



**UNIVERSAL PERIODIC REVIEW**

**THE REPUBLIC OF ZIMBABWE**

**SUBMISSION OF Edmund Rice International (ERI)**

*(an NGO in Special Consultative Status with UN ECOSOC)*

**26<sup>th</sup> Session of the UPR Working Group**

**Human Rights Council**

**I. Introduction**

1. Edmund Rice International (ERI) presents this submission concerning the human rights situation in the Republic of Zimbabwe for consideration by the UPR Working Group at its 26<sup>th</sup> session (September-October 2016).
2. Edmund Rice International (ERI) is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in countries where the two congregations are present. ERI has a special interest in the rights of the child, the right to education and environmental impacts on the exercise of human rights.
3. This report is based on the evaluation of the commitments made by the government of the Republic of Zimbabwe to implement recommendations accepted during its previous UPR in October 2011. The data and information obtained for this submission came from various sources, including first-hand information from ERI field workers defending the human rights of individuals and vulnerable groups in the Republic of Zimbabwe.
4. The analysis will address: the Right to Birth Registration and Nationality, the Right to Freedom from Discrimination and Violence, the Right to Freedom from Slavery and Trafficking, the Right to Health, and the Rights of the Child.

**I. The Right to Birth Registration and a National Identity**

5. It is commendable that the government of Zimbabwe acknowledges its duty to protect the rights of all people in its jurisdiction. However, in the last cycle of UPR Recommendations, Zimbabwe did not accept the recommendation to amend their Births and Deaths Registration

Act to ensure all children born in Zimbabwe are issued a birth certificate. The issue of statelessness remains a concern for people of all ages.

6. There are cases of institutionalised homeless and elderly people who do not have birth certificates because they are of foreign origin<sup>1</sup>. Moreover, their children too are stateless. This affects the children's ability to enroll in schools, among other concerns<sup>2</sup>. Officials of these institutions have tried to engage the Social Welfare Department and Immigration to assist, but these identity registration documents are not issued<sup>3</sup>. In some cases, individuals whose parents are not from Zimbabwe are told to go back to the home country of their parents' nationality and request documents from their State of origin<sup>4</sup>. Statistics show that less than half of children who are born in Zimbabwe are being registered, which is a right of every child.<sup>5</sup>

### **Recommendations:**

That the government of Zimbabwe:

- 1. Amend the Births and Deaths Registration Act to ensure that all children born in Zimbabwe, regardless of their parents' origin, are issued with birth certificates.*
- 2. Ensure the paternity rights of children born out of wedlock.*
- 3. Prevent discrimination against children born out of wedlock.*

## **II. The Right to Freedom from Discrimination and Violence**

7. In the previous UPR Cycle, Zimbabwe did not accept several recommendations made to combat police and military corruption. Recommendations not accepted included the establishment of an authority to investigate allegations of crimes committed by the members of the Zimbabwe Republic Police and armed forces. Continued corruption in the country is hindering further development and violating human rights.

8. Media reports cite several incidents where traffic police set up unauthorised roadblocks and use false receipt books<sup>6</sup>. These roadblocks are used to impose spot fines and to collect bribes obtained as a result. These roadblocks have fuelled corruption as motorists are exploited by corrupt police officers<sup>7</sup>. One consequence is that some police officers are more interested in doing traffic work and are neglecting other duties where citizens need their services.

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<sup>1</sup> 'Older People in Africa: A forgotten Generation' Help Age International. Available from <http://eng.zivot90.cz/uploads/document/205.pdf>

<sup>2</sup> Reports from ERI field workers in Harare and Bulawayo, 2015.

<sup>3</sup> Report from ERI field worker, 2015.

