a programme hinged upon a collaborative process of assessment, planning, facilitation and advocacy for options and services to meet a child's needs through communication and availing resources to promote quality cost-effective outcomes.
132. Identification and surveillance are done at all levels including community levels through community cadres known as Community Child-Care Workers (CCWs) established within the National Case Management System. The community cadres work to identify and refer cases of child labour and other ills to Department of Social development.
133. Coordinated efforts are being employed through the Child Protection Committee platforms where stakeholders meet to discuss child protection trends whilst creating a podium for awareness creation, exchange of recommendations amongst stakeholders, identify gaps, share challenges and successes relating to child labour and other child protection issues.
134. A ring-fenced fund was constituted to cater for children living and working on the streets in Zimbabwe. The fund caters for relevant professionals to identify, document and reunify the children with their families. The fund also caters for the children's access to educational and vocational training in a bid to equip the children with skills that will ensure they do not return to working or living on the streets.
135. Additionally, renovations are being done at all Government owned institutions to ensure comprehensive rehabilitation of children who would have been identified working on the streets.
136. A National Action Plan for Child Labour (the plan) has since been developed and will seek to create a Framework for the implementation of programmes relating to child labour in Zimbabwe. The Plan will be incorporated into the National Action Plan for Orphans and other vulnerable children, a pillar to ensure an inclusive National Plan for all children in Zimbabwe.

137. With respect to trafficking, the Government of Zimbabwe through the Department of Social Development and its development partners are committed to legal Identification, Documentation Tracing and Reunification (IDTR) of children in order to prevent child trafficking. Various strategies have been put in place to ensure the Government curb and reduce statistics of child trafficking.
138. The GoZ has partnered with Mozambique, South Africa, Namibia, Zambia and most recently Botswana through Memoranda of Understanding in the area of child protection. The MOUs were entered into to ensure proper and official repatriation of unaccompanied minors in incidences of trafficking, smuggling as well as separated migrant children. The agreements regularize inter- country tracing which is requested and shared through appropriate channels within the responsible Ministries.
139. Exchange of technical expertise with the above-mentioned countries is being done through quarterly cross border coordination meetings and workshops.
140. Prior to adoption, background and home assessments for prospective adoptive parents are conducted through the responsible channels in each jurisdiction to reduce incidences of trafficking across borders. There are no known cases on child trafficking.
141. Coordinated efforts have been put in place to combat sexual exploitation of women and girls in Zimbabwe. The GoZ in collaboration with development partners set up early warning systems at community and district level to reduce incidences of sexual exploitation and all other forms of violence against children. The early warning systems are composed of coordinated and integrated Violence against Children (VAC) risk identification and response structures as implementation is done within child protection, education and traditional structures at both community and district levels.
142. Primary risk assessment indicator includes; screening of the child's social background, behaviour, while the secondary screening involves indicators such as the child's school attendance, behaviour and course work performance are all utilized to detect any critical factors that may provide information on the potential of sexual exploitation and any other forms of violence against children.
143. Provision of social protection services by the state, non-state actors and non-governmental organizations to children identified to be in vulnerable households and at risk of abuse and survivors of violence against children (VAC) in the form of:

- Access to education
 - Access to financial assistance through the Harmonised Social Cash Transfers
 - Access to food through the Food Deficit Mitigation Strategy programme.
144. These improve the livelihoods of the families and reduce incidences of sexual exploitation.
145. Community capacity strengthening and strengthening of community workforce that is CCWs and CPCs which will capacitate the cadres in terms of increasing early identification of sexual exploitation and strengthening the referral system such that cases are reported within the mandatory timeframes.
146. Parenting initiatives and family clubs are being rolled out around the different communities in the country which are programmes that aim to mitigate sexual exploitation and abuse cases. The programmes are meant to enhance parenting skills and enhance care of children.
147. Strengthening of Child Protection coordination at district and community level to provide a multi-sectoral safety net to prevent and respond to sexual abuse cases and other violations against children.
148. The Anti-Trafficking in Person Inter-Ministerial Committee (ATIMC) is tasked with the investigation of trafficking in person's cases. The Committee is composed of representatives from various government ministries and departments. Depending on the location of the women in distress, the Committee liaises with the responsible authorities of the concerned place/country where the victim is being exploited. For the purposes of repatriation of women in distress, the protection pillar of the ATIMC is the most relevant. The said pillar is headed by the Ministry of Public Service, Labour and Social Welfare and comprises of members from the Ministry of Health and Child Care, Ministry of Foreign Affairs and International Trade, as well as Ministry of Home Affairs and Cultural Heritage. For example, in 2022, the GoZ received information about Zimbabwean women who had fallen victim to trafficking in Oman. The GoZ is working closely with the officials in Oman to ensure safe return of the women. The women were received in Zimbabwe by the ATIMC, and taken to a safe house in Harare where psycho-social support is being rendered. With the assistance of development partners, the GoZ also came up with re-integration packages that are available to victims when they get home. The packages enable the women to become self-sustainable. Follow up checks on the victims will also be carried out.

149. In 2022 over 131 victims were repatriated from Oman. Two (2) victims were trafficked locally by one local Truck driver, who subjected the two female juveniles to domestic and sexual abuse. In terms of sex most of the survivors are female (130) and only four (4) are males. The victims were given financial assistance to the tune of US\$1000.00 or its equivalent in local currency. They were also provided with food packs on the day of discharge by the Department of Social Development. All the victims of human trafficking were medically examined and referred for further health management if they had any health problems.
150. Further, in 2023 GoZ launched the 2023-2028 Anti-Trafficking National Plan of Action whose mission is to establish a well-coordinated response to TIP characterised by prevention, detection, investigations and prosecution of cases, and rendering protection and assistance to victims.
151. The Government as part of its unwavering support towards the protection of girls has passed into law the amendment to the Children's Act to address various gaps to ensure effective implementation of the provisions of the Constitution, the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of Children. Provisions in the proposed Children's Bill seeks also to increase the types of neglect of children to include, practice of cultural or religious beliefs that are not in the best interests of a child, committing a child into marriage, failing to obtain a birth certificate for a child and failing to obtain an identity document for a child without reasonable cause. In addition, the Bill will make it an offence to allow or cause a child to participate in sexual grooming or to cause a child to participate in sexual activities.
152. The GoZ is implementing various models with the support of development partners such as Sinovuyo Parenting model and the Start, Awareness, Support and Action (SASA) model. The SASA model is "an evidence - based community mobilization approach to prevent violence against women and girls through community dialogues and establishment of SASA Champions who ensure on- going community dialogues and sensitization for sustainability.
153. The Commission is informed that Government remains committed to effectively implementing legislative provisions protecting the rights of women and girls and eliminating existing rooted cultural practices that militate against women and girls from fully enjoying their rights as enshrined in the legislative provisions.

154. Section 17 of the Constitution calls upon Government to ensure full gender balance and to take measures to promote the full participation of women in all spheres, including land on the basis of equality with men. In line with the above constitutional provisions it is now mandatory that registration of land for spouses be done jointly.
155. Statutory Instrument 53 of 2014 Agricultural Settlement (Permit, terms and conditions) provides for the rights of wives and daughters to inherit land from their deceased husbands and fathers. In addition, the law provides for the acquisition of property by women in the same circumstances as those afforded to their male counter parts.
156. Government continues to promote women's equal and full access to economic resources, including the right to ownership of land, property and credit. Furthermore, agriculture is the backbone of the Zimbabwean economy and the majority of the Zimbabwean population living in the rural areas are engaged in the agriculture sector. 68% of Zimbabwean women reside in rural areas and 60% of people who produce agricultural commodities are women living in the rural areas. Accordingly, their ownership to agricultural resources is key in enhancing their rights to property.
157. Furthermore, section 80 (2) of the same Constitution confers the same rights to women as men regarding the custody and guardianship of children. Sections 25, 26 and 78 provide for the protection of the family, marriage and marriage rights respectively emphasising that there should be equality of rights and obligations of spouses during marriage and at its dissolution and that marriage should be entered into with the free and full consent of the intending spouses.
158. Amendment of the Guardianship of Minors Act - The amendment provides for equal guardianship rights for both parents. It also creates equal rights of custody and guardianship of minor children between men and women.

PERSONS WITH DISABILITIES

159. Section 3(2)(i)(ii) of the Constitution provides for the recognition of the rights of persons with disabilities as one of the principles of good governance, which bind the State and all institutions and agencies of Government at every level. Further, Section 22 is entirely dedicated to the rights of PWDs and mandates Government and all institutions of recognise the rights of persons with physical and mental disabilities, to assist the PWDs to achieve their full potential, develop programs for the welfare of PWDs and take measures to ensure public buildings

and amenities are accessible to PWDs. Furthermore, Section 56 (3) of the Constitution guarantees that every person has the right not to be treated in an unfairly discriminatory manner based on various grounds among which 'disability' is listed. This is understood in practice that any discrimination based on disability is automatically a violation of Section 56(3) of the Constitution.

160. Furthermore, Section 56(6) of the Constitution provides for 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. Therefore, persons with disabilities are equally protected by the law without distinction. As for measures to ensure effective, accessible and affordable access to remedies by PWDs, there are two key constitutional provisions. First, Section 69 of the Constitution provides for the right to access to justice (fair hearing) through the determination of civil and criminal rights by an independent and impartial tribunal established by law. Without express exclusion of persons with disabilities from the enjoyment of the same rights, persons with disabilities are equally entitled to such rights.
161. Furthermore, Section 5 of the Labour Act [*Chapter 28:01*] prohibits employment discrimination on the basis of listed and analogous grounds to which disability is added. When such discrimination occurs, the person or employee affected can approach 'competent court', which is the Labour Court, to obtain appropriate relief in the circumstances of the case. This provision ensures equality in the work place.
162. In matters of education, Section 5 of the Education Act [*Chapter 25:04*] provides that every child has a right to compulsory primary education. By extension, this includes children with disabilities and children of PWDs, who are also entitled to compulsory and Free State funded education in terms of Section 75(1) of the Constitution. It is positively reported here that the Education Amendment Act, has already been promulgated to bring fundamental changes to the Education Act in order to align it with Section 75 of the Constitution on right to education as well as the Convention though the Persons with Disabilities Bill comprehensively addresses education-related issues.

Administrative and Other measures

163. There is the Equalisation of Employment Opportunities for Persons with Disabilities Policy in the Public Service of Zimbabwe. It entails mainstreaming of disability within its operations by ensuring that there is no discrimination against persons with disabilities in terms of deployment and conditions of employment. As of

November 2019, a total of seven hundred and three (703) persons with disabilities were employed by the Public Service Commission.

164. The Government has put in place several effective measures to enhance physical accessibility to public buildings. All thirty (30) new court houses constructed around the country in the last five (5) years have access ramps for use by litigants, witnesses, court officials and members of the public with physical impairments. Construction of ramps on existing court houses has made the courts accessible. These are at Harare, Bulawayo, Chitungwiza, Marondera, Rusape, Masvingo, Plumtree, Gokwe, Hwange and all four High Court stations in Harare, Bulawayo, Mutare, Chinhoyi and Masvingo bringing the total number to forty-three (44). Given that there are fifty-five (55) stations countrywide, this gives 80% coverage.
165. There are four (4) out of two hundred and twenty (222) specialist sign language interpreters who are dedicated for such cases around the country. The sign language interpreters are engaged when need arises. The system has been very effective such that there are never any challenges in dealing with cases where sign language interpretation service is required. Sign language interpreters have been made available for persons with hearing and speech impairments to facilitate their effective participation in the justice system. The Constitution has also been translated into sign language (through the use of DVDs) to ensure that persons with hearing and speech impairments are able to know their comprehensive rights provided for by Chapter 4 of the Constitution.
166. Section 4 of the Disabled Persons Act provides for the formation of the National Disability Board, which is a representative body of PWDs. This Board formulates and develops policy measures for the rehabilitation and welfare of PWDs and spearheads development of policies towards ensuring that persons with disabilities live independently and access all social services. The Board is also represented at grass root level in every province of the country.
167. The GoZ is in the process of amending the current Disabled Persons Act. The Persons with Disabilities Bill is currently undergoing Parliamentary processes. Stigmatization and discrimination is provided for in the Bill as follows: -
 - a. The Bill defines disability as an evolving concept involving the interaction between persons with impairments, on one hand, and attitudinal and environmental barriers, on the other hand, that may have the effect of hindering persons with disability from fully and effectively participating in society on an equal basis with others.

