



**International Covenant on
Civil and Political Rights**

Distr.
GENERAL

CCPR/C/SR.1651
20 July 1998

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-second session

SUMMARY RECORD OF THE 1651st MEETING

Held at Headquarters, New York,
on Thursday, 26 March 1998, at 10 a.m.

Chairperson: Ms. Medina Quiroga
(Vice-Chairperson)

later: Mr. Bhagwati
(Vice-Chairperson)

later: Mr. El-Shafei
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT (continued)

Initial report of Zimbabwe (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

In the absence of Mrs. Chanet (Chairperson), Ms. Medina Quiroga (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Initial report of Zimbabwe (continued) (CCPR/C/74/Add.3, HRI/CORE/1/Add.55)

1. At the invitation of the Chairperson, Mr. Chigudu, Ms. Chatukuta and Ms. Nzenza (Zimbabwe) took places at the Committee table.

2. Mr. Chigudu (Zimbabwe) said that the Parliament had not intervened merely to offset judgments made by the courts rather it had intervened when the judgment involved issues not previously considered, and in the specific case referred to, it had done so to ensure equal treatment for men and women. Since the writing of the report an amendment had been enacted regarding the financing of political parties that called for the allocation of funds in proportion to the number of votes received. Lastly, the delegation would prefer to submit its response to the concerns raised regarding corporal punishment in writing.

3. In answer to whether Section 11 of the Constitution was declaratory or right-giving, the courts of Zimbabwe had taken note of the fact that it was right-giving. Furthermore, if the enactment of any piece of legislation had resulted in any deviation from the supremacy of the Constitution that matter would be addressed. As he understood it, wherever statutory law had been enacted following problems arising from customary law, then statutory law was supreme. However, there might be duality in cases where statutory law had been enacted without any direct reference to customary law.

4. Human rights applied to all persons in Zimbabwe, whether members of the majority or the minority. While the Government took responsibility for the payment of compensation, police officers who had committed a violation that required such payment were charged the amount of the compensation and/or dismissed from the police force. Further examination was required to ascertain whether or not section 12 of the Constitution regarding the use of force was contrary to the provisions of the Covenant. In any event, it should be stressed that the police and the army had used tear gas during the food riots of December 1997 and January 1998 but no weapons. Most cases of violations by the police were investigated by the police themselves but there had been cases in which an independent commission of enquiry had been set up.

5. He assured the Committee that any arrests that had been made on a Thursday had not been made on that day to avoid the application of the 48-hour detention rule. In any event, if someone was arrested on a Thursday, the police were still required to bring that person before the court on Friday if possible or apply for an extension. However, it was true that Saturday and Sunday did not count towards the 48-hour rule. Furthermore, the courts were responsible for granting bail but the Attorney-General could argue against granting bail when

/...

appropriate. Lastly, the fast track court system did indeed take into account the stipulations of the Covenant.

6. Ms. Chatukuta (Zimbabwe) said that there were human rights education programmes in place in primary and secondary schools and that non-governmental organizations had been providing training for the police, the army and women.

7. It was true that the 48-hour detention period could be extended by an application to the court and that, in the absence of an application, the commanding officer of a precinct had the authority to extend it to 96 hours. There had been complaints of violations in that area but the victims could seek redress in the courts. However, it should be pointed out that the courts were now opening at the weekends to avoid the problem.

8. In reference to whether or not the Attorney-General had to be consulted before bail was set, she was not sure which amendment had been referred to when concerns were raised and would have to consult the amendment in question before responding.

9. Pursuant to amendment 14 of the Constitution, any child born outside of Zimbabwe whose parents ordinarily resided there and were abroad on government service would be granted citizenship. Any child born in Zimbabwe, or one born abroad and whose parents were in the diplomatic corp, must be given a name and registered within 14 days. There had been attempts to decentralize the process as there had been complaints that centralization had made registration difficult.

10. Section 23, sub-section 3 of the Constitution had been amended to prohibit gender discrimination, but the other limitations referred to remained. The delegation would submit the reasons for that in writing. The Constitution provided for the existence of customary and statutory law, but the customary laws had to be justifiable in a democratic society.

11. The Government had established a quota for the number of women enrolled in the university and the Constitution stated that measures to promote the advancement of women should not be considered discriminatory. Furthermore, there was no law to dictate how men or women dressed. The assaults occurred in Harare had been perpetrated by the public and investigations and arrests had been made. There was no specific policy against female prostitutes. The higher number of arrests of women prostitutes was merely the result of the fact that there were more women prostitutes than men. Women had not been discriminated against in the resettlement programmes, either, since a person merely needed to have an agricultural background to qualify. Many women had been attending agricultural colleges in order to qualify.