<sup>4</sup> Reports from ERI field workers, 2015. Cf <http://www.rq.gov.zw/services/citizens>

<sup>5</sup> Gwavuya, Stanley. UNICEF. 'Birth registration in Zimbabwe, can we do more ?' Available from [http://www.unicef.org/zimbabwe/media\\_15175.html](http://www.unicef.org/zimbabwe/media_15175.html)

<sup>6</sup> News Day, 2015. 'Roadblocks : Cash cow for traffick police' Available from <https://www.newsday.co.zw/2015/06/24/roadblocks-cash-cow-for-traffic-police/>

<sup>7</sup> News Day, 2015. 'Roadblocks : Cash cow for traffick police' Available from <https://www.newsday.co.zw/2015/06/24/roadblocks-cash-cow-for-traffic-police/>

9. Due to the retrenchment of taxi companies, there has been an increase in the number of illegal taxis. Along with the increase in illegal taxis is the increase in corrupt police abuses including policed physically damaging taxis and bribery of police.<sup>8</sup> Kombis, the local name for the illegal taxi drivers, also pose a danger to passengers and pedestrians. They have been caught speeding and causing accidents attempting to escape the police<sup>9</sup>. Some measures have been taken by the government and authorities acknowledge misbehaviour by some police officers. But not enough is being done to combat the police corruption and the risks to life and safety caused by the illegal taxis and police responses to them<sup>10</sup>.

### **Recommendations:**

That the government of Zimbabwe:

- 1. Abolish the payment of traffic fines on the spot, and ensure payment of traffic fines within seven days, according to the current law.*
- 2. Align training programs of all government officials with international human rights laws.*
- 3. Strengthen the alignment of policies and their implementation through a rigorous human rights monitoring system at local level.*

### **III. The Right to Health**

10. In the previous UPR cycle, recommendations were made urging Zimbabwe to step up measures to reduce the spread of HIV/AIDS as well as improve the conditions of prisons. The recommendations made concerning the combat against HIV were accepted, although those concerning improving the overall conditions of prisons were not accepted.

11. Visit to prisons and an interaction with inmates living with HIV, with some of them on anti-retroviral treatment, has revealed neglect on their nutritional needs<sup>11</sup>. The imbalanced diet and lack of food is not only a concern for inmates living with HIV, but for all the prisoners<sup>12</sup>. Those living with HIV are affected the most. There is an AIDS levy deducted from wages and yet the prisoners are not benefiting<sup>13</sup>. Furthermore, continued discrimination and stigma against people living with HIV in Zimbabwe<sup>14</sup> needs to be combatted through education and awareness raising.

### **Recommendations**

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<sup>8</sup> Nkiwane, Nqobile. The Standard, 2014. 'Raum taxis wreak havoc in Harare' Available from <http://www.thestandard.co.zw/2014/03/02/raum-taxis-wreak-havoc-harare/>

<sup>9</sup> Jamaica Observer, 2014. 'Zimbabwe police smash windscreens of illegal taxis' Available from <http://www.jamaicaobserver.com/news/Zimbabwe-police-smash-windscreens-of-illegal-taxis>; [http://www.zimbabwesituation.com/news/zimsit\\_w\\_kombi-operators-battle-corrupt-cops/](http://www.zimbabwesituation.com/news/zimsit_w_kombi-operators-battle-corrupt-cops/);

<sup>10</sup> Report and assessment by ERI field workers, 2015.

<sup>11</sup> Reports from ERI field workers in Zimbabwe

<sup>12</sup> Avert. 'Prisoners and HIV/AIDS'. Available from <http://www.avert.org/professionals/hiv-social-issues/key-affected-populations/prisoners>

<sup>13</sup> Reports from ERI field workers in Zimbabwe, 2015.

<sup>14</sup> A 2014 report on Zimbabwe can be accessed at [www.doctorswithoutborders.org/article/fighting-hiv-and-stigma-epworth-zimbabwe](http://www.doctorswithoutborders.org/article/fighting-hiv-and-stigma-epworth-zimbabwe)

That the government of Zimbabwe:

1. *Increase resources allocated to the health care system.*
2. *Channel a just portion of the AIDS levy to the needs of prisoners living with HIV.*
3. *Support public education campaigns to eliminate stigma and discrimination against those living with HIV/AIDS, especially children affected by HIV/AIDS.*
4. *Increase measures taken to address chronic malnutrition with more supplement feeding programs and increased nutritional provisions.*
5. *Implement and strengthen sexual education within every school to reduce the number of teenage pregnancies and the spread of sexually transmitted diseases such as HIV.*

