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| ZIMBABWE  **PRESENTATION**  BY THE  **STATEMENT**  By the  **MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS**  **OF THE REPUBLIC OF ZIMBABWE**  **HON. ZIYAMBI ZIYAMBI.**  On the occasion of  **CONSIDERATION OF ZIMBABWE’S 5TH – 11TH PERIODIC REPORTS** By the  **COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD) DURING ITS 107TH SESSION**  **GENEVA, SWITZERLAND**  **17-18 AUGUST 2022** |

**Chairperson of the 107th Session of the Committee on the Elimination of all Racial Discrimination (CERD), Professor Verene A. Shepherd;**

**Members of the Committee;**

**Your Excellencies;**

**Distinguished Delegates;**

**Ladies and Gentlemen;**

**INTRODUCTION**

**Madam Chair;**

Since I am taking the floor for the first time, allow me to congratulate you on your election to the position of Chairperson of this eminent Committee. I take this opportunity on behalf of my delegation, to express our utmost confidence in your leadership, particularly in steering the business of this 107th Session.

It is indeed an honour and privilege to appear before this Committee to present the Republic of Zimbabwe’s 5th -11th Periodic Reports on the implementation of the Convention. I wish to reiterate that my Government is committed to the protection of all its citizens against all forms of racial discrimination. The standards contained in the ICERD dovetail with my country’s vision to act explicitly to ensure that ***“no one and no place amongst the marginalised is left behind”.***

**Madam Chair;**

In line with Article 2 (c) of the Convention, my Government continues to implement constitutional, legislative, administrative and other measures to eliminate all forms of racial discrimination. My Government is also guided by the rights contained in the Universal Declaration of Human Rights and core international and regional Human Rights Treaties to which our country is party in order to eliminate racial discrimination in all its forms.

**Madam Chair;**

This Report was informed by the Harmonized Guidelines on Reporting under International Human Rights Treaties. It was compiled through a multi-stakeholder consultative process. Further, the Report addresses concerns raised in the Committee’s Concluding Observations on the country’s last periodic review and the list of themes in relation to the combined fifth to eleventh ICERD reports of Zimbabwe.

**CONSTITUTIONAL AND LEGISLATIVE MEASURES**

**Madam Chair;**

Allow me, at this juncture to address this Committee on the new developments during the reporting period.

In 2013, Zimbabwe adopted and promulgated a new Constitution. The Constitution has been widely embraced as it contains entrenched provisions such as prohibition of all forms of discrimination, including on the grounds of race, nationality, colour, tribe, ethnic or social origin. The Constitution also provides for an expansive Bill of Rights. Our laws have gradually been aligned to this Constitution thereby allowing citizens to enforce their rights whenever there are violations.

**Madam Chair;**

The Constitution contains provisions which are in consonance with the definition of racial discrimination as provided in the ICERD. Section 56 prohibits treatment of any person in an unfairly discriminatory manner on grounds including race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender.

It should be noted that Zimbabwe has not entered any reservations and declarations, or any derogations, restrictions or limitations regarding the scope or the definition of racial discrimination in domestic law relating to provisions of the ICERD. Zimbabwe enacted the Prevention of Discrimination Act (“the PDA”) which domesticated the provisions of the ICERD. The PDA prohibits discrimination on the above-mentioned grounds and provides remedies for any persons injured by such discrimination.

**CITIZENSHIP**

**Madam Chair;**

Government is in the process of aligning the Citizenship of Zimbabwe Act and the Immigration Act to the Constitution in order to give full effect to the ICERD and Constitutional provisions regarding non-discrimination on matters of citizenship. Accordingly, our Constitution makes provision for three (3) categories of citizenship namely birth, descent, and registration. All citizens, regardless of race, are equally entitled to the rights, privileges and benefits of citizenship as enshrined in our laws.

With regards to revocation of citizenship, the Constitution does not take into consideration the aspect of race.