12. While it was true that statistics about AIDS had previously not been released, educational campaigns organized by the Ministry of Health and non-governmental organizations had now been launched to increase AIDS awareness.

13. The Government no longer had exclusive control of the media since there were now a number of newspapers and television stations; moreover, people also had access to international news networks that reported on national news. The

/...

editor who had recently been replaced had not been dismissed for political reasons but for purely journalistic ones.

14. The Government believed that its current legislation adequately protected for the rights recognized by the Covenant. The concerns regarding amendments made to the Constitution following judicial decisions were understandable, however, the laws had only been changed to reflect public opinion and in keeping with the principle of the separation of the judicial and legislative powers.

15. One of the criticisms of the decision rendered in the matter of Rattigan and Others v. The Chief Immigration Officer and Others (para. 115 of the report) was that it had been based on the provisions of international instruments, rather than Zimbabwean legislation, which did not mention the family unit. However, Zimbabwe was obligated to abide by the international treaties to which it was a party. The delegation had taken note of the Committee's concern that the paragraph on minority ethnic groups (para. 262) should fall within the context of articles 7 and 24 as well as article 27. It would draft its second periodic report with that in mind. With regard to pledging, girls under 12 years of age could not be pledged. Girls under 16 years of age who were pledged were protected by legislation characterizing sexual intercourse with children under 16 years of age as an offence.

16. With regard to Mr. Scheinin's question concerning the use of force under section 12 of the Constitution, she said that the defence of property was not an absolute defence. A party who had not exercised the proper caution under the circumstances would probably be charged with culpable homicide. The use of force to respond to criminal offences must be governed by reason and by common sense: for example, in a case of pickpocketing or shoplifting, it would be unwarranted.

17. For the time being, the Zimbabwean public continued to feel that the death penalty should be maintained; indeed, the optional character of the protocol on the death penalty reflected the difference in States parties' approaches to the issue. Lastly, members of civil society were lobbying for the amendment of the Constitution as a whole, and a citizens lobbying group had been formed to that end.

18. Mr. POCAR requested clarification on the compatibility of the Zimbabwean Constitution and legislation with the provisions of the Covenant. While he welcomed certain amendments to the Constitution on the basis of the judiciary's interpretation he feared that the new provisions added to section 15 of the Constitution might be at variance with Zimbabwe's obligations under the Covenant.

19. Mr. SCHEININ reiterated his question in that connection, namely, whether there was an institutional system for ensuring that new legislation and further constitutional amendments in the current reform process would be in conformity with article 2, paragraphs 1 and 2, of the Covenant.

20. Mr. BHAGWATI, noting that the Government of Zimbabwe paid huge amounts annually - on the order of \$150,000 - to compensate victims of human rights violations, asked what action was taken against wrongdoers. With regard to the

compatibility of constitutional amendments with the Covenant, he wondered whether depriving section 11 of the Constitution of its substantive content and transferring it to the preamble was a violation of article 17 of the Covenant.

21. Mr. CHIGUDU (Zimbabwe), replying to Mr. Bhagwati's question concerning the compensation of human rights victims, said that police officers who wantonly inflicted violence were dismissed from the force. Those who did so out of ignorance received supplementary training in the police academy. In general, the Government was promoting the human rights education of police officers, who often did not understand the international obligations undertaken by Zimbabwe. If it was unclear whether a police officer had acted deliberately or out of ignorance, he was required to reimburse the Government for the amount of compensation; that was believed to be an effective deterrent.

22. Ms. CHATUKUTA (Zimbabwe) said that it was the delegation's view that the Constitution and legislation in general did incorporate the principles of the Covenant. However, it would respond in writing to the Committee's concerns about corporal punishment and other issues. There was no specific institution in Zimbabwe which assessed the compatibility of its legislation with international instruments; however, all proposed legislation was reviewed by the Ministry of Justice, the Office of the Attorney-General and the Interministerial Committee on Human Rights and Humanitarian Law in order to determine its compatibility with the country's international obligations, and amendments were introduced where necessary. In addition, prior to signing or ratifying international instruments, the Zimbabwean authorities ascertained whether the principles underlying those instruments were already embodied in its legislation. The delegation believed that the protection of the right to privacy was already contained in section 17 of the Constitution and was therefore not affected by the constitutional amendment to section 11.

