Country/entity	Zimbabwe
Region	Africa (excl MENA)
Agreement name	Constitution of Zimbabwe Amendment (No 20) 2013
Date	19 Mar 2013
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Zimbabwean Post-electoral Political Crisis (2008)

After removing the white minority-ruled 'Rhodesia' from the map and establishing the state of Zimbabwe in 1980, the Zimbabwe African National Union – Patriotic Front (ZANU-PF) took power. Its long-time leader, Robert Mugabe, acted as Prime Minister from 1980 to 1987, and then took over the Presidency. He centralised power and, throughout the 1990s, established an authoritarian state. After suffering a near defeat by the Movement for Democratic Change (MDC) in the 2008 elections, the ZANU-PF launched an intimidation campaign against the unarmed opposition, which lead to numerous Human Rights violations, widespread torture and disappearances. Under strong international pressure Mugabe entered negotiations with the opposition, a Global Political Agreement was signed by him and the representatives of the two major wings of the MDC in September 2008.
Close
Zimbabwean Post-electoral Political Crisis (2008)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Zimbabwe post-election process
Parties	-
Third parties	President of Zimbabwe and The Parliament of Zimbabwe
Description	The whole agreement is a constitution. It provides for (1) founding provisions, (2) National Objectives, (3) Citizenship, (4) Declaration of rights, (5) The executive, (6) The Legislature, (7) Elections, (8) The Judiciary and Courts, (9) Principles of Public Administrations, (10) Civil Service, (11) Security Services, (12) Independent Commissions Supporting Democracy, (13) Institutions to Combat Corruption and Crime, (14) Provincial and Local Government, (15) Traditional Leaders, (16) Agricultural Land, (17) Finance, (18) General and Supplementary Provisions.

Agreement document	ZW_130319_New Constitution of Zimbabwe.pdf (opens in new tab) | Download PDF

Women, girls and gender

Participation

Participation→Gender quotas
Page 20, Chapter 2: National Objectives, Article 17. Gender balance:
1. The State must promote full gender balance in Zimbabwean society, and in particular--
...b. the State must take all measures, including legislative measures, needed to ensure that--
...ii. women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament;

Page 46, Chapter 5: The Executive, Part 3: Ministers, Deputy Ministers and Cabinet, Article 104. Appointment of Ministers and Deputy Ministers:
... 4. In appointing Ministers and Deputy Ministers, the President must be guided by considerations of regional and gender balance.

Page 54, Chapter 6: The Legislature, Part 4: The National Assembly,
Article 124. Composition of National Assembly:
1. The National Assembly consists of
... b. or the life of the first two Parliaments after the effective date, an additional sixty women members, six from each of the provinces into which Zimbabwe is divided, elected through a system of proportional representation based on the votes cast for candidates representing political parties in a general election for constituency members in the provinces

Page 60-61, Chapter 6: The Legislature, Part 7: Procedure in Parliament, Article 139. Standing Orders:
... 4. Any committee established by or under Standing Orders must reflect, as closely as possible, the political and gender composition of Parliament or of the House to which the Standing Orders apply.

Page 60-61, Chapter 6: The Legislature, Part 7: Procedure in Parliament, Article 151. Committee on Standing Rules and Orders:
... d. a system of proportional representation for the election of persons to the seats in the Senate referred to in section 120(1)(a) and the seats reserved for women in the National Assembly referred to in section 124(1)(b), and the procedure for filling vacancies in those seats, which vacancies must be filled by persons--
i. belonging to the same political parties as those who previously held the seats; and
ii. of the same gender as the persons who previously held the seats;
Participation→Effective participation
Page 16, Chapter 1: Founding Principles, Article 3. Founding values and principles:
2. The principles of good governance, which bind the State and all institutions and agencies of government at every level, include--
... i 3. women, the elderly, youths and children;

Page 20, Chapter 2: National Objectives, Article 17. Gender balance:
1. The State must promote full gender balance in Zimbabwean society, and in particular--
a. the State must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men;
b. the State must take all measures, including legislative measures, needed to ensure that--
i. both genders are equally represented in all institutions and agencies of government at every level; and civil service recruitment

