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Universal Periodic Review

## Report of the Working Group on the Universal Periodic Review\*

### Zimbabwe

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Zimbabwe was held at the 12th meeting, on 10 October 2011. The delegation of Zimbabwe was headed by Hon. Minister Patrick Chinamasa, Minister for Justice and Legal Affairs. At its 16th meeting, held on 12 October 2011, the Working Group adopted the report on Zimbabwe.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Zimbabwe: China, Spain and Senegal.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Zimbabwe:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/ZWE/1);
  - (b) A compilation prepared by the Office of the United Nations High commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/ZWE/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/ZWE/3).
4. A list of questions prepared in advance by Canada, the Czech Republic, the United Kingdom of Great Britain and Northern Ireland, Ireland, the Netherlands, Switzerland, Norway, Sweden and Slovenia was transmitted to Zimbabwe through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Zimbabwe reported that its national report was the result of an extensive multi-sectoral consultative process which included national consultative workshops involving all stakeholders.
6. Zimbabwe indicated that it had in place various independent institutions, legislation and policy frameworks aimed at protecting and promoting the human rights of its people. It has embarked on an all-inclusive national programme to write a new Constitution by, of and for Zimbabweans. The current Constitution provided for the Zimbabwe Human Rights Commission, and had a justiciable Bill of Rights. The country also had legislation to advance and protect human rights in the areas of education, labour and health.
7. In order to take the direct benefits under these and other laws to the people, the Government had formulated and launched a number of policies and strategies which, despite the illegal economic sanctions, had registered a measure of success. For example, Zimbabwe adopted the National Programme of Action for Children and the National Action Plan for Orphans and Vulnerable Children. In addition, Victim-Friendly Units at police stations, hospitals and courts have been established. The Zimbabwe Republic Police had a Police Complaints Desk at every station to deal with cases of ill-treatment and mishandling of cases by police. The Constitution established the Electoral and Media Commissions.

8. The National Gender Policy advanced the cause of women's rights. The massive investment in education since independence and the land reform programme embarked upon by Government in 2000 have contributed immensely to the empowerment of the previously disadvantaged indigenous Zimbabweans. The Indigenisation and Economic Empowerment Policy facilitated and enhanced the greater participation of the people in mainstream economic activity and access to the means of production and self-sustenance.

9. Regarding criticisms levelled, particularly against the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act, Zimbabwe remained convinced that the two laws, among other legislation, were fair and constitutional mechanisms to regulate the conduct of meetings in a democratic State. It rejected the views that these pieces of legislation unjustifiably interfered with some liberties of the individual and noted that there was strikingly similar legislation in the jurisdictions of some Member States.

10. Zimbabwe had an independent judiciary tasked with the impartial interpretation of human rights law and continuous development of human rights jurisprudence. The Constitution guaranteed the independence of the judiciary and the newly promulgated Judicial Service Act provided for its budgetary autonomy.

11. Zimbabwe was run by a Government of National Unity (GNU), comprising the three main political parties which were signatories to the Southern Africa Development Community (SADC)-facilitated Global Political Agreement (GPA).

12. Zimbabwe responded to advance questions asked by some Member States. The delegation reported that the three political parties had negotiated a legal framework that would ensure free and fair elections. The framework was captured in the Electoral Amendment Bill which was before Parliament.

13. Regarding POSA, the delegation affirmed that it was in its present form adequate to regulate meetings, gatherings and demonstrations. POSA was amended in 2007 as a result of negotiations among the major political parties and was modelled along the provisions of the South African legislation.

14. GPA further provided for the need to train security-sector personnel in subjects such as human rights. The security services were appointed to uphold and defend the Constitution of Zimbabwe and their conduct was regulated by Acts of Parliament, Regulations and Standing Orders. The concerns of Western countries regarding the politicization of the police and military authorities, were misplaced, subjective and grounded in error. The Security Sector Reform that is demanding the dismissal of former liberation combatants from the uniformed forces was unacceptable.

15. As for the death penalty, the issue was being considered in the Constitution-making process. The ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights would be considered once a position had been reached on whether or not to abolish the death penalty. Zimbabwe reported that the ratification of the Convention against Torture was under active consideration by the Government which would review the legislation and identify gaps before ratifying and domesticating the Convention.

16. The delegation informed the Working Group that legislation which governed the detention of offenders was in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners. Furthermore, the Government had set up an Inter-Ministerial Task Force to look into the conditions of detention facilities and make recommendations on their improvement.

17. Zimbabwe stated that it passed the Domestic Violence Act in 2007. In line with the Act, an Anti-Domestic Violence Council was established in 2009 with the overall mandate

of overseeing the implementation of the Act. Victim-Friendly Units have been established at every police station and were manned by police officers who have been specially trained on how to handle cases of domestic violence.

18. On alleged ongoing land seizures, the delegation reported that all agricultural land was gazetted and nationalized in terms of Constitutional Amendment No. 17 and therefore, the question of land seizures could not arise. The Land Reform and Distribution Programme (LRDP) was almost complete. The act of nationalization could not be challenged in the courts but the issues of compensation for improvements could be litigated upon. Farm workers were among the beneficiaries under the LRDP. Regarding provisions of the Gazetted Land (Consequential Provisions) Act, the position was that once land had been gazetted it became State land.

19. Zimbabwe upholds the principle of non-discrimination and as such the law does not discriminate against any person, including human rights defenders. Like any other person, they were liable to arrest and prosecution when they committed offences.

20. The issue of moving cases through courts more quickly was adversely affected by inadequate human and material resources. The Judicial Service Commission was empowered through legislation to employ judicial officers and staff who were previously under the Public Service Commission.

21. Regarding independent civilian oversight over the Police Force, the delegation reported that section 13 of the Police Act required the Commissioner General of the Police to submit an annual report to the Minister of Home Affairs on the activities of the Police Force and the report was required to be placed before Parliament. The Parliamentary Portfolio Committee on Home Affairs exercises an oversight role over the activities of the Police Force.

22. As to the Zimbabwe Human Rights Commission, the delegation underlined that the Bill to operationalize the activities of the Commission was before Parliament. The Commission made its contributions to the Bill to ensure its independence in accordance with the Paris Principles. However, funding would remain a major constraint. So far, the Government had managed to secure office accommodation, which has been handed over to the Commission.

23. In its quest to deal with complaints of human rights abuses that took place before February 2009, Zimbabwe set up the Organ for National Healing, Reconciliation and Integration. The Organ was tasked with the responsibility of achieving national healing, cohesion and unity in respect of victims of pre and post-independence conflict with a view to reconciling the population which was then polarised.

