



Zimbabwe's 3rd Cycle Universal Periodic Review

2021

Table of Contents

List of Acronyms	3
PART A: INTRODUCTION AND BACKGROUND	4
Introduction and Background	4
Scope/Methodology	4
PART B: IMPLEMENTATION OF PREVIOUS CYCLE UPR RECOMMENDATIONS IN ZIMBABWE.....	5
A12 Acceptance of international norms - ratification and domestication; CEDAW (South Africa); 131.21; Optional Protocols to the UNCRC (Slovenia); 132.33; A/HRC/34/8 - Para. 131.....	5
F31 Children: definition; general principles; protection: child marriage (Madagascar); 131.69; (Mexico); A/HRC/34/8; 131.59;.....	5
A45; National Human Rights Institutions (NHRI); Take all necessary measures, including to ensure the full operationalisation of the Zimbabwe Commission, without delay, to ensure that women are not subjected to violence, including sexual violence (Sweden)	6
F 13 Violence Against Women; (Turkey); Discrimination Against Women (Japan); A/HRC/34/8 - Para. 131.....	7
E41 Right to health – General; primary and secondary health-care infrastructure; training of health personnel (Panama) 131.116; budgetary allocations to health (Kenya) 131.120; A/HRC/34/8 - Para. 131.....	9
E51 Right to education – General – free, compulsory primary education (Slovenia) 131.131; access in rural areas (Morocco); 131.124; (Mexico); 131.108 (A/HRC/34/8 - Para. 131).....	10
F 11 Advancement of women; empowerment (Bangladesh); women rights; (Syrian Arab Republic) and F14 Participation of women in political and public life (Ecuador); A/HRC/34/8 - Para. 131.....	10

List of Acronyms

ACRWC	:	African Charter on Rights and Welfare of the Child
BEAM	:	Basic Education Assistance Module
CEDAW	:	Convention on the Elimination of all Forms of Discrimination against Women
CPU	:	Civil Protection Unit
CSOs	:	Civil Society Organisations
GBV	:	Gender-Based Violence
GOZ	:	Government of Zimbabwe
ZHRC	:	Zimbabwe Human Rights Commission
MICS	:	Multiple Indicator Cluster Survey
SADC	:	Southern Africa Development Community
SGBV	:	Sexual and Gender-based Violence
SRHR	:	Sexual Reproductive Health Rights
UNCRC	:	Convention on the Rights of the Child
UNHCR	:	United Nations High Commissioner for Refugees
UPR	:	Universal Periodic Review
VAW	:	Violence against Women
ZGC	:	Zimbabwe Gender Commission
ZIMSTAT	:	Zimbabwe Statistical Agency

PART A: INTRODUCTION AND BACKGROUND

Introduction and Background

The Zimbabwe Gender Commission (ZGC) is one of the Independent Commissions established in terms of Section 245 of the Constitution of Zimbabwe (Amendment No. 20) Act, 2013 and operationalised through the Zimbabwe Gender Commission Act [*Chapter 10:31*]. ZGC is mandated to monitor compliance and implementation of gender equality and equity provisions in the Constitution, international and regional normative frameworks. It is obliged to promote, protect, and advance gender equality.

This report highlights the various efforts that have been made in line with implementation of the recommendations by the Government of Zimbabwe under the UPR thematic areas focusing on gender issues. It also provides an assessment about gender equality issues and observations based on the ZGC oversight role on gender equality and equity.

Scope/Methodology

Development of this report was a culmination of engagements by the ZGC working closely with various stakeholders in the area of gender rights. Such engagements include interface with Thematic Working Groups that are endowed with expertise in various programmatic areas. The report reflects on the implementation of the recommendations that were being monitored by the ZGC with regards to improvement and enjoyment of rights related to gender.