Page 52, Chapter 6: The Legislature, Part 3: The Senate, Article 120. Composition of the Senate:
... (2) Elections of Senators must be conducted in accordance with the Electoral Law

Equality

Equality→Equality (general)
Page 16, Chapter 1: Founding Principles, Article 3. Founding values and principles:
1) Zimbabwe is founded on respect for the following values and principles—
... (g) gender equality;

Page 20, Chapter 2: National Objectives, Article 17. Gender balance:
... 2. The State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies

Page 29, Chapter 4: Declaration of Rights, Part 2: Fundamental Human Rights and Freedom, Article 56.
Equality and non-discrimination:
. . . 2. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.
3. Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

Page 38, Chapter 4: Declaration of Rights, Part 3: Elaboration of certain rights,
Article 80. Rights of women:
1. Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities.
Equality→Social equality
Page 19, Chapter 2: National Objectives, Article 14. Empowerment and Employment Creation:
... At all times the State and all institutions and agencies of government at every level must ensure that appropriate and adequate measures are undertaken to create employment for all Zimbabweans, especially women and youths.

Page 19, Chapter 2: National Objectives, Article 13. National development:
... 3. Measures referred to in this section must protect and enhance the right of the people, particularly women, to equal opportunities in development

Page 19-20, Chapter 2: National Objectives, Article 17. Gender balance:
1. c. the State and all institutions and agencies of government at every level must take practical measures to ensure that women have access to resources, including land, on the basis of equality with men.

Page 22, Chapter 2: National Objectives, Article 24. Work and labour relations:
... 2. The State and all institutions and agencies of government at every level must endeavour to secure-
... the implementation of measures such as family care that enable women to enjoy a real opportunity to work.

Page 22, Chapter 2: National Objectives, Article 25. Protection of the family:
The State and all institutions and agencies of government at every level must protect and foster the institution of the family and in particular must endeavour, within the limits of the resources available to them, to adopt measures for—
(a) the provision of care and assistance to mothers, fathers and other family members who have charge of children; and

Page 32, Chapter 4: Declaration of Rights, Part 2: Fundamental Human Rights and

Particular groups of women

Particular groups of women→Pregnancy/maternity

Page 29, Chapter 4: Declaration of Rights, Part 2: Fundamental Human Rights and Freedom, Article 56. Equality and non-discrimination: . . . 2. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.
3. Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

Page 32, Chapter 4: Declaration of Rights, Part 2: Fundamental Human Rights and Freedom, Article 65. Labour rights:
7. Women employees have a right to fully paid maternity leave for a period of at least three months.

International law

International law→General IHRL, IHL and IL
Page 22, Chapter 2: National Objectives, Article 26 Marriage:
The State must take appropriate measures to ensure that—
(a) no marriage is entered into without the free and full consent of the intending spouses;
(b) children are not pledged in marriage;
(c) there is equality of rights and obligations of spouses during marriage and at its dissolution; and
(d) in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses.

Page 38, Chapter 4: Declaration of Rights, Part 3: Elaboration of certain rights,
Article 80. Rights of women:
...2.Women have the same rights as men regarding the custody and guardianship of children, but an Act of Parliament may regulate how those rights are to be exercised.

Page 38-39, Chapter 4: Declaration of Rights, Part 3: Elaboration of certain rights, Article 81. Rights of children:
1. Every child, that is to say every boy and girl under the age of eighteen years, has the right-- (and then full range of rights)
International law→Other
Page 38, Chapter 4: Declaration of Rights, Part 3: Elaboration of certain rights,
Article 80. Rights of women:
...3.All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement.

New institutions

New institutions→Institutions for women
Page 92, Chapter 12: Independent Commissions Supporting Democracy, Part 1: General, Article 232. Independent Commissions:
The following are the independent Commissions—
c. Gender Commission

Page 96-97, Chapter 12: Independent Commissions Supporting Democracy, Part 4: Zimbabwe Gender Commission, Article 245. Establishment and composition of Zimbabwe Gender Commission:
(1) There is a commission to be known as the Zimbabwe Gender Commission consisting of—
(a) a chairperson appointed by the President after consultation with the Committee on Standing Rules and Orders; and
(b) eight other members , of whom—
(i) seven are appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders; and
(ii) one is a nominee of the National Council of Chiefs, appointed by the President.
(2) Members of the Zimbabwe Gender Commission must be chosen for their integrity and their knowledge and understanding of gender issues in social, cultural, economic and political spheres, and the genders must be equally represented on the Commission.