23. As the report indicated (para. 103), detainees could file complaints with the Minister of Justice, Legal and Parliamentary Affairs, a magistrate or any other person visiting the prisons on a fairly regular basis. If the matter was pressing, a complaint could be submitted in writing to the prison officers, who would transmit it to the Ministry of Justice, Legal and Parliamentary Affairs. Although there was no independent body that dealt specifically with that issue, Zimbabwe did have a prisoners' rights organization. Paragraphs 102 to 108 of the report referred to ways in which article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners were incorporated in the legislation. If that was insufficient, the delegation would be pleased to provide further details in writing. It would also submit specific statistics on the death penalty in writing, as it had none available at that moment.

24. Mr. Bhagwati (Vice-Chairperson) took the Chair.

25. Mr. CHIGUDU (Zimbabwe), drawing attention to paragraph 122 of the report, said that, unless an alien had a criminal record, he was free to enter Zimbabwean territory and enjoyed freedom of movement within it. Although the legislation on immigration did bar the entry of prostitutes and homosexuals, he knew of no case in which anyone had been deported on either of those grounds. However, aliens who entered into marriages of convenience with Zimbabwean citizens for the sole purpose of remaining in the territory were suspect.

/...

Deportation occurred only after a person who had justifiably been requested to leave refused to do so.

26. Ms. CHATUKUTA (Zimbabwe) said that the independence of the judiciary was guaranteed from the time of a judge's appointment to the time of his retirement or removal. Judges were appointed by the President on the recommendation of the Judicial Service Commission, an independent body composed of the Chief Justice of the Supreme Court, the chairman of the Public Service Commission, the Attorney-General and two other members. Judges could be dismissed only if they were found guilty of gross misconduct; otherwise the appointment lasted until they reached retirement age, unless they resigned of their own free will before that time.

27. The right to privacy was limited only if an individual's conduct was proved to be unlawful. Sodomy was indeed an offence under Zimbabwean law and was not accepted by Zimbabwe's varied cultures, which had only been introduced to the concept of human rights upon the attainment of independence 18 years earlier. Legislative change was usually effective only when it was culturally acceptable; to that end, much remained to be done in the field of education. With regard to the freedom of expression, the delegation believed that the restrictions on freedom of expression dealt with by the Censorship Board, were in the interest of public health and morals and were indeed permissible under article 19 of the Covenant. Similarly, the Privileges, Immunities and Powers of Parliament Act (para. 158) was designed to protect the reputations of parliamentarians, which was sanctioned by article 19. A new bill was currently being debated which would amend the Law and Order Maintenance Act (para. 159) by, inter alia, removing all prohibitions against criticizing the President. It was true that some members of the press had been detained recently on charges of making clearly false and defamatory statements against a judge of the High Court.

28. Concerning persons belonging to minority groups, she said that it was the Government's policy to require that classes for children in their formative years, e.g., in the lower grades of elementary school, be taught in minority languages, Ndebele and Shona being the two main ones. In any case, all Zimbabwean citizens were guaranteed all the rights provided for in the legislation, regardless of whether they belonged to minority groups. The Zimbabwean public was indeed aware that the delegation was appearing before the Committee. Copies of the Zimbabwean report had been submitted to national non-governmental organizations, including the Zimbabwean Lawyers for Human Rights, which had transmitted their comments directly to the Committee. Subject to financial constraints, public awareness campaigns were being conducted on all international instruments to which Zimbabwe was a party.

29. Mr. CHIGUDU (Zimbabwe), speaking on the right of peaceful assembly, said that, although significant headway had been made in the drafting of the new bill dealing with public order, the Law and Order Maintenance Act was still in effect. He hastened to assure the Committee that the sections on subversion contained in that Act were not included in the new bill.

30. Mr. El-Shafei (Vice-Chairman) took the Chair.

31. Mr. YALDEN expressed strong support for the remarks made by other Committee members, particularly with regard to the situation of women. He was troubled by the statement that legislation should follow the pace of cultural change, since that could seriously restrict progress in the field of human rights. In the Western countries, the introduction of legislation on child labour and the status of women met with resistance. Indeed, the Universal Declaration of Human Rights itself contained revolutionary ideas which had not been supported by many cultures, including Western cultures, but which had then helped to transform mentalities. He therefore believed that education alone was not sufficient; appropriate legislation was also necessary.