PART B: IMPLEMENTATION OF PREVIOUS CYCLE UPR RECOMMENDATIONS IN ZIMBABWE

A12 Acceptance of international norms - ratification and domestication; CEDAW (South Africa); 131.21; Optional Protocols to the UNCRC (Slovenia); 132.33; A/HRC/34/8 - Para. 131

Partly implemented: The State did not ratify any key international human rights treaties since the 2nd Cycle UPR Review. However, there is evidence that it has been engaged in domesticating treaties already ratified in the following ways;

- ✓ In 2020, the GoZ enacted the International Treaties Act, which establishes a uniform procedure for the consideration and ratification of international treaties;
- ✓ UNCRC and ACRWC by amending the Education Act to provide for free and compulsory primary education; to provide for free sanitary ware for girls in order to keep them in school; to forbid whipping of children as disciplinary measure. The ZGC also noted the progress being made to curb child marriages through the Marriages Bill.

Recommendations:

- Implement the International Treaties Act which was recently signed into law.
- Ratify outstanding Optional Protocols to the core international human rights treaties already ratified

F31 Children: definition; general principles; protection: child marriage (Madagascar); 131.69; (Mexico); A/HRC/34/8; 131.59.

The State accepted the recommendation to put in place measures to eradicate the practice of child marriages as part of interventions to protect children from discrimination and sexual violence.

Partially Implemented:

- ✓ The Constitutional Court of Zimbabwe in 2016 handed down a landmark ruling in the *Mudzuru* case CCZ 12/2015 which provided the much-needed legal precedent outlawing marriages of persons below the age of eighteen. GoZ is in the process of enacting the

Marriages Act which will amongst other things outlaw marriage of any person under the age of 18 years and harmonise the customary marriages and civil marriages. The former was the main conduit for perpetuating child marriages.

- ✓ Meanwhile child marriage prevalence in the country remains worrying. The MICS 2019 found that about 1 in 3 (34%) of women aged 20-24 were first married or in union before age 18.
- ✓ The absence of a specific law which criminalises and prescribes sanctions for child marriages has worsened the situation. Furthermore, in terms of the existing criminal code the age of consent to sexual intercourse is still pegged at sixteen yet the Constitution provides for 18 as the age of consent to marriage.

Recommendations:

- We urge Goz to implement and adequately resource the recently launched National Action Plan on Ending Child Marriages.
- Address child marriage in COVID-19 response and recovery plans to the fullest extent possible.
- Adopt legislative measures to ensure criminalisation of the practice of child marriages as a harmful practice.
- Provide livelihoods interventions for children in the situation of child marriages in accordance with the SADC Model Law on Child Marriages.

A45; National Human Rights Institutions (NHRI); Take all necessary measures, including to ensure the full operationalisation of the Zimbabwe Gender Commission, without delay, to ensure that women are not subjected to violence, including sexual violence (Sweden)

Implemented: The Zimbabwe Gender Commission was fully operationalised through the enactment of the Zimbabwe Gender Commission Act in February 2016. The functions as provided by the Constitution affords it competence to monitor, carry out investigations, research and advise state and non-state actors on steps to take in bringing about gender equality as provided by the Constitution.

- ✓ Concerns of interference in ZGC work by the executive compromises its independence and capacity to monitor the state. Currently the ZGC Act is administered by the Minister of Women's Affairs, Community Small and Medium Enterprises Development who has

significant powers to influence its operations, make regulations for its operations and determine the persons employed in key positions. ZGC is also required to submit its reports and recommendations through the same Minister to Parliament which impinges on its independence.

- ✓ The enabling Act does not sufficiently spell out the mandate of ZGC in handling matters of gender rights violations including sexual gender-based violence.
- ✓ The ZGC is poorly funded and not sufficiently decentralised, with offices only in the two largest cities. The Commission was allocated only 0.03 percent of the national budget in 2019 and 0.04 percent in 2020 respectively. The 2021 Commission's total budget constitutes 0.035% (ZWL151 Million) of the National budget (ZWL429 Billion)
- ✓ The ZGC is severely understaffed and relies solely on the Ministry of Finance and Public Service Commission for approval and financing of staff recruitment.