Page 97, Chapter 12: Independent Commissions Supporting Democracy, Part 4: Zimbabwe Gender Commission, Article 246. Functions of Zimbabwe Gender Commission:
The Zimbabwe Gender Commission has the following functions—
(a) to monitor issues concerning gender equality to ensure gender equality as provided in this Constitution;
(b) to investigate possible violations of rights relating to gender;
(c) to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
(d) to conduct research into issues relating to gender and social justice, and to recommend changes to laws and practices which lead to discrimination based on gender;
(e) to advise public and private institutions on steps to be taken to ensure gender equality;
(f) to recommend affirmative action programmes to achieve gender equality;
(g) to recommend prosecution for criminal violations of rights relating to gender;
(h) to secure appropriate redress where rights relating to gender have been violated; and
(i) to do everything necessary to promote gender equality.

Page 97, Chapter 12: Independent Commissions Supporting Democracy, Part 4: Zimbabwe Gender Commission, Article 247. Reports by Zimbabwe Gender Commission:
In addition to the report it is required to submit in terms of section 323, the Zimbabwe Gender Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to gender issues which, in the Commission's opinion, should be brought to the attention of Parliament.

Page 106, Chapter 14: Provincial and Local Government, Part 2: Provinces and Provincial and Metropolitan Councils, Article 269. Metropolitan councils:
1. For each of the metropolitan provinces there is a metropolitan council consisting of--
... d. The women Members of the National Assembly who are elected in terms of section 124(1)(b) from the metropolitan province concerned;

Violence against women

Violence against women→Other
Page 27, Chapter 4: Declaration of Rights, Part 2: Fundamental Human Rights and Freedom, Article 48. Right to Life:
... A law may permit the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances, and
... the penalty must not be imposed or carried out on a woman;

Transitional justice

Transitional justice→Past and gender
Page 20, Chapter 2: National Objectives, Article 17. Gender balance:
... 2. The State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies

Institutional reform

Institutional reform→Constitution-making/reform
Page 19-20, Chapter 2: National Objectives, Article 17. Gender balance: 1. The State must promote full gender balance in Zimbabwean society, and in particular—b. ii. women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament;
Institutional reform→Emergency/criminal law/corruption reform
Page 27, Chapter 4: Declaration of Rights, Part 2: Fundamental Human Rights and Freedom, Article 48. Right to Life:
... A law may permit the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances, and
... the penalty must not be imposed or carried out on a woman;
Institutional reform→Public administration
Page 20, Chapter 2: National Objectives, Article 17. Gender balance:
1. ... b. the State must take all measures, including legislative measures, needed to ensure that--
i. both genders are equally represented in all institutions and agencies of government at every level; and civil service recruitment

Page 81, Chapter 9: Principles of Public Administration and Leadership, Article 194. Basic values and principles governing public administration:
(1.) Public administration in all tiers of government, including institutions and agencies of the State, and government-controlled entities and other public enterprises, must be governed by the democratic values and principles enshrined in this Constitution, including the following principles-
... employment, training and advancement practices must be based on merit, ability, objectivity, fairness, the equality of men and women and the inclusion of persons with disabilities;

Page 114-115, Chapter 16: Agricultural Land, Article 296. Establishment and composition of Zimbabwe Land Commission:
... 2. Members of the Zimbabwe Land Commission must-
... b. reflect the diversity of Zimbabwe's population, in particular its regional interests and gender balance.

Development	Development→General Page 19, Chapter 2: National Objectives, Article 13. National development: ... 3. Measures referred to in this section must protect and enhance the right of the people, particularly women, to equal opportunities in development Development→Education Page 22-23, Chapter 2: National Objectives, Article 27. Education: ... (2) The State must take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels.
Implementation	No specific mention.
Other	No specific mention.