## 

## **STATEMENT BY HONOURABLE ZIYAMBI ZIYAMBI**

## **MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS OF THE REPUBLIC OF ZIMBABWE**

## **ON THE OCCASION OF**

## **ZIMBABWE’S THIRD CYCLE UNIVERSAL PERIODIC REVIEW**

## **GENEVA - 26 JANUARY 2022**

**The President of the Human Rights Council, Your Excellency, Ambassador Federico Villegas,**

**Distinguished Members of the Human Rights Council;**

**Distinguished Members of the Troika;**

**Distinguished Delegates from other UN Member States;**

**Representatives of various stakeholder organisations;**

**Ladies and Gentlemen**.

Allow me at the outset to congratulate you, Mr President, on your election as President of the Human Rights Council. My delegation takes this opportunity to express our utmost confidence in your leadership, particularly in steering the business of this 40th session of the UPR Working Group.

**Mr President;**

During the second cycle review, Zimbabwe received a total of 260 recommendations. We accepted 151 recommendations in full and 6 in part; while noting 86.

**Mr President;**

In October 2019, my Government submitted its Mid-Term Report to the Human Rights Council reflecting progress over the period 2017 to 2019 with regard to the implementation of the supported recommendations.

**Mr President;**

In addition to the main National Report which I present today, we have submitted a detailed Implementation Matrice which is also cross-referenced to the aforementioned Mid-Term Report.

**Mr President**;

Let me therefore proceed to provide the major highlights of the National Report which, I believe, will clearly reflect the significant progress made towards implementation of the supported recommendations.

**Mr President;**

We have ratified several treaties under the regional and United Nations Human Rights Mechanisms. Allow me to refer you to page 1 of the Implementation Matrice as read together with page 1 of the UPR Main Report.

**Mr President**,

In 2020, my Government promulgated the **International Treaties Act**, which establishes a uniform procedure for the consideration and approval of international treaties.

The **Education Act** was also amended in 2020, to incorporate human rights norms with respect to gender, disability, health, equity for children and the fundamental right to education.

In August 2021, my Government launched the **National Disability Policy**, which mainstreams disability in all laws, policies and programmes so as to promote inclusivity and accessibility to all persons.

The **Persons with Disabilities Bill**, which incorporates the aforementioned policy and the provisions of the **Convention on the Rights of Persons with Disabilities** (CRPD) is undergoing internal law-making processes.

**Mr President;**

My Government remains committed to compliance with international human rights obligations arising from the various international and regional treaties to which Zimbabwe is a party.

Zimbabwe is up to date with its reporting obligations under the following treaty bodies;

* The **African Charter on Human and People’s Rights** (ACHPR)
* The **International Convention on the Elimination of Racial Discrimination** (ICERD)
* The **Convention on the Elimination of all forms of Discrimination against Women** (CEDAW)
* The **International Covenant on Economic, Social and Cultural Rights** (ICESCR)
* The **International Convention on Civil and Political Rights**
* The **Common Core Document** - which was recently updated and, in December 2021, submitted to the Office of the High Commissioner for Human Rights (OHCHR)

**Mr President,**

Zimbabwe remains committed to co-operating with human rights mechanisms and other relevant stakeholders. In 2018, Zimbabwe extended invitations to 6 Special Procedures Mandate Holders.

Three of these have already completed their visits to Zimbabwe. We continue to engage with regard to the timing of the remaining three.

**Mr President,**

Significant progress has been made towards the alignment of laws to the Constitution. Out of the 206 pieces of legislation requiring alignment, 176 have already been successfully aligned. Work continues on the remaining 30. Throughout the alignment process, Statutes affecting fundamental human rights have been accorded priority.

**Mr President,**

In 2018, in order to advance and promote the realization of socio, economic and cultural rights as enshrined in the Bill of Rights, my Government launched **Vision 2030** - a new development trajectory aimed at Zimbabwe attaining Upper Middle Income Status by the year 2030.

My Government in consultation with civil society, development partners, industry, the private sector and academia, launched the **National Development Strategy1**(2021-2025) (NDS1). The Strategy is designed to entrench macroeconomic stability, to facilitate economic recovery and growth, and to create new opportunities for wealth creation, innovation and enterprise development.