- b. The terms attitudinal and environmental barriers related to discrimination and stigmatization. The Act does not recognize these barriers.
 - c. The Bill also defines disability mainstreaming as the inclusion of persons with disabilities in all aspects of development and humanitarian efforts. It provides that the GoZ must ensure that there is disability mainstreaming in all programmes and at all societal levels so to ensure that stigmatization and discrimination ends. There is intentional inclusion of persons with disabilities in all government strategies.
 - d. The Bill also provides for the definition of 'discrimination on the basis of disability'. It is defined as any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The Act does not provide for the definition of discrimination and it would not be easy for a person with disability to claim discrimination without a clear definition and scope of what discrimination is at law.
 - e. The Bill provides that the MPSLSW has a responsibility to raise awareness throughout society regarding PWDs and foster respect for the rights and dignity of PWDs, combat stereotypes, prejudices and harmful practices relating to PWDs, foster at all levels of the education system, including all children from an early age, an attitude of respect for rights of PWDs, ensure that PWDs are educated on their rights disseminate knowledge throughout the society. The provisions are aimed at disseminating information so that citizens have a human rights-based understanding of rights of persons with disabilities.
168. The Zimbabwe Human Rights Commission (ZHRC), the premiere national human rights institution in the country, has eight (8) functional Thematic Working Groups including the Thematic Working Group on Special Interest Groups that covers vulnerable groups such as Older Persons and Persons with Disabilities. It also focuses on youths and indigenous minorities who face compound discrimination because of their circumstances. The Thematic Working Group on Special Interest Groups is headed by a Commissioner with assigned Officers to promote and advance rights of PWDs and mainstream disability rights issues into the work of the ZHRC.
169. The GoZ has made continuous engagements with the Zimbabwe Broadcasting Corporation (ZBC) in the broadcasting of disability awareness programmes on the national television and on radio. There are dedicated slots on the ZBC to raise awareness on disability issues. There are also educational clips about the effects

of Covid-19 on the lives of persons with disabilities and possible interventions with support from development partners.

170. The GoZ works towards the upholding and protection of the rights of women and girls with disabilities under the Spotlight Initiative in five (5) Provinces and ten (10) Districts. This initiative is supported by the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD)
171. The GoZ also undertakes information dissemination on disability at the Zimbabwe International Trade Fair (ZITF), the Harare Agricultural Show and various Provincial Agricultural Shows in the provinces, the annual National Disability Expo and other such activities that may arise from time to time.
172. At such awareness activities, information on disability is disseminated including services available from government and private players. Also, information on the protection and promotion of the rights of persons with disabilities is shared including relevant legislation. Consultations were also undertaken for the formulation of the Persons with Disabilities Bill.
173. In 2018, the GoZ established the Department of Disability Affairs which oversees disability issues in terms of implementation of policies, measures and strategies which are inclusive of all persons with disabilities especially those marginalised including those in rural areas, then women and girls.
174. The Basic Education Assistance Module (BEAM) allocates 10% of the funds to learners with disabilities who are mainly located in rural areas.
175. The GoZ decentralised social protection services to district level to ensure accessibility by employing community cadres called the Community Care Workers (CCWs) who are based at Ward level. These CCWS are key in linking persons with disabilities with services. They are also key in identification and follow ups on issues of disabilities.
176. Self-representation and Participation is enhanced through the two (2) Senators representing persons with disabilities since they are able to engage at grass roots level and be a bridge between persons with disabilities and policy makers.
177. The GoZ launched the country's National Disability Policy on 9 June 2021. The Policy which seeks to address the marginalization and discrimination of Persons with Disabilities (PWDs), empower them to improve their own quality of life and enable them to contribute towards the national development agenda. It sets standards for the inclusion of Persons with Disabilities in all facets of life, thereby

serving as an overarching policy framework on disability across all sectors, including the public, private and development sector.

178. In fulfilment of the provisions in the National Disability Policy, the GoZ is also championing disability specific programmes. These are as below: -
- a. As at the end of August 2019 the GoZ had spent ZWL\$168 020.00 on assistive technologies.
 - b. Vocational training fees paid for PwDs as at end August 2019 amounted to ZWL\$255 000.00
 - c. Under the Micro- Financing, ten (10) PwDs were funded with empowerment loans amounting to \$15 848.00.
 - d. As at end August 2019 the GoZ procured 2 000 sunscreen lotions and 500 hats for persons with albinism in 19 districts. Distribution is now underway.
179. Due to the Covid-19 induced closure and delayed opening of schools there has been a drop with the number of children with disabilities attending schools are underway to mobilise communities to facilitate school attendance by children with disabilities.
180. In 2021, there were 6 069 ECD learners (3 294 males, 2 775 females) who have impairments. Manicaland has the largest number of ECD learners with impairments (1 020). Bulawayo has the least number of learners with impairments (170). The country has 56 802 primary school learners with impairments (31 340 males, 25 462 females). Among the provinces, Midlands has the largest number of 10 789 primary school learners with impairments, compared to Bulawayo with the smallest number of 2 161. There are 14 439 secondary school learners (7 412 males, 7 027 females) who have impairments. The largest number of 2 496 secondary school learners with impairments is Manicaland, while the least number of 619 is in Bulawayo.

OLDER PERSONS

181. Section 82 of the Constitution provides for the rights of older persons, including the right to reasonable care and assistance from their families and the State, to receive health care and medical assistance from the State as well as to receive financial support by way of social security and welfare. The Constitution further enjoins the State to take reasonable and other legislative measures to achieve the progressive realisation of these rights.

182. In order to protect the rights of the older persons, the GoZ set up the Older Persons Board which is working on policy formulation for the wellbeing of older persons in Zimbabwe. The GoZ deliberately targeted part of its Covid 19 response to addressing the health vulnerability of older persons through the vaccination campaign and strengthening of community-based support in both urban and rural areas.
183. The Goz is implementing social protection programmes aimed at alleviating the lot of the poor and indigent. This is done through a number of GoZ programmes such as: -
- a. Harmonised cash transfers-: This is a programme where the GoZ pays out a monthly cash stipend per every household deemed poor or indigent for its sustenance. The targeting criteria for this group of cash recipients is that GoZ targets labour constraints² and food poor³ families. The purpose of the programme is to reduce household poverty, to improve economic household power and improve lives of vulnerable groups. The cash is disbursed bi-monthly and the amounts have been increased from 1st of October 2019 as follows, one beneficiary from \$10 to \$100, two beneficiaries from \$15 to \$150, three beneficiaries from \$20 to \$200 and for four beneficiaries from \$25 to \$250.
 - b. Assisted Medical Treatment Order (AMTO)- This is a facility where GoZ pays medical bills for the vulnerable groups at government medical facilities.
 - c. Food Mitigation -This is a facility where the Government together with development partners provide grain to the marginalised and poor communities on a monthly basis, in quantities determined through analysing the needs of each household and depending on the ecological region of the country. Previously food mitigation programmes and food distribution have been confined to rural communities but the latest ZimVAC report indicated moderate to severe poverty in urban areas and as a result food distribution has started in areas such as Kuwadzana, Glen View and Dzivarasekwa.
 - d. Basic Education Assistance Module (BEAM) This is a facility where GoZ pays school fees and buys other school requirements for children from poor back grounds in primary and secondary schools. The performance of this programme this year to date is as shown on the attached schedules.

²Labour constraints is when the employed person in a household is fit to work but has a high dependency ratio of more than three people. Persons with disabilities automatically qualify.

³ Food poor is when a family has only one meal or less a day.

EXTRACTIVE INDUSTRIES AND ENVIRONMENT

184. The GOZ ensures that its citizens freely dispose of their wealth and natural resources. In terms of the Mines and Minerals Act, consent in writing is sought first before mining rights are exercised on land less than 100 hectares in extent. Occupiers of communal land or private land have to be consulted and give their consent first and the provision gives specifications as to the extent of the land wherein such rights cannot be exercised.
185. In a bid to ensure also that the Zimbabwean citizens also benefit from their resources or have control to dispose freely, the Mines and Minerals Bill reduced mining titles to three only, which are blocks of claims, mining leases and special grants. The blocks of claims which may not exceed four in number are a preserve for the indigenous people of Zimbabwe and if a foreigner wants to mine on blocks of claims, he or she has to partner with an indigenous person who would have the controlling interest.
186. The GoZ also ensures that in cases of spoliation the dispossessed people are compensated. In terms of section 398 of the principal mining legislation, mining locations can be acquired by the President for public purpose or purpose that is beneficial to the public and the provision goes further to outline steps to be undertaken to ensure compensation is given to the dispossessed. In cases of dispossession to pave way for mining, mining companies also compensate the affected persons.
187. In making sure that Zimbabweans are protected against foreign economic exploitation of their resources, the Mines and Minerals Bill as pointed out above has a form of mining title as a preserve for the Indigenous people. More so, the Zimbabwe Investments and Development Agency Act that was enacted in 2020, have provisions relating to non-discrimination between domestic and foreign investors whilst promoting the ease of doing business.
188. Section 73 of the Constitution outlines the environmental rights of the people of Zimbabwe and lays out that all persons have the right to an environment that is not harmful to their health or well-being in line with Article 24 of the African Charter. It also places emphasis on the promotion of sustainable development through legislative and other measures. This section places the burden of the progressive realisation of these rights on the State.
189. The GoZ also regulates the Extractive Industry through the Environmental Impact Assessment (EIA) process. The GoZ embraced the EIA process and crafted the

Environmental Impact Assessment Policy of 1994, in line with the resolutions passed at the Rio Summit in 1992. The goal of the policy was to encourage environmentally responsible investment and development in Zimbabwe, to maintain the long-term ability of natural resources to support human, plant and animal life, to conserve a broad diversity of plants, animals and ecosystems and the natural processes that they depend upon and to conserve the social, historical and cultural values of people and their communities.

190. Further, prior to implementation of mining activities, the Environmental Management Act [*Chapter 20:27*] sets the EIA process as a legal requirement in terms of Section 97 as read with the First Schedule of the Act. The Act is currently being reviewed to align with emerging international environmental principles.
191. Section 119 of the Parks and Wildlife Act [*Chapter 20:14*] prohibits mining in Wildlife Protected Areas, except with the consent of the relevant Minister, in concurrence with the Minister responsible for Mines. The Act is currently being reviewed in order to strengthen its provisions, including those pertaining to mining.
192. The GoZ published the following regulations in order to ensure conservation of the environment from the activities of the extractive industries: -
 - a. Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007, provides for the disposal of waste and effluent, including mining waste. The provisions of the Regulations prohibit persons from carrying out their mining activities in a manner which is harmful to the environment;
 - b. Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations 2007, outlines the EIA process in Part III;
 - c. Environmental Management (Hazardous Waste Management) Regulations, 2007 deals with the management and disposal of hazardous waste including that arising from mining activities and the licencing procedures;
 - d. Environmental Management (Control of Hazardous Substances) (General) Regulations, 2018 Phasing out of mercury and cyanide. Mercury and cyanide handlers are obliged to present a plan on how they intend to phase out mercury and cyanide in their operations. This is in line with the Minamata Convention which requires State Parties to reduce, and where feasible, eliminate the use and release of mercury.
193. To put the monitoring mechanisms into perspective, 11600 applications for EIA Certificates have been submitted to EMA for consideration and 10450 Certificates have been issued. Environmental monitoring, licencing and prosecution is

therefore done to address the environmental challenges associated with the extractive industry.

194. The GOZ ensures that its citizens freely dispose of their wealth and natural resources. In terms of the Mines and Minerals Act, consent in writing is sought first before mining rights are exercised on land less than one hundred (100) hectares in extent. Occupiers of communal land or private land have to be consulted and give their consent first and the provision gives specifications as to the extent of the land wherein such rights cannot be exercised.
195. In a bid to ensure also that the Zimbabwean citizens also benefit from their resources or have control to dispose freely, the Mines and Minerals Bill reduced mining titles to three only, which are blocks of claims, mining leases and special grants. The blocks of claims which may not exceed four in number are a preserve for the indigenous people of Zimbabwe and if a foreigner wants to mine on blocks of claims, he or she has to partner with an indigenous person who would have the controlling interest.
196. The GoZ also ensures that in cases of spoliation the dispossessed people are compensated. In terms of Section 398 of the Mines and Minerals Act, mining locations can be acquired by the President for public purpose or purpose that is beneficial to the public and the provision goes further to outline steps to be undertaken to ensure compensation is given to the dispossessed. In cases of dispossession to pave way for mining, mining companies also compensate the affected persons.
197. In making sure that Zimbabweans are protected against foreign economic exploitation of their resources, the Mines and Minerals Bill as pointed out above has a form of mining title as a preserve for the Indigenous people. More so, the Zimbabwe Investments and Development Agency Act that was enacted in 2020, have provisions relating to non-discrimination between domestic and foreign investors whilst promoting the ease of doing business.
198. All matters pertaining to acquisition of mining titles are regulated by the Mines and Minerals Act [*Chapter 21:05*]. Title can be owned by individuals, companies, trusts or syndicates. Some titles are issued by the Mining Commissioners, some by the Secretary and some by the Mining Affairs Board. The Mining Affairs Board consists of the Secretary for Mines and Mining Development, four officials from the Ministry of Mines and Mining Development as well as six other members appointed by the Minister for Mines and Mining Development.

