



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Zimbabwe\*

1. The Committee considered the second periodic report of Zimbabwe<sup>1</sup> at its 4191st and 4192nd meetings,<sup>2</sup> held on 6 and 7 March 2025. At its 4212nd meeting, held on 21 March 2025, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State Party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State Party's high-level delegation, after its previous review in 1998, on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State Party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State Party:

- (a) The adoption of the Death Penalty Abolition Act, in 2024;
- (b) The launch of the National Climate Change Adaptation Plan, in 2024;
- (c) The adoption of the Criminal Laws Amendment (Protection of Children and Young Persons) Act, in 2024;
- (d) The adoption of the Children's Amendment Act, in 2023;
- (e) The adoption of the Marriages Act, in 2022;
- (f) The adoption of the Zimbabwe Independent Complaints Commission Act, in 2022;
- (g) The launch of the National Disability Policy, in 2021;
- (h) The establishment of the National Referral Mechanism for Vulnerable Migrants, in 2019;

\* Adopted by the Committee at its 143rd session (3–28 March 2025).

<sup>1</sup> [CCPR/C/ZWE/2](#).

<sup>2</sup> See [CCPR/C/SR.4191](#) and [CCPR/C/SR.4192](#).

<sup>3</sup> [CCPR/C/ZWE/QPR/2](#).



- (i) The adoption of the Zimbabwe Gender Commission Act, in 2015;
- (j) The adoption of the Constitution of Zimbabwe Amendment (No. 20) Act, in 2013;
- (k) The adoption of the Zimbabwe Human Rights Commission Act, in 2012;
- (l) The adoption of the Domestic Violence Act, in 2006;
- (m) The adoption of the Anti-Corruption Commission Act, in 2004;
- (n) The adoption of the Sexual Offences Act, in 2001.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State Party:

- (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2024;
- (b) The African Charter on Democracy, Elections and Governance, in 2022;
- (c) The Convention on the Rights of Persons with Disabilities, in 2013;
- (d) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2013;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2013;
- (f) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012;
- (g) The African Union Convention on Preventing and Combating Corruption, in 2006;
- (h) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in 2008;
- (i) The African Charter on the Rights and Welfare of the Child, in 1995;
- (j) The International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), in 2000.

## C. Principal matters of concern and recommendations

### Implementation of the Covenant

5. While welcoming the State Party's efforts to bring existing laws into full conformity with the provisions of the Constitution and the Covenant, and noting the information provided on cases in which provisions of the Covenant have been directly applied by domestic courts, the Committee regrets that the Covenant does not prevail in cases of inconsistency with domestic law (art. 2).

6. **In line with the Committee's previous recommendations,<sup>4</sup> the State Party should ensure that all the provisions of the Covenant are fully incorporated into and given full effect in its domestic legal order and that domestic legislation is interpreted and applied in full conformity with its obligations under the Covenant. In addition, the State Party should raise awareness of the Covenant and its application at the national level among government officials, judges, lawyers and prosecutors and the general public. The State Party should also consider acceding to the first Optional Protocol to the Covenant.**

### National human rights institution

7. The Committee is concerned that the Zimbabwe Human Rights Commission lacks sufficient human and financial resources to enable it to fulfil its mandate effectively, resulting in the slow pace of decentralization to enhance its field presence. It is also concerned that the

<sup>4</sup> [CCPR/C/79/Add.89](#), para. 11.

Commission lacks financial and operational autonomy from the executive branch, thereby limiting its ability to carry out its mandate effectively and independently. The Committee is further concerned about the lack of transparency in the procedure for appointing the senior leadership of the Commission (art. 2).

**8. The State Party should:**

(a) **Allocate sufficient human and financial resources to the Zimbabwe Human Rights Commission to enable it to discharge its mandate effectively and independently, including to implement plans to enhance its field presence, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(b) **Ensure the financial and operational autonomy of the Commission by amending the Zimbabwe Human Rights Commission Act to allow it to receive donor funds without prior approval of the Government; to establish financial systems to ensure accountability through regular financial reporting; and to explicitly empower the Commission to submit its report directly to the Parliament rather than through the executive;**

(c) **Ensure the adoption of a clear, transparent, participatory and merit-based appointment process for the selection and appointment of the senior leadership of the Zimbabwe Human Rights Commission, guaranteeing a process that ensures pluralism.**