**Mr President,**

In order to improve public health delivery**,** Zimbabweadopted the **National Health Strategy** (NHS) (2016-2020), aimed at achieving equity and quality in health.

The budgetary allocation to the health sector has been gradually increasing and at 13% of the total 2022 National Budget, is nearing the 15% Abuja Agreement threshold. Much-appreciated support from development partners has in fact enabled us to surpass that threshold.

**Mr President**, in order to guarantee the right to safe, clean and potable water, as enshrined in the Constitution, my Government, in collaboration with development partners, is implementing a gender-sensitive **WASH Policy** which aims to provide for proper sanitation facilities for all by 2030, in line with the Sustainable Development Goals (SDGs).

**Mr President,**

Devolution is one of the values espoused in our **Vision 2030**, thereby upholding the Constitutional requirement to devolve powers and responsibilities to competent subnational tiers of Government. The mandatory transfer of not less than 5% of collected revenues to such devolved structures has already commenced. These disbursements have resulted in the implementation of projects with high social and economic impact.

**Mr President,**

Zimbabwe, like all other countries, has been hard hit by the **Covid-19 pandemic**. We are currently emerging from the 4th wave.

In March, 2021, in order to mitigate against rising infections and deaths, my Government launched a countrywide vaccination programme.

To date, more than 7,4 million people have received either one or two doses of vaccination. In total, some 34 % of our people are fully vaccinated. A supplementary booster programme is now under implementation. We are on course and we continue to make good progress.

My Government appreciates the support from our all-weather friends including China, India and Russia, without which we could not have reached this level of success.

**Mr President,**

To improve **agricultural output**, my Government has introduced a range of supportive measures including, Mechanisation, Climate Smart Agriculture, Small Grain Production Programme, Enhanced Irrigation Schemes and the Provision of Agricultural Inputs to Small Scale Farmers.

**Mr President,**

In the field of **Education**, by way of its **Grants-in-aid-of-Tuition Programme**, my Government continues to support the most disadvantaged primary and secondary school learners, thereby removing the burden of school fees and levies from parents and guardians. In addition, as a social protection measure, my Government is providing sanitary wear to female learners.

**Mr President,**

In order to ensure continued teaching and learning, particularly in this Covid era, and with help from development partners, my Government has introduced a range of **alternative learning platforms** including radio lessons and e-learning platforms, and has facilitated home and community learning activities

**Mr President**,

My Government continues to promote and safeguard civil and political rights. In order to enhance the **participation of women** in politics, Parliament has extended the women’s quota (60 seats) in the National Assembly beyond 2023. In addition, the Constitution also provides for a 30% quota for women in local government.

Furthermore, the Constitution has enhanced youth participation in politics. At least ten seats in the National Assembly have been reserved for the youth.

**Mr President**,

The Constitution provides for the establishment of a **Constitutional Court** as a separate superior court of record. The year 2021 saw the successful separation of the Constitutional Court and the Supreme Court. Zimbabwe now has a full Constitutional Court bench, comprising 5 men and 4 women Justices.

In addition, my Government continues to **decentralize courts** to districts in order to afford every citizen access to justice within a 15-kilometer radius. New courts have been officially opened and commissioned in districts and major high-density areas.

**Mr President,**

My Government has launched an **Anti-Corruption Strategy** which *inter-alia* serves to enhance structures for **deterrence, detection, adherence and enforcement** through improved compliance with anti-corruption and integrity management obligations. Further to this, special anti-corruption courts have been established.

**Mr President,**

My Government continues to improve conditions at holding and detention facilities. In 2021, an Open Prison for female offenders was established and is now operational.

In accordance with the Constitution and international best practice, ad-hoc and regular prison inspections are being undertaken through the **Judiciary, Parliamentary Portfolio Committees, the Executive and the Zimbabwe Human Rights Commission** (ZHRC).

In addition, my Government, in collaboration with cooperating partners, has embarked on the training of prison officers in human rights, the rehabilitation of inmates, the enhancement of dietary and other necessities for inmates as well as food production improvement.