199. Mining title is acquired in various ways: -
- a. Ordinary Claims - issued by the Mining Commissioners
Acquiring an ordinary prospecting license this is for a normal block eg gold that is ten hectares. There are also special prospecting licenses that is if your block is in excess of the ordinary size. Put simply to prospect is to search. This is valid for two years.
 - b. Special Grants under Part XIX of the Act – issued by the Secretary
This is whereby one intends to prospect in an area that is prohibited from prospecting and pegging by virtue of a reservation having been placed there. The application is then forwarded to the Permanent Secretary as he is the responsible authority for the issuance of special Grants under Part XIX. Once issued its valid for a year and one applies for renewal
 - c. Special Grants under Part XX of the Mines and Minerals Act issued by the Mining Affairs Board on the approval of the President
These are the preserve of the President through the Mining Affairs Board through the MAB Secretary and the Geological Survey Department. Special Grants under Part XX are for energy minerals, coal, gas, coal bed methane and oil.
 - d. Mining Leases – issued by the Mining Affairs Board
This is a form of title where one is a holder of contiguous registered mining locations. The application is submitted to the Provincial Office and transmitted to the Mining Affairs Board for consideration.
 - e. Special Mining Leases – issued by the Mining Affairs Board
This form of title is where the holder of one or more contiguous registered mining locations and investment in the mine will be wholly or mainly in foreign currency and will exceed one hundred million United States Dollars in value and the mines output is intended principally for export.
 - f. Tribute Agreements –
These are entered into by the parties and approved by the Provincial Mining Director This form of title covers vast tracts a maximum of sixty-five thousand (65 000) hectares of land and it's for exploration purposes that is to acquire knowledge of mineral resources. These rights to a third party by entering into a tribute agreement. Such an agreement must be approved by the Ministry.

Table 12: Mining Titles granted since 2020 to May 2022

Province	Companies	Individuals	ASMs	Syndicates	Total
Mashonaland central	597	734	674	2005	
Mashonaland East	208	306	365	879	
Midlands	797	710	567	2074	
Masvingo	182	549	225	956	
Matebeleland North	120	442	209	771	
Matebeleland South	213	468	281	962	
Masvingo	182	549	225	956	
Manicaland	364	93	345	802	
Mashonaland West	174	386	291	851	
Head Office (Special Grants)	334	162	168	664	
Grand Total	3171	4399	574	2776	10920

Source: Mining Law Department, Ministry of Mines and Mining Development.

200. The GoZ has put in place measures to ensure the equitable distribution of revenue accrued from mining. Community Share Ownership Trusts (CSOTs) have been established in terms of section 14B of the General Indigenization Regulations of 2010. Quite a number of CSOTs have been established in mining areas or communities for the purpose of benefitting the locals. One such CSOT in Marange-Zimunya has seen communities being given Diamond Concessions. More so, Corporate Social Responsibility projects have been running from companies in the gold, platinum and diamond sector and these projects include setting up of medical facilities, schools, boreholes, bursaries as well as sewing factories. Equally imperative is the fact that all contracts have a clause relating to local purchasing of goods as well as employment of local people where they qualify.
201. The principal mining legislation in Zimbabwe has provisions to the effect that all registered miners send production returns by the 10th of each month and that is specifically provided for in terms of section 251 of the Act. The Gold Trade Act [*Chapter 21:03*] as well as the Precious Stones Trade Act [*Chapter 21:06*] both have provisions (i.e. under section 3 of both) that outlaw possession of those minerals unless one is a registered miner or agent. It is an offence in terms of

these Acts to be in possession of the mentioned minerals with a mandatory 5- year imprisonment term unless special circumstances exist and conviction also leads to forfeiture of the mineral to the State or lawful holder.

202. Revenue generated from mining is channelled into the Consolidated Revenue Fund (CRF) in terms Section 302 of the Constitution. Distribution of the revenue to Government Ministries, Departments and Agencies is done in terms of the Appropriation Act approved by Parliament.

Deforestation and water pollution.

203. The Mines and Minerals Act [*Chapter 21:05*] has a number of sections that addresses the issue of environmental protection and rehabilitation. PART XII On Working of Alluvial, Eluvial and Certain Other Deposits has important provisions to that effect. In terms of section 225 of the principal mining legislation a miner may be required to rehabilitate the surface of any land worked. Other provisions that realizes the need to ensure environmental rehabilitation also includes provisions of PART XXI on Mining on Town Lands where in terms of sections 308, 309, the local authorities have power and authority to make and enforce regulations for enclosing of all pits, excavations as well as dangerous surfaces.
204. More so, the Environmental Management Act [*Chapter 20:27*] regulates mining activities in relation to mitigation of its negative impacts on the environment. In terms of section 97 (1) Environmental Impact Assessment is a legal requirement and this is a widely used tool for environmental protection in mining activities. The provision states that the projects listed in the first schedule to the Act are projects which must not be implemented unless an Environmental Impact Assessment Certificate has been issued. Mining is therefore one of the projects listed under this section.
205. The Mines and Minerals Bill also introduces the issue of provincial Environmental Rehabilitation Occupational Health Safety Fund in terms of which all miners must make a defined contribution. This demonstrates the level of commitment the GoZ has towards environmental rehabilitation and protection of environmental rights for people in mining communities.
206. The GoZ has also in 2021 Ratified the Minamata Convention on the elimination of use of mercury during mining of Gold which goes on to show how committed the government is in addressing the negative impact of artisanal and semi-artisanal mining on the environment as well as ensuring the security and health of people living along mining communities.

207. The GoZ monitors food products, cosmetics' chemicals and water hazardous substances like mercury which is done at Port Health in country randomly. For people working in bigger mines, they have medical examination done periodically to check for presence of hazardous substances like mercury in blood. The GoZ is guided by World Health Organisation (WHO) regulation on the subject matter. The GoZ is urgently looking into the matter to strengthen mandate of monitoring for heavy metals or hazardous substances.
208. The GoZ, does not confiscate land. In the event that GoZ acquires land for purposes of mining where such acquisition is deemed to be beneficial to the public or in the national interest, and this is done in terms of section 71 of the Constitution. In such a situation, adequate compensation will be paid to the affected persons in terms of the Land Acquisition Act [*Chapter 20:05*] as well as the Constitution.
209. Dams are prescribed projects in terms of Section 97 as read with the First Schedule of the Environmental Management Act and require an EIA to be undertaken prior to the commencement of the project.
210. EMA is responsible for ensuring EIAs are done for the dam projects, including assessment of potential impacts of the proposed dam projects. The EIA offers mitigation measures for the anticipated impacts. The Agency is therefore mandated to ensure that dam construction projects follows the EIA process to ensure negative impacts that arise during implementation are mitigated. The Agency is also mandated to carry out biannual audits of all the projects issued with EIA certificates throughout the whole life cycle of the project and ensure that the projects complies with suggested mitigation measures proposed in the Environmental Management Plans (EMPs). Accordingly, the GoZ through EMA has undertaken EIA certification of the following projects: -
- a) Tugwi-Mukosi
 - b) Bubi-Lupane
 - c) Kariba South Hydro Extension, and the
 - d) Batoka and Hwange Thermal Power Generation Projects
211. Amongst these projects, the EIA for Batoka is the only one which is pending submission, review, and subsequently, certification. The rest were carried out to completion. Concerning the projects for which EIA certificates were issued, EMA is

conducting biannual audits. The certificates are valid for a period of two (2) years and subject to renewal where a project has not been completed within that period.

212. The Environmental Management Agency gets budgetary allocation by Treasury mainly for capital expenditure, but funds its operations from revenues generated from its licensing regime. In the year 2022, budget capital grant to purchase specialized equipment for water pollution monitoring, refuse collection equipment and to support wetland protection and utilization projects as well as rehabilitation of mined out areas was allocated ZWL\$300 000 000.00.
213. In terms of human resource capacity, the Agency recruits on a strategic basis and currently, the Agency has an Environmental Officer in all the sixty-two (62) districts of the country. It is further recruiting technicians for these districts using a phased approach. The Agency works with grassroot structures such as environmental committees and sub committees to enhance environmental stewardship, self-regulation and citizen science approaches.

HUMAN RIGHTS INSTITUTIONS

Independent Commissions

214. Chapter 12 of the Constitution establishes five independent commissions that play a ubiquitous role in supporting democracy. These human rights institutions are the Zimbabwe Human Rights Commission, the National Peace and Reconciliation Commission, the Zimbabwe Gender Commission, the Zimbabwe Media Commission and the Zimbabwe Electoral Commission. This section will undertake three tasks. Firstly, it will examine the actions adopted by the aforesaid independent Commissions in promoting human rights thereby exploring their roles, responsibilities, and mandate in promoting and protecting human rights in Zimbabwe. Secondly, this section will appraise the role played by the independent commissions in relation to supporting democracy and their unique involvement with the promotion and protection of human rights. Finally, this section will scrutinize the commissions' independence in relation to their funding, appointment of commissioners and staff, and jurisprudence that expatiates on the independent commissions' preoccupation with the observance of human rights.
215. All Independent Commissions established in terms of the Constitution are allocated separate estimates of revenue and expenditure for each financial year, which are approved by Parliament. Below is a table indicating revenue allocation to the various Independent Commissions for the period under review.

Table 13: Allocations to the independent commissions in ZWL\$

Vote Appropriations	2020	2021	2022	2023
Zimbabwe Human Rights Commission	26 680 000.00	148 000 000.00	403 898 000	4.7 billion
National Peace and Reconciliation Commission	31 200 000.00	133 000 000.00	441, 333,000	3 billion
Zimbabwe Electoral Commission	91 200 000.00	2 320 900 000.00	11,632,813,000	106,6 billion
Zimbabwe Gender Commission	25 900 000.00	153 000 000.00	497,590,000.00	3,5 billion
Zimbabwe Media Commission	13 900 000.00	175 0000.00	510 990 000	2,6 billion

Zimbabwe Media Commission (ZMC)

216. The ZMC was first established as the Media and Information Centre in 2002. The Electoral Amendment of 2008 elevated it to the ZMC. The Constitution re-affirmed the status of the ZMC as an Independent Commission under the Chapter 12 Commissions. Therefore, ZMC is established by Section 248 of the Constitution. The ZMC Act, while providing for functions of the ZMC as provided for by the Constitution, puts further safeguards for the protection of freedom of expression and of the press. The ZMC is mandated to enquire into those issues or circumstances that threaten freedom of expression and of the media.
217. The ZMC also administers the Freedom of Information Act provides for a framework for the enjoyment of those freedoms as provided by section 62 of the Constitution. Section 62 of the Constitution provides for the right to access information held by all public entities by members of the public. The law obligates all state entities, public entities and public commercial entities to provide information upon request for the purposes of transparency and accountability. The information requested should be in the public interest or for the protection of a right.
218. The Freedom of Information Act repealed the Access to Information and Protection of Privacy Act [*Chapter 10:27*] that was deemed by many to be infringing on the freedom of the media and the right to free expression.
219. The Commission has nine (9) Commissioners – five (5) males and four (4) females

220. Through Section 249 of the Constitution mandates ZMC is to uphold, promote and develop freedom of the media, promote and enforce good practices and ethics in the media and to monitor broadcasting in the public interest and, in particular, to ensure fairness and diversity of views broadly representing Zimbabwean society. It is also mandated to receive and consider complaints from the public and, where appropriate, to 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, to ensure that the people of Zimbabwe have fair and wide access to information as well as to promote fair competition and diversity in the media.
221. In addition to the functions outlined in section 249 of the Constitution the ZMC has the following functions, as outlined by the ZMC Act:
- a) To monitor and secure compliance with any –
 - i) law which regulates media practitioners and media services including broadcasting, print and electronic media, in order to ensure respect for the rights protected by section 61 of the Constitution.
 - ii) international treaty to which Zimbabwe is a party with respect to the protection, promoting or advancing people’s rights in relation to the media in Zimbabwe.
 - b) to collaborate and co-operate with other independent constitutional Commissions in supporting and entrenching human rights and democracy.
222. In terms of Section 323 of the Constitution, every Independent Commission must to Parliament, through the responsible Minister, an annual report describing its operations and activities.
223. The period under review witnessed several achievements in the following focus areas:
- a. The ZMC gazetted in September 2021, the Freedom of Information General Regulations that provide for the implementation of the Freedom of Information Act. Among other provisions the regulations provide for the appointment of Information Officers by public entities, the manner and period Information Officers respond to applications for access to information and the setting up on an Information Appeal Committee which handles appeals by members of the public denied access to information.