**Anti-corruption measures**

9. The Committee takes note of the measures taken by the State Party to combat corruption, including the adoption of the National Anti-Corruption Strategy for 2020–2024 and the establishment of the Zimbabwe Anti-Corruption Commission, the Police Anti-Corruption Unit, the Special Anti-Corruption Unit and the anti-corruption courts. However, the Committee is concerned about reports of attacks against and arrests and detentions of anti-corruption activists and journalists and threats against magistrates and judges hearing corruption cases. While noting the information provided by the State Party on the number of corruption-related investigations and prosecutions during the reporting period, the Committee regrets the lack of information received on the types of cases brought before the anti-corruption courts, the proportion of those cases that have resulted in convictions and penalties and cases involving allegations of corruption of and by high-ranking public officials. It also regrets the lack of data from other relevant institutions (arts. 2 and 25).

**10. The State Party should increase its efforts to prevent and eradicate corruption at all levels. In particular, it should:**

(a) **Strengthen its efforts to investigate promptly, thoroughly, independently and impartially all allegations of attacks against and arrests and detentions of activists and journalists working to combat corruption, and threats against magistrates and judges, and ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims are provided with reparations;**

(b) **Provide the Committee with more detailed information on the types of cases brought before the anti-corruption courts and other relevant institutions, the proportion of cases that have resulted in convictions and penalties and those involving corruption of and by high-ranking public officials;**

(c) **Conduct training and awareness-raising campaigns to inform public officials, politicians and the general public about the economic and social costs of corruption and the mechanisms in place to address it.**

**Fight against impunity and past human rights violations**

11. While noting the establishment of the Commission of Inquiry into the Matabeleland Disturbances (the Chihambakwe Commission) in 1983, the Committee remains concerned that the Commission's report has never been made public. The Committee is also concerned

that grave human rights violations committed during the elections in 2008 continue to go unpunished and that victims have not been provided with adequate remedies. The Committee also regrets the lack of implementation of the recommendations contained in the report of the Commission of Inquiry into the 1 August 2018 Post-Election Violence (the Motlanthe Commission). The Committee is further concerned about the reported lack of political support and insufficient resources for the National Peace and Reconciliation Commission established in 2018, resulting in its inability to achieve its truth and reconciliation goals, such as those relating to exhumations and reburials (arts. 2, 6, 7 and 17).

**12. The State Party should:**

**(a) Publish the findings of all reports and investigations of commissions of inquiry with a view to strengthening transparency, accountability, and the truth and reconciliation process;**

**(b) Investigate allegations of serious past human rights violations, prosecute the perpetrators and, if they are convicted, impose appropriate penalties, and ensure access to effective remedies for victims;**

**(c) Fully implement the recommendations and findings in the report of the Commission of Inquiry into the 1 August 2018 Post-Election Violence (the Motlanthe Commission), notably to hold members of the security forces accountable and to provide redress to victims and their families;**

**(d) Allocate sufficient financial, human and technical resources to ensure that all independent mechanisms investigating past violations of the Covenant can effectively fulfil their mandates.**

**Non-discrimination**

13. While acknowledging that the prohibition of discrimination is codified in the Constitution, the Committee is concerned about reports of discrimination, hate crimes and hate speech, including by public officials, which have exacerbated social stigma and prejudice against persons on the basis of their sexual orientation, gender identity or HIV status. It is particularly concerned about section 73 of the Criminal Law (Codification and Reform) Act, which criminalizes same-sex relations between consenting adults, and the low level of investigation and prosecution of hate crimes targeting persons on the basis of their sexual orientation. While noting that the State Party adopted the National Disability Policy in 2021, the Committee is aware of reports of discrimination and stigmatization faced by persons with disabilities and barriers to access for such persons in employment, public spaces, the justice sector and essential services such as education and healthcare (arts. 2, 3, 19, 20 and 26).