Recommendations:

- Amend the enabling law to provide ZGC with the explicit power to submit its reports and recommendations directly to Parliament rather than through the executive branch.
- Amend the enabling Act and provide wide powers for the commission including powers to monitor and require compliance from state actors, powers to conduct alternative dispute resolution and to quantify damages amongst other ancillary powers for strengthening it.
- Ensure that ZGC has adequate human, technical and financial resources to effectively fulfil its mandate.
- Decentralise the Commission to provincial level with full staff establishment.

F 13 Violence Against Women; (Turkey); Discrimination Against Women (Japan); A/HRC/34/8 - Para. 131

Partially Implemented: The state is commended for its efforts to address and combat violence through various initiatives such as establishing the community One Stop Centre for GBV which are cost effective and the fairly progressive legislation which includes:

- ✓ The constitution of Zimbabwe – section 17 on women’s equal participation, section 56 on equality and non-discrimination on grounds of sex and gender, section 78 on prohibition of child marriage;
- ✓ The Domestic Violence Act that makes provision for the protection and relief of victims of domestic violence (wide definition of domestic violence).
- ✓ Criminal Law Codification and Reform Act which criminalizes rape and other sexual offences, including marital rape and wilful transmission of HIV, and
- ✓ ZGC also notes efforts by the Goz to domesticate the ILO Convention 190

At policy level the state is commended for putting in place the following frameworks:

- The Victim Friendly System, which includes courts, police and probationers, The Victim Friendly Unit which has police and provides counselling and psychosocial support services.
- Case Management System for a coordinated approach to ending Violence against women.
- National Programme on Gender-Based Violence, Prevention and Response (2016–2020),

Despite these efforts, violence and discrimination against women is still prevalent in the country. Women and girls still face various forms of violence which include SGBV as well as other multiple forms of discrimination based on socio-cultural influences, religion, harmful practices, sex, race, marital status, age, socio-economic status, and HIV status, among others. Statistics show an increasing trend in terms of GBV prevalence. The 2019 MICS report also reveals that one in four women have been sexually violated since the age of 15.¹

In addition, the situation was worsened by the COVID- 19 pandemic induced lockdowns. Lockdown restrictions mean that women and girls are forced to spend time enclosed with families, trapping many at home with their abusers. Since the start of the first lockdown in Zimbabwe, at the end of March 2020, GBV service providers in Zimbabwe saw an increase in reported GBV cases, including psychosocial, physical, sexual, and economic forms of violence. One Stop Centres established by the Ministry of Women Affairs, Community and Small to Medium Enterprises Development recorded over **6730** cases compared to **1771** in 2019 while, in the third quarter of 2020, Musasa, an organization sheltering survivors of GBV, reported **11 983** GBV cases compared to **5591** reported in the first quarter, before the lockdown.²

Recommendations:

- Expedite the harmonization of GBV related laws with the national constitution.
- Enact the Gender Equality law and harmonization of different gender equality laws and anti-discriminatory provisions to be included in the Act.

¹ <https://www.unicef.org/zimbabwe/reports/zimbabwe-2019-mics-survey-findings-report>

² National Gender Forum report, 2020

- Establish dedicated and specialized courts to speed up the processing of GBV cases for speedy justice delivery.
- Increase the intensity and coverage of awareness creation programmes aimed at discouraging negative norms that perpetuate violence.
- Expedite the domestication of the ILO Convention 190 on ending sexual harassment and violence at the workplace.

E41 Right to health – General; primary and secondary health-care infrastructure; training of health personnel (Panama) 131.116; budgetary allocations to health (Kenya) 131.120; A/HRC/34/8 - Para. 131.

We note the efforts made by the State in improving coverage and access to health care through upgrading of health infrastructure, refurbishments and building new health care centres under the devolution programme. However, some rural and remote areas remain marginalized in terms of accessing healthcare centres. Further these centres are not equipped with adequate facilities, staffed with health skilled professionals particularly in obstetric services exposing patients at risk. The sector continues to face other challenges which include limited budgetary funding from the fiscus that is below the Abuja 15% Declaration Target³. Intermittent strikes by health personnel for improvement of their welfare and decent working conditions which ends up disrupting service discharge to the public, brain drain, shortage of drugs and PPEs that has been worsened by the advent of COVID-19 pandemic and high-cost medical services from the private sector.