**LAND OWNERSHIP AND OTHER OPPORTUNITIES**

**Madam Chair;**

On the critical issue of land ownership and usage patterns in our country, it is clear that we have demonstrated decisive and bold commitment towards the elimination of racial discrimination in this emotional and highly sensitive area.

At independence, my Government inherited an entrenched land-tenure system reflecting the racially-skewed legacy of a century of colonial occupation, oppression and racial injustice. Some 4 500 settler farmers owned 12,5 million hectares of a total of 15 million hectares of arable land: whilst 7,4 million indigenous Zimbabweans owned just 2,5 million hectares. The 15-year Liberation War waged against settler colonialism was premised, primarily, on recovering and returning the land to the people from whom it was forcibly taken.

**Madam Chair;**

Over the period 2002 to 2013, and in order to correct the inherited racial imbalance in land ownership patterns, my Government embarked upon a massive land reform programme which, *inter alia*, allowed for the compulsory acquisition of agricultural land for re-settlement purposes. In undertaking the programme, my Government was guided by a clear equitable redistribution programme.

To ensure that those whose land was acquired by Government get reasonable compensation, my Government in compliance with the Constitution’s property rights and respect for the rule of law, entered into the Global Compensation Agreement with former farm owners in 2020, through a sector wide consultative process. This is a reflection of my Government’s commitment to the successful conclusion of the land redistribution process in a manner that restores the integrity, dignity and racial balance of all the people of Zimbabwe. It is worth noting that former large scale commercial land owners whose farms were downsized for redistribution, are also eligible for issuance of security of tenure documents on land, such as 99-year leases.

In addition to criminalising unlawful occupation of land, my Government is pursuing a strict enforcement policy against illegal occupation of land.

**EDUCATION**

**Madam Chair;**

One of the most progressive provisions of our Constitution is the inclusion of socio-economic rights under the Bill of Rights. The right to education falls under this category. The Education Act has been fully aligned to the Constitution.

The Education Act has deliberate provisions addressing the interests of minority groups in enjoying the right to education without discrimination. The Act further prohibits discrimination against any child with regard to admission to any school on the grounds of race, tribe, place or ethnic origin, political opinions, colour, creed or gender.

In terms of medium of instruction, all our languages are now being taught in schools. My Government has taken measures to address inequalities in education in line with breaking racial barriers in schools and tertiary institutions. Our Constitution provides for sixteen (16) official languages and these are taught in schools in their respective regions. Previously, only three (3) languages were used as a medium of instruction.

**INDEPENDENT COMMISSIONS**

**Madam Chair;**

Chapter 12 of the Constitution establishes five independent Commissions which play ubiquitous roles in supporting democracy and good governance. Among these Commissions, are the Zimbabwe Human Rights Commission; The National Peace and Reconciliation Commission and the Zimbabwe Gender Commission. One of the roles of these Commissions include *inter alia* to support and entrench human rights and strengthen democracy, and ensure that racial injustices are remedied. These Commissions are empowered by the Constitution to investigate and make findings on cases of racial discrimination in various aspects of their mandate.

**RIGHTS OF REFUGEES, MIGRANTS, ASYLUM SEEKERS AND INTERNALLY DISPLACED PERSONS**

**Madam Chair;**

To guarantee the full protection of refugees, migrants, asylum seekers and internally displaced persons in the country, my Government has taken measures to attain this objective through the implementation of durable solutions. In that regard, Zimbabwe continues to strengthen the implementation of the 1951 Convention on the Status of Refugees and its Protocols.

**Madam Chair;**

Zimbabwe recently adopted a response strategy to climate related displacement in order to effectively and adequately address the challenges facing internally displaced persons. My Government has availed resources and support towards fostering self-reliance, improving food security, enhancing livelihoods and the general welfare of refugees at Tongogara Refugee Camp.