24. Regarding the implementation of the 2005 recommendations of the United Nations Special Envoy on human settlement issues, Zimbabwe has town-planning laws and regulations which should be complied with. Those evicted in 2005 were people who had not complied with the regulations. Government and local authorities had schemes in place to ensure adequate housing for all.

25. There had been several amendments to the Access to Information and Protection of Privacy Act and the Broadcasting Services Act between 2002 and 2008 after the Supreme Court struck down provisions which were ruled to be unconstitutional. There were no provisions that were still unconstitutional.

26. The delegation reiterated Zimbabwe's commitment in the area of human rights and hoped that the Council would extend assistance to its Government to strengthen advancement in the promotion and protection of the rights of its people.

## **B. Interactive dialogue and responses by the State under review**

27. During the interactive dialogue, 55 delegations made statements. Additional statements which could not be delivered during the interactive dialogue owing to time constraints were posted on the Extranet of the universal periodic review, once available.<sup>1</sup> Recommendations made during the dialogue are to be found in section II of the present report.

28. South Africa took note of constraints impeding human rights efforts, including the economic sanctions in place. It noted ongoing efforts to resolve challenges in the implementation of the GPA and at drafting a new Constitution. It noted reported concerns about implementing a comprehensive policy framework on gender equality and challenges relating to the rights of children in vulnerable situations. It made recommendations.

29. Algeria noted the restoration of macroeconomic stability following the GNU in 2009. It referred to the shared experience of racism, oppressive colonialism and of non-selectivity and non-politicization of human rights values. It backed Zimbabwe's call for adequate international capacity building for human rights priorities. Algeria made recommendations.

30. The United Kingdom of Great Britain and Northern Ireland welcomed the establishment of a Human Rights Commission. It was concerned by the lack of progress in other areas of the GPA and called on the Government to ensure full implementation before any elections. It called on Zimbabwe to give effect to obligations under the International Covenant on Economic, Social and Cultural Rights and to implement the Millennium Development Goals (MDGs) on education and health. It made recommendations.

31. Sri Lanka welcomed the protection and upholding of the rights of children, the large budgetary allocation to education and the 92 per cent literacy rate. Bangladesh appreciated the agricultural policy designed for promoting food security and Zimbabwe's commitment to the MDGs. It made recommendations.

32. Angola appreciated Zimbabwe's efforts to improve the human rights situation, despite economic difficulties faced. Angola asked about measures taken to combat the problem of highly skilled workers leaving the country. It commended Zimbabwe for measures taken for women and asked for more information on such positive discrimination programmes. Angola made recommendations.

33. Namibia referred to national elections as an internal matter and urged the international community not to interfere in this process. Namibia called for the immediate removal of sanctions on Zimbabwe. It called on Zimbabwe to continue with the policy of National Reconciliation. Namibia made a recommendation.

34. Uganda referred to the Government's recognition of the special needs of vulnerable echelons of society such as women, children and AIDS victims. It noted that Zimbabwe had identified a number of challenges and constraints. Uganda made a recommendation.

35. Swaziland referred to the difficult economic times in Zimbabwe and challenges faced in providing essential services. Swaziland encouraged the GNU to continue rebuilding the economy and its institutions, including the Organ for National Healing, Reconciliation and Integration. Swaziland appealed to the international community to provide Zimbabwe with much needed assistance. It made a recommendation.

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<sup>1</sup> Countries which could not take the floor: Argentina, Chile, Sweden, Uruguay, Mozambique, the Netherlands, Botswana, Sudan, Latvia, Congo, Costa Rica, United Republic of Tanzania, Mauritius, Lesotho, Senegal.

36. Ethiopia recognized Zimbabwe's positive developments and efforts in the promotion and protection of human rights and commended Zimbabwe's cooperation with the Human Rights Council and the United Nations treaty bodies. Ethiopia made recommendations.
37. Venezuela (Bolivarian Republic of) noted Zimbabwe's human rights commitment despite the economic difficulties caused by the illegal sanctions and limited access to credit and international development assistance. It noted the access to education for disadvantaged persons, the universal primary-education policy and the high literacy rate. It acknowledged the gender equality achievements and the public assistance programme for the elderly. Venezuela made a recommendation.
38. Cuba noted Zimbabwe's human rights efforts but also noted they were restricted by sanctions, which constituted the main obstacles to Zimbabwe's development. Cuba suggested lifting the sanctions. Despite the difficulties and challenges, Cuba noted Zimbabwe's results and its commitment to human rights promotion and protection, particularly through the national health strategy, food security measures, the HIV/AIDS fight, measures favouring education, the environment and access to water and sanitation. Cuba made recommendation.
39. Belarus noted the unilateral sanctions which negatively affected Zimbabwe's human rights and development and the lack of information in that regard in UPR documents. It commended the efforts to combat pandemics, to provide universal primary education and to combat trafficking in persons. Belarus made a recommendation.
40. Morocco welcomed the "Women's Parliamentary Committee" to promote gender equality in Parliament. It noted Zimbabwe's need for support to develop its capacity in human rights measurement and called upon OHCHR to help meet these needs. Morocco made recommendations.
41. Ghana took note of the human rights legislation passed by Parliament and welcomed the Zimbabwe Human Rights Commission. It noted the Universal Access to Primary Education Policy and the Basic Assistance Module to promote the access to education for disadvantaged and persons with disabilities, and asked about the scope and effects of such policies. Ghana made recommendations.
42. The Democratic People's Republic of Korea commended Zimbabwe's commitment to protecting and promoting human rights despite the economic challenges arising out of illegal sanctions. It appreciated Zimbabwe's steps to a high quality of life by the year 2020. It called on the countries having imposed illegal sanctions to lift them in order to promote and protect human rights. It made recommendations.
43. Myanmar commended Zimbabwe's efforts to promote and protect fundamental rights, noting the Public Protector Office to protect citizens against administrative malpractice. Myanmar was pleased to note the number of laws passed to promote women's rights and the high level of primary school enrolment and literacy rates. Myanmar made recommendations.
44. New Zealand noted Zimbabwe's recent progress in measles immunization, malaria incidence and literacy, and in meeting remaining challenges. New Zealand was concerned about investigations of, or accountability for, abuses in 2008, the effects of the POSA on freedom of the press and continued reports of mistreatment of prisoners. It made recommendations.
45. The United States of America expressed disappointment that the Zimbabwe Human Rights Commission was not operational or an independent constitutional body. It raised concerns about the increase in politically motivated violence, recurring attempts by officials to facilitate the arbitrary arrest and harassment of lawyers representing human rights

defenders, the use of the law on defamation to control the mass media and human rights violations in Marange diamond mining. It made recommendations.

