



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
10 March 2020

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Zimbabwe*

1. The Committee considered the sixth periodic report of Zimbabwe (CEDAW/C/ZWE/6) at its 1753rd and 1754th meetings (see CEDAW/C/SR.1753 and CEDAW/C/SR.1754), held on 13 February 2020. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/ZWE/Q/6, and the responses of the State party are contained in CEDAW/C/ZWE/RQ/6.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/ZWE/CO/2-5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Women Affairs, Community, Small and Medium Enterprises Development, Sithembiso G. G. Nyoni, and included the Ambassador and Permanent Representative of Zimbabwe to the United Nations Office and other international organizations in Geneva, Taonga Mushayavanhu, as well as the Chairperson of the Parliamentary Committee on Women Affairs, the Permanent Secretary for Women Affairs, the Commissioner for the Public Service Commission and representatives of eight line ministries.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2012 of the State party's combined second to fifth periodic reports in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its seventy-fifth session (10 February–28 February 2020).



(a) New Constitution, in 2013, in which provisions for gender balance are included, the legal minimum age of marriage is set at 18 years for both women and men and equal rights in marriage are provided for;

(b) Trafficking in Persons Act, in 2014;

(c) Zimbabwe Human Rights Commission Act, in 2012, in order to ensure the functioning of the Commission.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) Trafficking in persons national plan of action covering the period 2019–2021, intended to operationalize the Trafficking in Persons Act and guide the implementation of related activities;

(b) National programme on gender-based violence prevention and response, covering the period 2016–2020;

(c) Extended national HIV/AIDS strategic plan, covering the period 2015–2020, to ensure effective and timely services for the treatment of HIV/AIDS;

(d) National adolescent and youth sexual and reproductive health strategy, covering the period 2016–2020;

(e) Revised national gender policy, covering the period 2013–2017;

(f) Zimbabwe Gender Commission, through the Gender Commission Act, in 2016;

(g) Interministerial committee to spearhead efforts to combat trafficking in persons, in 2016.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2013;

(b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2013.

C. Sustainable Development Goals

7. The Committee appreciates the recognition of Sustainable Development Goal 5, on the achievement of gender equality and the empowerment of women, as a priority area within the framework of the Zimbabwe Agenda for Sustainable Socio-Economic Transformation. It welcomes the international support for the Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Principal areas of concern and recommendations

Constitutional, legislative and policy framework

9. The Committee takes note of the progress achieved through the 2013 constitutional reform, including the adoption of a bill of rights. It also takes note of the information provided by the delegation during the dialogue that many bills that are essential to the advancement of women's rights are on the legislative agenda for the ninth session of Parliament, including a bill on harmonized marriages, a bill to amend the Guardianship of Minors Act and an education amendment bill. However, the Committee is concerned by the long delays in amending legislation subsidiary to the Constitution and by the remaining discriminatory provisions in the legislative framework of the State party, including provisions on marriage and property rights and on the minimum age of marriage.

10. **In the light of its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party amend or repeal, without delay, all remaining sex-discriminatory provisions, including those on marriage and property rights and on the legal minimum age of marriage, with a view to bringing them into compliance with the Constitution and the Convention.**

11. The Committee notes that the Constitution contains references to the principle of non-discrimination and gender equality and a comprehensive bill of rights, including women's rights. However, the Committee notes with concern the absence of a specific gender equality law enshrining the principle of equality of women and men and containing a definition and prohibition of all forms of discrimination against women, including direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with article 1 of the Convention.

12. **The Committee recommends that the State party, in line with articles 1 and 2 of the Convention, adopt, without delay, a law on gender equality, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women.**

Legal status of the Convention

13. Although the Convention has been incorporated into the Constitution and some provisions of the Convention have been incorporated into legislation, the Committee remains concerned that the State party has not fully incorporated the Convention into its national law. The Committee also notes that the State party has not ratified the Optional Protocol to the Convention.

