



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Zimbabwe and welcome the constructive engagement of the Government of Zimbabwe during the 40<sup>th</sup> session of the UPR Working Group in January/February 2022.

As the final outcome report on the review of Zimbabwe was recently adopted by the Human Rights Council at its 50<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Zimbabwe – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 95 delegations and the presentation made and responses provided by the delegation of Zimbabwe. I have also considered the actions taken by the Government of Zimbabwe to implement the 151 recommendations fully supported as well as those that were partially supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I have taken positive note of the ongoing legislative reforms, as reported by the delegation of Zimbabwe during the review. In this regard, I would encourage the Government of Zimbabwe to undertake such reforms through a wide and inclusive consultation process involving all stakeholders. The Government of Zimbabwe should also ensure the alignment of all legislation with the Constitution as soon as possible.

It is encouraging to note that a number of recommendations relating to the rights and freedoms of journalists and human rights defenders enjoyed the support of Zimbabwe. These recommendations included ensuring their freedom of expression and enabling them to file complaints, without fear of harassment, intimidation or reprisals from the authorities. Implementation of these recommendations as soon as possible would go a long way towards ensuring accountability for violations and fostering an enabling environment for civil society, human rights defenders and journalists.

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H.E. Ambassador Frederick M. SHAVA  
Minister of Foreign Affairs and International Trade  
Republic of Zimbabwe



I note from the statement delivered by the delegation of Zimbabwe that a national plan of action was being drafted to implement all recommendations that enjoyed the support of Zimbabwe. The development of a comprehensive national human rights action plan would significantly contribute to achieving concrete results in the areas highlighted in the annex to this letter and facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

Due note is taken of the establishment of a UPR National Steering Committee, comprising of Government representatives, cooperating partners, the National Human Rights Institution, and civil society organisations. I would encourage the Government of Zimbabwe to merge this UPR National Steering Committee with the Inter-Ministerial Committee on Human Rights and International Humanitarian law, which was established with technical assistance from my Office, and strengthen this Committee to fully undertake comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Zimbabwe of submitting mid-term reports in previous cycles and encourage the Government of Zimbabwe to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

My Office looks forward to discussing with you ways in which it may assist Zimbabwe in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights



cc.: H.E. Honourable Ziyambi ZIYAMBI  
Minister of Justice, Legal and Parliamentary Affairs  
Republic of Zimbabwe

Mr. Edward KALLON  
United Nations Resident Coordinator  
Republic of Zimbabwe

Ms. Fiona ADOLU  
Human Rights Adviser of the United Nations High Commissioner for Human Rights in  
the Office of the United Nations Resident Coordinator  
Republic of Zimbabwe

Ms. Abigail NOKO  
Regional Representative of the United Nations High Commissioner for Human Rights  
OHCHR Regional Office for Southern Africa  
South Africa

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Issuing a standing invitation to the special procedures of the Human Rights Council.

### **National human rights framework**

- Expediting the process of aligning legislation with the Constitution and with international human rights obligations, and ensuring that customary law and practices were in conformity with the Constitution and international human rights obligations.
- Adopting legislation covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and the private spheres.
- Adopting the Children's Amendment Bill as soon as possible.
- Incorporating into domestic legislation the Model Law for the Recognition and Protection of Human Rights Defenders and ensuring its implementation.
- Ensuring the independence of the Zimbabwe Human Rights Commission and including a clear, transparent and participatory process for the selection and appointment of human rights commissioners.
- Systematically training all law enforcement officers on the proper management of assemblies and the use of force, especially in the context of demonstrations, and on the use of non-violent means of crowd control.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Eliminating intersecting forms of discrimination against women and girls with disabilities, as well as against lesbian, bisexual and transgender women and intersex persons, raising public awareness about their human rights, and prosecuting and adequately punishing the perpetrators of such practices.

##### *Development, the environment, and business and human rights*

- Taking action to end corruption, improving the human rights situation, and ensuring accountability and the rule of law in order to encourage the lifting of the unilateral restrictive measures, which had a negative impact on the economy.

- Ensuring the integration of a gender perspective in the development and implementation of policies and programmes on disaster risk reduction and climate change.
- Addressing the frustrations of rural communities in relation to the governance of natural resources, including by compensating those communities who have been relocated, and ensuring that projects for the exploitation of natural resources are aligned with the Guiding Principles on Business and Human Rights.
- Mitigating the effects of climate change and environmental degradation on the promotion and protection of human rights, particularly in relation to food and water security; and ensuring a comprehensive gender-responsive and disability-inclusive approach to the development and implementation of climate change and disaster risk reduction policies.

## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Ending, with immediate effect, the pattern of disappearances and torture that appeared to be aimed at suppressing protests and dissent, as called for by the Working Group on Enforced or Involuntary Disappearances and various Special Rapporteurs.
- Investigating promptly, thoroughly and independently all allegations of excessive use of force by the police and the military, particularly in relation to the demonstrations that took place in the aftermath of the presidential election in August 2018 and in response to the 150 percent increase in fuel prices in January 2019.
- Addressing concerns of overcrowding and poor conditions in prisons and detention facilities, including by increasing efforts to implement the United Nations Standard Minimum Rules for the Treatment of Prisoners.

### *Administration of justice, including impunity, and the rule of law*

- Addressing the concerns of the Human Rights Committee in relation to the influence over the judiciary by the executive and legislative branches of government.
- Expediting the creation of legal aid centres at the district level, strengthening the standard of service delivery at all levels, and providing adequate funding to non-governmental organizations that provide free legal aid, as recommended by the Committee on the Elimination of Discrimination against Women.