46. The Russian Federation expressed appreciation that Zimbabwe had ratified the majority of core human rights instruments. It believed that the 2009 Constitutional amendments and the creation of the Human Rights Commission and the Office of the Public Protector would promote the strengthening of human rights protection. It made recommendations.

47. Japan welcomed the GPA. It expressed concern about election violence in 2008, censorship, delayed reporting to treaty bodies and the limited number of visits by special procedures that were accepted. Japan called for the timely establishment of a new Constitution, urged various reforms to ensure free and fair elections and encouraged the Government's acceptance of election observers. Japan made recommendations.

48. China appreciated the achievements of Zimbabwe in HIV/AIDS prevention and literacy rates and the measures taken to eradicate discrimination, including against persons with disabilities, the elderly and women. China hoped that Zimbabwe would continue to implement its poverty-reduction strategy to promote comprehensive economic and social development. China called upon relevant countries to lift sanctions against Zimbabwe at an early date so that its people can better enjoy their human rights.

49. Australia remained deeply concerned about the human rights situation in Zimbabwe. It called for an end to politically motivated violence harassment and detention of parliamentarians and civil society members. Australia underlined the importance of the SADC efforts to facilitate a roadmap to credible elections in an environment free from intimidation and violence under a new Constitution. Australia made recommendations.

50. Canada stated that the last elections were marred by violence and that the perpetrators had yet to be brought to justice. Canada noted ongoing, politically motivated intimidation, including against religious groups. Canada urged Zimbabwe to enhance its efforts to improve the lives of women. Canada made recommendations.

51. Italy believed that future general and presidential elections should be well prepared with adequate guarantees of legality and transparency. Italy commented that freedom of expression and the press were still severely restricted. It wished to know about steps taken to protect the rights of people belonging to ethnic minorities, particularly in Matabeleland and it urged Zimbabwe to declare a moratorium on the death penalty. Italy made recommendations.

52. The Islamic Republic of Iran noted that despite economic challenges rising out of illegally imposed sanctions, Zimbabwe had achieved progress in promoting and protecting human rights. Iran asked Zimbabwe to explain the adverse effects that illegal sanctions had had on the country and on the enjoyment of human rights by the people. Iran made recommendations.

53. France underlined that, despite a de facto moratorium on executions, deaths sentences continued to be handed down and that the situation in terms of torture and ill-treatment remained alarming. It took note of the establishment of a Human Rights Commission but indicated that it was not yet operational. France was concerned that the constitutional provisions prohibiting discrimination were not implemented. France made recommendations.

54. On efforts made in the area of gender equality and the empowerment of women, Zimbabwe was party to key instruments such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other regional instruments. An implementation framework for the 2004 National Gender Policy has been developed to guide the activities of various stakeholders in mainstreaming



gender in their sectors. This has been complemented by the appointment of Gender Focal Persons at Director Level in all Ministries and Departments. The Government also introduced gender budgeting to ensure the operationalization of the National Gender Policy. In order to assist women to access finances for their income-generating projects, the Government had put in place a Women's Development Fund in addition to other specific loans.

55. In terms of women's participation in politics and decision-making, the Government has made some strides. For the first time in the history of the country, women held key governmental positions. However, more still needed to be done and women were lobbying the Government for the adoption of constitutional quotas to bring more women in politics and decision-making.

56. Zimbabwe stressed that sanctions imposed illegally on the country have had negative effects and prevented it from achieving some of the Millennium Development Goals, as they prevented it from accessing the soft and development loans from the World Bank and International Monetary Fund. Zimbabwe had enjoyed various achievements in education following the implementation of the Early Childhood Development Policy in 2005.

57. Zimbabwe has achieved a literacy rate of 92 per cent, the highest literacy rate in Africa according to the United Nations Development Programme assessment of 2010. Access to higher education has also increased, with nine State and four private universities. Zimbabwe has achieved gender parity at primary-school level and a 51/49 proportion at the secondary-school level. Through affirmative measures, universities had a nearly 40 per cent female enrolment.

58. Zimbabwe indicated that the GPA was an internal arrangement among political parties. Its evolution and its implementation were the responsibility of political parties alone.

59. The Democratic Republic of the Congo welcomed the efforts undertaken to set up an institutional framework for the promotion and protection of human rights and noted with appreciation that Zimbabwe was party to several international and regional human rights instruments. It made recommendations.

60. Burkina Faso highlighted the actions carried out in the framework of the National Plan of Action in favour of children. It also noted that political and economic instability had weakened the capacity of the country to provide the social services essential to the promotion of human rights. Burkina Faso made recommendations.

61. Singapore noted that Zimbabwe had achieved impressive results in several important areas. However, it underlined that the country continued to face significant challenges from the HIV/AIDS pandemic. Singapore made recommendations.

62. Viet Nam asked the delegation whether it could share the measures applied or to be applied to assure the right to food for the population, especially for those who lived in remote and rural areas. Viet Nam made recommendations.

63. Austria asked how Zimbabwe had addressed the problem of impunity and had ensured an independent work by prosecutorial authorities and how it had investigated the cases of alleged summary executions, torture and sexual violence in June and July 2008. Austria wanted also to know how Zimbabwe would reduce pretrial detention. Finally, it asked whether corporal punishment was used as a disciplinary measure in penal institutions. Austria made recommendations.