14. **The Committee recalls its previous recommendations ([CEDAW/C/ZWE/CO/2-5](#), para. 12) and urges the State party to give high priority to the process of fully incorporating the Convention into all its relevant laws in order to give**

central importance to the Convention as the basis for the elimination of all forms of discrimination against women.

Access to justice

15. The Committee welcomes the decentralization process of the Legal Aid Directorate undertaken by the State party in all provinces in order to provide free legal assistance to individuals. It is, however, concerned by any delegation of the provision of free legal aid to non-governmental organizations and notes that the legal aid centres established thus far by the Directorate need to meet minimum standards of service delivery.

16. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) **Expedite the creation of legal aid centres at the district level, strengthen the standards for service delivery at all levels and ensure that legal aid is available and accessible to all women, in particular women living in poverty, rural women and women with disabilities, including through the provision of procedural and age-appropriate accommodations;**

(b) **Provide adequate funding to non-governmental organizations that provide free legal aid to women without sufficient means, thereby filling a gap in the legal aid system of the State party;**

(c) **Raise the awareness of the judiciary and law enforcement officials about the provisions of the Convention and also raise public awareness, in particular among women, about ways and means to invoke it.**

Women and peace and security

17. The Committee notes with concern that the National Peace and Reconciliation Commission is not fully operational and that its mandate will not be extended. It is also concerned about the barriers to the active and meaningful participation by women and girls at all stages of the peace and reconciliation processes in the State party, and notes with concern that their priorities and experiences are not given due attention.

18. In line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:

(a) **Extend the mandate of the National Peace and Reconciliation Commission and provide it with adequate human, technical and financial resources to effectively implement that mandate;**

(b) **Ensure the full involvement of women at all stages of peace and reconciliation processes, including in decision-making, in line with Security Council resolution 1325 (2000) on women and peace and security, and take into consideration the full spectrum of the women, peace and security agenda of the Council, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019).**

National machinery for the advancement of women

19. The Committee notes with satisfaction the State party's commitment to the implementation of the Sustainable Development Goals. It appreciates the establishment of various institutions to strengthen the national machinery for the advancement of women, in particular the Zimbabwe Gender Commission, which has a mandate to receive and consider complaints related to gender-based discrimination and to recommend appropriate redress; to investigate systemic barriers

to gender equality and report to Parliament on their nature, extent and consequences; and to identify any legislative, administrative or other practical measures to address such barriers. The Committee also takes note of the revision of the national gender policy adopted in 2017 to give effect to the provisions of the Constitution and introduce a monitoring and evaluation framework dealing specifically with gender equality and women's empowerment. It further welcomes the development of a national action plan to facilitate the implementation of the Convention. The Committee notes with concern, however, the insufficient level of human, technical and financial resources allocated to the implementation of gender equality policies and plans, the absence of sectoral targets and benchmarks and effective coordination arrangements to guide implementation and the lack of information on the results and impact of the national gender policy.

20. The Committee recommends that the State party:

(a) **Develop a strategy on equality, coordinating all national efforts through public policies and development programmes;**

(b) **Provide the Zimbabwe Gender Commission and the Ministry of Women Affairs, Community, Small and Medium Enterprises Development with adequate human, technical and financial resources to enable them to carry out their mandates effectively, integrate those mandates into the national macroeconomic framework and sectoral plans and ensure that all components of the national machinery for the advancement of women work in a coordinated and targeted manner, strengthening their cooperation, including with the national human rights institution;**

(c) **Provide information on the impact of the national gender policy, including information generated by its monitoring and evaluation framework.**

National human rights institution

21. The Committee notes with appreciation that A status was conferred upon the Zimbabwe Human Rights Commission in 2016 by the Global Alliance of National Human Rights Institutions. However, it notes with concern the limited independence of the Commission.

