

ADVANCE QUESTIONS TO ZIMBABWE

GERMANY

- Despite accepting the recommendations of Germany and several other countries to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) the Zimbabwean Government has not yet fulfilled its obligation, which is why **Germany would like to know, what challenges Zimbabwe might be facing that are causing the delay in the ratification of UNCAT and its Optional Protocol (OPCAT).**
- Numerous reports document indicate that the exercise of basic fundamental civic and political rights in Zimbabwe is restricted through legal provisions that are hostile to the right of freedom of expression as enshrined in the Constitution of Zimbabwe and under international law. Incidents in which human rights defenders, media representatives and government critics have been the target of harassment, arbitrary arrest and torture are unacceptable and corroborate concerns that freedom of speech and freedom of assembly, although being guaranteed in the Zimbabwean constitution, are being restricted systematically and intentionally. **Germany would like to know what steps Zimbabwean Government is taking to safeguard and guarantee these two fundamental rights and freedoms of its citizens.**
- Zimbabwe enacted a new Constitution on 22 May 2013. In addition to the establishment of independent commissions to support democracy, the Constitution broadened and strengthened constitutionally guaranteed rights by introducing a range of economic, social and cultural rights. Following the formation of a new government, the Zimbabwean Government committed itself to align laws to the new constitution. **Germany would like to know what steps the Zimbabwean Government is taking to ensure a speedy implementation of the Constitution and establishment of key constitutional offices.**

MEXICO

- What efforts have been taken to increase the registration of children in order to obtain official birth certificates?
- What legislative measures have been adopted to guarantee to all women the right to inherit or acquire land and other property?
- What measures have been taken to secure access to food and education for all children, including children with disabilities, children in street situations, orphans and children living in rural areas?

NETHERLANDS

- **Media**
Could GoZ based on section 61 of its Constitution (ensuring constitutional rights to freedom of expression and freedom of the media) elaborate on proposed steps taken to maintain and improve freedom of expression, including social media, media freedoms, and to ensure a more pluralistic media environment?
- **Ratification and Domestication of Outstanding Fundamental Human Rights Instruments**

1) Which steps have been taken by GoZ to ratify the 1) Convention Against Torture and other Cruel, Inhuman or Degrading treatment and 2) the International Convention for the Protection of all Persons against Enforced Disappearances?

2) Could GoZ elaborate on its current challenges facing harmonizing domestic laws with its Constitution and international human right instruments?

- **Equality of all human beings**

Given the Zimbabwean Constitution recognizes the equality of all human beings, which concrete steps has GoZ undertaken to implement laws to give effect to the Constitution, including the embedding of equal rights of LGBTI people in relevant laws?

SWEDEN

- Could the Government of Zimbabwe please elaborate on what measures it is taking to promptly align legislation to the catalogue of rights granted to citizens in the new Constitution and to ensure that these rights are respected? What is the government planning to do to ensure that also the 2018 elections, and their run-up, are credible and competitive?
- During the last Universal Periodic Review, the Government of Zimbabwe accepted recommendations to further women's enjoyment of human rights and combat gender-based violence. Could the Government of Zimbabwe please elaborate on what steps have been taken since then in order to achieve this and to ensure that the rights pertaining to women in the 2013 Constitution are transposed into legislation?
- Could the Government of Zimbabwe please elaborate on what measures are taken in order to promote freedom of the media, including in terms of issuing broadcasting licenses for private broadcasters and community radios?
- Could the Government of Zimbabwe please elaborate on what steps it is taking or considering taking to move towards a formalization of an abolition of the death penalty?