**Mr President**,

My Government remains committed to the protection and promotion of child rights including the curbing of child marriages. To give effect to children rights as enshrined in our Constitution and other International Human Rights Instruments, we are at an advanced stage of enacting the **Children’s Amendment Act, Marriages Act and the Child Justice Act** in orderto strengthen the legislative framework for the promotion and protection of child rights including criminalization of child marriages.

**Mr President,**

My Government has taken significant steps towards ensuring that children are protected online through the establishment of the **Zimbabwe Child Online Protection Committee** (ZICOP).

Furthermore, the recently promulgated **Cyber and Data Protection Act** provides for child online protection facilities and the incorporation of child online protection services.

In 2018, a national **Human Papilloma Virus** (HPV) **Vaccination Programme** was rolled-out across Zimbabwe to protect girls and women from illness and death due to cervical cancer. The country has since become a regional learning hub for the introduction and roll-out of HPV vaccination.

**Mr President,**

Government remains committed to cooperating with Civil Society Organisations. This cooperation extends to consultations during the preparation of national reports to the human rights treaty bodies and under the UPR process. CSOs also remain an integral part of the National UPR Steering Committee and were consulted during the drafting of this report.

**Mr President,**

Over a period of two years Government and representatives of former farmers engaged in extensive negotiations to finally reach agreement on a global compensation figure to cover improvements effected on their farms prior to those properties being compulsorily acquired for purposes of resettlement. The conclusion of the US$ 3,5 billion Agreement, in July 2020, is in full compliance with the Constitution and Government's respect for the rule of law. It is also a reflection of Government’s commitment to the successful conclusion of the land redistribution process in a practical and mutually-acceptable manner that restores the integrity and dignity of all Zimbabweans who were affected by the necessary land reforms.

**Mr President**,

Allow me to highlight some of the major challenges my Government has faced in promoting, protecting and fulfilling human rights since our last Review.

The negative effects of Covid 19 have impacted all sectors of the Zimbabwean economy. The loss of lives, loss of jobs and widespread food insecurity are just some of the direct consequences of the pandemic.

To mitigate these negative effects, my Government introduced monthly vouchers to procure basic commodities for vulnerable members of society. In addition, a general upward review of all social security benefits is currently underway.

Containment measures are under fortnightly review and are adjusted on the basis of empirical, scientific and medical evidence derived from the day-to-day monitoring of the pandemic.

**Mr President,**

The impact of climate change and variability are becoming more evident with increased incidences of droughts, cyclones, floods, hail-storms and heat waves. This has negatively impacted on our food security and general economic performance. In order to meet our ambitious target of a “green-economy” by 2030, my Government is working on increasing climate knowledge, improving adaptive capacity and reducing over-reliance on climate sensitive sectors. Climate-change adaptation and resilience are being mainstreamed into national policy.

The country has also developed a **Long-Term Low Emission Development Strategy** (LEDS) which provides a range of options to contribute towards the climate change goal of limiting global temperature increase.

To ensure equal and fair distribution of food aid to vulnerable households, my Government conducts continual national crop and livestock assessments. When deficits are identified, the multi stakeholder Grain Mobilisation Programme acts by way of importation or by moving grain from surplus regions to those in need.

**Mr President,**

Despite the robust engagement and re-engagement efforts of my Government, illegal unilateral coercive measures imposed by some Western countries still remain in place.

The debilitating effects of sanctions continue to pose a threat to the enjoyment of socio-economic rights of the people of Zimbabwe. Our nation remains indebted to SADC for its landmark decision to declare 25 October, each year, as the date on which Member States collectively call for the lifting of the illegal sanctions imposed on our country**.**

**Mr President,**

We are hopeful that the independent, evidence-based report to be issued by the Special Rapporteur on the negative impact of UCM’s on the enjoyment of human rights, following her visit to Zimbabwe, will cause a rethink amongst those who continue to impose such punitive measures, and who continue to deny the collateral damage thereof.

**Mr President**,

Let me now respond to advance questions submitted by some Member States ahead of this Review and, where relevant, to provide further amplification on some of the issues covered in my presentation of the National Report.