64. The Czech Republic made recommendations.

65. Zambia noted that Zimbabwe was party to several human rights instruments. It made recommendations.
66. Norway reiterated its support for the GNU and the ongoing constitutional process and hoped that it would lead to free and fair elections. However, it expressed its concerns over the cases of arbitrary arrests, detention and harassment of civil society activists, NGOs and human rights defenders. Norway made recommendations.
67. Chad noted that despite efforts made on human rights and humanitarian law, much remained to be done, especially following sanctions against Zimbabwe. It also requested information on substantive contents of specific Acts. Chad made recommendations.
68. India noted Zimbabwe's promotion of women's participation in politics and decision-making and the lack of specific provisions on quotas, hoping that the Constitutional review would pay attention to women and children. India commended Zimbabwe for its literacy rate. India noted food insecurity, asking how it would be confronted. India noted the Human Rights Commission, urging its compliance with the Paris Principles.
69. Mexico acknowledged Zimbabwe's human rights achievements, particularly the Human Rights, Media, Anti-Corruption and Elections commissions, and the inclusion of MDGs in its social protection, agricultural development, health and gender equality policies. Mexico hoped that the legislative framework and administrative measures of those commissions fulfilled international standards and that the Human Rights Commission is in full compliance with the Paris principles. Mexico made recommendations.
70. The Republic of Korea acknowledged Zimbabwe's human rights protection and promotion measures: the Zimbabwe Human Rights Commission; its high literacy rate; the HIV/AIDS rate's decrease; and GPA. It encouraged an inclusive Constitution drafting process. It noted the State's lack of cooperation with some human rights mechanisms. Despite Zimbabwe's efforts to promote gender mainstreaming and women's participation in politics, it expressed concern over the primacy of customary law regarding marriage and inheritance. It made recommendations.
71. Brazil acknowledged Zimbabwe's measures to promote food security but despite the increase in food production, it noted that food security remained an issue of concern. Brazil noted Zimbabwe's high levels of primary-school enrolment and its literacy rate but remained concerned at the impact of poor nutrition on drop-out rates. It recognized the "de facto moratorium" in the death penalty and the constitutional debate about possibly abolishing it. Brazil made recommendations.
72. Germany was concerned about torture, ill-treatment and inhuman prison conditions, the militias and youth brigades' widespread violence. It asked about measures taken against impunity. It referred to censorship and governmental control of media and asked how the new Constitution would safeguard press freedom. Germany commended the Human Rights Commission. It noted the Public Order and Security Act which restricted the right to assembly. Germany made recommendations.
73. Poland welcomed Zimbabwe's participation in the UPR process. Poland made recommendations.
74. Malaysia noted Zimbabwe's human rights challenges, mainly the economic sanctions and financial instability, the impact of HIV/AIDS, the continued drought, governance issues and corruption. Malaysia noted the GPA and its formalization into legislation as a measure of political and economic stability. Malaysia made recommendations.

75. Portugal asked about the amendment on death-penalty legal provisions. Portugal was concerned about torture, ill-treatment and prison conditions, human rights defenders' harassment, children's sexual abuse, and child labour and trafficking despite the Children's National Action Programme. Portugal acknowledged the Domestic Water Supply and Sanitation Policy but noted the inaccessibility to safe water and basic sanitation by vulnerable populations. Portugal made recommendations.

76. Ireland noted the GPA and the electoral process reforms, and the legal provisions against the rights of assembly and association. It urged Zimbabwe to revise the public order legislation in that respect, to safeguard the rights to protection and safety and to administer in an impartial manner the revised legislation. Ireland was concerned by the use of torture and cruel and degrading treatment by State actors. Ireland made recommendations.

77. Slovakia took positive note of the establishment of the Public Protector to protect citizens against administrative malpractice, as well as the criminalization of human trafficking. Slovakia made recommendations.

78. Thailand urged the Government to ensure the effective functioning of human rights mechanisms already established and to strengthen the rule of law and the justice system. It also noted that certain customary law restricted women's rights. Thailand made recommendations.

79. Bangladesh commended Zimbabwe for the progress made in many socio-economic and political areas. It also underlined the challenges faced by the country in terms of food insecurity and women's representation in elective bodies and HIV/AIDS. Bangladesh made recommendations.

80. Belgium regretted that the death penalty was still included in the penal code despite a de facto moratorium. Belgium mentioned abuses carried out by the army and the police, especially in the Marange region. It wanted to know how the Government would prohibit these violations and which sanctions were taken towards perpetrators. Belgium made recommendations.

81. Slovenia welcomed the signing of the Zimbabwe United Nations Development Assistance Framework. It expressed concern about the number of working children and over the health risk to vulnerable populations presented by the lack of access to safe water and sanitation. Slovenia made recommendations.

82. The Syrian Arab Republic commended Zimbabwe's efforts in the protection of public freedoms and the promotion of democracy. It stated that Zimbabwe had suffered and continued to suffer from foreign intervention, unilateral economic and political sanctions imposed by countries seeking to abolish Zimbabwe's independent decision-making and seize its resources. It encouraged Zimbabwe to pursue its efforts for economic and social promotion.

83. Denmark noted positive developments within the fields of human rights since the establishment of the GPA and the introduction of an inclusive Government, but it also pointed out the recent rise in human rights abuses. It underlined limitations to freedoms of assembly and association, the extensive control over the media and unlawful arrests of civil leaders. Denmark made recommendations.

84. Indonesia noted with appreciation the progress achieved since 2009 when the GNU had been established as well as the process of amending the Constitution to include clear-cut provisions on the promotion and protection of human rights. Indonesia made recommendations.

85. Romania noticed elements of progress in the overall human rights situation in the country but pointed out that challenges in the human rights protection system remained. It noted that, despite an invitation, the Special Rapporteur on the question of torture was denied the right to visit in 2009. Romania made recommendations.

86. Switzerland noted with appreciation that the Government had adopted national policies aimed at promoting the democratic process. However, it mentioned that the perpetrators of the serious violations of human rights carried out during the last presidential elections had not been yet brought to justice. It also indicated that, despite an official invitation, the Special Rapporteur on the question of torture was denied access to the country in 2009. Switzerland made recommendations.

87. Spain hoped that the new Constitution's development would allow progress in recognizing and protecting human rights in Zimbabwe. Spain acknowledged the high level of literacy and the results of fight against AIDS. Spain noted the resettlement of thousands of people from Marange region and the operations to re-establish order, which have left thousands of people homeless. Spain made recommendations.

88. With respect to the problem of care for orphans arising from the internal conflict in the Anglican Church, Zimbabwe indicated that the Ministry of Labour and Social Welfare would continue monitoring the situation to ensure that no orphan would go unattended.

89. Zimbabwe recalled that POSA, as an act of Parliament, did not discriminate on the grounds of political affiliation, race, gender, etc. The rationale of POSA was to ensure a delicate balance between the rights of demonstrators and others who wanted to proceed with their daily business without hindrance. Zimbabwe indicated that its police participated in many United Nations peacekeeping missions.

90. Regarding conditions of detention, in 2000 the Government established the "open prison" system which sought to promote rehabilitation and reintegration by allowing inmates to leave and work under minimal supervision. The system was meant to decongest the country's prisons while enhancing the programme of rehabilitation and reintegration of inmates back into their societies. There was one open prison for male inmates. However, preparations for opening an open prison for female inmates were under way and there were plans to hold all female inmates under the open prison system as they were usually convicted of offences which did not require custodial sentences.

91. The Government of Zimbabwe has extended invitations to all special-procedures mandate holders, but the problem had been failure to reach agreement on the timing of the visits.