22. The Committee recommends that the State party ensure the independence of the Zimbabwe Human Rights Commission in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to this end that the State party:

(a) **Include a clear, transparent and participatory process for the selection and appointment of human rights commissioners in the enabling law of the Zimbabwe Human Rights Commission Act;**

(b) **Amend the enabling law to provide the Zimbabwe Human Rights Commission with the explicit power to submit its reports and recommendations directly to the National Assembly rather than through the executive branch;**

(c) **Amend section 17 (1) (c) of the Zimbabwe Human Rights Commission Act to enable the Commission to receive donor funding, including foreign funding, without prior government approval and ensure that the Commission has adequate human, technical and financial resources to effectively fulfil its mandate.**

Temporary special measures

23. The Committee welcomes the State party's efforts in applying temporary special measures in the form of quotas to increase the representation of women in Parliament.

However, it notes with concern that temporary special measures, in line with article 4, paragraph 1, of the Convention, are not systematically applied as a necessary strategy to accelerate the achievement of substantive equality between women and men in other areas in which women are underrepresented or disadvantaged, such as employment.

24. The Committee recalls its previous concluding observations (CEDAW/C/ZWE/CO/2-5, para. 20) and recommends that the State party, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures:

(a) Adopt and implement temporary special measures, including time-bound goals and quotas, in order to achieve de facto or substantive equality between women and men in all areas in which women are underrepresented or disadvantaged;

(b) Raise awareness among Members of Parliament, government officials, employers and the general public about the non-discriminatory nature of the need for temporary special measures to achieve substantive equality between women and men and provide comprehensive information on the use of such measures and their impact in its next periodic report.

Stereotypes and harmful practices

25. The Committee notes the national action plan and communication strategy on ending child marriage and the criminalization of harmful practices through the Domestic Violence Act. It is concerned, however, that the Act contains a narrow definition of perpetrators of domestic violence. The Committee, recalling its previous concluding observations (CEDAW/C/ZWE/CO/2-5, para. 21), reiterates its concern about the persistence of discriminatory gender stereotypes and harmful practices, including child marriage, polygamy and virginity testing. It is particularly concerned about the widespread impunity for such harmful practices and the absence of convictions in cases of child marriage.

26. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and in line with target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Broaden the definition of perpetrators in the Domestic Violence Act to include those who may not be related to or living in the same household as the complainant;

(b) Engage with communities, including religious and community leaders, parents and relatives of girls, on the criminal nature and negative impact of child marriage on the enjoyment by girls of their rights.

Gender-based violence against women

27. The Committee welcomes the measures taken by the State party to combat gender-based violence against women, such as the establishment of the Anti-Domestic Violence Council and of three one-stop centres for victims of violence and the adoption of a national programme on gender-based violence prevention and response for the period 2016–2020 and of the Victim Friendly System, a coordinated response towards sexual abuse and violence. It is concerned, however, about:

(a) The persistence of high levels of gender-based violence against women and girls committed in all areas of the State party in both the public and private spheres;

(b) The underreporting of cases of gender-based violence against women, in particular domestic violence, owing to a culture of silence and impunity, despite a recent increase in the number of cases reported to the police;

(c) The State party's failure to address gender-based violence in public spaces, including by the military, and politically motivated gender-based violence against women human rights defenders and activists;

(d) The absence of data, disaggregated by age and relationship between the victim and the perpetrator, on the number of investigations and prosecutions in cases of gender-based violence against women and on the sentences imposed on perpetrators.

28. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) **Allocate adequate human, technical and financial resources and establish monitoring and assessment mechanisms for the implementation of the national programme on gender-based violence prevention and response, in keeping with the principles of inclusion of and accessibility for all women;**

(b) **Address the stigma discouraging women and girls who are victims of gender-based violence from reporting it, through awareness-raising campaigns on the criminal nature of all forms of such violence and its grave impact on women's enjoyment of their rights;**

(c) **Prevent, investigate and adequately punish politically motivated violence against women human rights defenders and activists, including when such violence is committed by members of the police and security forces and at the instigation of public officials;**

(d) **Systematically collect data, disaggregated by age, type of violence and relationship between the victim and the perpetrator, on the number of complaints, investigations, prosecutions and convictions and on the sentences imposed on perpetrators of gender-based violence against women, as well as on the redress provided to victims, including financial compensation.**

