

Universal Periodic Review (40th session)

Contribution of UNESCO

Zimbabwe

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified on 30 May 2006	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 16 August 1982			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 30 May 2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 15 May 2008			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution** of Zimbabwe¹ does not fully enshrine the right to education. It is limited to basic (including adult basic education), with the right to further education based on the State making it progressively available and accessible. It also applies to citizens only. It, therefore, does not apply to all within the territory. It creates an obligation for the State to take measures to ensure that girls are afforded the same educational opportunities as boys.
2. The main **law on education** is the education act² of 1987, which has been amended in 2020³ and now integrate several important changes (see below).

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of expression and of the media is enshrined in Article 61 of the Zimbabwean Constitution. The Constitution stipulates that the rights exclude incitement to violence, advocacy of hatred or hate speech, malicious injury to a person's reputation or dignity, or malicious or unwarranted breach of a person's right to privacy.⁴
4. Access to information is guaranteed by Article 62 of the Constitution. It may be restricted “in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.”⁵
5. In June 2020, the new Freedom of Information law was officially gazetted. The new law repeals the Access to Information and Protection of Privacy Act (AIPPA). Through the new Freedom of Information Law, it is mandatory to designate Information Officers in Public and Private Entities will handle public information

¹ <http://www.unesco.org/education/edurights/media/docs/e2c54b5452f08dc98643ff7a6a569e6fd1e87eb3.pdf>

² <http://www.unesco.org/education/edurights/media/docs/d0945389cdf8992e8cb5f3a4b05ef3b3aa0e6512.pdf>

³ The amendment has been retrieved from :

http://www.veritaszim.net/sites/veritas_d/files/EDUCATION%20AMENDMENT%20ACT%2C%202019%20%5B%20Act%2015-2019%5D_0.pdf

⁴ https://www.constituteproject.org/constitution/Zimbabwe_2017?lang=en

⁵ https://www.constituteproject.org/constitution/Zimbabwe_2017?lang=en

requests.⁶

Implementation of legislation:

6. The Broadcasting Services Act Chapter established the Broadcasting Authority of Zimbabwe.⁷ The Act gives the Broadcasting Authority the responsibility of regulating and licensing broadcasting systems and services. The Authority falls under the Ministry of Information, Publicity and Broadcasting Services.⁸
7. Media self-regulation in Zimbabwe is undertaken under the auspices of the Voluntary Media Council of Zimbabwe (VMCZ).⁹

Safety of journalists:

8. UNESCO has recorded no killings of journalists in Zimbabwe since 2006, when the Organization began systematically monitoring killings of journalists [as of 21 May 2021].

III. Review and specific recommendations

A. Education

Non-discrimination:

- The State can be commended for its amendment to the education act that extended the **prohibited grounds of discrimination** in education, adding “marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock” to “nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class religious belief, political affiliation, opinion, custom, culture, sex, gender”.

Compulsory education:

⁶ <http://www.theopc.gov.zw/index.php/566-aippa-scrapped-new-freedom-of-information-bill-signed-into-law>

⁷ <https://www.wipo.int/edocs/lexdocs/laws/en/zw/zw036en.pdf>

⁸ <https://baz.co.zw/about-baz/>

⁹ ⁶ <https://vmcz.co.zw/>

- The education amendment integrated an important change in the wording of the provision regarding compulsory education, as it is now explicitly compulsory for **basic education** while it was previously only an objective. The law specifies that education is compulsory up to form fourth and include early education.

Free education:

- The amendment to the education act states that pupils in basic state-funded education shall pay no fees or levies, while the previous act only stated that free primary education was an objective. However, the amended act still prescribes fees that shall be payable for instruction in government schools and states that the objective of tuition fees is to be the lowest possible. Therefore, **free basic education** is not fully enshrined, while the Agenda 2030 for education provides that States should aim to ensure 12 years of free primary and secondary education.

Gender equality:

- As mentioned above, the education amendment added “**pregnancy**” as a prohibited ground. Furthermore, it also included a provision prohibiting explicitly the **exclusion of pupils** from schools based on pregnancy.

Corporal punishment:

- The State can be commended for its amendment to the education act that protects from corporal punishment in schools. However, it seems that the **2014 Criminal law** has not yet been amended to reflect the recent amendment of the Education Act and therefore still prescribes that school teachers have authority to administer moderate corporal punishment for disciplinary purposes upon minor male pupils or students, while corporal punishment upon a female pupil or student is prohibited.

Age of marriage:

- According to the marriage act, the minimum age of marriage for girls, is 18 years, but exceptions permit marriage from 16 years old with the consent of the legal guardians or even below 16 years with the consent of the Minister. The Constitutional Court delivered a landmark ruling which **outlawed child marriages** in January 2016, but it has yet to be reflected in the law.

Covid-19:

- Zimbabwe closed its schools on the 24th of March 2020 and reopened them for examination classes on the 28th of September.¹⁰ While schools were fully planned to reopen on the 4th of January 2021, the calendar has been modified due to the worsening of the situation because of the new variants and a cyclone.¹¹ Schools finally reopened in March 2021. The State has put in place several ways of ensuring **distance education**, including a radio programme.¹²

Specific recommendations:

9. Zimbabwe should be encouraged to:
 - Implement fully the provisions of the Convention against discrimination in education to which it is a part since 2006;
 - Ensure that the amendment to the Education Act, which enshrines several important changes regarding the right to education, is fully implemented in the State;
 - Pursue its efforts to ensure free education effectively and consider extending to at least 12 years of education;
 - Amend the Marriage Act to reflect the ruling of the Constitutional Court prohibiting marriage under 16 years old;
 - Amend the Criminal Code to align it with the prohibition of corporal punishment enshrined in the amended education act;
 - Pursue its efforts to ensure quality and inclusive education during the crisis, including through distance education when necessary;
 - Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education;
 - Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹³ and *Her Atlas*.¹⁴

B. Freedom of opinion and expression

¹⁰ <http://www.mopse.co.zw/media/ministry-announces-new-school-calendar-wake-covid-19-disruptions>

¹¹ <http://www.mopse.co.zw/pressroom/2021-schools-opening-deferred>

¹² <http://www.mopse.co.zw/covid-19-action-corner-alternative-learning>

¹³ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁴ <https://en.unesco.org/education/girls-women-rights>

10. The country should review infra-constitutional legislation in order to bring it in line with Sections 61 and 62 of the Zimbabwe Constitution. This includes the Zimbabwe Media Commission Bill, which is still being debated in parliament (at the writing of this report), the Censorship and Entertainment Controls Act (1967), Official Secrets Act (2004), sections of the Criminal Law (Codification and Reform) Act (2004), and the Interception of Communications Act (2007).

C. Cultural Rights

11. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). Zimbabwe is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and are conducive to implementing the right to take part in cultural life as defined in Article 27 of the Universal Declaration of Human Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Zimbabwe is encouraged to give due consideration to the participation of communities, practitioners, cultural actors, and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples, and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

12. Zimbabwe is preparing to submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation the period from 2017 to 2020, the aim of which is to record implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of

association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research. Zimbabwe is one of six states actively mobilizing to speed up and ensure human rights in the context of science, by its improved implementation of the Recommendation on Science, as part of a government-led capacity building effort spanning 2021 and 2022, under the guidance of UNESCO and funded by the Swedish International Development Agency.