92. Zimbabwe raised the issue of interdependence between civil and political rights and the economic, social and cultural rights. It underlined that Member States seemed to play with a double standard over their commitments under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It reaffirmed that the two set of rights were interdependent and the violations of one set affected the other. Zimbabwe stressed it was under economic sanctions imposed illegally by the European Union, the United Kingdom, some Commonwealth countries and the United States of America and that those countries had the obligation under the International Covenant on Economic, Social and Cultural Rights not to damage the rights of peoples in developing countries. On the subject of the Marange diamonds, the delegation stressed that allegations of human rights violations were false; Zimbabwe invited countries to visit the Marange area without prior notice and assess the situation on the ground, but no country had responded to that invitation.

## II. Conclusions and/or recommendations\*\*

93. The recommendations formulated during the interactive dialogue listed below have been examined by Zimbabwe and enjoy the support of Zimbabwe:

93.1. Continue its efforts to combat trafficking in persons and consider the possibility to accede to the Optional Protocol to the CRC relating to sale of children, child prostitution and child pornography and to the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children (Belarus);

93.2. Ratify the Convention on the Rights of Persons with Disabilities (Morocco);

93.3. Sign and ratify the Optional Protocols to the CRC on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict (Portugal);

93.4. Take concrete measures to align Zimbabwe's domestic laws, including customary laws with international human rights instruments that it is party to, to ensure harmonization with the protections guaranteed in the Constitution (South Africa);

93.5. Continue to strengthen its institutions (South Africa);

93.6. Take additional steps to ensure that the legislation establishing the Zimbabwe Human Rights Commission is fully compliant with the Paris Principles and includes guarantees for independence in order for the Commission to see accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (United Kingdom);

93.7. Render the National Human Rights Commission operational with the enactment of relevant legislation (Sri Lanka);

93.8. Provide the Zimbabwe Human Rights Commission with adequate financial and technical capacity and take concrete steps to ensure its independence, transparency and impartiality (Ghana);

93.9. Empower by statute the Zimbabwe Human Rights Commission to enable it to act in accordance with the Paris Principles and provide it with adequate resources to function effectively (New Zealand);

93.10. Ensure Zimbabwe's Human Rights Commission has the resources and independence to carry out its mandate in accordance with Paris Principles (Australia);

93.11. Bring the Human Rights Commission in conformity with the Paris Principles (France);

93.12. Pursue relentlessly the implementation of the national priorities, initiatives and commitments, especially the national process of healing and reconciliation as well as the creation of a Human Rights Commission (Democratic Republic of the Congo);

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\*\* Conclusions and recommendations have not been edited.

- 93.13. Further strengthen the Commissions of the media, human rights and anti-corruption (Norway);
- 93.14. Provide for legislation ensuring an independent functioning of the National Human Rights Commission according to the Paris Principles (Germany);
- 93.15. Establish and make operational a national human rights institution in accordance with the Paris Principles (Poland);
- 93.16. Ensure that the Zimbabwe Human Rights Commission is provided with appropriate support and facilities (Malaysia);
- 93.17. Ensure that the national Human Rights Commission becomes operational as soon as possible and that its operation be in line with the Paris Principles (Thailand);
- 93.18. Ensure adequate conditions for human rights institutions, including the Human Rights Commission, to fulfil their functions with sufficient legal, political and financial independence (Denmark);
- 93.19. Enact as soon as possible the statute of the Human Rights Commission to make it operational (Switzerland);
- 93.20. Preserve the national process of appeasement and reconciliation (Algeria);
- 93.21. Continue facing the attempts of external interference in the country's internal affairs and continue exercising fully its sovereignty and right to self-determination (Cuba);
- 93.22. Continue with positive actions and programs aimed at guaranteeing universal education and health services of quality to its people as well as those aimed at reducing poverty (Cuba);
- 93.23. Put in place and adequately fund mechanisms for the collection and analysis of disaggregated data on maternal mortality and morbidity and domestic violence in order to better understand prevailing trends and assess the effectiveness of measures in place (Canada);
- 93.24. Continue with measures for an enabling environment for economic, social and cultural rights of the people of Zimbabwe (Burkina Faso);
- 93.25. Continue the work according to the National Action Plan II to focus on the situation of orphans and vulnerable children to ensure their access to health care and education (Norway);
- 93.26. Look into the matter of orphans caught up in the battle for property within the Anglican Church and ensure that orphans are being given experienced caretakers and have their basic rights covered (Norway);
- 93.27. Create a system to collect updated and disaggregated data on the situation of the rights of the child (Mexico);
- 93.28. Ensure the Organ for National Healing, Reconciliation and Integration be able to fully implement its mandates based on truth, reconciliation and forward-looking approaches (Indonesia);
- 93.29. Intensity efforts to implement national programmes that promote the rights of its people, including in the field of the rights of Children and Women as well as rights of education, to health, to adequate water and to sanitation,

through enhancing the capacity of the Government and cooperation with relevant stakeholders, including civil society, media and international community (Indonesia);

93.30. Cooperate further with the Special Procedures and with all the human rights mechanisms (Burkina Faso);

93.31. Collaborate with the treaty bodies by submitting regularly reports on human rights situation (Chad);

93.32. Elaborate and implement where gaps exist, legislative and administrative measures to outlaw discrimination against women and eliminate gender based violence (South Africa);

93.33. Undertake continued action including legislation to address the marginalization of women, children and other vulnerable groups from socio-economic and political spheres (Sri Lanka);

93.34. Intensify its efforts to promote the status of women and continue its commitments to fulfil quality education (Myanmar);

93.35. Enforce its established policies and uphold its legislation to prevent instances of marginalization and discrimination against women (Republic of Korea);

93.36. Enforce relevant national policies and legislation to prevent and address the marginalisation and exclusion of women (Thailand);

93.37. Continue to strengthen its policies and measures for the empowerment of women (Bangladesh);

93.38. Enforce national legislation and policies to prevent and address the marginalization and exclusion of women from the economic, social and political spheres of society (Slovenia);

93.39. Strengthen protection mechanisms against gender-based violence (Angola);

93.40. Consolidate the mechanisms to protect women against all forms of violence (Morocco);

93.41. Adopt necessary measures to improve conditions in prisons and other places of detention (Russian Federation);

93.42. Take all appropriate legal and administrative measures to bring justice for the people, in particular for vulnerable groups living in remote and rural areas (Islamic Republic of Iran);

93.43. Continue its efforts to ensure the rule of law in its national development (Singapore);

93.44. Strengthen the rule of law, the capacity of national mechanisms on human rights and the promotion of national healing process based on tolerance and respect among different communities (Viet Nam);

