

**Universal Periodic Review  
(12<sup>th</sup> session, 3-14 October 2011)**

**Contribution of UNESCO**

**ZIMBABWE**

**I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession 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	30/05/2006	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	29/05/1991			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	16/08/1982			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	30/05/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	15/05/2008			Right to take part in cultural life

2. Zimbabwe submitted to UNESCO in 2006 a report on the measures taken for the implementation of the Convention against Discrimination in Education within the framework of the Seventh Consultation (covering the period 2000-2005).

## II. Promotion and protection of human rights on the ground

### 1. Right to education<sup>1</sup>

#### Normative framework

##### a) Constitutional framework

2. The Constitution of Zimbabwe, as amended on 1 February 2007, does not recognize the right to education. However, according to Article 19: "... (2) Except with his own consent or, if he is a minor, the consent of his parent or guardian, no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own. (3) No religious community shall be prevented from making provision for the giving by persons lawfully in Zimbabwe of religious instruction to persons of that community in the course of any education provided by that community, whether or not that community is in receipt of any subsidy, grant or other form of financial assistance from the State. (5) Nothing contained in or done under the authority of any law shall be held to be in contravention of subsection... (3) to the extent that the law in question makes provision — ... (c) with respect to standards or qualifications to be required in relation to places of education, including any instruction, not being religious instruction, given at such places; ...".

##### b) Legislative framework

3. The Education Act No. 5/1987, as amended on 1 October 2004, sets out general principles and objectives on school education: the abolition of all forms of racial discrimination in education; compulsory primary education; provision of State support for non-formal, adult education and literacy programmes, etc. It clearly states in Part II concerning Fundamental Rights and Objectives of Education in Zimbabwe that "subject to this Act, every child in Zimbabwe shall have the right to school education" and that "No child in Zimbabwe shall be refused admission to any school; or be discriminated

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<sup>1</sup> Sources:

- i) International Bureau of Education, Profile of the education system of Zimbabwe, <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/afrique/zimbabwe/profile-of-education.html> (14/02/2011);
- ii) State Report on the Implementation of the Convention and Recommendation against Discrimination (1960), 13 December 2006, Ministry of Education, Sports, Arts and Culture, [http://www.moesc.gov.zw/index.php?option=com\\_content&view=article&id=46:government-to-reintroduce-indigenous-languages-bill-&catid=1:latest-news&Itemid=50](http://www.moesc.gov.zw/index.php?option=com_content&view=article&id=46:government-to-reintroduce-indigenous-languages-bill-&catid=1:latest-news&Itemid=50) (Accessed 14/02/2011).

against by the imposition of onerous terms and conditions in regard to his admission to any school; on the grounds of his race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender.” In *Part concerning Compulsory Education (Section 5)*, the law provides that “It is the objective in Zimbabwe that primary education for every child of school-going age shall be compulsory ...”. Education is not free as *Section 6* establishes Minimum fees for education.

4. Other laws regarding education are: Zimbabwe Council for Higher Education Act, (Act 1/2006); Zimbabwe Open University Act as amended in 2002; University of Zimbabwe Act as amended in 2002; National University on Sciences and Technology Act as amended in 2002; Zimbabwe School Examination Council Act as amended in 2001; Manpower Planning and Development Act of 1984 as amended in 1994.

### Policy Measures

5. In a recent statement, Education, Sport, Arts and Culture Minister David Coltart said the Government could not allow any indigenous languages to become extinct. This is to ensure that every language or language variety in Zimbabwe is not going to die out. Presently, in the school system, pupils are taught in their local languages from Grade One to Three. There are plans to have these languages taught beyond Grade Three. In the secondary sector the three major languages, English, Shona and Ndebele, are to be taught to all students across the board. Only English, Shona and Ndebele will be mandatory in all schools. The teaching of the other indigenous languages will take place in the regions where those languages predominate. The major challenges are getting a sufficient number of textbooks written and published and teachers will have to be trained to teach these languages. Teacher training colleges will have to change their curricula to enable teachers to learn the particular skills needed for teaching these languages.

## **2. Right to take part in cultural life**

7. The cultural sector in Zimbabwe is spread over more than 9 ministries with the Directorate of Culture in the Ministry of Education, Sports, Arts and Culture undertaking the coordination role. UNESCO works very well with all the various stakeholders and in particular with the major institutions and stakeholders responsible for the different conventions.

8. Normative framework includes the following acts: Education Act, National Museums and Monuments Act, National Archives Act, The Parks and Wildlife Act, The National Arts Council of Zimbabwe Act, The National Gallery of Zimbabwe Act, Zimbabwe Copyright Act, Zimbabwe Youth Council Act, Policy Tourism Act, Environmental Management Act, Broadcasting Services Act.