- b. The ZMC also gazetted the Zimbabwe Media Commission Act General Regulations to provide for the setting up of inquiries and investigations into any conduct that appear or appear to threaten freedom of expression and of the media. The regulations also provide for the handling of complaints by members of the public regarding breaches of freedom of expression.
- c. Further, ZMC successfully accredited and registered ten (10) Media houses in the year 2021 bringing the total number of registered media houses to one hundred and seventy-eight (178) of these two (2), ZimPapers and ZIANA are state owned whilst one hundred and seventy-six (176) are privately owned. This is in line with the Commission’s policy regarding universal access to information by the generality of the population. The Commission in the same year also accredited a total of 3288 media practitioners, 2669 male and 619 females.
- d. Freedom of Information Appeals: For the implementation of the Freedom of Information Act (FOIA), the ZMC initiated the gazetting of the Freedom of Information (General) Regulations, 2021. The regulations provide for a framework within which members of the public can apply for access to information held by public entities and the manner in which they can approach the ZMC if access to information is denied.
- e. The ZMC could not handle appeals on refusal by entities to provide information as requested owing to lack of the above regulations. This notwithstanding, the ZMC received some appeals and advised all the appellants of this challenge and encouraged them to approach the courts in line with the provisions of the Act pending the lapse of the six-month moratorium period.

Table 14: Information requests brought before the ZMC

APPEAL No.	DATE RECEIVED	SUMMARY
FOI 001/21	17/06/21	The Commercial Federation of Manicaland lodged their application of appeal on a request for information from City of Mutare.
FOI 002/21	28/07/21	The Matabeleland Institute for Human Rights lodged an application with the Commission for

		information on the annual report of the Commission.
--	--	---

- f. The ZMC also received several media complaints in line with section 249 (e) of the Constitution, and the ZMC managed to resolve some of the complaints as listed below:-

Table 15: Media Complaints resolved by the Zimbabwe Media Commission in 2021

Complaint Number	Date received	Summary
	07/07/21	-Gambe Law Group wrote the Commission. Their complaint was against the Newsday in terms of Section 249(1) (e) of the Constitution of Zimbabwe.
MC002/21	08/07/21	-News Consumers Association of Zimbabwe lodged a complaint with the Commission on behalf of all news consumers in Zimbabwe of false and unverified news.
MC003/21	27/09/21	-Charlene John's Legal and Commercial Consultancy wrote the Commission on demanding a retraction of a defamatory news article.
MC004/21	06/10/21	- The Tian Ze Tobacco Company Legal Advisor wrote to the Commission on a misleading and defamatory article. Tian Ze bemoaned the lack of ethics within the media industry.
MC005/21	21/12/21	Costa and Madzonga Legal Practitioners wrote the Commission alleging that the Alpha Media Holdings had published a falsified report, that was defamatory to their client.

- g. The Zimbabwe Media Commission continues to commemorate and observe key international days and events that mark the values of freedom of and access to information, work of media practitioners among other important events including:-
- i. World Press Freedom Day.
 - ii. International World Radio Day.
 - iii. International Mother Language Day.
 - iv. International Day for Universal Access to Information.

Zimbabwe Human Rights Commission (ZHRC)

224. The Zimbabwe Human Rights Commission (ZHRC) was established in February 2009. Its first Commissioners were sworn in 2010 but became operational from mid-2014. It is one of the five Chapter 12 Independent Commissions supporting democracy, established in terms of the Constitution⁴ and the Zimbabwe Human Rights Commission Act⁵. Among the 5 commissions, ZHRC is the National Human Rights Institution (NHRI) for Zimbabwe with a constitutional and/or legislative mandate of ensuring that human rights obligations are met at all levels of the society. ZHRC has a dual mandate, that is, the administrative justice mandate (Ombudsman role) and the human rights promotion and protection mandate. The Commission derives the mandate for its work from Section 243 of the Constitution. Further, the Commission can summon any person, official or authority to appear before it as well as directing the Commissioner General of Police to investigate suspected cases of criminal violations of human rights or freedoms and to report to the Commission on any such investigations.
225. ZHRC can handle allegations of abuse, violations of rights and freedoms that are protected by the Constitution, the laws of Zimbabwe and any international human rights agreements that the country is party to. Further, ZHRC can attend to any complaints arising from abuse of power, maladministration by the State and Public Institutions and by officers of those institutions.
226. With respect to accessibility, ZHRC currently has 4 offices in Zimbabwe, that is, in Harare, Bulawayo, Masvingo and Mutare. In its 5-year strategy of 2021-2025, ZHRC plans for the next phase of opening offices in other provinces of the country until all provinces are covered to enable accessibility of human rights services

⁴ Section 232, Section 242

⁵ [Chapter 10:30]

across the whole country. Currently, complaints are received through hotlines that persons can call on, social media platforms such as WhatsApp and Facebook. ZHRC also has an email platform that is used to receive complainants. People can inquire and lay complaints through physical visitations at the offices.

227. Monitoring and inspection bring about the aspect of protecting and enforcing human rights. Activities conducted by ZHRC encompass monitoring and inspection of places of detention, potential displacement areas, care facilities, that is, disability and old people's homes and national residential care institutions. ZHRC further conducts monitoring and inspection missions through media monitoring of electronic, print, and social media platforms keeping track of the different human rights and administrative justice related reports. ZHRC further reviews government legislation and policies to see if there are gaps in terms of human rights compliant and bid recommendations. Press statements with recommendations are also made on the prevailing human rights situation in the country.
228. The ZHRC conducts investigations in Zimbabwe that are aligned to human rights and take action regarding complaints as it considers appropriate.
229. ZHRC advances its work through complex approaches for the promotion of human rights such as outreaches, awareness, commemorations, engagement meetings with duty bearers and distribution of reading materials.
230. ZHRC is part of regional and international human rights networks such as Global Alliance for National Human Rights Institutions (GANHRI). It was accredited as an 'A Status' National Human Rights Institution by the Global Alliance for National Human Rights Institutions in 2016 and it will be reviewed in 2023.
231. ZHRC carried out the 13th Network of African National Human Rights Institutions (NANHRI) Biennial Conference held virtually in Zimbabwe in 2021 which was centred on the role of National Human Rights Institutions in offering a human rights-based approach to better and sustainable recovery towards development beyond COVID-19. It was during this time that Zimbabwe assumed the Chair of NANHRI which will serve for two (2) years.
232. **ZHRC** is also part of regional and international human rights networks such as the Association of African Mediators (AOMA) and the African Commission on Human and People's Rights.
233. The ZHRC has investigated and resolved numerous cases of maladministration and abuse of office. Some of the cases of maladministration involved are partisan

distribution of food aid and agricultural inputs, delays in processing of pension benefits and poor service delivery by some public institutions such as local authorities. Some of the cases of abuse of office include complaints against public officials such as police officers, traditional leaders, officials in the Registrar General’s Office and Immigration Department among others. General Complaints received by ZHRC are Civil and Criminal cases which can be handled by the police/courts. They are dealt with through referrals or advisory services.

Table 16: Complainants handled by the ZHRC

Year	2015	2016	2017	2018	2019	2020	2021
Total Complaints	482	515	514	696	412	642	760
Human Rights cases (Chapter 4 of the Constitution)	262	245	178	299	179	188	240
Admin Justice	101	134	120	123	74	195	181
General Complaints	119	136	216	274	159	259	339

234. The ZHRC has been monitoring the observance of human rights and freedoms in places of detention such as prisons, police cells, refugee camps, care homes for children and older persons and mental institutions. There has been progressive awareness of and significant compliance with the minimum international standards for such places of detention. In 2021, ZHRC monitored a total of thirty-seven (37) prisons in Zimbabwe.

National Peace and Reconciliation Commission (NPRC)

235. The National Peace and Reconciliation Commission (NPRC) is a creature of the Constitution of Zimbabwe⁶ and the National Peace and Reconciliation Commission Act⁷. The functions of the NPRC include to ensure post-conflict justice, healing

⁶ Section 251

⁷ [Chapter 10:32]

and reconciliation, develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes as well to 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 among other functions.

236. The National Peace and Reconciliation Commission is a creature of the Constitution of Zimbabwe. It is established by section 251 of the Constitution as one of the Chapter 12 Independent Commissions. Section 235 of the Constitution provides for its Independence and this means that it is not to the subject or direction of anyone, the state and all institutions and agencies of government are obliged to assist the NPRC and its Independence and no person may interfere with the functioning of the Independent Commission.
237. The National Peace and Reconciliation Commission has the following functions derived from Section 252 of the Constitution of Zimbabwe: -
- a. to ensure post-conflict justice, healing and reconciliation;
 - b. to develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes;
 - c. to 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. to 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. to develop programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support;
 - f. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
 - g. to develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures;
 - h. to do anything incidental to the prevention of conflict and the promotion of peace;
 - i. to conciliate and mediate disputes among communities, organisations, group and individuals; and

- j. to recommend legislation to ensure that assistance, including documentation, is rendered to persons affected by conflicts, pandemics or other circumstances.
238. The NPRC has managed to strengthen relationships and bringing a sense of solidarity among members of the communities throughout the country's ten provinces. This is crucial as it is an important determinant of a peaceful, democratic and prosperous nation. The NPRC has thus created stronger bonds within and across different groups, and fosters greater trust in the institutions of Zimbabwe.
239. The NPRC is encouraging people to tell the truth about the past, facilitating making of amends and the provision of justice which will bring about national reconciliation.
240. The NPRC runs programmes and does anything incidental to the prevention of conflict and promotion of peace. It also develops mechanisms for early detection of areas of potential conflicts and disputes and take appropriate preventative measures.
241. The NPRC ensures post conflict justice in its work. It is developing programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support. It also receives and considers complaints from members of the public who have suffered conflict related human rights abuse and takes such action with regards to the complainants as it considers appropriate. The NPRC also develops and implements programmes such as setting up of the peace infrastructure in provinces and setting up of the Conflict Early Warning Early Response to promote national healing, unity and the peaceful resolution of disputes. Furthermore, it ensures that assistance including document is rendered to persons affected by conflicts, pandemics or other circumstances.

ZIMBABWE GENDER COMMISSION (ZGC)

242. The Constitution establishes the Zimbabwe Gender Commission (ZGC) as one of the five Chapter 12 Commissions⁸ and operationalized through the Zimbabwe Gender Commission Act [*Chapter 10:31*]. Section 233 of the Constitution set the objectives of the ZGC, one of which is to support and entrench human rights and democracy and to secure the observance of democratic values and principles by the State and all institutions and agency of government and government controlled entities.

⁸ Section 245

243. During the period 2019 and 2020 review the ZGC has attended to cases and complaints as demonstrated below in Table 17 and 18.