32. He would like more information about the activities of the Ombudsman, who in amendment 14 to the Constitution had been given jurisdiction over human rights matters and authority to hear complaints, and about any complaints that had been heard and acted upon. Concerning the right to privacy, Zimbabwean laws as they stood were discriminatory against homosexuals; a case in point being the immigration regulations cited in the report (para. 122 (c)). Regarding the rights of minorities, he applauded the efforts described to deal with a multi-ethnic and multilingual population. It was not an easy task to teach in a vast number of languages, but he encouraged the Government to go as far as possible in providing education in minority languages. He would be interested to know in what languages government services and court proceedings were available.

33. Lord COLVILLE said that he found it very surprising that the report (para. 50) had no comment to make on article 5 of the Covenant. Concurring with Mr. Lallah's and Mr. Pocar's assessment of the overall situation, and citing three recent court cases, he said that there seemed to be a pattern emerging by which amendments to the Constitution derogated from rights previously guaranteed under section 11, section 15, paragraph 1, and section 23 of the Constitution in the matter of immigration rights and the rights of persons on death row. Such derogations were in clear violation of article 5, paragraph 2, of the Covenant, which specifically protected also any rights that went beyond the basic ones set forth in the Covenant itself.

34. Mr. BUERGENTHAL expressed the hope that the delegation would submit the promised written replies at the earliest opportunity. He endorsed the views of Mr. Pocar, Mr. Lallah and Mr. Klein on the implications and obligations that arose for domestic law when States ratified international agreements, and Mr. Yalden's general remarks on cultural attitudes and international human rights obligations. The report (para. 13) said that the Inter-Ministerial Committee on Human Rights and International Humanitarian Law had been instrumental in improving the human rights situation, and he would appreciate examples. He wondered if there had been any disciplinary proceedings against judges, of the kind described in paragraphs 33 and 35 of the report, and what the grounds and the outcomes had been. Clarification was needed as to how the defence of property could justify depriving someone of his life (para. 51 (a) of the report), and how such a provision in section 12 of the Constitution was consistent with article 6 of the Covenant. Also, he would like an explanation of the statement (report, para. 114 (b)) that freedom of movement could be restricted by the enactment of laws that made provision for the imposition of restrictions on the acquisition or use of land or other property in Zimbabwe. Regarding the need for proper documentation before receiving permission to

travel abroad (report, para. 113), he would like to know whether there were often delays in granting such documentation and whether judicial proceedings could be instituted in the event of its being denied.

35. Mr. KRETZMER asked whether the periodic report had been publicized in Zimbabwe and circulated to non-governmental organizations in advance of the current session.

36. He was concerned about the dangers of one-party dominance. Two recent incidents - one in which two party members tried and convicted of shooting an opposition candidate had immediately received a Presidential pardon, and another in which a Government minister and police officers had looked on while an opposition candidate was attacked outside a polling place - pointed to a political climate in which impunity and violence were condoned.

37. With regard to freedom of expression and its legitimate curtailment under the law of defamation, most common law countries such as Zimbabwe agreed that, in the case of public figures, the laws needed to allow for greater freedom of expression. He would like to know whether the Government was considering liberalizing those laws in that sense.

38. Mr. KLEIN asked whether Zimbabwe had the problem of overcrowding in prisons and what the prison situation was in general. Sharing supported Mr. Galden's concern about minority languages, he asked whether the Covenant, the periodic report and the Committee's Concluding Observations were made available in some or all of the 12 indigenous languages referred to in paragraph 4 of the core document.

39. While positive human rights developments in Zimbabwe had indeed been reported, also by outside sources, and while the Constitution seemed to recognize the link between a democratic society and human rights, a number of legal provisions and practices seemed undemocratic. Despite the confidence that freedom of speech and of the press existed in Zimbabwe (report, para. 160), the legislation on contempt of Parliament and contempt of the President (paras. 158-159), on censorship (para. 167-168) and on Government control of broadcasting (para. 163) indicated that the ruling party's firm grip on the media and on freedom of speech was likely to endanger human rights. The composition of Parliament - where only two or three members were in the opposition despite the existence of 12 political parties - was another matter of concern. Even more of a threat to democratic pluralism was the fact that only the ruling party received public funding and a sizeable amount at that. Also, the Electoral Supervisory Commission was not empowered (report, para. 246) to supervise Presidential elections; and the impartiality of that Commission itself, moreover, was in question because all its members were appointed by the President after consultation with other branches of the Administration in power (para. 257). Finally, the President seemed to have unrestricted power to have mail intercepted in the interest of public safety (para. 146). Taken together, such situations gave a less-than-encouraging picture of democracy in the country. In such an atmosphere, it would be difficult if not impossible to cultivate and foster human rights.