**14. The State Party should take appropriate measures:**

**(a) To combat discrimination, stigma and prejudice and condemn hate speech against persons on the basis of their sexual orientation, gender identity, disability or HIV status, including by providing training to public officials, law enforcement officers, judges, prosecutors and religious and community leaders, and conducting awareness-raising activities promoting respect for diversity aimed at the general public;**

**(b) To repeal or amend the provisions of the Criminal Law (Codification and Reform) Act in order to decriminalize sexual relations between consenting adults of the same sex;**

**(c) To ensure that all acts of discrimination and violence, in particular against persons on the basis of their actual or perceived sexual orientation or gender identity and individuals with disabilities or living with HIV, are promptly and effectively investigated, that perpetrators are brought to justice and, if convicted, punished with appropriate sanctions and that victims are provided with redress.**

**Gender equality**

15. While welcoming the various measures adopted by the State Party to promote gender equality, the Committee is concerned at the low representation of women in public and

political life, particularly in decision-making positions. The Committee also regrets reports of online harassment and attacks against women elected officials and political candidates (arts. 2, 3, 25 and 26).

**16. The State Party should step up its efforts to guarantee, in law and in practice, gender equality. In particular, it should take all measures necessary:**

- (a) **To achieve the full and equal participation of women in political and public life, notably in decision-making positions, including by adopting special measures;**
- (b) **To protect women political candidates and politicians from harassment, verbal attacks and violence, including by denouncing and sanctioning such acts;**
- (c) **To ensure that all allegations of harassment and attacks targeting women for exercising their right to participate in public affairs are effectively investigated and that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;**
- (d) **To enhance civic education and conduct awareness-raising activities on the importance of the participation of women in public affairs.**

#### **Violence against women, including domestic violence**

17. While noting the measures taken by the State Party to address violence against women, including the enactment of the Domestic Violence Act of 2006 and the Criminal Laws Amendment (Protection of Children and Young Persons) Act of 2024, the Committee remains concerned at the prevalence of gender-based violence, including domestic violence, and in particular the high number of femicides and the low rate of reporting by victims. The Committee is also concerned about the low number of prosecutions of perpetrators, despite the criminalization of domestic violence under section 4 of the Domestic Violence Act (arts. 2, 3, 6, 7 and 26).

**18. In line with the Committee's previous recommendations,<sup>5</sup> the State Party should strengthen its efforts to eliminate gender-based violence, including domestic violence, by:**

- (a) **Strengthening mechanisms to facilitate and encourage the reporting of cases of violence against women and girls, including by ensuring that all women have access to information about their rights, protection measures and remedies;**
- (b) **Ensuring that all cases of violence against women and girls are promptly and thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence;**
- (c) **Providing victims with the necessary legal, medical, financial and psychological support, including access to shelters for themselves and their children;**
- (d) **Ensuring that judges, prosecutors, law enforcement officials and health personnel receive appropriate training to enable them to deal with cases of gender-based violence in an effective and gender-sensitive manner and increasing the number of women judges, prosecutors and police officers and specialized units dealing with such violence;**
- (e) **Conducting awareness-raising campaigns about the unacceptability and adverse impact of violence against women and the avenues available for obtaining protection, assistance and redress.**

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

19. The Committee welcomes the decision of the High Court of Zimbabwe of 22 November 2024 in the case of *Women in Law in Southern Africa and Talent Forget v. Minister of Health and Child Care and Others*, in which it declared section 2 (1) of the Termination of Pregnancy Act of 1977 to be unconstitutional and invalid. However, the

<sup>5</sup> Ibid., para. 14.

Committee is concerned about the delay in amending section 4 of the Termination of Pregnancy Act to broaden the circumstances under which an abortion can be obtained. The Committee is further concerned about the very high rates of infant and maternal mortality in the State Party, which are due to barriers in access to essential sexual and reproductive health services and unsafe abortions (arts. 3, 6, 7 and 24).

**20. Bearing in mind paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State Party should take all steps necessary to ensure effective access to safe and voluntary termination of pregnancy. The State Party should:**

(a) **Revise the relevant provisions of the Termination of Pregnancy Act, in line with the decision of the High Court of Zimbabwe of 22 November 2024, to extend the provision of safe, legal and effective access to abortion to include cases in which the pregnancy is the result of incest or rape, including marital rape, and to children under the age of 18;**

(b) **Ensure that criminal sanctions are not applied to women and girls who undergo abortions or to medical service providers who assist them in doing so;**

(c) **Ensure confidential and unimpeded access to sexual and reproductive health services and education, and to affordable contraceptive methods;**

(d) **Integrate sexual and reproductive health into national strategies and programmes.**

#### **Climate change and environmental degradation**

21. The Committee welcomes the adoption of measures to combat climate change, including the National Climate Policy, in 2017, the National Climate Change Adaptation Plan and the Long-term Low Greenhouse Gas Emission Development Strategy 2020–2050. However, the Committee is concerned about the lack of adequate environmental standards, limited access to environmental information and the lack of effective consultation with and meaningful participation by the most vulnerable groups, as well as inadequate enforcement and monitoring mechanisms (arts. 6 and 19).