Recommendations:

- Implement provisions of the Abuja Declaration on 15% allocation of funds for health from the national fiscus.
- Strengthen the public health system by improving operational efficiency through instituting governance measures.
- Upgrade health facilities and promote access to quality Sexual Reproductive and Health Rights services to all groups including the marginalized.
- Support healthcare facilities with increased skilled health professionals and continuous capacity development training programmes to address emerging health challenges.
- Improve conditions of service and remuneration for the health skilled personnel.

³ <https://au.int/sites/default/files/pages/32894-file-2001-abuja-declaration.pdf>

E51 Right to education – General – free, compulsory primary education (Slovenia) 131.131; access in rural areas (Morocco); 131.124; (Mexico); 131.108 (A/HRC/34/8 - Para. 131)

Partially Implemented: The state has not fully implemented the free and compulsory primary education policy despite supporting the recommendation. Although various efforts have been put in place to support education for vulnerable groups, the assistance has remained insignificant due to limited resources. The BEAM programme was a noble intervention introduced by the State, however it has been overwhelmed with many children remaining unsupported. The COVID-19 pandemic has posed great challenges on equal access to education with privileged children only being able to access it. As most lessons are being done online thus putting rural children and those from low- income families marginalized as they cannot afford, and they also lack the tools and infrastructure that supports e-learning. While the state is commended for introducing radio lessons as a mitigatory measure, such has excluded pupils with no access to radio and those who are in areas where transmission is inaccessible. The persistent strikes and stay away by the educational professionals due to incapacitation remains a cause for concern as it affects the quality of education.

Recommendations:

- Engage Development partners to support with establishment of infrastructure that supports Information Technology systems in all schools throughout the country.
- Address incapacitation challenges in the educational sector through improving welfare and creating decent working conditions.

F 11 Advancement of women; empowerment (Bangladesh); women rights; (Syrian Arab Republic) and F14 Participation of women in political and public life (Ecuador); A/HRC/34/8 - Para. 131

The State accepted the recommendation to support empowerment of women as well as developing and implementing a National Gender Policy to ensure the principle of equality is realised.

Partially Implemented: We acknowledge the various efforts made towards participation of women in public life as well as their advancement. A national gender policy was developed and reviewed which ensures implementation of gender equality principles. Affirmation action

measures and gender quotas that support women's participation in politics and public life have also been instituted. Such includes the legislative efforts on extending the women's quota system in Parliament by another ten years and extension of the quota system at local Government level where 30% seats are reserved for women.

However, representation of women and participation is still below the gender parity threshold due to various factors which include patriarchal nature of our society, negative perceptions, and stereotypes about women's leadership capabilities. Women's participation in politics is hindered by several barriers which include, lack of financial support for campaigning, labelling, and shaming of women in politics and gender insensitive election processes. Violence against women is also pervasive in the political arena. Women do not equally contest in elections due to environment marred with violence in all its forms. Patriarchy also relegates women to domestic and reproductive roles making it difficult for many to participate in politics due to societies having negative perception of their leadership capabilities. As revealed by statistics women in leadership positions accounts for Senate 48%; National Assembly 31%; Local Government Level 13.3%, and in other leadership positions they account for less than 20%.⁴

Recommendations:

- Implement the principle of gender equality in section 17 of the Constitution in the appointment of Government ministers and members of the boards of public and private companies.
- Make gender quotas for political parties' electoral lists mandatory and require the Zimbabwe Electoral Commission to impose sanctions, including monetary fines, in cases of non-compliance.
- Institute legislative measures through review of the electoral law to support a conducive environment for women's participation in politics and public life.
- State needs to criminalise violence against women in elections.
- Implement capacity building programmes such as the Women Political Training and Mentorship programme.
- Establish a Women revolving fund to support women empowerment initiatives which includes business start-ups and sustainable livelihood projects.

⁴ Gender Audit of the Main Political Parties in Zimbabwe Report, 2020