#### **IV. The Rights of the Child**

12. In the previous UPR cycle, Zimbabwe accepted several recommendations concerning the rights of the child. They supported the continued work on and intensified efforts of implementing the national programmes to promote the rights of children. Although Zimbabwe accepted the recommendation to prohibit corporal punishment in all settings, and the new Constitution bans it<sup>15</sup>, the stance of the government on corporal punishment still remains unclear in various sections of the Ministry of Education. Some schools are still administering corporal punishment<sup>16</sup>. Continued administration of corporal punishment is a violation of children's rights as reflected in court cases where some teachers are sued<sup>17</sup>. More government intervention is required to protect children and equip staff to guard against abuse.

13. In the first UPR cycle, Zimbabwe accepted recommendations on ensuring children's access to health care and education, although it continues to be a challenge. The government committed to ensuring the reprioritization of resources to increase the budget for basic education as well as strengthen the efforts to ensuring access to all education. Government spending on child health and education needs to be increased, to keep pace with population trends, and to protect the rights of vulnerable children, in line with Sustainable Development Goals<sup>18</sup>.

14. Measures need to be taken to combat discrimination and sexual violence occurring in school settings. In 2001, Shumba analysed reported incidents of child abuse by teachers in Zimbabwe, covering sexual, physical and emotional abuse. On the basis of 246 reported cases of abuse by teachers in secondary schools between 1990 and 1997, 65.6% were cases of

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<sup>15</sup> Section 53, *Constitution of the Republic of Zimbabwe*; cf [http://www.unicef.org/zimbabwe/media\\_16332.html](http://www.unicef.org/zimbabwe/media_16332.html)

<sup>16</sup> Reports from ERI field workers, 2015.

<sup>17</sup> Cf test case in Zimbabwean court in footnote 9 above.

<sup>18</sup> Cf For health, World Bank Group 2015 *Health Public Expenditure Review Zimbabwe* accessed at [Documents.worldbank.org/curated/en/2015/07/24801648/Zimbabwe-health-public-expenditure-review](http://documents.worldbank.org/curated/en/2015/07/24801648/Zimbabwe-health-public-expenditure-review). For education, cf [www.zimbabwesituation.com/news/zimsit-m-increase-education-budget-unicef-dailynews.live/](http://www.zimbabwesituation.com/news/zimsit-m-increase-education-budget-unicef-dailynews.live/)

sexual intercourse with pupils, 1.9% cases of rape or attempted rape and the remainder were cases of inappropriate teacher conduct, mostly sexual harassment<sup>19</sup>.

15. The Victim Friendly System, introduced into Zimbabwe in the 1990s, has been successful in reducing discrimination and violence against children, especially girl children. A review of this system in 2015 made several recommendations on how it can more effectively protect children's rights in Zimbabwe<sup>20</sup>.

**Recommendation:**

That the government of Zimbabwe:

1. *Accelerate the constitutional review process and ensure that amendments dealing with the rights of the child include reference to the best interests of the child.*
2. *Ensure the appointment of a Child Commissioner within the Human Rights Commission.*
3. *Ensure equal access for both boys and girls to education and equal treatment of boys and girls within school settings.*
4. *Incorporate more training in child rights for teachers, professionals, and government workers.*
5. *Work with UNICEF and other NGOs defending the rights of the child in Zimbabwe in the training of teachers.*
6. *Develop a child protection policy for all schools where teachers sign the policy and are trained in its spirit.*
7. *Strengthen the Victim Friendly System to encourage more reporting of cases of child abuse.*
8. *Combat the prevalence of sexual violence and abuse by ensuring prompt and thorough investigations into every reported violation.*

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<sup>19</sup> Shumba, A. 2001 Who guards the guards in schools? A study of reported cases of child abuse by teachers in Zimbabwean secondary schools. *Sex Education*, 1,1, 77-86.

<sup>20</sup> <https://www.norad.no/om-bistand/publikasjon/ngo-evaluations/2015/victim-friendly-system--mid-term-evaluation/>