**Regarding judicial independence**, I wish to reiterate that the Republic of Zimbabwe respects judicial independence and has put in place all facets to promote and safeguard judicial independence. The Constitution provides for an independent **Judicial Service Commission** which has both financial and operational independence. Further, the recruitment and appointment of judges is based on merit and done through public interviews, conducted by the Judicial Service Commission, with the term of office and salaries of judges constitutionally guaranteed.

**Mr President, regarding the suggestion that my Government may be exerting influence over the Courts in order to weaken Opposition Political Parties by allowing the recall of their elected MPs and Councillors :** Let me assure you that that there is absolutely no basis for such concern. For the record, the process of recalling MP’s and Councillors was initiated by the Opposition parties themselves when they approached the Courts for a ruling on their internal disputes. In some instances of Recall, the Courts ruled in favour of the applicant; in others, they ruled in favour of the respondent.

The Executive Branch of Government, in its strict adherence to the rule of law, did not interfere in any way, in those processes.

Our Constitution provides for the clear separation of powers between the 3 arms of the State. The independence of the Judiciary is fully guaranteed.

The recalling of MP’s and Councillors by their respective parties is governed by our Constitution. This process is therefore not for the Government to allow or disallow.

**Regarding compliance with the High Court Order on the disappearance of Mr Itai Dzamara -** I wish to highlight that investigations are still ongoing. In 2018, the High Court ordered the Zimbabwe Republic Police to continue investigating the disappearance of Mr Dzamara and to submit fortnightly reports on such investigations. The Zimbabwe Republic Police is in strict compliance with that Order.

As Government we are deeply concerned about the disappearance of any of our citizens. With respect to Mr Nabanyama and Mr Chizuze, the Zimbabwe Republic Police remains permanently seized with the matter involving the two disappearances.

**Regarding concerns expressed about proposed amendments to the Private Voluntary Organisations Act (PVO)** - I wish to point out that the proposed amendments seek to address deficiencies relating to Anti-Money Laundering and Counter Terrorism Financing identified in the 2016 **Mutual Evaluation Report** which led to Zimbabwe being Grey-Listed by the FATF. We are still Grey-Listed.

There is nothing untoward or unreasonable in the proposed amendments which merely seek to clarify and bring both greater transparency and consistency to the registration and regulation of PVO’s within our country.

The proposed amendments are the product of extensive research and multi-stakeholder consultations. We are satisfied that what we are proposing compares favourably with similar legislation in Africa and indeed elsewhere.

There is no intention to unreasonably interfere with or restrict any sector of our society.

**Regarding specific actions that the Government of Zimbabwe has taken to investigate allegations of violations of human rights by members of the security forces that resulted in civilian deaths in August 2018 and January 2019 -**

For the record, **Mr President**, in the post-election violence which erupted on 1 August, 2018, 6 lives were lost. Not 7. Similarly, in the violent disturbances which erupted on 14 January, 2019, 12 lives were lost, not 17. All Zimbabweans were shocked by the unprecedented violence and deeply saddened by the loss of life.

In both instances, the demonstrations were extremely violent, the very antithesis of the peaceful acts of public protest provided for by our Constitution.

In response to the August 2018 violence and in a hitherto unprecedented course of action, His Excellency the President appointed a 7-member International Commission of Inquiry, chaired by the former President of South Africa, Kgalema Motlanthe, and including 4 other personalities of internationally-acknowledged integrity.

The **Motlanthe Commission of Inquiry** conducted its investigations in an open and transparent manner, with all sessions open to the public and televised. The Commission’s Report was presented to Government before the end of 2018 and made public shortly thereafter.

The Report contained a raft of recommendations, most of which have either been implemented or which are in the process of being implemented

The specific aspect of **accountability** raised in the advance question is still the subject of an ongoing police investigation. My Government awaits the finalisation of investigations by the Police.

**Mr. President,** by their very nature, these incidents, which are not restricted to the two cases referred to above, are very complex and usually require a long time within which to finalise investigations. There is also the case of the pre-election attempted assassination of His Excellency, President E.D Mnangagwa, which has not been mentioned. On 23 June, 2018, a grenade was launched at his entourage at the White City Stadium, Bulawayo, after an election campaign rally. This attack resulted in two deaths and forty-nine serious injuries. The complexity of investigations into cases of this nature has meant that, despite concerted efforts, the cases are yet to be finalised.