**22. In accordance with article 6 of the Covenant and in the light of the Committee's general comment No. 36 (2018), the State Party should:**

(a) **Develop and implement environmental standards to ensure the sustainable use of natural resources, and conduct environmental impact assessments;**

(b) **Enhance the ability of local communities and the general public to participate meaningfully in environmental decision-making and access to information, in particular for disadvantaged groups;**

(c) **Strengthen the mechanisms established to monitor and report on potential violations of rights, in particular the right to life.**

#### **Death penalty**

23. While welcoming the abolition of the death penalty in the State Party with the enactment of the Death Penalty Abolition Act, the Committee is concerned that the imposition of the death penalty remains possible under section 7 of the Act, which amends section 116 of the Defence Act, for the duration of any state of public emergency declared under section 113 of the Constitution. The Committee also regrets that persons sentenced to death prior to the abolition of the death penalty have not yet had their sentences commuted (art. 6).

**24. In line with the Committee's general comment No. 36 (2018), the State Party should:**

(a) **Repeal section 7 of the Death Penalty Abolition Act, which amends the Defence Act;**

(b) **Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;**

(c) **Commute all death sentences to terms of imprisonment and ensure that all persons entitled to a rehearing have timely access to legal aid to prepare and present mitigating evidence.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

25. Acknowledging that the Constitution prohibits torture and other forms of cruel, inhuman or degrading treatment or punishment, the Committee remains concerned about consistent reports of the use of torture to suppress dissent. It is also concerned about the absence of specific anti-torture legislation that expressly defines and criminalizes torture and other ill-treatment. The Committee also notes the lack of information on complaints received, investigations conducted and sanctions imposed on the perpetrators of acts of torture by the State Party and on compensation provided to victims and their families. While welcoming the establishment of the Zimbabwe Independent Complaints Commission in 2022, the Committee is concerned about the lack of independence of the Commission, in particular with regard to the appointment of members and composition of the Commission (arts. 2, 7, 10 and 26).

26. **The State Party should:**

(a) **Conduct prompt, thorough and impartial investigations into all allegations of torture and ill-treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death, ensuring that perpetrators are prosecuted and, if convicted, punished, and that victims receive reparations;**

(b) **Urgently adopt legislation that defines torture as a specific criminal offence, punishable with appropriate sanctions commensurate with the gravity of the offence, and ensure that the definition of torture conforms with article 7 of the Covenant and other relevant international standards;**

(c) **Take the measures necessary to safeguard the independence of the Zimbabwe Independent Complaints Commission, including by ensuring that the procedures for the selection and appointment of the members of the Commission are transparent and impartial;**

(d) **Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.**

#### **Liberty and security of persons**

27. The Committee is concerned about the use of prolonged pretrial detention, including of political dissidents, trade union leaders, protesters and juveniles, particularly due to the shortage of magistrates and court interpreters, poor bureaucratic procedures and the low capacity of court officials. While noting that the right to bail is guaranteed under section 50 (1) (d) of the Constitution, the Committee regrets the denial of bail to political detainees and reports of the issuance of bail rulings after working hours (arts. 9, 10 and 14).

28. **In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, the State Party should significantly reduce the use of pretrial detention, including through the wider application of non-custodial measures as alternatives to incarceration, and ensure that all detained persons are afforded, in practice, all legal and procedural safeguards from the outset of their detention. In particular, it should:**

(a) **Ensure that pretrial detention is exceptional and imposed only when necessary and for a period of time that is as short as possible and that statutory limits on detention are strictly enforced;**

(b) **Increase the availability of, and recourse to, alternatives to pretrial detention in the light of the United Nations Standard Minimum Rules for Non-custodial**

**Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(c) **Ensure that pretrial detention is reviewed in a prompt, thorough and impartial manner by the relevant judicial authorities, including through the effective implementation of the right to habeas corpus, and that anyone detained arbitrarily is released without conditions and is adequately compensated.**

**Enforced disappearances**

29. The Committee regrets that the State Party has not provided information on cases and investigations of enforced disappearances or the measures taken to combat them, including the number of complaints received during the reporting period, investigations, prosecutions and redress provided to victims and their relatives (arts. 6 and 9).