Table 17: Cases handled by the ZGC (2019)

Nature of cases	Female Complainants	Male Complainants	Total
Matrimonial issues	12	2	12
Gender based Violence	10		10
Sexual Harassment	12	2	14
Access to National Documentation	31		31
Gender Based Discrimination	5		5
Sexual Offences	6		6
<u>78</u>			

2019 ZGC Annual Report

Table 18: Cases handled by ZGC in 2020

Nature of cases	Female Complainants	Male Complainants	Total
Matrimonial issues	2	1	3
Gender based Violence	20		20
Sexual Harassment	12		12
Property Rights	12		12
Gender Based Discrimination	5		5
Sexual Offences to ask gender commission	4		4

Gender Stereotyping in Social Media and Broadcasting Services	1	1	2

ZGC Annual Report 2020

244. The period under review witnessed several achievements including in line with section 246 (b) and (c) of the Constitution, the ZGC managed to investigate fifty-one (51) cases as presented in Table 17 above on violations of rights relating to gender. The majority of the cases centred on Gender Based Violence (GBV) and Sexual Gender Based Violence (SGBV) in its various manifestations. Having noted this, ZGC developed Standard Operating Procedures for Handling and Investigation of Cases of Gender Based Violence and Sexual Gender Based Violence with the support of UN Women under the Spotlight Initiative.
245. In addition, ZGC signed a Memorandum of Understanding (MOU) with the Zimbabwe Human Rights Commission and the National Peace and Reconciliation Commission, known as Chapter 12 Commissions Joint Investigation Forum to strengthen collaboration on investigation of cases where there are mutual interests. The MOU is based on the common objectives of the Commissions as provided in Chapter 12, section 233 of the Constitution of Zimbabwe.
246. The ZGC also has a mandate to monitor issues concerning gender equality with a view to ensure compliance with gender equality provisions in the Constitution, regional and international frameworks. Pursuant to this mandate, the ZGC in 2020 did the following: -
- a. Developed a Monitoring and Evaluation Framework to effectively implement and strengthen its oversight mandate on monitoring adherence to gender equality provisions
 - b. Issued Advisory Notes in line with section 17 of the Constitution, which provides for gender balance in social, political and economic spheres. Duty bearers were implored to ensure gender sensitive appointments and respect the supreme law of the land.
 - c. Convened the 2020 National Gender Forum (NGF) under the theme "*Strengthening Accountability to End Gender Based Violence in Zimbabwe.*" The NGF was preceded by Provincial Gender Fora that were convened in nine provinces of the country.

- d. Convened dialogue meetings
 - i. to strategize on ways to increase women's participation and representation in local government towards gender parity threshold;
 - ii. to sensitise stakeholders on violence and harassment in the workplace and develop a draft roadmap towards the Ratification of ILO Convention 190 by Zimbabwe;
 - iii. capacitate trainers on gender equality in the world of work.
- e. Operationalized six (6) Thematic Working Groups to enable ZGC to extensively deal with various gender rights related issues.
- f. Observed the public hearings on Constitutional Amendment Bill Number 2.
- g. Submitted a position paper to Parliament on Engendering Electoral and Constitutional Reforms. The position paper also provided a platform to input the Constitutional Amendment Bill Number 2.
- h. Produced and launched the Gender Audit of the main political parties.
- i. Developed a model gender policy in an effort to strengthen institutional capacities and provide sustainable mechanism to support engendering of political party systems.
- j. Conducted a Rapid Gender Assessment of COVID-19 Quarantine Centres across the country.

247. Further, ZGC carried out a number of public education and awareness activities to increase awareness on gender issues and understanding of its role and mandate by the public. These include: -

- i. Commemorations of international events which were done through statements;
- ii. 35 media appearances on both radio and television to assess gender dimension of national COVID-19 response;
- iii. Statements on:
 - the Covid 19 induced lockdowns and its implications on achieving gender equality;
 - violence against women; and
 - gendered impact of Cyclone Chalane; and
- iv. Workplace Sexual Harassment Awareness Programme at some of the leading businesses in Zimbabwe namely Dairboard Zimbabwe and FBC Bank.

PERSONS WITH DISABILITIES

248. In addition to information provided under paragraph 161 the GoZ is at an advanced stage in the finalization of the Inclusive Education Policy, which recognizes disability as one of the barriers to equitable access to quality education. In the BEAM provision, specific funds are set aside for the benefit of children with disabilities. The GoZ established the National Braille Printing Press and National Educational Audiology Laboratory for the delivery of disability-responsive services and materials for PWDs.

COOPERATION WITH THE COMMISSION

249. Despite budgetary constraints, the GoZ is endeavouring to mobilize resources for the project.
250. GoZ is up to date with its obligations under both the Charter and the Maputo Protocol.

CONCLUSION

251. Zimbabwe continues to face a number of challenges such as the aftermath of the devastating Covid-19 pandemic as well as climate change induced phenomena. The cyclical droughts and devastating cyclones have also threatened food security and livelihoods of Zimbabweans. Despite these challenges, the GoZ continues to develop and implement safety nets to cushion the most vulnerable and needy through initiatives such as agricultural input schemes to support communal and commercial farmers as well as construction of more dams to provide water and livelihoods.
252. The continued imposition of economic sanctions by some countries in the West has also severely impacted on economic performance, inclusive growth and development for more than two decades. The impact has seen the continued shrinkage of the country's fiscal space, which consequently has limited resource mobilisation to the domestic market. In turn the GoZ continues to be strained in meeting its human rights obligations and commitment which is negatively impacting the full enjoyment of rights by the people of Zimbabwe.
253. Zimbabwe remains committed to its international and regional obligations to ensure full and meaningful realisation and enjoyment of human rights for its citizenry.

PART B:

SECOND PERIODIC REPORT ON THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (THE MAPUTO PROTOCOL)

BACKGROUND INFORMATION

INTRODUCTION

254. The Government of Zimbabwe (GoZ) is pleased to present its 2nd Periodic Report on the Protocol of the African Charter on Human and Peoples Rights on the Rights of Women in Africa (the Maputo Protocol).
255. The Report outlines progress made during the period 2019 to date, on the promotion and protection of Women's Rights in Zimbabwe. This report makes a succinct expose` on how Zimbabwe has remained steadfast in the promotion of women's equal enjoyment of all human rights, including freedom from violence, sexual and reproductive rights, access to justice, socio-economic equality, and participation in decision-making. It details the State Party's commitment in upholding and improving the welfare and rights of Women in Zimbabwe. Information is provided under each article with regards to constitutional, legislative, and administrative measures taken by the GoZ to implement obligations arising from the Protocol. In addition, information shall be provided on the challenges faced in the implementation of the protocol as well as measures undertaken to address these issues.
256. The COVID-19 global pandemic has been a major socio-economic challenge since its emergence in 2020 and it continues to affect and impact the rights and welfare of women in Zimbabwe. The pandemic has not only left a permanent mark on

humanity, but has also put to test the resolve of nations in safeguarding and advancing human rights during such trying times.

257. The State Party also acknowledges that women are more vulnerable to climate change and are at greater risk of the consequences. Factors such as women's high dependence on local natural resources for their livelihoods, particularly in rural areas exacerbate their situation. The vulnerability to climate change is further amplified by the limited access and control of resources, environmental goods, basic services and the economy in general. The period under review has presented numerous challenges that are associated with climate change and adverse weather phenomenon. Events such as the 2019 Cyclone Idai, El-Nino effect and the changing seasonal patterns are further compounding the full realisation and promotion of women's rights. Consequently, GoZ in response has put in place several strategies to mitigate the impact of climate change through reviewing environmental policies and strategies to identify climate change related gaps that intersects with gender gaps. The Government in turn has adopted an increasingly responsiveness approach encompassing measures that address gender gaps through the promotion of sustainable use of the environment; natural resource management strategies; and adaptation and mitigation initiatives to climate change.

INTERNATIONAL AND REGIONAL COMPLIANCE

258. Zimbabwe remains devoted to the advancement, and promotion of women's rights in terms of its obligations arising from regional and international instruments to which it is party to. The Maputo Protocol is one such beacon for the rights of women, and the GoZ reaffirms its commitment to gender equality and the empowerment of women in all spheres of Zimbabwean life.

NATIONAL CONSTITUTIONAL AND LEGISLATIVE MEASURES

CONSTITUTIONAL MEASURES

259. Zimbabwe's national and legal policy framework adheres itself to international and regional best practices in addressing the rights of women. The laws of Zimbabwe priorities' gender issues and are constantly being reviewed to align to the principles of gender equality and women empowerment. The primary law is the Constitution of Zimbabwe and all laws applying in the State are subordinate to it.⁹

⁹ Section 2 of the Constitution of Zimbabwe

260. The Constitution of Zimbabwe provides a strong framework for the protection and promotion of the rights of women and girls in the country. It explicitly outlaws' discrimination on the grounds of sex and gender. Furthermore, all laws, customs, traditions, and cultural practices that infringe upon the rights of women are regarded as invalid according to the Constitution.
261. The Constitutional Amendment Number 2 of 2021, introduced and reinforced proportional representation into Zimbabwean law by obligating a quota system in different spheres of Government and Authority. The Amendment extended the system in place at national level to be applicable at local level. In terms of the Amendment, a minimum of 30% of local Government seats are now reserved for women. In the same vein, the private sector is being encouraged to follow suit.

LEGISLATIVE MEASURES

262. During the period under review, several legislations have been put in place to respond to the historic and emerging issue of gender equality, the promotion and strengthening of women rights. The legislative process embarked on encompassed both alignment and review of legislation resulting in several laws coming into sync with the constitution as well as the introduction of completely new sets of legislation. Notable legislation impacting women issues include the which was aligned with the Constitution to strengthen and provide for proportional representation. The Act further provides for gender balance in the appointment of boards of public entities.¹⁰
263. Further, a new hybrid marriages Act (Marriages Act [*Chapter 5:17*]) came into force on 16 September 2022, repealing the Marriage Act [*Chapter 5:11*] and the Customary Marriages Act [*Chapter 5:07*]. The new Marriages Act aligned to constitutional provisions and made other consequential amendments to other related pieces of legislation. In essence, the new law brings equality to all marriage regimes recognized in the country.
264. The Guardianship of Minor Act [*Chapter 5:08*] also eliminates discrimination by providing equal rights of custodianship and guardianship between parents. This applies in the best interest of the child by guaranteeing the equality of parents before the law. The Act further extinguishes parental consent on child marriages.
265. Further, the Education Act [*Chapter 25:04*] amongst other reforms seeks to address issues pertinent to girls and education including criminalizing the prohibition of a child from attending school.¹¹ The Children's Act Amendment Bill if

¹⁰ Section 7

¹¹ Section 5(2)

law will eliminate harmful socio-cultural practices that impacted and endangered children and in particular young girls. It seeks to criminalize acts such as the pledging of girls for marriage, and child marriages.

266. Zimbabwe maintains a balance with various regional and international treaty bodies and endeavors to engage in all platforms that advances the rights and welfare of women in Zimbabwe. In 2020, Zimbabwe presented its 6th Periodic Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the Committee on the Elimination of All Forms of Discrimination Against Women. This was followed by the CEDAW mid-term Report in 2021 and preparations are underway to begin compiling Zimbabwe's 7th Periodic CEDAW report which is due in February 2024.
267. The GoZ continues to eliminate the barriers to equality in different spheres of society particularly impacting on the welfare of women and children such as inheritance. As such National Consultations were conducted regarding women rights and inheritance. The consultations have culminated in proposed principles to amend several pieces of legislation to establish equal rights for women with regards to inheritance¹². These principles seek to address the various basis of discrimination emanating from the archaic laws regulating spouses and inheritance, which in many instances leave women vulnerable and disenfranchised.

ADMINISTRATIVE MEASURES

268. The 2022 National Budget allocated 1.23 billion Dollars for the provision of sanitary wear for girls with an intention to cover at least 80% of rural girls in Zimbabwe. Furthermore, the GoZ, through a treasury circular, directed Ministries and all Government entities funded by Treasury to forward gender responsive budgets. The measures are progressive and such directives ensure that there is gender equitable distribution of resources.
269. In response to gender mainstreaming, the GoZ created the post of Director of Gender Mainstreaming, Inclusivity and Wellness, in all line Ministries in an endeavor to enhance gender balance in the Public Service, as well as to eliminate negative economic, social, and cultural practices that impede on equality.
270. GoZ further introduced the Public Service Sexual Harassment Policy in 2022, which binds and regulates the conduct of public servants in respect of workplace conduct and relations. The policy seeks to reduce instances of sexual harassment,

¹² Such as Administration of Estates Act [*Chapter 6:01*], Deceased Persons Family Maintenance Act [*Chapter 6:03*] and Will Act [*Chapter 6:06*].

and exploitation in every form at the workplace. The Policy also provides procedures for reporting and mechanisms for transparency and accountability when cases of sexual harassment arise.

271. The GoZ in 2021 launched the High-Level Political Compact on Ending Gender based Violence and Harmful practices in Zimbabwe (HLPC) under the auspices of the Global Spotlight Initiative Programme. The HLPC is the first of its kind and shows the increased effort to eliminate violence against women and girls and harmful practices. HLPC is a transformative initiative that enhances national response to Sexual and Reproductive Health Rights (SRHR), Sexual and Gender-Based Violence (SGBV) and Harmful Practices. It is a well-resourced, national, accountable and inclusive compact.
272. In compiling this report, the Inter-Ministerial Committee on Human Rights and Human Rights Law (IMC) compiled a zero draft and conduct extensive consultations were securing participation from Government departments and agents, independent Commissions, women organisations, academic institutions, non-governmental organisations as well as individuals, amongst others. The consultations included, group/in-person consultations in all the 10 provinces of Zimbabwe, desk reviews of the draft by several NGO's as well as interviews with persons of interest. These consultations were to ensure a holistic and inclusive process that truly reflects the women's rights situation in Zimbabwe.