### *Fundamental freedoms and the right to participate in public and political life*

- Ensuring the applicability of the constitutional gender quota beyond the elections in 2023 and until substantive equality between women and men is achieved, including by making gender quotas for political parties' electoral lists mandatory, as recommended by the Committee on the Elimination of Discrimination against Women.
- Ensuring, in law and in practice, the free exercise of the rights to freedom of peaceful assembly and of association, including by providing a conducive and safe environment, and ensuring that any restrictions on such rights are prescribed in law.
- Taking all necessary steps to ensure free and fair Presidential and Parliamentary elections in 2023, including by facilitating access to identity documentation and voter registration.

### *Prohibition of all forms of slavery*

- Addressing the relevant concerns of the Committee on the Elimination of Discrimination against Women, including by increasing efforts to identify and protect victims of trafficking from and within the country, investigating, prosecuting and adequately punishing the perpetrators, and amending the Trafficking in Persons Act to incorporate a definition of trafficking in persons that is consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- Ensuring the availability of state shelters in all 10 provinces and offering support services, including legal counselling and rehabilitation services to victims.
- Analysing and addressing the roots causes of prostitution, and providing women and girls who wish to leave prostitution with exit programmes and alternative income-generating opportunities.

### *Right to privacy and family life*

- Addressing the concern that marriage and family relations continue to be regulated by discriminatory customary laws and practices, by ensuring that such laws and practices are in conformity with the Constitution.

## **C. Economic, social and cultural rights**

### *Right to work and to just and favourable conditions of work*

- Amending the Labour Act to fully incorporate the principle of equal remuneration for work of equal value, ensuring equal social protection benefits for women and men, and extending health care, pension benefits and maternity protection to the informal economy.
- Addressing the allegations of State interference in the activities of trade unions and acts of intimidation and harassment against their leaders made by the Special Rapporteur on freedom of peaceful assembly and of association, and allowing for a more enabling space for trade unions to operate.

### *Right to social security*

- Addressing the concerns of a lack of comprehensive social security and protection systems.

### *Right to an adequate standard of living*

- Adopting necessary measures to reduce the dependence on food importation and creating conditions for the production of its own food, including by protecting the livelihoods of rural women and supporting women farmers with incentives, access to credit and other productive sources; implementing the various voluntary guidelines of the Food and Agriculture Organization of the United Nations; establishing security of land tenure to prevent forced evictions of farmers and supporting small-scale farmers and producers; continuing with targeted food subsidies in times of emergency to lower food prices for vulnerable groups, and subsidizing more diverse and nutritious foods, in order to address hunger and malnutrition throughout the country; continuing to cooperate with international humanitarian agencies and donor countries to provide an equitable and transparent distribution of food and humanitarian assistance; extending the school meals programme to cover all children, giving priority to rural areas; and developing properly financed comprehensive nutrition policies aimed at dealing with stunting and wasting, and all forms of malnutrition.

- Addressing the issue of open defecation, particularly in the informal settlements, with a view to adhering to housing and sanitation policies, and preventing waterborne diseases.

#### *Right to health*

- Addressing the increasing costs of health care, the lack of access to medical care for a large portion of the population, the shortage of drugs in public hospitals and supplies in maternity clinics, and the shortage of trained health professionals in public hospitals and of midwives.
- Ensuring access to prevention and early detection programmes for women and girls at risk of HIV.
- Ensuring that women and girls have affordable access to modern forms of contraception; intensifying efforts to raise awareness of contraceptive use; and including mandatory and age-appropriate sexuality education in school curricula at all levels of education.
- Decriminalizing abortion in all cases and ensuring access to safe abortion and post-abortion services, as well as confidentiality in the administration of such services.

#### *Right to education*

- Intensifying efforts to reduce the school dropout rate among girls; ensuring that every school had adequate, separate and accessible sanitation facilities for girls to prevent them from missing or dropping out of school because of menstrual management challenges; investigating and adequately punishing cases of sexual abuse and harassment of girls in and on the way to and from school, prosecuting the perpetrators, including teachers and school administrators, and providing the victims with medical care, psychosocial counselling and rehabilitation; and encouraging women and girls to choose non-traditional fields of study and career paths, including in the fields of science, technology, engineering and mathematics.

### **D. Rights of specific persons or groups**

#### *Women*

- Eradicating practices that impede access to land for rural women, including by completing a comprehensive and independent land audit to ascertain land ownership patterns, exposing inequalities in land redistribution and releasing land for redistribution to women, and facilitating women's access to adequate loans and financial credit.
- Strengthening measures to achieve substantive equality between women and men in all areas in which women were underrepresented or disadvantaged.
- Combating all forms of violence and discrimination against women and girls, including harmful practices such as female genital mutilation by, amongst other initiatives, allocating adequate resources and establishing monitoring and assessment mechanisms for the implementation of the national programme on gender-based violence prevention and response.

#### *Children*

- Strengthening and implementing child protection systems across the country to ensure equitable protection of all children.



- Addressing the prevalence of child marriage, including by criminalizing child marriage and prosecuting alleged perpetrators.

*Persons with disabilities*

- Addressing all forms of discrimination against persons with disabilities and ensuring their access to food, quality health services and education.

*Refugees and asylum seekers*

- Ensuring that all persons applying for international protection have access to fair and efficient asylum procedures, protection against refoulement, and an appeal mechanism with suspensive effect against negative decisions on asylum.