

Committee on the Application of Standards

Date: 5 June 2021

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Zimbabwe (ratification: 1998)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Government has provided the following written information.

Information provided on 20 May 2021

The Government of Zimbabwe wishes to report on new developments relating to matters raised by the Committee of Experts on the Application of Recommendations and Convention (CEACR) under Convention No. 105 that it ratified in 1998. The new developments also relate to the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No. 87), that the CEACR cited in its comments under Convention No. 105. Following the promulgation of the Maintenance of Peace and Order Act (MOPA) in November 2019, that replaced the Public Order and Security Act (POSA), the Government is to work with the social partners within the realm of the Tripartite Negotiating Forum (TNF) to strengthen the interface between the law enforcement agencies and the trade unionists. This will be pursued to ensure that the law enforcement agencies throughout the country fully understand, appreciate and apply the provisions of section 9 of MOPA. Section 9 of MOPA explicitly exempts meetings held by a registered trade union for bona fide trade union purposes for the conduct of business in accordance with the Labour Act (Chapter 28.01), from the requirements stipulated under sections 5, 6, 7 and 8 of the same Act. The planning and execution of new activities involving law enforcement agencies and trade union activities have been affected by the COVID-19 pandemic. Even the Direct Contacts Mission that was accepted by the GoZ and scheduled to take place in 2020 had to be put on hold due to the pandemic. However, during a meeting organized jointly by ILO Harare Office and the Pretoria Regional Decent Work Team held on 11 March 2021, the leaders from Government, the Zimbabwe Congress of Trade Unions (ZCTU) and the Employers Confederation of Zimbabwe (EMCOZ) agreed to prioritize activities to strengthen the engagement of law enforcement agencies and trade unionists. Subsequent to the meeting, the ILO officials held separate consultations with officials from Government, ZCTU and EMCOZ with a view to planning the activities around trade unions in the context of MOPA, among others. One such activity identified is the review of the

implementation of the Code of Conduct for the State Actors in the World of Work and the National Handbook on Freedom of Association and Civil Liberties in the World of Work.

The Government also wishes to report that the twenty (20) ZCTU members who were arrested for participating in the October 2018 strike and cited in the report of the CEACR on Convention No. 105 were acquitted by the court on 12 November 2020. Furthermore, the GoZ wishes to report that during the 44th session of the Human Rights Council (June to July 2020) it responded to and corrected the unfortunate impression about the thrust of the then Maintenance of Peace and Order (MOPO) Bill (now MOPA) which had been created by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association that is also cited by the CEACR.

On labour law reform, the Government wishes to report that the Labour Amendment Bill is currently before Cabinet. The Bill seeks among other things to repeal sections 102 (b), 104(2)-(3), 109(1)-(2) and 122 of the Labour Act (Chapter 28:01) in line with the comments made by the CEACR. The Health Service Act is also set to be amended. Consultations around its review commenced in 2019 but they have been affected by the lockdowns associated with the COVID-19-19 pandemic. Last but not the least, the Constitutional Amendment Bill passed on 4 May 2021 paves the way for the stakeholder consultations around the amendment of the Public Service Act so as to harmonize it with the Labour Act. The Bill will be considered by the TNF before being tabled for consideration by Cabinet in due course. Previously, the Government submitted that the review of the Public Service Act was awaiting some constitutional amendments.

Additional information provided on 4 June 2021

The CEARC alleges that the Zimbabwe Prisons Act and the Prison (General) regulations are not in conformity with article 1 of Convention. The committee further argues that penalties of imprisonment including compulsory labour under the Prison Act and its regulations may be imposed under circumstances falling within Article 1(a) of the convention, in the Public Order and Security Act and Criminal Law (Codification and Reform) Act (Cap. 9:23).

There is no forced labour in Zimbabwe in general and in the prisons. The Prison Act and regulations are in sync with the Constitution as well as international and regional best practices. These are not in violation of article 1 (a) of the said convention. The sentencing of prisoners to labour was outlawed in Zimbabwe's jurisdiction.