SWITZERLAND

- Zimbabwe adopted a new Constitution in 2013 by referendum. However, 3 years on, major laws affecting fundamental rights and freedoms are still not in conformity with this Constitution. These laws pertain to freedom of expression, opinion and the media, right to peaceful assembly and freedom of association, and a free and fair electoral process, among others. What measures is the Government taking to ensure that the laws on freedom of expression, opinion and the media, right to peaceful assembly and freedom of association, and a free and fair electoral process are promptly aligned to the Constitution and effectively implemented?
- In 2011, Zimbabwe accepted recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. Torture remains a major problem in the law enforcement process. What measures has the Government taken to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, reflect their provisions in the national legislation and adopt concrete measures to stop torture?
- In 2011, Zimbabwe accepted recommendations to consider abolishing the death penalty, introducing a moratorium on executions, and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights. Although Zimbabwe abolished the death sentence for women and those under the age of 21 and above 70 years in its new constitution and has not carried out any executions since 2005, it still retains the death penalty in its legislation. Further to the abolition of the death penalty for women and those under the age of

21 and above 70 years and the absence of any executions since 2005, what measures is Zimbabwe further planning to take in view of completely abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights?

- The new Constitution established a National Peace and Reconciliation Commission. Grievances stemming from past human rights violations and abuses remain unaddressed and undermine national cohesion. Commissioners have been appointed, but legislation to operationalize the Commission is not in place. Will the Government propose legislation to Parliament that will guarantee the independence of the National Peace and Reconciliation Commission and provide it with necessary powers and resources to effectively discharge its constitutional mandate?
- Following the adoption of the 2013 Constitution, electoral reforms were instituted, but they fall short of Constitutional requirements and Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections. What measures will the Government undertake to completely align election-related laws to the Constitution and to create a conducive environment enabling free, informed and secure participation of all citizens and political parties in the electoral process?
- Overcrowding and poor conditions in prisons remain a concern. What measures will the Government undertake to address the issues of overcrowding and poor conditions in prisons, including improvements in case management and the administration of justice, as well as consideration of alternative sentencing?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- What measures does the Government of Zimbabwe intend to take to ensure that their citizens' right to free assembly, and free association, guaranteed under the 2013 Constitution are fully respected in future?
- When will the Government of Zimbabwe give full effect to the 2013 Constitution, including through the amendment of electoral laws and the alignment of colonial era legislation such as the Public Order and Security Act and the Access to Information and Protection of Privacy Act?
- How will the Government of Zimbabwe guarantee the independence and effectiveness of constitutional commissions, including the Anti Corruption Commission, Zimbabwe Electoral Commission and National Peace and Reconciliation Commission, given that in some cases the Office of the President has assumed administration of commissions and the Human Rights Commission remains underfunded?
- When will Zimbabwe fulfil the commitment it made at the 2011 UPR to ratify the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment?
- When will the Government of Zimbabwe ensure that its police force enforces court orders protecting the constitutional rights of citizens to shelter, as per section 71 of the Zimbabwean Constitution?

UNITED STATES OF AMERICA

- We are concerned about increasing reports of human rights abuses by security forces against political and civil rights activists, including reports of abduction, arrest, torture, assault, and the denial of urgent medical attention. What is the government of Zimbabwe doing to ensure it upholds the rights enshrined in its Constitution and holds security forces accountable for politically-motivated violence?
- We are concerned by severe restrictions on the freedoms of expression, peaceful assembly, and association – including the recent police bans on demonstrations and government threats to

crack down on activists for their use of social media. These rights are enshrined in the Zimbabwean Constitution and are core values of any functioning democracy. What is the government doing to ensure the rights of everyone in Zimbabwe to peacefully protest and to freedom of expression? How does the government intend to rollback such restrictions?

- The Zimbabwe Electoral Commission is not currently registering eligible voters on a continuous, nation-wide basis, citing lack of funds. The ZEC has also come under fire for lacking independence and being closely linked to security forces. How is the government resolving these issues, and furthermore, how will the government ensure that citizens are allowed free and equal participation in the upcoming elections?
- We are troubled by reports that food meant for Zimbabweans most affected by the El Nino-induced drought is being distributed on partisan grounds. What is the government of Zimbabwe doing to guarantee that the distribution of food and other aid is not being conducted in a discriminatory fashion?