SPECIFIC PROVISIONS OF THE PROTOCOL

ARTICLE 2: ELIMINATION OF DISCRIMINATION AGAINST WOMEN

273. The GoZ continues to put in place measures to prevent and address violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Protocol. Constitutional, legislative, judicial and administrative measures presents tools that fortress elimination of discrimination against women. Notably the law reform alignment has played a critical role in this respect as evidenced by several legislations that has been reviewed to encompass the elimination of non-discrimination against women. These Acts include: -
- a. Marriages Act [*Chapter 5:17*],
 - b. Domestic Violence Act [*Chapter 5:16*],
 - c. Criminal (Codification and Reform) Act [*Chapter 9:23*],
 - d. Public Entities Corporate Governance Act [*Chapter 10:31*],

e. Cyber and Data Protection Act [*Chapter 12:07*].

274. In order to give effect to the principles of non-discrimination, Government continues to strengthen the national machinery, chiefly by providing human, financial and technical resources to coordinate and work effectively for the promotion of gender equality and gender mainstreaming. GoZ has increased the number of Officers responsible for spearheading gender equality and women empowerment programs at respective administrative levels, resulting in stationing on average 2 (two) Officers per district in each of the 72 (Seventy-two) district offices and (1) one officer manning each of the 1 953 (one thousand nine-hundred and fifty-three) wards in the country. GoZ has also maintained strategic relations with development partners in order to sustain the provision of financial and technical support to relevant line Ministries in order to improve on gender equality and women empowerment.
275. Through the Zimbabwe Gender Commission (ZGC), initiatives to advance gender equality and non-discrimination against women have been implemented, during the period under review. The ZGC launched investigations, inquiries and initiatives to interrogate issues involving violations of rights of women including sexual violence, harassment, and child-marriages amongst others. Table 1 below demonstrates some of the activities embarked on the ZGC during the period under review.

Table 1: Gender based cases handled by the Zimbabwe Gender Commission 2020-2022

	2020	2021	2022
Sexual and gender based violence	20	42	30
Property disputes	12	10	02
Land disputes		04	01
Child marriages & sexual exploitation	-	08	500
Labour disputes		02	01
Sexual harassment	12		
Gender based discrimination	05	-	-
Gender stereotyping in social media and broadcasting services	02	-	-

Source: ZGC Annual Reports.

276. In an effort to ensure that gender equality policies are properly monitored and evaluated and their implementation assessed Government has established in all

line Ministries, Monitoring and Evaluation Departments that ensure the implementation of the National Monitoring and Evaluation Policy which includes to track and assess progress in the implementation of gender equality measures. Gender equality is one of the guiding principles of the National Monitoring and Evaluation Policy. GoZ continues as well to redirect focus to issues of gender equality in the formulation of budgets through Program Based Budgeting as well as Gender Based Budgeting.

277. The National Gender Policy which was revised in early 2023, continues to provide strategies to implement, monitor and evaluate the effectiveness of the various actors and policies in addressing gender inequality. This Policy was strengthened to extend institutional frameworks utilised to monitor and evaluate gender equality and women empowerment issues across all sectors.
278. During the period under review, countrywide, more than 13 106 (Thirteen thousand one hundred and six) Awareness Campaigns were carried out throughout the country focusing on domestic violence, harmful practices, sexual violence, gender equality through roadshows, Traditional Chief's Indaba, media campaigns, commemoration of 16 Days of Activism against Gender Based Violence and community dialogues with communities and duty bearers amongst others. This systematic approach has subsequently seen a marked increase in cases reported to authorities on violation of women's rights.

ARTICLE 3: RIGHT TO DIGNITY

279. The Constitution provides for inherent dignity of every person in section 51, which states that "every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected". Measures have been put in place to safeguard women's rights and to protect them from all forms of violence including sexual exploitation, human trafficking and GBV which undermine women's rights to dignity.
280. The GoZ thus relies on several legislation including the Trafficking in Persons Act [*Chapter 9:25*] in order protect and safeguard the dignity of women in the face of trafficking and sexual exploitation. As such, an Anti-Trafficking in Person Inter-Ministerial Committee (ATIMC) was established to lead and implement Government policy towards eradication of trafficking in persons and exploitation of women. Depending on the location of the women in distress, the Committee liaises with the responsible authorities of the concerned place/country where the victim is being exploited. For example, in 2022, the GoZ received information about Zimbabwean women who had fallen victim to trafficking in Oman and other Gulf countries. These women had been stripped of their dignity by being subjected to

domestic labour conditions akin to slavery and ill treatment. As a result, GoZ is working closely with the officials in countries such as Oman to ensure safe return of these women. Further, with the assistance of development partners, the GoZ also came up with re-integration packages that are available to victims when they get home. The packages enable the women to become self-sustainable. Follow up checks on the survivors will also be carried out in the process of reintegrating the survivors.

281. Government of Zimbabwe has established 23 (twenty-three) safe shelters across the country whose purpose is to provide secure and protected temporary shelter to GBV survivors while they receive GBV services and await reintegration into the family. During the year 2021, 1197 (one thousand one hundred and ninety-seven) women were admitted in these safe shelters where they received skills training that enabled them to start income-generating activities upon reintegration into society.
282. In order to simultaneously safeguard security of persons, guaranteeing the anonymity and encouraging reporting of cases of gender-based violence, the GoZ established GBV Call Centres and toll-free numbers to make sure services are accessible to all clients especially women and children. Through these hotlines, survivors receive psychosocial support, legal advice and are referred to relevant service providers. The country has more than 20 (twenty) toll-free numbers to assist GBV survivors. In 2022 alone, 54 003 (fifty-four thousand and three) GBV cases were reported to authorities through these platforms with survivors also accessing services.
283. Further, GoZ provides dignity kits to survivors of Gender Based Violence. Dignity kits help women maintain their dignity as are used for GBV risk mitigation and response. The dignity kits help to meet women's immediate hygiene needs, freeing them to participate in their daily lives as well as allowing them to spend their money on other needs. The kits contain hygiene and sanitary items including soap, pairs of underwear, bath towel, toothbrush, toothpaste, lotion, menstrual pads, detergent powder, comb, flashlight, wrapping cloth, all housed inside a backpack.
284. Under the Guidance and Counselling-Life Skills Education learning area of the school curriculum, all children obtain information on what sexual abuse /exploitation is, risks to watch for, where and how to seek help. The Guidance and Counselling Syllabus 2015-2022 was also a critical Government guideline which prepares learners to cope with developmental changes and a variety of risk factors such as HIV/AIDS, early marriages, teenage pregnancies, drugs and substance abuse in schools.

285. In addition, the School-Based Life Skills Empowerment Strategy 2020-2025 places emphasis on gender-based violence. The above-mentioned strategy has an established national service directory where each district, through various government arms within the District Child Protection Committees and over eleven thousand (11 000) Community Care Workers (CCWs) disseminate information on the available service providers as well as their location to community members.
286. In terms of the Educational Act [*Chapter 15:19*], there is a legal obligation on the State to provide Sanitary ware and other menstrual health facilities to female learners from vulnerable households to promote menstrual health. In this regard, during the period under review, Treasury allocated the following funds on sanitary wear:-

Table 2: Allocation of funds for sanitary ware by Treasury.

Year	Amount (USD)
2020	12.5 million
2021	7.34 million
2022	11.64 million
Total	31.48 million

Source: Treasury

ARTICLE 4: THE RIGHT TO LIFE, INTEGRITY AND SECURITY OF THE PERSON

287. Respect and protection of life, bodily integrity and security of the person are fundamental rights protected and guaranteed by the Constitution and the laws of the country. This is important as it reflects the reality that women continue to suffer violence both in the private and public spheres. Existing legislation criminalising violation of these rights continues to be amended and reviewed to address newly developing threats to integrity and personal security, such as cyber-bullying, exploitative and predatory sexual abuse of girls.
288. The Cyber and Data Protection Act [*Chapter 12:07*] now creates several criminal offences of an online nature including among others the distribution of or publication of personal and or intimate information including photo without the other party's consent and cyber bullying. Further, in line with the decision in the ***Kawenda v Minister of Justice, Legal and Parliamentary Affairs & Others HH32/21***, GoZ is currently reviewing sexual offence against minors to eliminate all forms of exploitative and predatory sexual conduct as well as extending protection against sexual exploitation to children in (particular girls) between the ages of 16 and 18years.

289. Government, continues to implement the Gender Based Violence Strategy which acts as a framework for all stakeholders in preventing and responding to gender based violence through coordinated multi-sectoral efforts by Government, Civil Society and Development partners.
290. The Government of Zimbabwe continues to give effect to the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence, that aims to provide a comprehensive and coordinated response to the management of survivors of sexual abuse. This response has also created the Victim Friendly Courts, which protect vulnerable witnesses in sexual abuse cases. Although initially intended for child victims of sexual abuse, it has now been extended to adult female rape survivors. Victim Friendly Units (VFU) at police stations and police posts were also set up to discreetly handle cases of violence against women, child sexual abuse and adult rape among other issues as well as to ensure that vulnerable witnesses are properly handled in reporting and processing their cases. Nationally there are 419 (four hundred and nineteen) victim-friendly police stations situated at national, provincial and district levels.
291. Strides have been made towards the provision of comprehensive GBV services to GBV Survivors through the establishment of One Stop Centers (OSC) across the country and Mobile One Stop Centers. Survivors of violence are provided with comprehensive services under one roof including health, psychosocial, legal and police services with Mobile One Stop Centers bring these services to the remote parts of the country. To date, the country has thirteen (13) One Stop Centers across all province. In 2022 alone, fifty-one thousand six hundred and ninety-nine (51 699) survivors of GBV had accessed service at these One Stop Centers.
292. Further, in line with the recently amended Education Act, the Zimbabwe School Health Policy and the Curriculum Framework for Primary and Secondary Education (2015-2022), GoZ has incorporated comprehensive sexual, reproductive health and HIV and AIDS education into the different learning areas from the earliest level of basic education.

ARTICLE 5: ELIMINATION OF HARMFUL CULTURAL PRACTICES

293. Section 2 and 53 of the Constitution condemns customs and practices that are inconsistent with women and girls' enjoyment of their fundamental human rights. The Domestic Violence Act further criminalises acts of violence against women such as forced virginity testing, female genital mutilation and any other forms of physical or psychological violence. To strengthen the elimination of harmful cultural practises the GoZ promulgated the Marriages Act [*Chapter 5:17*] which criminalises child marriages among other harmful cultural practices.

294. During the period under review, the Constitutional Court of Zimbabwe made several land mark rulings that have advanced the protection of children from harmful cultural practices. Following the abolition of child marriages in the ***Tsopodzi and Mudzuri case***¹³, the Constitutional Court in the ***Kawenda case*** referred in paragraph 288 above, determined in 2021 that the provisions in the Criminal Code relating to sexual offences do not extend full protection to all children between the ages of sixteen (16) and eighteen (18) from sexual exploitation. This exclusion historically had perpetuated harmful cultural practices such as early child marriages. To this end the State Party is in the process of amending the Criminal Code on all sexual offences to be responsive to the elimination of exploitation and other harmful practices.
295. Further as a result of reviewing the One Stop Centre Policy, an operational directive has been put in place stating that survivors of sexual violence should be attended to at the first port of call, overriding the previous policy where a survivor of sexual violence was expected to report to the police first.
296. GoZ also has deployed health personnel who go into the apostolic sects' shrines to raise awareness on the dangers of harmful cultural and religious practices. This is in response to some of the religious belief that prevail in these sects which constitute cultural practises that are harmful. Sensitisation campaigns referred to in paragraph 58 above are also used to raise awareness of traditional leaders and assign them the lead as custodians of African customs and traditions in discussing transformative masculinity, addressing rigid gender and social norms and the negative effects of patriarchy.