93.45. Adopt necessary measures to enhance the courts' competence and functioning as far as the administration of justice is concerned, including the training of the staff in courts in the area of human rights (Mexico);

93.46. Strengthen the representation of women in decision-making process (Algeria);

- 93.47. **Make efforts to reach the quotas established by the Southern African Development Community with regard to the integration of women in all sectors of society (Angola);**
- 93.48. **Continue to seek ways to overcome the challenges and constraints identified regarding vulnerable groups, especially the increase of women representation in elective bodies (Uganda);**
- 93.49. **Undertake a review with a view to ensuring a coordinated system bridging gaps, especially with respect to the provision of birth certificates (South Africa);**
- 93.50. **Make improvements to ensure the freedom of expression, including for the mass media (Japan);**
- 93.51. **Undertake greater efforts to ensure a more pluralist media environment (Italy);**
- 93.52. **Further reduce the mortality rate caused by the HIV/AIDS (Algeria);**
- 93.53. **Continue the efforts to reduce HIV/AIDS, malaria and tuberculosis with the assistance of the WHO (Morocco);**
- 93.54. **Continue the efforts to reduce maternal and child mortality (Morocco);**
- 93.55. **Continue to take steps to ensure that land is made productive (Democratic People's Republic of Korea);**
- 93.56. **Continue to take positive steps to enhance the enjoyment of economic, social and cultural rights, especially in the areas of education, health and the care of the disabled (Democratic People's Republic of Korea);**
- 93.57. **Take effective measures, with the assistance of all relevant international organisations, to counter food insecurity, HIV/AIDS pandemics and high morbidity and mortality rates (Islamic Republic of Iran);**
- 93.58. **Develop a financing mechanism for the health system that is designed to help the underprivileged (Islamic Republic of Iran);**
- 93.59. **Accelerate its programme to combat HIV/AIDS pandemic that continue to saturate the health system with its high of morbidity and mortality rates (Democratic Republic of the Congo);**
- 93.60. **Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes (Singapore);**
- 93.61. **Concentrate more resources for the assurance of economic and social rights and for the implementation of MDGs, in particular in the fields of education, healthcare and social security (Viet Nam);**
- 93.62. **Consider how the riches of the country can best contribute to social and economic rights for all (Norway);**
- 93.63. **Implement further policies to support food production, such as farm insurance, access to credit and the purchase of food by the Government to ensure a stable market for family farmers (Brazil);**
- 93.64. **Implement school meals programs and link them to local food production (Brazil);**
- 93.65. **Continue its efforts to fight poverty (Bangladesh);**



- 93.66. Address the issue of school drop-out rates of children and examine related issues of child malnutrition (Sri Lanka);
- 93.67. Invest in education to provide education for all (Ethiopia);
- 93.68. Continue the free access to education, notably for girls and vulnerable children (Morocco);
- 93.69. Reprioritize resources to increase the budget for basic education, including the provision of additional tuition assistance to orphans and vulnerable children (New Zealand);
- 93.70. Continue its strong emphasis on ensuring access to education for all (Singapore);
- 93.71. Cooperate closely with local human rights organizations in the follow up to this Universal Periodic Review (Norway);
- 93.72. Engage civil society in the process of implementation of UPR recommendations (Poland);
- 93.73. Continue to invest heavily in education at all levels, invest more in rural development where the majority of women live, and seek technical assistance in the area of fighting disease (Namibia);
- 93.74. Seek international assistance to fund programmes and capacity building initiatives (Swaziland);
- 93.75. Seek the support of the international community on capacity building and technical assistance in promotion and protection of human rights (Ethiopia);
- 93.76. Work with the international community, including WHO and the Global Fund, to fight diseases through securing relevant expertise (Ethiopia);
- 93.77. Continue to strengthen the successful social policies undertaken to meet the needs of its people, especially in the most needy areas of society; that unfair economic sanctions imposed should be lifted and international cooperation should be provided without any condition (Venezuela);
- 93.78. Request necessary technical assistance in the education sector, particularly when it comes to teaching tools and technological and scientific material (Morocco);
- 93.79. Seek technical assistance from the OHCHR, other relevant United Nations agencies and funds with a view to implement its treaty body reporting obligations (Malaysia);
- 93.80. Continue maintaining close cooperation and coordination with the United Nations Country Team in the implementation of Zimbabwe United Nations Development Assistance Framework 2012-2015 (Malaysia);
- 93.81. Seek technical cooperation and assistance for capacity building from the international community and relevant United Nations agencies so as to successfully implement the Zimbabwe – United Nations Development Assistance Framework (Thailand).
94. The following recommendations will be examined by Zimbabwe which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012. The response of Zimbabwe to these recommendations

will be included in the outcome report adopted by the Human Rights Council at its nineteenth session in March 2012:

- 94.1. Ratify the CAT (United Kingdom);
- 94.2. Become a party to the CAT (New Zealand);
- 94.3. Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance (France);
- 94.4. Continue improving its legal human rights framework by ratifying or acceding to core instruments to which it is not yet party (Burkina Faso);
- 94.5. Consider ratifying outstanding major human rights instruments such as the CAT, the International Convention for the Protection of all Persons against Enforced Disappearances, the International Convention on the rights of Persons with Disabilities and the Optional Protocols to CEDAW, ICCPR, ICESCR and CRC (Zambia);
- 94.6. Ratify the CAT (Chad);
- 94.7. Ratify and incorporate into domestic legislation the core human rights treaties, including CAT and CRC (Poland);
- 94.8. Sign and ratify the Second Optional Protocol to the ICCPR (Portugal);
- 94.9. Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia);
- 94.10. Consider ratifying the Second Optional Protocol to the ICCPR (Belgium);
- 94.11. Ratify the core international human rights instruments including the CAT, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, both Optional Protocols to the CRC, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children and both Optional Protocols to the ICCPR and incorporate them into its national legislation (Slovenia);
- 94.12. Abolish the death penalty and consider ratifying the second Optional Protocol to the ICCPR as well the CAT (Romania);
- 94.13. Ratify the ICCPR as well as its Optional Protocols (Switzerland);
- 94.14. Ratify the CAT and its Optional Protocol (Switzerland);
- 94.15. Sign and ratify the CAT, the Convention on the Rights of Persons with Disabilities and the Convention for the Protection of All Persons from Enforced Disappearance (Spain);
- 94.16. Re-issue an invitation to the Special Rapporteur on Torture (United Kingdom);
- 94.17. Issue a standing invitation to all United Nations Special Procedures mandate holders (New Zealand);
- 94.18. Issue a standing invitation to Special Procedures mandate holders (Japan);
- 94.19. Issue a standing invitation to Special Rapporteurs (Brazil);
- 94.20. Consider making the declaration provided for in Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination (Ghana);