40. Ms. MEDINA QUIROGA said that she looked forward to receiving the written replies, especially regarding the legislative changes referred to in paragraphs 214 and 232-234 of the report.

41. There was some point in enacting laws even when the enforcement was difficult, for it sent a message - as would certainly be the case, if sodomy were immediately declassified as an offence. In any case, the Government has an obligation to do so under the Covenant.

42. If, indeed, amendment 14 to the Constitution stipulated that the right of a non-citizen to enter or reside in the country was not dependent upon marriage to a citizen, that would be a serious violation of articles 17 and 23 of the Covenant, the first of which guaranteed the protection of family life as well as of property. Also, censorship per se was not in accord with the Covenant: a government could restrict a right but not annul it.

43. She would like information on the consequences of the court decision referred to in paragraph 165 of the report; and on what steps the Government had taken to eliminate the admitted ministerial interference in labour rights (report, para. 193). She agreed with Mr. Klein that democracy would be highly unlikely in a Parliament composed as was that of Zimbabwe.

44. Ms. EVATT said that she, too, would like more information on prison conditions, which she understood were harsh, with many deaths due to disease and overcrowding.

45. The right to privacy had to be respected; yet in Zimbabwe there were arbitrary, discriminatory laws against homosexuals which made that right meaningless. Also, the channelling of considerable public funds to only one political party militated against article 25 and the right of all to participate in the conduct of public affairs. Similarly, a system where the media were in the hands of the Government was incompatible with freedom of the press; under article 19, paragraph 3, any restrictions on freedom of speech must be shown to be necessary, and censorship was not.

46. Mr. SCHEININ said that in answering the questions relating to issue 18, the delegation had referred to article 19, paragraph 3, of the Covenant. In his view, the delegation had misunderstood the Committee's position. In its general comment on article 19, the Committee had stated that the imposition by a State party of certain restrictions on the exercise of freedom of expression might not put in jeopardy the right itself. Nevertheless, as Ms. Medina Quiroga had pointed out, censorship was always incompatible with article 19, and paragraphs 167 to 169 of the report appeared to confirm that position.

47. He shared the concerns expressed by other speakers regarding the conditions of detention. Paragraph 103 of the report stated that prisoners were entitled to receive one letter and one visit a month. The reporting State should indicate whether that was indeed the rule, and, if so, how it could be reconciled with article 10, paragraphs 1 and 3, of the Covenant.

48. Furthermore, the amendment to section 15 of the Constitution appeared to deny prisoners on death row all effective remedies for improper treatment. The

/...

Committee had taken the position that, while the time spent on death row did not amount to a violation of Covenant rights as such, it could, when combined with other factors, amount to a violation of article 7 and, consequently, of article 6.

49. Mr. ANDO, referring to article 22 of the Covenant, concerning freedom of association, said that he shared the concerns expressed by Ms. Medina Quiroga with regard to paragraph 193 of the report. It was clear from that paragraph that the powers conferred on the Minister of Public Service interfered with the right of assembly of public employees; the Government should indicate what measures it was planning to take in that regard.

50. In accordance with legislation adopted in 1994, the authorities were entitled to establish a special labour scheme in the export processing zone; the Zimbabwean trade-union federations had protested against that scheme. He would be grateful for further information on the content of the special labour laws.

51. Mr. CHIGUDU (Zimbabwe), replying to the questions raised by Mr. Yalden, said that Governments should do what they could to promote positive changes in the culture. At the same time, before new laws were passed, people must be educated as to the need for the laws, so that they could be enforced. With regard to homosexuality, the concept of homosexual rights ran counter to deeply entrenched cultural taboos, so that it was difficult to tell people to respect those rights.

52. The Ombudsman's function was to investigate complaints by citizens of maladministration by government bodies. Nevertheless, persons who had not suffered any maladministration, but who believed that their rights had been violated, could file a complaint with the Ombudsman's office. The Ombudsman would draw the matter to the attention of the ministry concerned; if a satisfactory response was not forthcoming, the Ombudsman would raise the matter at a higher level, including in Parliament.

53. While court proceedings were conducted in English, defendants who were not proficient in English were assisted by an interpreter. The text of the Covenant was disseminated in English; he doubted whether it had been translated into Shona and Ndebele, as that would mean that it would need to be translated into all local languages.