ARTICLE 6 & 7: MARRIAGE, SEPARATION, DIVORCE AND ANNULMENT OF MARRIAGE

297. GoZ in fulfilling the provisions of the Maputo Protocol in particular Article 6 and Article 7 concerning marriages, enacted the Marriages Act which apart from harmonizing marriage regimes introduced equality of spouses before the law and non-discrimination based on one's marriage type. In essence, the law redresses the prejudice, and injustice suffered by women where their marriage regime formed the basis of their discrimination in matters including inheritance, proprietary rights, separation and divorce.
298. The Act also recognizes three types of marriages including customary marriages and extends protection to spouses in polygamous customary marriages to

¹³ *Mudzuru & Another v Ministry of Justice, Legal & Parliamentary Affairs (N.O.) & Others* (Const. Application No. 79/14, CC 12-15) [2015] ZWCC 12 (20 January 2016)

eliminate discrimination of spouses by ensuring fairness during and at dissolution of the polygamous customary marriage. Furthermore, the Act criminalizes child marriages and prohibits forced marriages and pledging of girls for marriage among the harmful cultural practices that it outlaws. Nothing in the new Act proscribes women in marriages to acquire their own property separately, in fact as a general rule governing marriages in Zimbabwe, all marriages in Zimbabwe are out of community of property, which in essence extends a degree of protection in respect of proprietary rights for women in marriages who would have acquired their own property. On matters relating to guardianship, custody and maintenance of children during marriages and after dissolution, the Commission is referred to paragraph 126 on equality of spouses and parents in relation to children.

ARTICLE 8: ACCESS TO JUSTICE AND EQUAL PROTECTION BEFORE THE LAW

299. Section 31 of the Constitution recognises the importance of legal aid in ensuring access to justice and thus enjoins the State to ensure that legal representation is provided in both civil and criminal matters for the indigent. GoZ through the Legal Aid Directorate (LAD) provides legal aid to the indigent and special groups of persons that are more vulnerable such as children and women and in addition, works closely with civil society actors in facilitating the provision of legal services through a system of referrals. During the period under review over 23000 women have accessed legal services through LAD free of charge on a range of matters including custody, protection orders, divorce among others. LAD as a Government institution is currently in all ten (10) provinces of Zimbabwe and the decentralisation to the districts has commenced with four (4) district offices opened namely Chiredzi, Chipinge, Chivhu and Gokwe. Accordingly, the GoZ is committed to opening at least three district offices on a yearly basis with a target of reaching at least thirty (30) new district centres by the year 2030. The decentralisation effort will enhance access by women to justice who disproportionately experience a myriad of barriers in securing legal recourse.
300. To increase women's access to justice, GoZ is implementing a family laws project which focuses on raising awareness on family laws. To this effect the Family Laws Handbook is being revised to reflect legislative, judicial and policy developments impacting on the rights of women in family law. The Handbook will be used by Community Development Officers and Community Development Coordinators during legal literacy programmes on access to justice and women's rights. During the period under review, the GoZ rolled out the Inheritance Laws Awareness Programme in all provinces with the objective to raise awareness on inheritance laws and procedures, in order to empower women and communities. This has led to the development of proposed amendments of various inheritance laws to be in

sync with the Constitution, international and regional best practices in protecting the rights of widows.

ARTICLE 9: PARTICIPATION IN THE POLITICAL AND DECISION-MAKING PROCESS

301. The Constitution provides for the representation and participation of women in politics in terms of section 120 (2)(b) and 124 (1)(b) by establishing a reserved quota for women in the National Assembly. In addition, the Electoral Act [*Chapter 2:13*] was amended to reflect the provisions of sections 120 and 124 of the Constitution which stipulates representation quotas for women in both house of Parliament and local government. The Act now requires that 60 seats in the National Assembly and 30% of seats be reserved for women in local government authorities.
302. 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. This is strengthened by Section 11 (7) of the Public Entities and Corporate Governance Act [*Chapter 10:33*] which calls for the placing of equal number of men and women on Public Entity boards.
303. Following the establishment of the African Women Leaders Network (AWLN), Zimbabwe National Chapter in 2020, Women's leadership initiatives are being strengthened through activities and advocacy work towards women leadership, peace, and social cohesion. The year 2022 saw the establishment of provincial Chapters as well as focal points which incorporated state universities. The country convened an African Women Leadership Network (AWLN) High-Level Intergenerational Dialogue on Women's Political Participation which brought together young women aspiring to venture into politics and those that have walked the political journey to exchange notes and share ideas and experiences on how to navigate the political terrain. More than 500 women participated the event.
304. The GoZ developed the Women in Leadership and Decision Making Strategy in 2023, aimed at promoting full participation and representation of women in decision making. The Strategy focuses on five (5) thematic areas which are; participation of women in politics, private sector, public sector, civil society and community development. GoZ also continues to ensure an increase in the number women representation in the highest decision making positions, institutions and bodies. The table below demonstrates representation of women in such positions between 2018-2021 :-

Table 3: Women in decision-making politics and public sector

Source: Ministry of Women Affairs, Community, Small and Medium Enterprises Development 2018-2021

	2018				2021			
	Women	Men	Total	% share of women	Women	Men	Total	% share of women
Political life								
GoZ Ministers	6	14	20	30	5	15	20	25
Ministers of State	5	5	10	50	6	6	12	50
Parliament	120	230	350	34	113	205	318	35.5
Local Government Councilors	190	1,169	1,359	14	274	1,684	1,958	14
Public sector								
Permanent Secretaries	6	14	20	30	8	25	33	24
Commissioners in the Public Service	4	3	7	57	2	4	6	33
Chief Directors/ Directors/ Deputy Directors	267	660	927	29	220	495	715	31
Ambassadors	10	29	39	26	11	36	47	23
Vice Chancellors – State Universities	0	11	11	0	1	11	12	8
Principals of State owned Teachers Colleges / Agricultural colleges/ PolyTechnical colleges	12	18	30	40	7	14	21	33
	2018				2021			

ARTICLE 10 AND 11: RIGHT TO PEACE & PROTECTION OF WOMEN IN ARMED CONFLICT

305. In terms Section 10 of the Constitution, every person, including juristic persons, and every institution and agency of government at every level, must promote national unity, peace and stability. GoZ thus continues to support and capacitate established institutions that promote, protect, fulfil and respect fundamental freedoms and human rights. These institutions also known as Chapter 12 institutions include the Zimbabwe Gender Commission (ZGC), National Peace and Reconciliation Commission (NPRC) and the and the Zimbabwe Human Rights Commission (ZHRC). These Commissions have a special interest in protecting women against all forms of violence including politically motivated violence. The

National Peace and Reconciliation Commission (NPRC) was specifically established to ensure among other functions to ensure post-conflict justice, healing and reconciliation, develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes as well to bring about national reconciliation.

306. Further, GoZ developed a National Action Plan (NAP) on the implementation of the United Nations Security Council Resolution (UNSCR) 1325 in 2022. The action plan which was launched in 2023 will provide guidance on implementation of programmes on relief and recovery, protection and prevention of violence against women and girls and how the country can improve participation of women in peace processes.

ARTICLE 12: EDUCATION AND TRAINING

307. GoZ continues to promote and ensure education and training which guarantees equal access and opportunity for women and girls, and endeavours to take measures to eliminate all forms of discrimination in this regard. Concerning basic education, the GoZ through a social safety net called Basic Education Assistance Model (BEAM) the target coverage of learners has increased to 1.5 million for primary and secondary pupils during the 2022 financial year. BEAM is a grant that is aimed at guaranteeing access to basic education for the underprivileged. Through the provision of this grant, there has been a progressive increase in the number of girl learners as beneficiaries of the rollout.

Table 4: Enrolment of primary school students

Year	Male	Female	Total, No.	% Female	% Change	Number
2017	1 346 591	1 329 894	2 676 485	49.69	0.54	14 475
2018	1 369 142	1 356 828	2 725 970	49.77	1.85	49 485
2019	1 399 845	1 389 847	2 789 692	49.82	2.34	63 722
2020	1 435 917	1 433 818	2 869 735	49.96	2.87	80 043
2021	1 450 416	1 448 843	2 899 259	49.97	1.03	29 524

308. There are 1 001 244 learners (495 262 males, 505 982 females) enrolled in Lower Secondary (Form1 to 4). The enrolment in lower secondary increased annually during the period 2017-2020, with the highest annual increase (3.57 percent) in enrolment registered in 2019. In 2020, the increase in enrolment was 1.12 percent. In 2021, there was decrease in enrolment of -3.34 percent. Furthermore, the proportion of female learners in lower secondary annually increased. The

proportion of females in Form 1-4 increased from 49.92 percent in 2017 to 50.54 percent in 2021.

309. Some 86 388 learners (42 679 males, 43 709 females) are enrolled in upper secondary (Form 5-6). The enrolment in upper secondary increased on annual basis over the period 2017-2020, except for 2021, with the highest (7.85 percent) annual increase recorded in 2017. In 2021, there was decrease in enrolment of - 14.75 percent. The proportion of females in Form 5-6 increased from 46.39 percent in 2017 to 50.60 percent in 2021

Table 5: Resource Allocations for BEAM (2019-2021)

Programme Fund	2018 USD	2019 (converted to USD at Zwl 15:US\$1)	2020 (converted to USD at Zwl 80:US\$1)	2021¹⁴ (converted to USD at Zwl 83:US\$1)
Basic Education Assistance Module (BEAM)	20 000 000.00	7,666,666.67	162,500,000.00	246,913,580.02

310. A cross sectional analysis of student enrolment in tertiary education reveals that the enrolment of female students has surpassed male students. In terms of a 2018-2020 report, released by the National Statistics Agency, the number of female students in December 2019 stood at 60 149 compared to 62 629 in 2020. This is against an enrolment of 43 432 and 53 699 male students in 2019 and 2020 respectively. GoZ has given a policy directive to both technical and teachers' colleges to adopt 50/50 gender parity constitutional requirement when enrolling women. Pursuant to this directive, the current enrolment of women at polytechnics is at 43% while at teachers' colleges is at 74%.
311. Schools are now proscribed from expelling girls who fall pregnant from school. Girls who fall pregnant are offered an opportunity to be readmitted back into school after childbirth and the Act now prohibits expulsion of girls on the basis that they fall pregnant at school. Further, the Act introduces free and compulsory state funded basic education which promotes inclusive and equitable education specifically for the girl child who is vulnerable. The Act also introduces comprehensive sex and reproductive health education which empowers the girl child in particular to make informed decisions on their health and wellbeing.

¹⁴ Note that between end 2018 and 2020 currency stabilization caused difficulties in converting to USD

312. In 2023, the GoZ organised the inaugural Concord Young Women in Business Global ICT Programme, which attracted women from both rural and urban areas. The programme is designed to empower young women with skills on utilisation of information communication technology (ICT) to enhance their competences and skills. 7840 women from the ten (10) Provinces of the country were awarded certificates of competence. Responding to National Development Strategy 1 (NDS 1) provisions for pursuing a knowledge driven economy, the GoZ introduced the 'work for fees' program early 2023, and it is anticipated that the major beneficiaries shall be female students who constitute the majority of enrolments.

ARTICLE 13: ECONOMIC AND SOCIAL WELFARE RIGHTS

313. The GoZ, in line with the Constitution, continues to put measures in place that ensure equal access to employment and occupational opportunities in all institutions and agencies at every level. As highlighted above, in 2022, the GoZ launched a comprehensive Public Service Sexual Harassment Policy. The policy is designed to eliminate all and any forms of sexual harassment in the workplace and to foster an environment that protects the vulnerable, particularly women, who are mostly victims of sexual exploitation. The policy, amongst other principles, supports diversity and inclusive work practices and the promotion of respect amongst all people in the workplace.
314. Since the establishment of the Women's Bank in 2018, the GoZ continues to afford capital and financial support to women in small and medium enterprises and those in the informal sector. This has extended the financial inclusion of women, especially those found in rural and remote areas.
315. The GoZ is in the process of harmonizing legislation to reflect international best practice and standards of employment aimed at combating exploitation and prohibiting the employment of children. Amendments to the Labour Act has set the minimum age of employment at 18, with the exception of those under apprenticeship. This harmonization also seeks to give effect to the Constitution as well as regional and international instruments which define a child as a person under the age of 18 years. Further the amendments to the Labour Act, has removed all qualifying periods for maternity leave, upholding reproductive rights for women. Consequently, female employees will secure fully paid leave on all pregnancies without qualifications.
316. Further, GoZ entered into a Memorandum of Understanding with the Eliminating Child Labour in Tobacco Growing Foundation (ECLT) in 2022 on Cooperation in the Field of Child Labour in the Agriculture Sector. The objective of this MOU is to define the basis for institutional relations on co-operation developed between the

Parties in the field of child labour in the agricultural sector. ECLT advocates for strong policies, research and implementation best practices, engagement of farmers and farming communities so they can benefit from farming while ensuring that their children are safe, healthy, educated, and encouraged to reach their full potential.