Trafficking and exploitation of prostitution

29. The Committee welcomes the efforts of the State party in combating trafficking in persons, in particular women and girls, including through training for law enforcement officials on trafficking and migration. It notes with concern, however, that many women and girls are trafficked from and within the State party for purposes of domestic servitude, forced labour and sexual exploitation. It is particularly concerned about:

(a) The insufficient capacity and lack of effective procedures for the early identification of victims of trafficking and for their referral to appropriate services;

(b) The fact that the definition of trafficking in the Trafficking in Persons Act is not in line with international standards;

(c) The lack of State shelters for women and girls who are victims of trafficking, with only three in the country, located in Harare, Bulawayo and Manicaland.

30. The Committee recommends that the State party:

(a) **Step up efforts to identify and protect victims of trafficking from and within the State party and refer them to appropriate services at an early stage, in collaboration with civil society organizations, and step up efforts to investigate, prosecute and adequately punish the perpetrators of trafficking-related crimes;**

(b) **Amend the Trafficking in Persons Act to incorporate a definition of trafficking in persons that is consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(c) **Ensure the availability of State shelters for victims of trafficking in all 10 provinces and increase the financial support provided to non-governmental organizations running shelters and offering support services, including legal counselling and rehabilitation services, to women and girls who are victims of trafficking.**

31. The Committee welcomes the decision by the Constitutional Court in 2015 prohibiting the arrest of women found loitering for purposes of prostitution. It notes with concern, however, the high number of women exploited in prostitution in the State party owing to poverty, the lack of data on women and girls in prostitution, the lack of measures to address the root causes of prostitution and the absence of exit programmes for women who wish to leave prostitution.

32. The Committee recommends that the State party analyse and address the root causes of prostitution, provide women and girls who wish to leave prostitution with exit programmes and alternative income-generating opportunities and collect disaggregated data on the extent of prostitution in the State party.

Equal participation in political and public life

33. The Committee welcomes the minimum quotas for women's representation in the National Assembly, the Senate and provincial councils, as well as the voluntary commitment by political parties to having women account for a minimum of one third of the candidates on their electoral lists, resulting in 32 per cent of members of the National Assembly and 44 per cent of members of the Senate being women in 2018. It notes with concern, however, that the constitutional gender quota for the National Assembly will expire in 2023 and that there are no sanctions for political parties found to be in non-compliance with gender parity targets in candidate lists for the Senate. The Committee further notes with concern that the executive branch does not implement the constitutional provisions on equality (sect. 17), as shown by the low number of women ministers and women on the boards of public and private companies. It is also concerned that women in politics do not benefit from campaign funding through the Political Parties Finance Act and are often the targets of sexist attacks, harassment and gender stereotyping in the media.

34. In line with its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Ensure the applicability of the constitutional gender quota beyond the elections in 2023 and until substantive equality between women and men is achieved, make gender quotas for political parties' electoral lists mandatory and require the Zimbabwe Electoral Commission to impose sanctions, including monetary fines, in cases of non-compliance;**

(b) **Enforce the principle of gender equality in section 17 of the Constitution in the appointment of government ministers and members of the boards of public and private companies;**

(c) **Conduct awareness-raising campaigns for political leaders, journalists, teachers and the general public to enhance the understanding that the full, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and for achieving political stability and economic development in the State party;**

(d) **Amend the Political Parties Finance Act to specifically provide for the allocation of campaign financing and the provision of training for women candidates for elections;**

(e) **Adopt legislation to criminalize political harassment and sexist attacks against women candidates and political activists.**

Education

35. The Committee notes the announcement by the delegation of the State party during the dialogue that budgetary allocations would be made for filling 3,000 teaching posts in 2019 and 5,000 in 2020, for the construction of 2,000 new schools and the rehabilitation of dilapidated school buildings and for the construction of accommodation for female students in tertiary education institutions, including polytechnic colleges and universities. The Committee also welcomes the adoption and implementation of the science, technology, engineering and mathematics initiative. It notes with concern, however:

(a) The high school dropout rate among girls owing to child marriage and/or early pregnancy, or financial difficulties;

(b) The fact that the needs of girls are not sufficiently taken into account into school infrastructure, with a lack of adequate and separate sanitation facilities for girls and boys;

(c) The reports of sexual abuse and harassment of girls in and on the way to and from school and the impunity for the perpetrators of such acts;

(d) The disproportionately low enrolment rate among women and girls in studies in the fields of science, technology, engineering and mathematics.