**Madam Chair;**

In 2019, Zimbabwe developed the National Referral Mechanism for Vulnerable Migrants. The mechanism caters for the rights of migrant persons. It links together the different stakeholders involved in identification, referral, assistance, repatriation and monitoring, and also defines clear roles for each, along with the procedures to follow, to ensure the protection of migrants’ rights.

My Government has also established reception centres at its main ports of entry aimed at improving conditions of newly arrived migrants and asylum seekers. At these centres, migrants and asylum seekers are guaranteed of a place of safety, transport assistance, food, shelter, safe migration advice and health care among other support services, regardless of race, ethnicity, creed, colour, descent and tribe.

Relatedly, my Government established a Safety and Repatriation Centre in the capital city, Harare. The Centre is a place of safety for destitute and, in most instances, elderly foreign nationals from around the world who are in need of return and reintegration to their countries of origin.

**CHALLENGES**

**Madam Chair;**

Having presented the progress made during the period under review, I now wish to highlight some challenges that have inhibited the full enjoyment of the rights under this Convention.

* Despite the robust diplomatic engagement and re-engagement efforts of my Government, a raft of illegal unilateral coercive measures imposed on Zimbabwe by a number of Western powers remain steadfastly in place. Supposedly targeted in nature, those measures have inflicted widespread collateral damage well beyond the so-called targeted few- most especially in seriously weakening our financial and banking sectors, thereby negatively impacting upon every single Zimbabwean, and seriously undermining efforts to ensure full protection and promotion of rights accruing under the ICERD.
* The issue of effective and expansive dissemination of information on the Convention and all attendant issues has been impeded by the unavailability of adequate and requisite resources. Issues impeding this exercise include the restricted fiscal space mainly caused by the effects of unilateral coercive measures referred to above and the Covid-19 pandemic which has largely restricted physical movement.

**Madam Chair;**

Before I conclude, it will be remiss for my delegation not to bring to the attention of this esteemed Committee a few issues of concern regarding the shadow report that was submitted by the Crisis in Zimbabwe Coalition and its civil society allies. Most regrettably, the report is characterised by misrepresentation, misinformation and a raft of inaccuracies regarding the adequacy of our legal framework and the implementation of the ICERD in Zimbabwe.It is a report designed to depict Zimbabwe as a lawless country and to deliberately distract and mislead this Committee.

We take note of an enduring misrepresentation that Zimbabwe’s labour laws do not represent the informal sector. Contrary to that assertion, sections 2 and 12 of our Labour Act ***specifically*** apply to both the formal and informal sectors.

We note that the shadow report recommends courses of action that are considered illegal the world over, such as unregulated vending in undesignated areas. It is important to distinguish the informal sector from illegal operations.

Further, the use of hate speech contained in the shadow report, particularly where it singles out foreign nationals from a specific country as being unregulated in their conduct as employers, is deeply regrettable and completely contrary to the spirit of ICERD, is designed to antagonise and even incite racial hatred, in our country. Our laws are of universal application and we adhere to the notion of full equality before the law.

Lastly, I would also like to place on record our objection to the use of the term “massacres” where reference is made to the disturbances which occurred in parts of our country shortly after the attainment of sovereign independence in 1980. The issue referred to was a political matter which was concluded in 1987 with the signing of the Unity Accord.

**CONCLUSION**

**Madam Chair;**

In conclusion, Zimbabwe has taken major strides in eliminating all forms of racial discrimination as evidenced by the raft of measures contained in our National Report. It is important, indeed crucial, to reiterate that Zimbabwe was born from a protracted liberation struggle whose main thrust was to reverse entrenched and institutionalised racism practised by a colonial minority settler regime.

Accordingly, we stand fully committed to taking all means at our disposal not only to adhere to the Convention on the Elimination of All Forms of Racial Discrimination, but indeed to all Conventions to which we are party. Thus, the creation of a non-racial society guided by principles that are in consonance with the objectives of the ICERD remains a cornerstone priority of my Government.

**I thank you.**