30. **The State Party should elucidate all cases of enforced disappearance and conduct impartial and thorough investigations without delay, ensuring that the victims and their relatives are informed of the progress and results of the investigation. It should also identify those responsible and ensure that they are prosecuted and, if convicted, punished with appropriate penalties that are commensurate with the gravity of their crimes and that victims of enforced disappearance and their families are provided with full reparation. The State Party should also consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Treatment of persons deprived of liberty**

31. While noting the State Party's efforts to increase the capacity of prisons and detention facilities, the Committee remains concerned about the conditions of detention, including severe overcrowding, inadequate infrastructure and inadequate access to necessities, such as food, water, hygiene and healthcare. The Committee is also concerned at reports that persons in pretrial detention are not held separately from convicted prisoners and that juveniles are detained with adults, leading to abuse and harassment (arts. 9 and 10).

32. **In line with the Committee's previous recommendations,<sup>6</sup> the State Party should ensure that the conditions of detention comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). It should, in particular:**

(a) **Take immediate measures to significantly reduce overcrowding in prisons, including through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(b) **Intensify its efforts to improve conditions of detention and ensure adequate access to food, clean water and healthcare for all persons held in detention facilities;**

(c) **Ensure that persons being held in pretrial detention are held separately from convicted prisoners and that juveniles are detained separately from adults.**

**Elimination of slavery, servitude and trafficking in persons**

33. The Committee notes the efforts made by the State Party to combat and prevent trafficking in persons, including the adoption of the Trafficking in Persons Act of 2014 and the implementation of the Zimbabwe Trafficking in Persons National Action Plan 2019–2021. The Committee remains concerned that the definition of trafficking in persons in the Trafficking in Persons Act is not fully in line with article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee is

<sup>6</sup> Ibid., para. 18.

further concerned about the limited information provided by the State Party regarding the human and financial resources allocated for the implementation of the National Action Plan, the types of training provided, the capacity and number of shelters for victims of trafficking, and the number of investigations, prosecutions and convictions of perpetrators, as well as the sanctions imposed on perpetrators and reparations provided to victims (arts. 2, 3, 8 and 26).

**34. The State Party should further strengthen its efforts to combat, prevent, eradicate and punish trafficking in persons, and ensure adequate protection of victims. In particular, it should:**

(a) **Amend the Trafficking in Persons Act to criminalize trafficking in persons in line with international standards on trafficking in persons, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and include a specific legal provision against the punishment of victims of trafficking for involvement in illegal activities in which they were compelled to take part as a result of being trafficked;**

(b) **Ensure that sufficient human and financial resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons and to those providing protection and assistance, including civil society organizations;**

(c) **Address the root causes of trafficking and adopt and implement long-term solutions to ensure the social inclusion of survivors into society;**

(d) **Strengthen prevention and awareness-raising campaigns for the general public and specialized training for all relevant State officials, including judicial, prosecutorial, law enforcement and border officials, on standards and procedures for the prevention of trafficking and the identification and referral of victims of trafficking;**

(e) **Provide victims of trafficking with adequate protection and assistance, including safe and specialized shelters, access to healthcare and legal protection, and rehabilitation and reintegration support services, throughout the State Party;**

(f) **Ensure that all cases of trafficking in persons are thoroughly investigated, that perpetrators are prosecuted and, if found guilty, appropriately punished and adequately sanctioned, and that victims receive full reparations.**

35. The Committee is also concerned about the continued prevalence of child labour, particularly in commercial sexual exploitation, mining and tobacco production. It also regrets the lack of information provided on the measures taken to provide protection, rehabilitation, reparation and reintegration services to victims (arts. 8 and 24).

