

## ZIMBABWE

### CERD A/51/18 (1996)

81. The Committee considered the initial report of Zimbabwe (CERD/C/217/Add.1) at its 1131<sup>st</sup> and 1132<sup>nd</sup> meetings (CERD/C/SR.1131-1132), held on 27 and 28 February 1996, and at its 1149<sup>th</sup> meeting, held on 11 March 1996, adopted the following concluding observations.

#### Introduction

82. The Committee commends the State Party on the quality of its initial report, prepared in accordance with the Committee's guidelines for the preparation of State Party reports. The Committee notes with appreciation the high-level representation sent to discuss the report, which serves as an indication of the importance attached by the Government of Zimbabwe to its obligations under the Convention, and for the open, comprehensive and constructive approach which characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State Party's delegation for the additional information that it provided to the Committee orally and in writing. The Committee also notes with satisfaction the submission by Zimbabwe of the core document (HRI/CORE/A/Add.55).

83. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of making such declaration be considered.

#### Factors and difficulties impeding the implementation of the Convention

84. It is noted the Zimbabwe was ruled prior to 1980 by a non-recognized and non-democratic Government. Under the regime, racist laws and policies were adopted and implemented by the authorities for the benefit of the ethnic white minority. Most of the population lived for a long period under a regime of racial segregation and discrimination. During the same period, Rhodesia (now Zimbabwe) faced economic and diplomatic sanctions, imposed the international community. The State Party's full compliance with the principles and provisions of the Convention has therefore to be seen as a process of progressive implementation.

#### Positive aspects

85. The record of the Governments in power since the independence of Zimbabwe (18 April 1980) in progressively building up democracy, justice, security, tolerance and stability in the country is noted with great appreciation. In the same spirit, it is observed that the Government's policy of national conciliation has been in great part successful.

86. The fact that, through its policies and in the framework of its Constitution, the Government is actively fighting intolerance and any form of racial discrimination is also welcomed.

87. Satisfaction is expressed concerning the land resettlement programmes undertaken by the authorities, inter alia, to provide land to the landless and displaced persons and to support and promote emergent black large-scale commercial farming and a more balanced racial composition of the large-scale commercial sector.

88. The establishment in 1994 of the Inter-Ministerial Committee on Human Rights and Humanitarian Law is welcomed. Note is taken that this Committee will be responsible for both the dissemination of the State Party report and the Committee's concluding observations, as well as the follow-up to the committee's recommendations.

89. The establishment of the Office of Ombudsman in 1982 was a positive move. The recent proposal that the Parliament should broaden the mandate of the Ombudsman by giving him the authority to investigate alleged human rights violations by members of the army, the police and other law enforcement agencies is welcomed.

#### Principal subjects of concern

90. Concern is expressed at the absence of specific legislation to prevent and combat all forms of racial discrimination, in compliance with article 4 of the Convention.

91. Concern is expressed that parallel systems of private schools for pupils whose parents who can afford them and public schools for others results in a racially segregated school system.

92. It is a matter of concern that not all the minority languages are used in the existing education programmes.

93. The persisting existence of a dual legal system regulating, inter alia, the areas of marriage and inheritance is a serious concern. This situation, in some cases, can lead to unequal treatment between Blacks and Whites. For example, the descendants of Blacks who die intestate inherit according to customary law while Whites inherit according to general law.

94. Concern is expressed about the lack of information on the educational attainments of ethnic groups at the primary, secondary and university levels. More information is also needed on land distribution by ethnicity, and the registration of complaints and court cases related to racial discrimination.

95. With regard to article 7 of the Convention, the Committee is concerned about the absence of educational programmes for the prevention of racial discrimination.

#### Suggestions and recommendations

96. The Committee emphasizes that the State Party must comply with its obligations under article 4 of the Convention and recommends strongly that it adopt appropriate legislation in order to give effect to the provisions of that article.

97. The Committee recommends that steps be taken, by the Government and by the schools

themselves, to reduce the deleterious consequences of the racial segregation created by the parallel systems of public and private schools.

98. With regard to the protection and promotion of the rights of ethnic minorities, the Committee encourages the State Party to take all necessary measures to provide mother-tongue teaching in the areas where minorities live in substantial numbers.

99. The Committee recommends that the dual legal system regulating marriage and inheritance be revised in an appropriate manner, and if necessary unified, to avoid potential areas of unequal treatment between the races.

100. The Committee suggests that the State Party consider incorporating teaching about human rights in the school curricula, with a view to promoting the prevention of racial discrimination.

101. More quantitative information is requested in the next report concerning the programmes of land distribution and on the number of complaints and court cases relating to racial discrimination that have been registered recently by the State party.

102. The Committee also recommends that the next periodic report contain complete information on complaints concerning sentences imposed for racial or ethnic discrimination.

103. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14<sup>th</sup> meeting of States Parties.

104. The Committee suggests that the State Party ensure, through its Inter-Ministerial Committee on Human Rights and Humanitarian Law, the dissemination of the initial report, the summary records of the discussion and the concluding observations adopted thereon.