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- 94.21. Consider the issue of introducing a moratorium for capital punishment (Russian Federation);
- 94.22. Prohibit corporal punishment as a form of sentence as well prohibit corporal punishment in all other settings (Austria);
- 94.23. Take measures to abolish the death penalty (Brazil);
- 94.24. Consider criminalizing torture under domestic law (Brazil);
- 94.25. Raise the age of criminal responsibility from now 7 to 12 years as the absolute minimum as recommended by the CRC (Austria);
- 94.26. Consider raising (from 7 years old) the minimum age of criminal responsibility (Brazil);
- 94.27. Provide for a child-sensitive, accessible complaint mechanism, ensuring a proper redress, rehabilitation and social reintegration and for the child victim of abuse (Slovakia);
- 94.28. Set a higher age of criminal responsibility for children and take all necessary measures to establish a specialised juvenile justice system, where children are treated in accordance with the principle of the best interest of the child (Slovenia);
- 94.29. Ensure the protection of the minors, including through adopting juvenile justice system and increasing the age of criminal responsibility for children (Indonesia);
- 94.30. Amend expeditiously the Births and Deaths Registration Act to ensure that all children born in Zimbabwe, regardless of their parents' origin, are issued with birth certificates (Slovakia);
- 94.31. Incorporate in the Zimbabwe's Draft National Policy on Domestic Water Supply and Sanitation the principles of the human rights framework created by the Special Rapporteur on the human right to safe drinking water and sanitation (Portugal).
95. The recommendations below did not enjoy the support of Zimbabwe:
- 95.1. Set up independent mechanisms to fight against impunity towards perpetrators of human rights violations committed, including those committed before 2009, ratify the Rome Statute of the International Criminal Court (France);
- 95.2. Ratify the CAT, the second Optional Protocol to ICCPR and withdraw its reservations to the 1951 Refugee Convention (Czech Republic);
- 95.3. Ratify the CAT, implement its standards into national law and take immediate and concrete actions against the practice of torture by State officials (Germany);
- 95.4. Ratify the Rome Statute of the International Criminal Court (Poland);
- 95.5. Ratify the CAT, clearly criminalize torture and ban all kinds of corporal punishment (Portugal);
- 95.6. Consider amending the Zimbabwe Human Rights Commission legislation in order to bring it in line with the Paris Principles (Zambia);

- 95.7. Enact the statute of the Human Rights Commission whose mandates are in line with the Paris Principles and draw up a comprehensive national human rights' plan of action (Indonesia);
- 95.8. Create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry, and thoroughly investigate cases of beatings and abuse by Government and private security services in the Marange area (United States of America);
- 95.9. Prioritize efforts to implement domestic policies to give effect to the protection of human rights, and the prevention of politically-motivated violence and intimidation (Australia);
- 95.10. Take concrete steps to comply fully with the minimum standards of the Kimberly Process, including by increasing accountability and transparency in the use of profits from natural resources, and investigating any credible allegation of human rights abuses, particularly in the Marange region (Canada);
- 95.11. Invite the Special Rapporteur on torture and other mandate holders to conduct independent and impartial investigations (United States of America);
- 95.12. Issue standing invitations to United Nations Special Procedures mandates holders, and facilitate and welcome fact-finding missions to Zimbabwe (Norway);
- 95.13. Submit its periodic reports in a timely manner to treaty bodies and extend invitations to the Special Rapporteur on torture and the Special Rapporteur on human rights defenders (Republic of Korea);
- 95.14. Extend invitations to all United Nations Special Rapporteur mandate holders, in particular the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture (Ireland);
- 95.15. Cooperate with the United Nations Special Procedures (Switzerland);
- 95.16. Extend an open and standing invitation to all Special Procedures and avoid delays in the submission of reports to treaty bodies that has been occurring since 2000 (Spain);
- 95.17. Ensure equality between men and women, including in parents' rights and property's rights as well as decriminalise as soon as possible sexual relations between consent adults of same sex and repeal the 2006 law (France);
- 95.18. Investigate all credible allegations related with the Presidential elections in 2008, particularly in the areas of torture, arbitrary detentions and enforced disappearances (South Africa);
- 95.19. Conduct independent national investigations of all cases of enforced disappearances and arbitrary detention (Russian Federation);
- 95.20. Commute without delay death sentences into imprisonment and establish a *de jure* moratorium on executions with a view to fully abolish the death penalty (France);
- 95.21. Ratify, transpose in domestic law and fully implement the CAT, as well as set up an independent mechanism to monitor places of detention and to prevent torture (France);

- 95.22. Improve the overall conditions of prisons and detention facilities and adopt relevant measures to tackle the problems such as the overcrowding and unsatisfactory state of some prisons (Czech Republic);
- 95.23. Establish a formal moratorium on executions with a view to abolishing the death penalty and support the United Nations General Assembly resolution on the moratorium on the use of death penalty (Portugal);
- 95.24. Exert utmost efforts towards preventing all forms of torture and inhuman or degrading treatment, while ensuring full accountability of perpetrators as well as redress and rehabilitation to victims (Slovakia);
- 95.25. Pursue the current debate on the abolition of the death penalty in a transparent manner including with respect to civil society (Belgium);
- 95.26. Establish a moratorium on all executions and, eventually, abolish the death penalty (Switzerland);
- 95.27. Speedily abolish the death penalty (Spain);
- 95.28. Undertake impartial, independent and comprehensive investigations into the 2008 election-related violence, including cases of rape, with guarantees of protection for witnesses, survivors and their families, and prosecute the alleged perpetrators (Canada);
- 95.29. Establish an independent civilian authority charged with receiving complaints and investigating allegations of crimes committed by members of the Zimbabwe Republic Police, military and armed forces (Austria);
- 95.30. Consider creating an independent prosecution authority in accordance with the United Nations guidelines and consider to fully implementing the right to a fair trial for all (Zambia);
- 95.31. Endeavour to depoliticize the police and military authorities to ensure impartial administration of justice and respect for the right to a fair trial and compliance with minimum guarantees in pre-trial detention (Ireland);
- 95.32. Expedite the investigation of all human rights allegations with a view towards bringing the perpetrators to justice (Thailand);
- 95.33. Investigate in depth on the allegations of human rights violations committed by the private security services, police forces and high officials since 2008 in Marange region, pursue and sanction those who are responsible (Belgium);
- 95.34. Take promptly all the necessary measures to put an end to all the human rights violations in Marange region (Belgium);
- 95.35. Strengthen its efforts in the fight against impunity (Slovenia);
- 95.36. Implement legal reform to ensure an independent Prosecuting Authority promoting effectiveness, impartiality and fairness of prosecutors in criminal proceedings (Denmark);
- 95.37. Take the necessary measures so that all allegations of human rights violations are duly investigated and that the perpetrators are brought to justice (Switzerland);
- 95.38. Embark on a reform of the judiciary to ensure its independence and impartiality (Spain);