36. **In line with the Convention and its general recommendation No. 36 (2017) on the right of girls and women to education, as well as target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Intensify efforts to reduce the school dropout rate among girls and continue to facilitate the re-entry of young mothers;**

(b) **Ensure that every school has adequate, separate and accessible sanitation facilities for girls to prevent them from missing or dropping out of school because of menstrual management challenges;**

(c) **Investigate and adequately punish cases of sexual abuse and harassment of girls in and on the way to and from school, prosecute the perpetrators, including teachers and school administrators, and provide the victims with medical care, psychosocial counselling and rehabilitation;**

(d) **Encourage women and girls to choose non-traditional fields of study and career paths, including in the fields of science, technology, engineering and mathematics.**

Employment

37. The Committee notes the announcement by the delegation of the State party during the dialogue that a labour amendment bill will be submitted to the National Assembly in 2020 and that the Public Service Act is being amended to include a code of conduct that will address sexual harassment. However, it notes with concern:

(a) The continuing horizontal and vertical occupational segregation, as well as the persistent gender pay gap and women's concentration in low-paying jobs, primarily in agriculture and domestic work;

(b) The low participation of women in the private sector, especially in senior management positions and on the boards of private companies;

(c) That, in section 5 (2a) of the Labour Act, which provides for equal remuneration of men and women for work of equal value, "work of equal value" is defined as "work that involves similar or substantially similar skills, duties, responsibilities and conditions", which could unduly restrict the scope of comparison of jobs performed by men and women;

(d) The concentration of women in the informal economy, where they continue to be excluded from social protection, including maternity leave and pension benefits;

(e) Reports of a high incidence of sexual harassment of women engaged in the informal economy by municipal police, clients, service providers and male colleagues, as well as the absence of legislation specifically criminalizing sexual harassment in the workplace.

38. The Committee recommends that the State party, taking into account target 8.5 of the Sustainable Development Goals:

(a) **Develop plans to combat horizontal and vertical occupational segregation in the public and private sectors, strengthen measures to encourage women and girls to choose non-traditional career paths, including by providing incentives and increasing access to apprenticeships and vocational training in non-traditional fields, and mobilize efforts to facilitate equal access for women to new technologies and digital skills, including in the informal sector;**

(b) **Enhance the participation of women in decision-making in economic life, in particular on the management and supervisory boards of private companies, including by strictly enforcing compliance with quotas;**

(c) **Amend the Labour Act to fully incorporate the principle of equal remuneration for work of equal value, while not limiting the concept of equality to the comparison of work that involves similar qualifications and skills, effort, responsibilities and conditions of work, but also of work of an entirely different nature that is nonetheless of equal value;**

(d) **Ensure equal social protection benefits for women and men, extend health care, pension benefits and maternity protection to the informal economy and conduct regular labour inspections in the informal sector, including in private households in which women are employed as domestic workers;**

(e) **Ensure that the current review of the Labour Act is aimed at clearly defining and prohibiting all forms of sexual harassment in the workplace, establishing effective mechanisms to investigate complaints and providing for**

sufficiently dissuasive sanctions for the perpetrators of sexual harassment and adequate compensation for the victims of sexual harassment.