**36. The State Party should strengthen its efforts to combat and eradicate child labour, in particular the engagement of children in hazardous work, and ensure that protection services have adequate capacity.**

#### **Treatment of aliens, including migrants, refugees and asylum-seekers**

37. The Committee is concerned at the lack of a fair and efficient asylum procedure to ensure respect for the principle of non-refoulement. It is also concerned about reports of the ill-treatment of refugees and asylum-seekers in detention centres. The Committee further regrets the lack of statistical data on the number of persons who have applied for asylum or refugee status, the number who have been granted such status, the number whose appeals have been rejected and the number who have been expelled from the State Party (arts. 7 and 13)

**38. The State Party should ensure that all persons in need of international protection, regardless of their place of origin, have unhindered access to efficient procedures for the individualized determination of refugee status, an appeal process in line with international standards and effective protection against non-refoulement. The State Party should also ensure that asylum-seekers and refugees are treated with human dignity and that all allegations of ill-treatment are promptly, thoroughly and independently investigated and that perpetrators, if found guilty, are punished appropriately.**

39. While noting that the enabling legislation to guarantee birth registration for children born to parents at risk of statelessness has not yet been promulgated, the Committee is concerned about obstacles to birth registration, in particular for children born to rejected asylum-seekers, including documentary requirements such as proof of the child's birth, the statelessness of the parents and their residence in Zimbabwe (arts. 2, 24 and 26).

40. **The State Party should ensure that all children born in the State Party, including those born to stateless parents, have access to registration immediately after birth regardless of the legal status of their parents.**

#### **Access to justice and independence of the judiciary**

41. The Committee is concerned about reports of threats against and the intimidation and dismissal of judges who issue rulings that are unfavourable to the Government. Furthermore, it is also concerned about the persistent shortage of judges, which contributes to significant delays in the administration of justice, particularly in high-profile cases related to human rights violations and corruption. The Committee welcomes the measures taken by the State Party to enhance judicial efficiency and reduce case backlogs, notably the roll-out of the Integrated Electronic Case Management System and the decentralization of the High Court of Zimbabwe. Nonetheless, the Committee notes the barriers to accessing this system, due to low smartphone and Internet coverage, high data costs and digital literacy gaps, particularly in rural communities. While noting the State Party's efforts to improve the judicial infrastructure, the Committee is aware of reports of inadequate physical infrastructure in rural areas and obstacles faced by persons with disabilities and older persons. The Committee further notes the limited financial and human resources provided to the Legal Aid Directorate (arts. 2, 9 and 14).

42. **The State Party should:**

(a) **Take immediate steps to prevent and eradicate all threats against, intimidation of and other forms of undue influence on the judiciary by the executive branch and to ensure in law and in practice the full independence and impartiality of judges, including by adopting procedures for the selection, appointment, promotion, sanction and removal of judges that are transparent and impartial;**

(b) **Facilitate access by all individuals to the Integrated Electronic Case Management System;**

(c) **Allocate adequate human and financial resources to the Legal Aid Directorate, with a view to reducing delays and addressing the backlog of cases;**

(d) **Expand the provision of free legal aid by strengthening the financial and human capacity of legal aid centres to facilitate access to justice for all, including those living in rural areas and Indigenous communities.**

#### **Right to privacy**

43. While noting that section 57 of the Constitution guarantees protection against unauthorized searches, seizures and interference in communications, the Committee considers that several laws in the State Party raise significant privacy concerns. They include the Postal and Telecommunications Act of 2000, which permits government interception of suspicious communications, without clear definitions or safeguards; the Interception of Communications Act of 2007, which permits surveillance without any judicial oversight and does not require government authorities to notify individuals when they are or have been subject to surveillance; and the Cyber and Data Protection Act of 2021, which designates the Postal and Telecommunications Regulatory Authority of Zimbabwe as the data protection authority, despite its potentially conflicting role as telecommunications regulator, and also establishes a national data centre for surveillance purposes.

44. The Committee is aware of reports received about the State Party's acquisition and use of sophisticated surveillance technologies, including facial recognition systems and communications-interception technology. It is further concerned about allegations that the State Party conducts targeted surveillance of individuals, in particular journalists and political dissidents (art. 17).

45. **The State Party should:**

(a) **Ensure that all types of surveillance activities, including online surveillance and the interception and retrieval of electronic communications and metadata, are governed by appropriate legislation that is in full conformity with the Covenant, in particular article 17 thereof, and the principles of legality, proportionality and necessity;**

(b) **Establish independent oversight mechanisms, including judicial review of surveillance activity;**

(c) **Ensure that affected persons are notified of the surveillance and interception activities to which they have been subjected, where possible, and that they have access to effective remedies in cases of abuse.**

**Freedom of conscience and religious belief**

46. While noting that section 60 (1) of the Constitution provides that every person has the right to freedom of conscience, which includes freedom of thought, opinion, religion or belief, the Committee is concerned at reports that the Government has on occasion monitored public events, prayer rallies, church congregations and religiously affiliated non-governmental organizations perceived as critical of the Government (arts. 2, 18 and 26).