- 95.39. **Recognize the right to assembly of members of non-political groups by ensuring that such groups do not have to notify the police in advance of any gathering as currently required by the Schedule to the Public Order and Security Act (United Kingdom);**
- 95.40. **Take all measures necessary to ensure that the forthcoming presidential elections are peaceful, free and fair and that the right to freedom of assembly is fully respected (New Zealand);**
- 95.41. **Amend or repeal the Public Order and Security Act (New Zealand);**
- 95.42. **Fully implement the Global Political Agreement (GPA) provisions supporting the Constitutional Parliamentary Committee (United States of America);**
- 95.43. **Repeal or significantly reform the Public Order and Security Act, the Access to Information and Protection of Privacy Act, and criminal code provisions that restrict freedoms of assembly and expression (United States of America);**
- 95.44. **Implement fully the Global Political Agreement, including those articles relating to the security of persons and prevention of violence, freedom of expression and freedom of assembly and association (Australia);**
- 95.45. **Amend the Public Order and Security Act and the Access to Information and Privacy Act (Australia);**
- 95.46. **Amend its legislation, including the Public Order and Security Act, to enshrine the rights to freedom of peaceful assembly and of association and to freedom of expression (Canada);**
- 95.47. **Align its national legislation with international standards to uphold freedom of assembly and association (Italy);**
- 95.48. **Repeal or substantially amend the Criminal Law (Codification and Reform) Act, the Public Order and Security Act (POSA), the Miscellaneous Offences Act (MOA), and the Access to Information and Protection of Privacy Act (AIPPA) to bring them in line with Zimbabwe's international human rights obligations (Austria);**
- 95.49. **Ensure that freedom of speech and of the press is not further restricted as a result of the Interception of Communications Act (Czech Republic);**
- 95.50. **Stop the impunity enjoyed by perpetrators of human rights violations against civil society activists, NGOs and human rights defenders and incorporate the United Nations Declaration on Human Rights Defenders in national legislation (Norway);**
- 95.51. **Ensure an environment where freedom of expression is respected and amend national laws to strengthen this right (Norway);**
- 95.52. **Facilitate the process to amend or rescind the Public Order and Security Act, in so that regulations on this matter are compatible with the international human rights instruments, and to safeguard the freedom of expression, association and peaceful assembly (Mexico);**
- 95.53. **Amend existing rules for the security forces, including the Public Order and Security Act, to ensure that the rights to peaceful assembly, freedom of association and freedom of press can be exercised (Germany);**

- 95.54. Investigate and prosecute those responsible for the unlawful acts of harassment of human rights defenders, namely NGO workers and other members of civil society, and take steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (Portugal);
- 95.55. Take immediate steps to fully implement the commitment on bringing about reforms to ensure that the electoral process and the legislative framework are in line with international standards and in particular to address concerns with regard the independence of the Zimbabwe Electoral Commission and the accuracy of the current voter roll (Ireland);
- 95.56. Uphold its international obligations to respect the rights to freedom of expression, assembly, and association, and cease arrests, harassment, and detention of individuals with different views (Slovakia);
- 95.57. Ensure that human rights defenders, independent journalists or lawyers and civil society representatives are effectively protected from any form of intimidation and harassment while performing their legitimate duties (Slovakia);
- 95.58. Review and amend the public Order and Security Act and the Private Voluntary Organisation Act that impose considerable restrictions to the work of human rights defenders in order to bring them into line with the international standards and respect for freedom of association (Belgium);
- 95.59. Take immediate steps to guarantee freedom of assembly and association through alignment of national legislation, in particular, the Public Order and Security Act with international standards (Denmark);
- 95.60. Take steps to foster a pluralistic media environment, this should include fully implementing reform as stipulated in the GPA and liberalise airwaves and allow for private ownership of radio and TV stations (Denmark);
- 95.61. Guarantee freedom of expression for the entire population, especially journalists and human rights defenders, in the run up of the next presidential elections (Switzerland);
- 95.62. Adopt necessary measures to guarantee the full enjoyment of the rights to freedom of assembly and association, and should not selectively curtail the full enjoyment of these rights, and by reforming the provisions contained in the Public Order and Security Act and more specifically in the Criminal Procedure and Evidence Act, which occasionally have hindered the work of human rights defenders. Rescind the provision contained in Section 121 of the Criminal Procedure Code that can extend to 7 days (in addition to the first 48 hours) the time that security forces can keep a person detained before bringing charges (Spain);
- 95.63. Take concrete and effective measures to ensure that food, medicine and other humanitarian relief distribution at Government depots takes place without reference to partisan political considerations (Canada);
- 95.64. Stop all forced evictions, develop and implement guidelines which comply with international human rights law (Romania);
- 95.65. Embark on an efficient strategy and remedies to end the lack of decent housing or resettlements for internally displaced persons from Marange region (Spain).

96. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.



## Annex

### Composition of the delegation

The delegation of Zimbabwe was headed by Hon. Minister Patrick Chinamasa, Minister for Justice and Legal Affairs and composed of the following members:

- H. E. Mr. James Manzou, Ambassador/Permanent Representative, Permanent Mission of Zimbabwe to the United Nations Office in Geneva;
  - Mr David Mangota, Permanent Secretary for Justice and Legal Affairs;
  - Mr Enos Mafemba, Counsellor, Permanent Mission of Zimbabwe to the United Nations Office in Geneva;
  - Mrs Fatima C. Maxwell, Attorney General's Office;
  - Ms Mabel Msika, Ministry of Justice and Legal Affairs;
  - Mrs Agnes Mufukare, Ministry of Education, Sport, Arts and Culture;
  - Assistant Commissioner Takawira Nzombe, Zimbabwe Republic Police;
  - Mr Maurice Makoni, Ministry of Foreign Affairs;
  - Mr Frank Kamangeni, Ministry of Justice and Legal Affairs;
  - Dr. Sylvia Utete-Masango, Ministry of Gender, Women's Affairs and Community Development;
  - Ms Caroline Matizha, Ministry of Gender, Women's Affairs and Community Development;
  - Ms Jill Makarati, Ministry of Justice and Legal Affairs.
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