Health

39. The Committee welcomes the reduction of the maternal mortality ratio from 651 per 100,000 live births in 2015 to 462 per 100,000 live births in 2019 in the State party, as announced during the dialogue. It nevertheless notes with concern:

(a) The increasing costs of health care beyond what citizens can afford and the fact that 90 per cent of the population has no access to medical care; the shortage of drugs in public hospitals and supplies in maternity clinics and the reliance on the purchasing by patients of their own drugs and supplies; the shortage of trained health professionals in public hospitals and of midwives; and the persistently high maternal mortality rate;

(b) The high prevalence of HIV in the State party, which is the third highest in southern Africa and disproportionately affects women and girls;

(c) The limited access for women and girls to information on sexual and reproductive health and rights;

(d) The criminalization of abortion, except in cases of rape, incest, threats to the life of the pregnant woman or permanent impairment of the physical health of the pregnant woman, or in cases of severe fetal impairment under the Termination of Pregnancy Act, and the limited access for women to safe abortion services.

40. The Committee recommends that the State party, in line with the Committee's general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, which pertain to reducing the global maternal mortality ratio and ensuring universal access to sexual and reproductive health-care services:

(a) **Improve the coverage of and access to affordable health care throughout its territory by allocating sufficient budgetary resources to the establishment of hospitals, in particular in rural and remote areas, which should be equipped with adequate and accessible facilities and staffed with skilled health professionals, in particular with regard to obstetric services;**

(b) **Intensify the implementation of the HIV/AIDS strategic plan for the period 2015–2020 and the national adolescent and youth sexual and reproductive health strategy for the period 2016–2020 to combat HIV/AIDS and ensure access to prevention and early detection programmes for women and girls at risk of HIV;**

(c) **Ensure that women and girls have affordable access to modern forms of contraception, including in rural areas, intensify efforts to raise awareness of contraceptive use and include mandatory and age-appropriate sexuality education in school curricula at all levels of education, including on responsible sexual behaviour;**

(d) **Decriminalize abortion in all cases and ensure access to safe abortion and post-abortion services in all parts of the State party, as well as confidentiality in the administration of such services.**

Economic and social benefits

41. The Committee welcomes the revised national gender policy and economic empowerment plan, which contains strategies to strengthen access by women to economic opportunities. It is concerned, however, that the majority of women

working in the artisanal and small-scale mining sector lack the resources to acquire titles to mines, as only 20 per cent of the available mining claims are owned by women, and that women cannot meet the required environmental and occupational safety and health standards. It also notes that men own four to five times more companies and cooperatives than women, and that flea market traders, who are predominantly women, pay taxes twice – first as cross-border traders and second as small-scale traders renting property for their businesses. The Committee further notes with concern the disproportionate levels of poverty among women and the lack of comprehensive social security and protection systems in the State party. It is also concerned that women have only limited access to loans and other forms of financial credit, which are not adapted to their specific needs.

42. The Committee recommends that the State party continue to strengthen and ensure the effective implementation of existing policies and programmes for the economic empowerment of women and to this end:

- (a) Increase the opportunities for women in the labour market, especially in the mining sector, to acquire titles and to own companies and cooperatives;**
- (b) Revise the tax system for the informal sector and ensure its fairness;**
- (c) Increase the opportunities for women arising out of public procurement, including by establishing obligations for public authorities to promote gender equality in the awarding of public tenders;**
- (d) Allocate sufficient human, technical and financial resources to non-contributory social protection schemes for women working in the informal economy and unemployed women;**
- (e) Provide adequate support for women's entrepreneurship by facilitating their access to financial credit, including low-interest loans, and other income-generating opportunities.**

Rural women

43. The Committee welcomes the State party's efforts to facilitate access by women to land through Statutory Instrument No. 53 of 2014 on agricultural land settlement, which provides for the recalling of old permits and the registration of joint land ownership by both spouses, and also welcomes the establishment of the Land Commission. It is concerned, however, that harmful practices impede the access of rural women to land and especially the ability of such women to inherit land. It is also concerned that there is neither a mechanism to monitor and evaluate compliance with the law nor any enforcement mechanism, and that the Commission lacks adequate funding to operate effectively. The Committee is further concerned about the limited access by rural women to formal credit and loans and the inadequacy of the loans provided by the Women's Microfinance Bank. It is further concerned about the disproportionate levels of poverty among rural women, who comprise the majority of the female population in the State party, and their limited access to education, health, justice, housing, water, sanitation, electricity and other infrastructure.

