



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

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined second to fifth periodic report of the Republic of Zimbabwe at the Committee's fifty-first session, held in March 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/ZWE/CO/2-5). You may recall that in the concluding observations, the Committee requested the Republic of Serbia to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 and 24 of the concluding observations.

The Committee welcomes the follow-up report received with a 29-months delay in February 2016 (CEDAW/C/ZWE/CO/2-5/Add.1) under the CEDAW follow-up procedure. At its sixty-fifth session, held in November 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 14** of the concluding observations, recommending that the State party “Speed up its Constitutional review and urgently repeal section 23.3 of the Constitution that allows discrimination based on sex/gender in matters that fall within the provisions of personal and customary law”: The State party mentioned that it successfully concluded its Constitutional reform process in 2013, resulting in the repeal of Section 23.3 of the Constitution. The State party further reported that the new Constitution in Section 2 (1) reiterates the supremacy of the Constitution and highlights that any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency. The Committee welcomes the repeal of Section 23.3 that allows discrimination based on sex/gender/that fall within the provisions of personal and customary law and the incorporation of Section 2 (1) in the new Constitution, reiterating the supremacy of the Constitution over any inconsistent law, practice, custom or conduct. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

In relation to the recommendation that the State party “include in its Constitution and other appropriate legislation a bill of rights for women that guarantees the human rights of women under the Convention and the prohibition of discrimination against women, which encompasses both direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention, and also to include provisions prohibiting all forms of discrimination against

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women on all grounds, including in matters that fall within the provisions of personal law”: The State party mentioned that the new Constitution in Section 56 provides for equality and non-discrimination and that Subsection 2 states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic and social spheres.

It further reported that Section 56 (3) provides an elaborate list of grounds for non-discrimination which includes sex, gender, marital status and pregnancy. In addition, Section 80 of the Constitution is solely dedicated to women’s rights and part 3 clearly outlaws all laws, customs, traditions, and cultural practices that infringe on the rights of women conferred to them by the Constitution. The Committee welcomes the incorporation of the principle of equality between men and women and non-discrimination, including equal treatment and opportunities in political, economic and social spheres in its new Constitution. However, the State party has not indicated that the full range of human rights of women are guaranteed, including equal access to all areas of public and private life, in accordance with the Convention. Furthermore, while the new Constitution, under Section 56 (3), gives an elaborated list of grounds for non-discrimination, the State party does not expressly prohibit “direct” and “indirect” discrimination on all grounds, including in matters that fall within the provisions of personal law. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 14 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to include in its legislation a bill of rights for women that guarantees the human rights of women under the Convention and the prohibition of discrimination against women, which encompasses both direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention, and also to include provisions prohibiting all forms of discrimination against women on all grounds, including in matters that fall within the provisions of personal law.

In regards to the recommendation recalled in **paragraph 24** of the concluding observations “To put in place comprehensive measures to prevent and address violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention, and ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished, in accordance with the Committee’s general recommendation No. 19 “: The State party recognizes that Gender Based Violence (GBV) is a form of discrimination against women and constitutes a violation of women’s rights and refers to its Constitution, which provides in section 52 (a) that every person has the right to freedom from all forms of violence from public or private sources and calls in section 25 upon the State and all agencies of the Government to adopt measures for the prevention of domestic violence. The State party also mentioned the previously reported Domestic Violence Act that provides for relief and protection of survivors of Domestic Violence. The Act stipulates the establishment of Victim Friendly Units at every Police Station to ensure that cases can be reported in a survivor friendly environment. The State party further indicated that it has established One Stop Centres for survivors of Gender Based Violence (GBV), where victims receive health services, legal services and psychosocial support, thus reducing the number of institutions for a victim to visit for immediate redress. The State party also mentioned working on strengthening the GBV referral pathway. The State party moreover informed that Criminal Law (Codification and Reform) Act from 2006 criminalises rape and other sexual offenses. The State party also reported on a Multi-Sectoral Protocol on the management of Sexual Abuse and Violence in Zimbabwe, which provides for the establishment of Victim Friendly Courts aiming to protect vulnerable witnesses in sexual abuse cases. It also reported that this Protocol clearly assigns roles and responsibilities of various players in the management of sexual abuse. In addition, the State party mentioned working on strengthening the GBV referral pathway. The Committee notes that Section 25 of the Constitution calls for the State and all agencies of the Government to adopt measures to prevent domestic violence. However, the State party has not informed on the measures taken to realize these constitutional principles to prevent Domestic Violence. The Committee thus considers that