54. Replying to Mr. Klein's question concerning the representation of opposition political parties in Parliament, he said that in a democratic system, people made their own choices about whom to vote for, and if that resulted in an overwhelming number of votes being cast for one party in particular, there was nothing that could be done about it.

55. He assured Mr. Buergenthal and Ms. Medina Quiroga that his Government would supply written answers to the questions that had not been answered at the current meeting.

56. As to the question concerning travel documents, a passport was all that was required. While no one was ever denied a passport, staff shortages meant that

it might not always be possible to issue a passport when it was needed, although efforts were made to expedite the process in urgent situations.

57. Replying to the questions raised by Mr. Kretzmer, he said that he could not confirm whether those who had been brought to justice, tried and convicted of an attempt to assassinate the Vice-President had been pardoned. On the other hand, the information concerning the beating of a political opponent was incorrect; he had ascertained from the Commissioner of Police that the police had not been present at the time of the incident.

58. The point concerning the need for further liberalization of freedom of expression was well taken; he noted, however, that publications hostile to the Government circulated freely in the country, and that no attempts were made to interfere with television broadcasts or the Internet.

59. Lastly, his Government shared the concern expressed by Mr. Klein at the problem of prison overcrowding; efforts were being made to build more prisons.

60. Ms. CHATUKUTA (Zimbabwe) said that her Government was making great strides in educating the population to accept the need for certain cultural changes. For instance, while there was still great resistance to the idea that widows should inherit their husband's property, her Government was enforcing legislation to that effect.

61. Replying to Mr. Yalden, she said that she had no information concerning the type of investigations conducted by the Ombudsman.

62. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law had been established in 1992 and had made recommendations to her Government concerning accession to a number of International Labour Organization conventions and other human rights instruments.

63. She had taken note of the concerns expressed regarding the possibility that the amendments to section 15 of the Constitution represented a derogation from the Covenant; her Government would respond in writing.

64. A summary of the Convention on the Rights of the Child, highlighting specific provisions, had been disseminated in the local languages.

65. Replying to Mr. Buergenthal, she said that in the case referred to, in which a judge had been accused of showing bias in favour of a white defendant by granting bail outside normal working hours, a commission of inquiry had found that there had been no gross misconduct on the judge's part.

66. With regard to the right to property, stress was laid on the question of whether the use of force was arbitrary. Where it was not arbitrary, the law recognized the right to property; where it was arbitrary, the law afforded no protection to the individual concerned.

67. The problem of prison overcrowding had been addressed through the introduction of community service in lieu of custodial sentences for first-time offenders, particularly those convicted of lesser offences.

68. Efforts were under way to privatize the Zimbabwe Broadcasting Corporation and the Posts and Telecommunication Services, which would open the door to other players and promote freedom of expression.

69. The law regulating the Electoral Supervisory Commission had been amended, and the Commission could now supervise presidential elections.

70. Lastly, with regard to paragraph 193 of the report, consideration was being given to a bill that would grant public employees' organizations the same rights as other labour organizations.

71. The CHAIRPERSON, summarizing the views expressed during the discussion, commended the Government on its comprehensive report, which had been prepared in accordance with the Committee's guidelines. He expressed appreciation for the frank and open dialogue held with the delegation and for its positive attitude towards the Committee's recommendations. The Committee had noted a number of positive trends in the human rights situation in Zimbabwe, including the steps being taken to repeal the provisions of the Law and Order Maintenance Act which criminalized statements deemed subversive, the steps taken to promote equality between women and men, particularly with regard to land ownership, the willingness of the courts to apply human rights principles, the human rights training provided to police officers and the investigation of complaints of human rights violations by the police and dismissal of some police officers.

72. Nevertheless, a number of concerns persisted, relating to the duality of statutory and customary law, particularly as it affected women's rights, the fact that the Covenant had not been specifically incorporated into domestic law, the restrictions on freedom of expression and freedom of the press in relation to the prohibition against the defamation of public figures, the institution of censorship, the granting of a presidential pardon to persons convicted of murdering political opponents of the ruling party, the composition of Parliament and the overcrowding of prisons.

73. He encouraged the Government to continue reviewing its legislation and customary law in order to ensure their compatibility with the Covenant.

74. Mr. CHIGUDU (Zimbabwe) thanked the members of the Committee for their contributions and assured them that his delegation had taken their recommendations in a constructive spirit.

75. The CHAIRPERSON said that the Committee had concluded its consideration of the initial report of Zimbabwe.

The meeting rose at 1.05 p.m.