9. Institutional framework includes the following organizations and institutions: National Museums and Monuments of Zimbabwe, Zimbabwe Parks and Wildlife Authority, National Archives, National Gallery, National Arts Council, National Library and Documentation Services, National Handicraft Centre, Zimbabwe Tourism Authority,

Zimbabwe Broadcasting Holdings, Zimbabwe Music Rights Association, Zimbabwe International Book Fair Trust, Zimbabwe Music College, National Theatre Association Zimbabwe Dance Council, University of Zimbabwe, Council of Chiefs, Zimbabwe Broadcasting Corporation.

10. Policy measures – Among the most important governmental strategic policy documents and established structures are: 2004 National Cultural Policy of Zimbabwe, National Intangible Heritage Committee, and National Culture Fund.

11. Cooperation - Zimbabwe actively participates in the activities of international and regional bodies such as the African Union (AU), the Southern African Development Community (SADC), the New Partnership for Africa's Development (NEPAD), the Common Market for Eastern and Southern Africa (COMESA), the UN system organizations, professional bodies such as the United States African Command (AFRICOM), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), International Music Council (IMC), the SADC Heritage Association and the Oral Tradition Association of Southern Africa.

12. Work with civil society - Very active and engaged civil society organisations that are undertaking activities in all facets of culture for the promotion of the three major cultural conventions of UNESCO of 1972, 2003 and 2005. The civil society is moving much more forward than legislation and policy.

13. Achievements, best practices, challenges and constraints – five heritage sites were inscribed on the World Heritage List and one element on the Intangible Heritage Representative List. There is one biosphere reserve in the country. Zimbabwe representatives served on the World Heritage Committee and on the Intergovernmental Committee of Intangible Heritage

14. Based on the experience of its cooperation with Zimbabwe, UNESCO would like to draw the attention to the following issues:

- i) Existing legislation is highly compartmentalized spread over more than 9 ministries with each responsible for a certain aspect of culture. Because legislation is spread out and less coordinated, it is therefore less supportive and effective.
- ii) The fragmentation of legislation linked to culture is also evident in the fragmentation of administrative bodies responsible for different aspects of culture belonging to different ministries with differing mandates.
- iii) In terms of activities and community engagement, there is a proliferation of civil society organizations which are far ahead of legislation and working effectively in areas covering the three major UNESCO cultural Conventions.
- iv) In order for Zimbabweans to participate in their cultural life fully, there is therefore a need to harmonize the institutional framework and coordinate legislation.

- v) There is need for a national heritage act that incorporates all types of heritage and its transmission.

15. Capacity-building and technical assistance provided and/or recommended by UNESCO – UNESCO supports awareness raising activities, capacity building workshops in the country. Preparatory assistance was provided for nomination processes under the 1972 and 2003 Conventions. Focus is made on facilitating restoration, safeguarding, management and promotional activities in the country.

### **3. Freedom of opinion and expression**

#### Achievements, best practices, challenges and constraints

16. Freedoms of expression and the press are still severely restricted in Zimbabwe. In 2008, local and foreign journalists were physically assaulted or held without trial both before and after the elections. Such attacks decreased in 2009, but the situation remains dire for members of the press.

17. The Access to Information and Protection of Privacy Act (AIPPA), passed in 2002, banned foreign investment in Zimbabwe's media, putting many operations at risk. In 2007, the Interception of Communications Act allowed the authorities to monitor email messages and mobile phone calls without having to seek court permission. These laws restrict who may work as a journalist, require journalists to register with the state, severely limit what they may publish, and mandate harsh penalties—including long prison sentences—for violators.

18. Freedom of Information is cited in the constitution; however, freedom of Media is not. The government has introduced a Freedom of Information Bill (to replace the AIPPA) and a Media Practitioners Bill and stressed the importance of advancing these laws in Parliament. These reforms have yet to be implemented.

19. According to our information, there is not a self-regulating mechanism for the press.

20. Until 2008-2009, the UNESCO Communication sector encountered difficulties in carrying out its field work, specifically with regard to the Public Order and Security Act. Since then, the situation has improved.

#### Capacity-building and technical assistance provided and/or recommended by UNESCO

21. Consistent with its mandate, UNESCO collaborates at different levels with Zimbabwe to reinforce the right to freedom of expression. Among other activities, the organization is supporting women communication initiatives.

22. In 2002, Zimbabwean editor Geoffrey Nyarota was selected for the UNESCO/Guillermo Cano World Press Freedom Prize for his work as the editor of The

Daily News. This price is intended to honor each year a person, organization or institution that has made an outstanding contribution to the defense and/or promotion of press freedom.

### **III. RECOMMENDATIONS**

#### **Right to take part in cultural life**

23. Zimbabwe must be encouraged to ensure that its domestic law and practice are consistent with the provisions of UNESCO's major Culture Conventions of 1972, 2003 and 2005.

#### **Freedom of opinion and expression**

24. There are several opportunities for developing and protecting freedom of expression in Zimbabwe. UNESCO recommends:

- i) to introduce provisions in existing legislation that would guarantee freedom of expression, media freedom, and the right to access information;
- ii) to establish self-regulatory mechanism for the media.