the State party has not put in place sufficiently comprehensive measures to prevent violence against women and girls. The Committee notes the provisions for Victim Friendly Units at every Police Station and for Victim Friendly Courts in accordance with the Domestic Violence Act and the Multi-Sectoral Protocol. The Committee also welcomes the establishment of One Stop Centres for survivors of GBV, and also the efforts taken by the State party to strengthen the GBV referral pathway. However, it notes the lack of provisions for the prosecution and punishment of perpetrators of all acts of gender-based violence in accordance with the Committee's general recommendation No. 19. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation "To provide mandatory training for judges and prosecutors on the strict application of legal provisions dealing with violence against women and train police officers on procedures to deal with women victims of violence": The State party reported that, guided by the Protocol on the Multi-Sectoral management of Sexual Abuse and violence in Zimbabwe (2012), it is continuously training judicial officers, police officers, health personnel and other sectors responsible for the management of survivors on how to offer survivor friendly services. It further indicated that the Zimbabwe Republic Police in partnership with UNODC has developed a handbook on effective Police Response to violence against Women and Children. The handbook is meant to guide in-service training for police officers on how to effectively respond to cases of violence against women and children. Further, the State party reported working on the incorporation of a Gender Based Violence module in the pre-service training curricular of judicial officers, police officers and health personnel. The modules will form part of the pre-service training of police and judicial personnel, as well as for all nurses. The Committee welcomes the introduction of training for judicial and police officers, which includes provision of survivor friendly services in the Protocol on the Multi-Sectoral management of Sexual Abuse and violence, thus institutionalizing this training for judicial, police, and health personnel. It further welcomes the training material for in-service police officers on how to effectively respond to cases of violence against women and children, and the incorporation of a GBV module in the pre-service training curricular judicial and law enforcement personnel. However, the Committee considers that additional training on specific legal provisions and their application, directed specifically at judges and prosecutors are necessary. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

In regards to the recommendation that the State party "encourage women to report incidents of domestic and sexual violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts": The State party mentioned that it is implementing a community based awareness programme that focuses on domestic violence, popularises the Domestic Violence Act and strengthens the capacity of communities to establish mechanisms for preventing and responding to domestic violence. Targeted awareness campaigns have been launched targeting hard to reach areas, religious groups, people living with disabilities and schools with information on gender based violence, gender-based violence laws and channels for redress in case of violations. The Committee notes the awareness raising campaign on zero tolerance to domestic violence. However, this campaign does not encompass sexual violence. In addition, no initiatives were undertaken to de-stigmatize victims and to thereby encourage women to report incidents of domestic and sexual violence. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation "To put in place measures to prevent and address politically motivated violence against women": The State party has not provided the Committee with any written response to the recommendation. The Committee has thus not received information to assess whether the recommendation has been implemented. Consequently, it **lacks sufficient information** to make an assessment.

Regarding the recommendation “To collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and perpetrator”: The State party mentioned that the Zimbabwe Statistical Agency (ZIMSTAT) collects data on domestic violence and sexual violence which is disaggregated by sex, age and relationship between the victim and the perpetrator. It further reported that the Demographic and Health Survey, which is conducted every four years, incorporates a questionnaire on domestic violence also capturing information on domestic violence disaggregated by sex, age and relationship with the perpetrator. Other once-off surveys on GBV have also taken the same format. The Committee notes that the State party has a system of collecting data on domestic and sexual violence disaggregated by sex, age and relationship between the victim and the perpetrator. However, the collection of data is not disaggregated by nationality. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

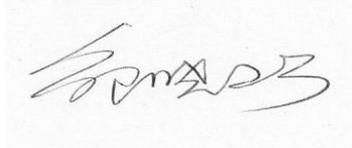
The Committee recommends that, in relation to paragraph 24 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Put in place comprehensive measures to prevent and address all forms of violence against women and girls and ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished, in accordance with the Committee’s general recommendation No. 19;
- 2) Provide mandatory training for judges and prosecutors on the strict application of legal provisions dealing with violence against women;
- 3) Encourage women to report incidents of domestic and sexual violence, by destigmatizing victims;
- 4) Put in place measures to prevent and address politically motivated violence against women;
- 5) Collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and perpetrator.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Zimbabwe on the implementation of the Convention.

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

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women