317. The GoZ has also developed Policies on equal employment and recruitment opportunities. This follows a research was conducted by the GOZ in conjunction with IOM on ethical recruitment practices involving Private Employment Agencies (PEAs) in Zimbabwe resulting in a number of policy recommendations being made. As a result, the following documents were drafted are ready for launching:
- The Policy Brief on Ethical Recruitment
 - Standard operating procedures for fair and ethical recruitment for private employment agencies
 - National formalization strategy for the informal sector

ARTICLE 14: RIGHT TO HEALTH AND REPRODUCTIVE RIGHTS

318. GoZ has been implementing mix of high impact and low-cost interventions to improve pre and postnatal health for women. Since 2017, GoZ has been implementing the new WHO recommendations on antenatal care (ANC) which include providing Ultrasound Scan (USS) services to every pregnant women and ensuring that every pregnant woman with an uncomplicated pregnancy has at least eight (8) ANC contacts before delivery. Further, USS machines have been procured and distributed to maternity units in all public hospitals and medical doctors and midwives in those institutions have been capacitated to use the USS machines. GoZ has also been procuring and distributing essential Maternal and Newborn Health equipment (including BP machines, fetoscopes, Digital patient monitors, patient beds, anaesthetic machines, etc), drugs and other consumables to health facilities at all levels of care.
319. GoZ has also endorsed goals and targets set out in international protocols and agreements on health and has placed Sexual and Reproductive Health and Rights (SRHR) high on the national agenda. In that respect, the GoZ is implementing a national Sexual and Reproductive Health (SRH) programme aimed at providing and promoting appropriate, quality, comprehensive, integrated SRHR and HIV services that are safe, equitable, affordable, acceptable and accessible to all citizens. The programme is being implemented within the framework of:

- a. the Global Strategy for Women’s, Children’s and Adolescents’ Health (2016 – 2030),
 - b. Every Newborn Action Plan (ENAP) 2014 - 2035,
 - c. National Development Strategy 1 (2021-2025),
 - d. National Health Strategy (2021 – 2025),
 - e. National Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Strategy (2017 – 2021- *currently being updated*),
 - f. National Adolescent Sexual and Reproductive Health Strategy 11 (2016 – 2020 - *soon to be replaced by the National Adolescent and Youth Health Implementation Plan: 2024 – 2028*).
320. Further, the GoZ is implementing various strategies to promote access to and utilization of SRHR. These include accelerating the training of nurses and midwives, implementing the Minimum Initial Service Package (MISP) for Reproductive Health in Emergencies and Crisis Situations, procurement of essential RMNCAH equipment and supplies, clinical mentorship, implementing the WHO’s nine (9) standards on Adolescent and Youth Friendly Health Service provision, implementing care for the care programmes to improve the work environment for health care workers, enforcing implementation of the user fees through various strategies eg the RBF, among others.

ARTICLE 15: RIGHT TO FOOD SECURITY

321. The GoZ in 2023, declared Zimbabwe to be a grain self-sufficient Nation. This followed a successful agricultural season, which saw record wheat and grain production. The role of women remains central and significant in the Zimbabwean agricultural sector, with women constituting the majority of farmers in rural and communal lands, whose economies are agro-based.
322. There is a commitment at National level by the GoZ to empower women more in the energy sector. Relevant developmental programs, such as the Rural Electrification programme, Renewable Energy Scheme, and the Presidential Borehole Drilling Scheme promote women equality and heighten the agenda of women in energy. Such programs have the effect of emancipating women by reducing the burden of accessing water and other sources of energy and affords particularly rural women an opportunity to engage in other aspects of life.

ARTICLE 16: RIGHT TO ADEQUATE HOUSING

323. In 2020, GoZ launched the Zimbabwe National Housing Human Settlement Policy (ZNHHP), aimed at ensuring well planned, well governed, and sustainable human settlements for all people including the poor, marginalized and rural population. The policy entails social housing, which is an initiative spearheaded by Government and Local Authorities to assist those who do not qualify or afford rentals. It also carries a component of sanitization, and regularization where in informal settlements will be regularized and sanitized by the installation of proper water and sewer systems to meet basic human settlement standards. The policy stipulates that, on allocation of housing, goods, and services, 10% shall be specifically reserved for women. Further, the GoZ is in the process of reviewing its legislation to eliminate discrimination against women in respect to inheritance of communal land and other circumstances arising from marital status, and succession.

ARTICLE 17: RIGHT TO POSITIVE CULTURAL CONTEXT

324. Section 16 of the Constitution directs all institutions and agencies at every level to ensure the promotion and preservation of Zimbabwean culture, values and practices. It further obliges the State to promote gender balance by advancing the full participation of women in all spheres of society based on equality with men. The role of women in developing cultural policies remains critical, and progressively women are taking up rolls of traditional leadership in a predominately patriarchal society. During the period under review, the installation of female chieftaincy increased to 6 out of the 286 chiefdoms. In the case of Mvuthu's Chieftaincy a female heir won a case against her uncle in early 2023 to be installed as next in line as Chief Mvuthu.

ARTICLE 18: RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

325. The GoZ has adopted a Climate Change Gender Action Plan. The Action plan was developed to provide action-oriented interventions to support a more comprehensive, inclusive, and equitable approach to climate change. One of its objectives is to support the efforts by climate change actors in formulation and implementation of gender responsive policies and interventions that are pro-poor and sensitive to the needs and priorities of women in particular and other marginalized groups.
326. The GoZ continues to support women in communities through the establishment of solar powered community gardens and women's gardens that are supported through the Zimbabwe Community Development Fund and Women Development Fund. These community gardens are thriving despite the effects of climate change as they are now using sustainable and smart irrigation technologies.

ARTICLE 19: THE RIGHT TO SUSTAINABLE DEVELOPMENT

327. The GoZ continues to promote the participation of women in sustainable development by providing technical assistance, and modelling programs and policies that offer social and economic infrastructure for women participation. The objective of women participation in sustainable development is to improve income and increase the creation of decent jobs and opportunities for women.
328. The GoZ, continues to support the Women Development Fund, whose objective is to fund women's groups at grassroots level in various sectors of the economy. That includes, agriculture, mining, manufacturing, and trade etc. Further, The Zimbabwe Community Development Fund was set up to provide loans to community-based projects and livelihood activities. The Fund targets community groups, comprising of men and women, with the vast majority being women.
329. The GoZ in 2020 disbursed ZWL 163 Million to finance business that had been affected by Covid-19 Pandemic. The funds were shared between the Zimbabwe Women Micro-finance Bank which was allocated ZWL54Million benefiting 14280 women. The remaining ZWL 109 Million was allocated to the Small to Medium Enterprise Development Corporation (SMEDCO) which benefited 188 enterprises across the country, and out of these 44% of the beneficiaries were women to safeguard equality in distribution of loans.
330. Through the Zimbabwe Women Microfinance Bank and SMEDCO, the GoZ continues to offer a wide range of financial packages to women, which include loans, asset financing, investment, and savings. These are offered with minimum interest rates and flexible borrowing conditions with little collateral requirements.

RIGHTS OF SPECIALLY PROTECTED WOMEN'S GROUPS

ARTICLE 20: WIDOWS RIGHTS & ARTICLE 21: INHERITANCE LAWS

331. With regards to the rights of widows, the GoZ conducted National Consultations on women rights, including the issue of inheritance. The consultations culminated in proposed principles that are meant to amend several pieces of legislation to eliminate the discrimination of women regarding the issue of inheritance. These principles address the basis of discrimination emanating from archaic laws that regulated spouses in terms of inheritance, which in many instances left women vulnerable and marginalized. In terms of the Deceased Estates Succession Act [*Chapter 6:02*], in the event of intestate succession, a deceased person's estate is bequeathed to the surviving spouse, however, this provision requires strengthening to eliminate prejudices and injustices that emanate from distribution ratio's particularly towards women and girls.

332. The Constitution is the supreme law of the country, and any law or act inconsistent with it, is null and void. Zimbabwean customary law is thus also interpreted to give effect to the provisions of the Constitution in an open democratic society. Therefore, certain customary practices that bound widows have been nullified by practice and legislation, were they were inconsistent with the Constitution. In upholding customary values applying to marriages and protection of widows, the Marriages Act has retained certain customary rites which are progressive and compatible with provisions of the Constitution.

ARTICLE 22: SPECIAL PROTECTION OF ELDERLY WOMEN

333. The GoZ through the Constitution and the Older Persons Act [*Chapter 17:11*], continues to protect the rights of the elderly. These statutes provide for the social and economic wellbeing of elderly persons in recognition of their past contribution to the society as well as addressing their vulnerability as a group. To further the protection of the elderly, the Older Persons Act provides for the appointment of a Director for Elderly Persons Affairs, as well as having established a board and a fund for matters connected to elderly persons. Further, The GoZ is in the process of depositing instruments of accession of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.
334. In order to mitigate some of the social and economic challenges faced by vulnerable groups including women the GoZ established the Assisted Medical Treatment Order (AMTO) programme. This facility is where GoZ pays medical bills for the vulnerable groups at government medical facilities. The Harmonised Social Cash Transfer Programme (HSCT) is another social safety net initiated by the GoZ designed to bridge household welfare gaps for those families in the low income bracket. To ensure that the HSCT budget remains impactful and meets its objectives the GoZ continuously reviewing the pay outs of the HSCT allowances to hedge it against inflation.

ARTICLE 23: SPECIAL PROTECTION OF WOMEN WITH DISABILITIES

335. The GoZ is committed to advance the rights of Persons with Disabilities and in 2021, launched the Disability Policy. The policy seeks to address the marginalisation and discrimination of persons including women with disabilities, empower them to improve their own quality of life and enable them to contribute towards the national development agenda. GoZ is also in the process of repealing the current Disabled Persons Act, to enact a new disability law in line with international standards. The Persons with Disabilities Bill seeks to repeal the Disabled Persons Act [*Chapter 17:01*], and also provide for the establishment of the National Disability Commission. The objective of enacting Persons with

Disabilities Bill is to enhance the protection of the rights of persons with disabilities in accordance with the Constitution of Zimbabwe and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which Zimbabwe ratified in 2013.

336. Further, the Commission referred to in paragraph 269 on the establishment of the Gender Mainstreaming Inclusivity and Wellness directors in all line Ministries. In order to improve access to rights-based services, the GoZ created a new department of Disability Affairs which is spearheading engagements at grassroots and has been ensuring the provision of assistive devices. The department provides for rights based social protection services for women with disabilities. This is in line with the Constitution and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Government is also in the process of acceding to the Protocol of the African Charter on Human and People's Rights on Persons with disabilities.
337. In order to assert the rights of women and girls with disabilities in national processes, representatives of organisations for persons with disabilities have been supported to participate in policy making processes such as, public consultations of the National Budget, the Disability Bill.

ARTICLE 24: RIGHTS OF WOMEN IN DISTRESS

338. In 2021, GoZ extended the open prison system to female prisoners with a holding capacity of fifty female inmates in Marondera. As of June 2023, they were three (3) female inmates and one (1) child at the Marondera open prison. An open prison has less restrictive detention conditions for female inmates, in that inmates may go on home leave to meet their relatives while serving their sentence. Further, the State has extended resources to ensure access to early childhood education for children of incarcerated mothers, by availing access to Early Childhood Centres (ECD). The move by the GoZ is progressive as it is transforming the prison system from a retributive to a more rehabilitative criminal justice system.

CONCLUSION

339. Zimbabwe remains dedicated in making efforts and investing in the eradication of discrimination against women by taking the necessary steps to ensure the legislative, administrative and policy framework is responsive and adaptive to the welfare and wellbeing of women. The GoZ continues to establish programmes and partnerships with national and multi-national institutions and stakeholders to establish systematic and consultative and inclusive architecture that guarantees gender equality and women empowerment. Gender mainstreaming has without doubt become a catalyst of social and economic progress continuing to provide a

bench mark for policy, legislative and administrative development and the GoZ will continue to charter a path that priorities women on these values of gender equality and women empowerment.

340. GoZ celebrates with the rest of Africa, the 20th anniversary of the Maputo Protocol, a benchmark instrument that has amplified and cemented the position of women in all aspects of African life. The Maputo Protocol is an indispensable tool that focuses towards eradication of discrimination against women and guarantees their full empowerment both socially and economically. GoZ will continue to draw from the spirit and intent of the Maputo Protocol in taking forward the women of Zimbabwe.

¹ Section 72 (3) and Section 295 of the Constitution of Zimbabwe