47. **The State Party should guarantee the effective exercise of freedom of religion and belief in practice and refrain from any action that may restrict it beyond the narrowly construed restrictions permitted under article 18 of the Covenant.**

48. The Committee continues to regret that the State Party does not recognize the right to conscientious objection to compulsory military service under the Constitution (arts. 2, 18 and 26).

49. **The State Party should adopt legislation explicitly recognizing conscientious objection to military service.**

**Freedom of expression**

50. The Committee is concerned about arbitrary restrictions on freedom of expression in law and practice, including the use of Internet shutdowns and the blocking of social media platforms during and after protests, and about the Access to Information and Protection of Privacy Act of 2002, the Public Order and Security Act of 2002 and the Criminal Law (Codification and Reform) Act, which imposes harsh penalties. The Committee is also concerned about reports of threats, harassment and intimidation, and assaults against journalists, media workers and human rights defenders, which have a chilling effect in particular on the coverage of demonstrations and protests. The Committee is further concerned that the Broadcasting Services Act, as amended on 15 August 2016, grants the Minister of Information and Publicity the authority to determine which entities receive broadcasting licences and under what circumstances (art. 19).

51. **In line with the Committee's previous recommendations<sup>7</sup> and in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State Party should:**

(a) **Take immediate steps to ensure that everyone can exercise the right to freedom of expression without interference and that any restrictions on the exercise of that right are in conformity with the strict requirements of article 19 (3) of the Covenant;**

(b) **Amend the Public Order and Security Act and the Criminal Law (Codification and Reform) Act to eliminate criminal penalties for journalists exercising their rights under the Covenant;**

(c) **Combat and prevent all forms of threats, harassment, intimidation and violence against journalists, media workers and human rights defenders, and take all**

<sup>7</sup> Ibid., para. 22.

**measures necessary to ensure that they are free to carry out their work without fear of violence or reprisals of any kind;**

**(d) Ensure that all human rights violations against journalists, media workers and human rights defenders are thoroughly, impartially and independently investigated, that perpetrators are brought to justice and, if found guilty, duly punished, and that victims receive adequate reparation;**

**(e) Amend the provisions of the Broadcasting Services Act governing the granting of licences to bring them into full compliance with the Covenant, and establish an independent broadcasting licensing authority with the power to examine broadcasting applications and grant licences in accordance with reasonable and objective criteria.**

#### **Freedom of peaceful assembly**

52. While noting that freedom of assembly is guaranteed under section 58 of the Constitution, the Committee is concerned about the State Party's approach to dealing with peaceful assembly, particularly during periods of social unrest or protests. The Committee is also concerned about the use of section 22 of the Criminal Law (Codification and Reform) Act to prosecute human rights defenders, members of civil society and opposition leaders suspected of having played an important role in the protests, amounting to them being charged with having committed an offence similar to treason, which could result in imprisonment for up to 20 years. The Committee is further concerned about section 10 of the Maintenance of Peace and Order Act, which prohibits all gatherings near the Parliament, domestic courts and protected places, thereby impeding the ability to petition legislators, and imposes civil liability on convenors of gatherings for any damage caused by a gathering. The Committee is also concerned about section 7 (1) (a) and (b) of the Maintenance of Peace and Order Act, which requires organizers of public gatherings to give a minimum of seven days' notice of their intention to conduct public demonstrations and five days' notice of their intention to conduct public meetings (arts. 9 and 21).

**53. In line with the Committee's previous recommendations<sup>8</sup> and general comment No. 37 (2020) on the right of peaceful assembly, the State Party should:**

**(a) Amend section 22 of the Criminal Law (Codification and Reform) Act to bring it into conformity with article 21 of the Covenant;**

**(b) Repeal or amend the relevant provisions of the Maintenance of Peace and Order Act to ensure that it is in full conformity with the rights to freedom of assembly and of expression enshrined in the Constitution and the Covenant.**

#### **Freedom of association**

54. The Committee is concerned that the Private Voluntary Organisations Amendment Bill 2024, which is aimed at curbing money-laundering and the financing of terrorism and ensuring that non-governmental organizations do not undertake political lobbying, contains provisions that could potentially restrict civic space and have a chilling effect on the exercise of the right to freedom of association and of assembly by civil society organizations and human rights defenders. The Committee is also concerned that the Criminal Law (Codification and Reform) Act criminalizes anyone "wilfully injuring the sovereignty and national interest of Zimbabwe" and anyone calling for economic sanctions against the country, and carries extremely severe penalties, including loss of citizenship, denial of the right to vote and the death penalty (art. 22).

