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Universal Periodic Review

Written statement* submitted by CIVICUS – World Alliance for Citizen Participation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Universal Periodic Review of Zimbabwe

Written statement submitted by CIVICUS on behalf of the Zimbabwe Human Rights NGO Forum under Item Agenda 6

Introduction

- 1.0 The Zimbabwe Human Rights NGO Forum (the Forum) congratulates the Government of Zimbabwe (GoZ) for its successful participation in the second cycle of the UPR, and for accepting some of the suggested recommendations to improve her human rights situation.
- 2.0 The Forum is grateful to all the countries that participated and made statements during the interactive dialogue with Zimbabwe.

Comments on the Agreed Recommendations

- 3.0 Out of the 260 recommendations, 142 were accepted by the GoZ, 18 were rejected and 100 were pending by the time this statement was lodged. All these 260 recommendations are of concern to the Forum as they relate mainly to the enjoyment of basic rights and fundamental freedoms. The GoZ, among other things agreed to take necessary measures to fully guarantee the rights to freedom of expression, peaceful demonstration, association and assembly, and to ensure compliance with national and international human rights standards. This is a step in the right direction.
- 4.0 However, the greatest measure of success for the UPR, and the greatest sign of commitment by the GoZ is not merely attending UPR sessions and accepting recommendations. The ultimate sign of success and evidence of commitment is change in the human rights situation on the ground in Zimbabwe. This is the primary goal of the UPR process; that back home, Zimbabweans see a change for the better on the human rights situation.
- 5.0 Since the commencement of the UPR, 437 recommendations were made on Zimbabwe. 277 were accepted. These figures give a very positive perception and yet the situation on the ground continues to deteriorate as the evidence shows.
- 6.0 Zimbabwe was last reviewed on 2 November 2016. Hardly two months down the line, the Forum recorded a total of 31 cases of organised violence and torture. Victims reported that perpetrators of these violations were mainly from the security sector, the same sector that the GoZ said they were providing training on human rights. For example, cases of politically motivated violence were reported in Mt Darwin district, and it was reported that the police refused to take action in each of these cases reported in November 2016.
- 7.0 This information is a snapshot of the situation in Zimbabwe, of what happened in less than two months after the second session of the UPR. The violations captured go to the heart of the basic human rights and fundamental freedoms. They are the very rights, which the GoZ has committed to guaranteeing their enjoyment.
- 8.0 It is sad to see that the state and its institutions including the police, the military, the intelligence and municipal police continue to account for 68% of the violations committed between January and November 2016 according to information collected by the Forum. It is clear that space for civic expression and freedom of assembly continues to shrink and the security of persons continues to be compromised.
- 9.0 It is equally sad to note that after celebrating the inauguration of a progressive constitution that creates mechanisms for an independent judiciary in its report before the Human Rights Council, the GoZ has not wasted time to introduce the Constitution Amendment Bill No. 1 which seeks to take away the same safeguards for an independent judiciary. A strong and independent judiciary is critical to the building of a strong human rights culture in any country. We are deeply concerned that the GoZ did not only fail to comply with its undertaking but also acted contrary to its entrenched position to align the laws of the country to the new Constitution and safeguarding the sanctity of the Constitution.

10.0 We therefore urge the Human Rights Council (the Council) to call upon the GoZ to reaffirm and respect its commitments under the UPR to protect and respect all the rights of its citizens.

Recommendations Regarding Accepted Recommendations

11.0 We urge the Council to continue encouraging the GoZ to have regard to the efforts by the global human rights community, the UPR Working Group and the member states that are working sincerely to assist her improve her human rights record.

12.0 Further, we urge the Council to urge GoZ to take seriously the recommendations it accepted by investigating all reports of human rights violations in the pre & post UPR period and to and live up to the commitments made to the Council by issuing a standing invitation to the UN Special Procedures.

13.0 We urge the Council to consider sending a fact finding mission to Zimbabwe and initiate a United Nations inquiry into the human rights situation in Zimbabwe as this strengthens the objectives of the UPR process.

14.0 It is critical that the GoZ puts in place an action plan to translate its accepted recommendations into action and transform the human rights situation on the ground in Zimbabwe. This is critical considering that state operatives are responsible for most of the violations that take place in Zimbabwe. Translating the situation on the ground requires a halt in the violations before taking steps to implement the agreed recommendations.

Comments Regarding Rejected and Pending Recommendations

15.0 We note with concern that the GoZ rejected the recommendations to ratify the Rome Statute and the Convention on the non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Considering that the government agreed to recommendations regarding the operationalisation of the National Peace and Reconciliation Commission (NPRC) and strengthening accountability mechanisms, it is not convincing why they would reject recommendations to ratify conventions and treaties that assist in combating war crimes and crimes against humanity.

16.0 The GoZ further rejected the recommendations related to the non-discrimination of persons on the grounds of sexual orientation and to ensure their protection. This undermines its obligation to respect the Bill of Rights especially section 56 of the Constitution on right to equal protection and benefit of the law.

17.0 On the pending recommendations, over 25 recommendations were urging the GoZ to ratify the Convention Against Torture (CAT). This is despite the fact that the same recommendation was made in 2011 and the GoZ fully endorsed and committed to implement them.

Recommendations on the Rejected and Pending Recommendations

18.0 We call upon the Council to urge the GoZ to embrace the recommendation to ratify CAT because this is a recommendation that it has already accepted in the first review and only failed to implement it.

19.0 The Council is further urged to encourage the GoZ to accept the recommendations on non-discrimination and de-stigmatisation of LGBTIQ++ persons as this is in line with its own non-discrimination laws.

20.0 The GoZ must be encouraged to strengthen its accountability measures by ratifying international treaties that assist the prevention of War Crimes and Crimes Against Humanity as this is in line with its national healing programme. Therefore, if the government is sincere about strengthening human rights institutions and in protecting human rights, it has nothing to be afraid of in ratifying the Rome Statute and the Convention on the non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity

Conclusion

21.0 Most importantly, the Forum reiterates that glossy commitments by the GoZ at the UPR are meaningless if they do not translate to any positive improvement on the ground. Reports about the GoZ training 30 000 police officers in human rights are nothing if the police are still implicated in human rights violations. Reports of a new Constitution for Zimbabwe with an expanded Bill of Rights are meaningless if a few months the line the GoZ tears apart that same constitution in order to weaken the judiciary. Agreeing to operationalise the National Peace and Reconciliation is meaningless if the state continues to be implicated in abductions of innocent citizens. These are issues that affect the real human rights situation on the ground. The GoZ is urged to ensure that its reports and

commitments before the Council are reflected on the ground back in Zimbabwe. The Forum affirms its commitment to assist the GoZ in implementing the recommendations of Council.

Members of the Zimbabwe Human Rights NGO Forum: Amnesty International Zimbabwe, Catholic Commission for Justice and Peace Zimbabwe, Counselling Services Unit, Civic Education Network Trust, Gays and Lesbians of Zimbabwe, Justice for Children, Legal Resources Foundation, Media Institute for Southern Africa, Media Monitoring Project Zimbabwe, Non-Violent Action and Strategies for Social Change, Research and Advocacy Unit, Student Solidarity Trust, Transparency International Zimbabwe, Women of Zimbabwe Arise, Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender, Zimbabwe Civic Education Trust, Zimbabwe Association of Doctors for Human Rights, Zimbabwe Human Rights Association, Zimbabwe Lawyers for Human Rights, Zimbabwe Peace Project, Zimbabwe Women Lawyers Association.