**On the Issue of the Abolition of the Death Penalty** - It is worth noting that Zimbabwe has observed a de-facto moratorium on the death penalty for the past 16 years. Currently, the death penalty is limited to male persons, between 21 and 70 years of age, who are convicted of murder committed in aggravating circumstances.

The question of the total abolition of death penalty is undergoing internal consultative processes.

With the advent of the Second Republic, 67 prisoners on death row have so far benefited from a **Presidential Amnesty**, and have had their sentences commuted to life imprisonment.

**Mr. President**, with regard to those questions relating to **Gender Based Violence (GBV)**, my Government continues to strengthen its policy and legislative frameworks to fight GBV through institutional and legal reforms, awareness as well as building capacity of the actors involved.

**Mr President;**

**Regarding the delayed by-elections process in Zimbabwe,**

I wish to highlight that the delay was attributed to the impact of the covid-19 pandemic, coupled with illegal sanctions imposed on Zimbabwe**.**

Successive years of widespread drought, the lingering and costly aftermath of Cyclone Idai, duly exacerbated by the demands occasioned by the Covid-19 pandemic, exerted unprecedented pressure on the national budget, already under severe strain and virtually completely cut-off from access to affordable international concessionary funding, of any kind - courtesy of the various sanctions-regimes in place against Zimbabwe. With limited resources, my Government opted to prioritise food-security and the fight against Covid-19.

Food-security has now improved on the basis of a bumper harvest in 2021 and an anticipated repeat performance in 2022. We have made reasonable progress in the battle against Covid-19.

I am pleased to confirm, Mr President, that by-elections for all vacant Constituencies will be held on 26 March, 2022.

**Mr President**, **regarding the issue of arrests and unwarranted lengthy pre-trial detentions,** I wish to respond as follows:

My Government has put in place legislative and other measures to ensure that arrested persons are released unless there are compelling reasons not to do so.

Where there may have been delays in bringing to finality some of the cases before the courts, this was occasioned by the fact that courts could not sit during successive Covid-19 containment periods.

To remedy this challenge and to guarantee the detained persons' rights to speedy trial, we are implementing virtual court proceedings in all our courts. I refer you to para 68 of our main UPR report.

**Mr President**, regarding the issue of the alleged **enforced disappearances** of the three women opposition political party members, let me respond thus; firstly, this matter does not fall under the category of enforced disappearances but a case of an alleged abduction. This case was extensively investigated by the Zimbabwe Republic Police. The resultant police report revealed that their allegations were false and that they had staged the abductions in a bid to tarnish the image of the Government. Consequently, they were charged and arraigned before the courts. Since the commencement of the court proceedings the three women have employed dilatory tactics to evade trial including faking mental health illness. One of them has since absconded to Europe and a warrant of arrest has now been issued against her. The remaining two have been granted bail and are currently out of custody. If this matter is proved, it could perhaps assist to lessen the number of false abduction and disappearance claims levelled against the government - which normally coincide with important international events.

**Mr President**, Concerning the issue of funding of the **National Peace and Reconciliation Commission** and the **Zimbabwe Human Rights Commission**, I wish to reiterate that the National Budget formulation is based on consultation with all Ministries Departments and Agencies, and all Independent Commissions. Allocations are subject to the availability of resources. In the 2022 National Budget, allocations for the National Peace and Reconciliation Commission and the Zimbabwe Human Rights Commission were increased by 326 % and 273 % respectively, demonstrating my Government’s commitment towards the attainment of the objectives of the two independent commissions.

Regarding **Trafficking in Persons.**

**Mr President,** allow me to say thatthe Amendment Bill of the Trafficking in Persons Act is in place and is awaiting parliamentary processes.

**Mr President,**

I trust that I have done justice to most of the advance questions submitted.

Allow me to conclude by thanking you and indeed all participants for your attention and by re-iterating that my Government remains fully committed to the promotion and protection of the fundamental rights and freedoms of all its people.

**I Thank You**