105. The Committee recommends that the State Party's next periodic report be comprehensive in character and that it address all the points raised in these concluding observations.

188. The Committee considered the combined second, third, and fourth periodic reports of Zimbabwe (CERD/C/329/Add.1) at its 1374th and 1375th meetings (CERD/C/SR.1374 and 1375), held on 7 and 8 March 2000. At its 1395th meeting (CERD/C/SR.1395), held on 22 March 2000, it adopted the following concluding observations.

#### 1. Introduction

189. The Committee welcomes the submission of the report of Zimbabwe which followed the general guidelines for the presentation of States parties' reports. The Committee expresses its appreciation for the additional information provided in the core document (HRI/CORE/1/Add.55) and orally by the delegation. The Committee is encouraged by the constructive, open and frank dialogue it had with the delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

#### 2. Factors and difficulties impeding the implementation of the Convention

190. The Committee notes that prior to 1980, the legislation and policies implemented by the white minority regime in Zimbabwe led to racial segregation and discrimination in the country. The continuing effects of Zimbabwe's social and political history, together with the burden of the external debt and other economic concerns, have impeded full implementation of the Convention.

#### 3. Positive aspects

191. The Committee notes the efforts made by the State party within the educational system to reduce racial segregation, introduce the use of minority languages and incorporate human rights education into the curricula through innovative methods.

192. The Committee welcomes Zimbabwe's recent enactment of the Prevention of Discrimination Act which, *inter alia*, prohibits "discrimination on the ground of race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender" and the 1997 amendment to the Ombudsman's Act which broadens the mandate to include investigation of any violations of human rights committed by members of the defence and police forces and the prison service.

193. The Committee notes the amendment to the Administration of Estates Act which addresses concerns previously raised with respect to customary law regarding marriage, inheritance and succession.

194. The Committee welcomes the State party's initiative to introduce, with the support of the International Committee of the Red Cross, human rights training for civil servants as well as members of the police and defence forces.

#### 4. Concerns and recommendations

195. The Committee is concerned that the Ombudsman is restricted in her powers to investigating the actions of public officials in fields relating to racial discrimination. There is also concern that article 4 of the amendment to the Ombudsman Act limits access to the complaints process. It is

recommended that the State party take appropriate measures to enable the Ombudsman to monitor public officials and their powers.

196. The Committee notes that the Ministry of Education has encountered problems in addressing the racial segregation created by the parallel system of public and private schools. It is recommended that the State party, in its next periodic report, provide additional quantitative and qualitative information on racial segregation in schools.

197. There is concern that the Prevention of Discrimination Act does not adequately address all the elements of article 4, particularly as regards the prohibition and criminalization of all organizations and propaganda activities that promote and incite racial discrimination. Additionally, there is concern that the inclusion of “the risk element” referred to in section 6 (1) of the Act, weakens the text, whereas article 4 of the Convention does not limit or place conditions on the prohibition of racist statements.

198. It is noted with regret that the full implementation of the policy to introduce minority languages into the school curricula has been impeded by financial, human and material constraints. The State party is encouraged to proceed with its proposal to give priority in the teacher training and curriculum development programmes to persons with minority languages.

199. The Committee notes with concern the insufficient information provided on the situation of refugees, migrants and non-nationals residing in Zimbabwe. Additionally, it notes with dissatisfaction that the laws concerning citizenship give preference to non-national female spouses over non-national male spouses of nationals of Zimbabwe and that the children born to citizens of Zimbabwe overseas may not acquire citizenship. It is recommended that the State party review its citizenship laws to ensure non-discrimination. The State party is invited to provide, in its next periodic report, additional information on the situation of refugees, migrants and non-nationals residing in Zimbabwe as well as the relevant legislative measures available to ensure the protection of their rights.

200. While noting the challenges faced by the State party with respect to land redistribution, the Committee regrets that very little progress has been made in this regard since the consideration of the initial report. Concern is expressed that the criteria established for persons to qualify as beneficiaries under the Commercial Farm Settlement Scheme may limit the number of black farmers who qualify. It is recommended that the State party introduce measures to improve access to financial and technical support for black farmers who may not otherwise qualify under the Scheme and in this context consider the possibility of communal access to commercial farmland. The State party is encouraged to continue its study of land reform measures with a view to implementing a comprehensive land reform programme in Zimbabwe, in accordance with due process of law and in a manner that will enhance the economic and social rights of its citizens.

201. Concern is expressed at the insufficient information provided with respect to article 6 of the Convention. The State party is requested to include information in its next periodic report on the measures undertaken to improve public awareness of the Convention and other legal mechanisms that guarantee and protect against all forms of discrimination as well as the development of case law in this regard.

202. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making the declaration be considered.

203. The Committee recommends that the next periodic report of the State party be readily available to the public from the time it is submitted and that these concluding observations be made widely available to the public. The Committee further recommends that the State party's next periodic report, due on 12 June 2000, be an updating report and that it address the points raised during the consideration of the present report.