44. In line with the Convention, its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Expeditiously complete a comprehensive and independent land audit to ascertain land ownership patterns, expose inequalities in land redistribution and release land for redistribution to women, as well as improve the allocation of resources to the Land Commission to enable it to implement its mandate fully and expeditiously;**

(b) Facilitate access by women to their inherited land and penalize any action impeding or preventing them from enjoying their right to land, facilitate their access to adequate loans and financial credit, including through technical assistance, counselling and financial literacy training, and promote the establishment and scaling-up of small enterprises;

(c) Strengthen efforts to promote the economic empowerment of rural women, ensuring that they have access to justice, education, employment, health, housing, safe water and sanitation, electricity and other infrastructure.

Disadvantaged groups of women

45. The Committee notes with concern the stigmatization and increasing risk of violence, exploitation and abuse for women and girls with disabilities. It also notes with concern reports of hate speech, stigma and discrimination against lesbian, bisexual and transgender women and intersex persons in the fields of education, health, employment and justice. It is further concerned about reports of the detention of women with young children and of sexual harassment and abuse against women in detention.

46. **The Committee recommends that the State party:**

(a) Eliminate intersecting forms of discrimination against women and girls with disabilities, as well as against lesbian, bisexual and transgender women and intersex persons, raise public awareness about their human rights and prosecute and adequately punish the perpetrators of violence against them;

(b) Promote the use of alternatives to detention, especially for pregnant women, mothers with young children and women heads of household, improve the conditions in female detention facilities in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and enhance the measures to protect women in detention from gender-based violence, including through regular monitoring and independent and confidential complaint mechanisms.

Gender and climate change

47. The Committee notes that a national climate policy adopted in 2016 includes a gender component, but remains concerned about the disproportionately adverse effects of cyclones and floods on women and girls, as in the case of Cyclone Idai in March 2019, which increase their risk of gender-based violence and food insecurity. It is also concerned about the absence of information on the national climate change response strategy adopted in 2014, including on whether a gender perspective has been incorporated and the participation of women ensured at all stages of its development and implementation.

48. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party assess and address the impact of Cyclone Idai on women and girls in the State party and ensure that a gender perspective is integrated into the development and implementation of policies and programmes on disaster risk reduction and climate change.**

Marriage and family relations

49. The Committee notes with concern that, despite the awareness-raising efforts of the State party, most marriages are still conducted under customary law and are not registered, and that child marriage is a prevalent harmful practice in the State party, where one third of girls are married before they reach the age of 18 years. It is also

concerned that discriminatory customary laws and practices continue to regulate marriage and family relations in the State party, allowing for harmful practices such as child marriage and polygamy.

50. With reference to its general recommendation No. 21 (1994) on equality in marriage and family relations, the Committee urges the State party to give priority to adopting a harmonized marriages bill guaranteeing equal rights to women and men in family relations and during and upon the dissolution of marriage, in line with article 16 of the Convention and the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. In particular, the Committee recommends that the State party:

- (a) Adopt the bill criminalizing child marriage and prosecute and adequately punish perpetrators;
- (b) Adopt legislation providing for the mandatory registration of all marriages and ensure the prohibition of polygamy;
- (c) Ensure that customary laws and practices are in conformity with the Constitution and the Convention so as to prohibit harmful practices, and repeal any provisions that are discriminatory towards women in family relations.

Data collection and analysis

51. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status. It also recommends that the State party monitor, through measurable indicators, the impact of laws, policies and action plans and assess trends in the situation of women and progress towards the realization of substantive equality between women and men in all areas covered by the Convention.

Optional Protocol and amendment to article 20 (1) of the Convention

52. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee and to ratify the Optional Protocol to the Convention.

Beijing Declaration and Platform for Action

53. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

Dissemination

54. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

Technical assistance

55. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

56. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 18 (b), 28 (b), 28 (d) and 30 (b) above.

Preparation of the next report

58. The Committee invites the State party to submit its seventh periodic report, which is due in February 2024. The report should be submitted on time and cover the entire period up to the time of its submission.

59. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.