**55. The State Party should:**

**(a) Consider abandoning the enactment of the Private Voluntary Organisations Bill and returning it to Parliament. It should also prepare a consolidated version of the bill and convene wide consultations with relevant stakeholders to align**

<sup>8</sup> Ibid., para. 16.

**the bill with the Constitution and international standards, including the protection of the right to freedom of association;**

**(b) Repeal the provisions of section 22A of the Criminal Law (Codification and Reform) Act that impede the exercise of fundamental rights and freedoms provided for in the Constitution of the State Party and the Covenant.**

### **Rights of the child**

56. The Committee is concerned about reports of child abuse, including sexual abuse, incest, infanticide, child abandonment and rape; and corporal punishment and child labour in all settings. It is also concerned, despite the legal age of marriage being 18 years under section 3 of the Marriages Act, about reports of child, early and forced marriages, especially in isolated religious communities, some of which allegedly promote early marriage, and among children orphaned by AIDS. Furthermore, the Committee is concerned about reports that children in vulnerable situations, including orphaned children and children with disabilities, are exposed to abuse, discrimination, social stigma, food insecurity, malnutrition, HIV and homelessness (arts. 7, 23, 24 and 26).

57. **The State Party should:**

**(a) Strengthen efforts to combat child abuse in all settings and ensure that such cases are effectively investigated, that perpetrators are prosecuted and sanctioned and that child victims have access to adequate remedies, including specialized care;**

**(b) Ensure the effective implementation and enforcement of existing legal provisions against child, early and forced marriages, including the Marriages Act, which prohibits child marriage, and pursue community awareness-raising campaigns discouraging such practices and providing information, in particular to women and girls, about the prohibition and negative effects of child marriage;**

**(c) Enact legislation that explicitly prohibits corporal punishment of children in all settings, encourage non-violent forms of discipline as alternatives to corporal punishment and conduct awareness-raising campaigns on the harmful effects of corporal punishment;**

**(d) Strengthen measures to identify and combat child labour across sectors and ensure that protection services have adequate capacity;**

**(e) Ensure that all victims, especially orphaned children and children with disabilities, receive, without discrimination of any kind, access to adequate shelters, healthcare and legal protection.**

### **Participation in public affairs**

58. The Committee is concerned about reports of the selective implementation of the Maintenance of Peace and Order Act and section 22A of the Criminal Law (Codification and Reform) Act, which reportedly had a chilling effect during the 2023 harmonized elections, preventing many segments of the public from participating and limiting the ability of voters to make their choices in a genuinely free and pluralistic environment. The Committee is also concerned that several provisions of the Electoral Act subordinate the Zimbabwe Electoral Commission, including its Observers Accreditation Committee, to the executive branch, which compromises the independence of the Commission. The Human Rights Committee is further concerned about the lack of a specific provision in the Electoral Act on the right to vote of Zimbabwean nationals in the diaspora; those in hospitals; and those incarcerated (arts. 2, 25 and 26).

59. **The State Party should ensure the enjoyment of the right to participate in public affairs and should bring its Electoral Act into compliance with the Covenant, including article 25 thereof, and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote. It should in particular:**

**(a) Foster a culture of political pluralism and ensure that opposition political candidates, and supporters, journalists, human rights defenders and the media are able**

to carry out their election-related activities free from undue interference and restrictions on the right to liberty and security;

(b) Fully align the Electoral Act with the provisions of the Constitution and ensure that its implementation is free from undue interference by the executive;

(c) Consider revising the national legal framework to ensure the right to vote for persons in the diaspora, hospitals and detention centres.

#### **D. Dissemination and follow-up**

60. The State Party should widely disseminate the Covenant, its second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public.

61. In accordance with rule 75 (1) of the Committee's rules of procedure, the State Party is requested to provide, by 28 March 2028, information on the implementation of the recommendations made by the Committee in paragraphs 24 (death penalty), 51 (freedom of expression) and 55 (freedom of association) above.

62. In line with the Committee's predictable review cycle, the State Party will receive in 2031 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State Party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State Party will take place in Geneva in 2033.

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