

**Committee on the Application of Standards**

C.App./Zimbabwe/C87

**Commission de l'application des normes**

**Comisión de Aplicación de Normas**

108th Session, Geneva, June 2019

108<sup>e</sup> session, Genève, juin 2019

108.ª reunión, Ginebra, junio de 2019

**Zimbabwe (ratification: 2003)**

***Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)***

The Government has provided the following additional written information.

*1. Terms of the listing*

The Government of Zimbabwe has been listed for appearance in the CAS under Convention 87 Freedom of Association and protection of the Right to Organise which it ratified in 2003. The committee is interested in following up on aspects discussed at the 105th session in 2016 which are a follow-up to the recommendations of the 2009 Commission of Inquiry on Zimbabwe appointed under Article 26 of the Constitution of the ILO.

*2. Issues contained in the Report of the Committee of Application of Recommendations and Conventions and action taken by the Government of Zimbabwe*

*2.1. Trade union rights and civil liberties*

*2.1.1. Alleged attack on Zimbabwe Congress of Trade Union's Office and personnel by soldiers on 1 August 2018*

It should be noted that the demonstrations in question were organised by political actors who alleged delays in the release of electoral results of the 2018 General Elections and subsequently ushered violent activities targeting the Zimbabwe Electoral Commission (ZEC) Offices which are situated close to ZCTU Offices. Government had to intervene in line with its constitutional duty to protect citizens and property as the demonstrations became violent leading to injury of people and indiscriminate destruction of property. It is unfortunate that buildings and individuals close to the centre of violent protests were inadvertently affected in the process of trying to maintain peace and order.

The Government of Zimbabwe soon after the demonstrations appointed a Commission of Inquiry headed by the former South African Head of State, His Excellency Mr Kgalema Motlanthe which included, among others, eminent persons Chief Emeka Anyaoku a former Commonwealth Secretary General from Nigeria, Rodney Dixon QC from the United Kingdom and General Davis Mwamunyange, a former Chief of Tanzania People's Defence Forces. The Commission conducted open and televised public hearings in which affected victims openly testified including named ZCTU officials. The Commission since provided

---

recommendations on its findings which the Government of Zimbabwe is currently implementing.

It is therefore our considered view that Government has already complied with the request made by the Committee of Experts.

## 1.2. Alleged ban of strike action

As part of precautionary measures to protect people and businesses during the violent demonstration of 1 August 2018 the government appealed to the citizens not to stage demonstrations or embark on related actions that were likely to be taken advantage by people with other motives.

### 2.1.3. Denial and delay in trade union registration

There was only one issue pertaining to contested registration of two trade unions of which one of them has since been registered. The other one is still to approach the office of the registrar of trade unions as directed by the Labour court (Reference is made to case number 3128 under the Committee of Freedom of Association).

## 2.2. Public Order and Security Act (POSA)

The Government of Zimbabwe, consistent with its reform Agenda has initiated the process to repeal POSA. New legislation will be enacted, whose provisions will be aligned to the principles of Freedom of Association enshrined in the Constitution of Zimbabwe. This new legislation, the Maintenance of Peace and Order Bill, has been drafted, published and is now under public consultations by Parliament. It is our hope that the social partners will, as usual, contribute during the public consultations to provide their input to the process of developing the law in question.

## 2.3. Labour Law Reform and the Harmonisation of the Labour Act

The labour law reform is ongoing and the drafts have been shared with the social partners at all material times. The recent draft that was produced by the Attorney General on 11th June 2019 has also been shared with social partners and the Office. Government looks forward to inputs and comments from the social partners for the finalisation and subsequent enactment of the new Labour Act.

With the enactment of the Tripartite Negotiating Forum (TNF) Act in May 2019 sharing of pertinent information between the government and social partners will now be a matter to be prescribed in the rules that are to be made in terms of the said Act. The TNF Act makes it mandatory for all labour legislation to be processed through the TNF. The legislated TNF was commissioned by the State President on the 5th of June 2019. The TNF is about meaningful and sustained social dialogue between the government and social partners on socio-economic issues.

## 2.4. Public Service Act

Principles for the Public Service Act were approved by Cabinet on the 2nd May 2019 and the first draft Bill has been produced by the Attorney General. Consultations with the social partners on the draft Bill are set to commence in earnest once Public Service Associations, ZCTU and other Federations including the Employers' Confederation of Zimbabwe have been furnished with the draft Bill.

It is expected that the reform of the Public Service Act will take into account the status of the Secretariat of the Public Service Commission.

---

Government took note of the comments by the Committee of Experts regarding the registration of public service associations. The Public Service Bill will accordingly harmonise the registration process in line with the corresponding provisions in the Labour Act.

The newly adopted Tripartite Negotiating Forum Act makes it mandatory for consultation and negotiation of Zimbabwe labour laws in line with the constitution and international best practises within the TNF. Accordingly, the social partners will be consulted on the new Public Service Bill in line with the TNF Act.

## 2.5. Health Service Act

The Health Service Act is lined up for review just like the Public Service Act and the Labour Act so as to align them with the Zimbabwe constitution adopted in 2013 that provides for freedom of association and the right to strike under its section 65 and the ILO conventions 87 on Freedom of Association and Protection of the Right to Organise and 98 Right to Organise and Collective Bargaining.

## 2.6. Tripartite Negotiating Forum

Government and social partners have been working to develop legal framework for the social dialogue Institution in Zimbabwe, the Tripartite Negotiating Forum (TNF). The TNF Act was enacted and launched on 5th June at an event attended by all social partners. There is agreement among social partners that this historic development will usher a new era for social dialogue in Zimbabwe. It is expected that the TNF Act will usher in genuine, effective and sustained dialogue in Zimbabwe. It is against this backdrop that there is conviction that most of the issues of concern among the social partners will be effectively dealt within the purview of the strengthened TNF.

## Discussion by the Committee

**Government representative** – The Committee of Experts raised a number of issues which relate to the implementation of the recommendations of the 2009 Commission of Inquiry on Zimbabwe’s observance both in law and practice in respect of Convention No. 87, ratified in 2003, and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified earlier in 1998.

In its 2019 Report, the Committee of Experts raised legislative issues which are mainly to do with reforms of the labour laws and another law that has a bearing on the labour market, that is, the Public Order and Security Act (POSA). I wish to start by addressing the legislative issues. The Committee of Experts expressed concern on the application of POSA. I am happy to inform the Committee that this piece of legislation will be repealed. A new piece of legislation, the Maintenance of Peace and Order Act, whose Bill is currently under consideration by Parliament, will address issues of peace and order. Parliament is currently carrying out public consultations around the Bill. It is expected that employers’ organizations and trade unions will take part in the public consultations.

The Committee of Experts also wishes to know how far Zimbabwe has gone in revising the Labour Act (Chapter 28:01). I am happy to inform the Committee that we are at an advanced stage in revising the Labour Act. We now have a Labour Amendment Bill that the Government has shared with social partners in March 2019. The Government received comments from social partners in April 2019. The comments have since been incorporated into the Bill. We are now waiting for the Attorney-General’s Office to furnish us with the revised Bill which will be subject to consideration by the Government and social partners.

---

Furthermore, the Committee of Experts requested an update on the revision of the Public Service Act (Chapter 16:04). With regard to this Act, I wish to inform the Committee that the principles for the amendment of the Public Service Act were approved by Cabinet on the 2 May 2019, subject to the approval the Attorney General proceeded to produce the first draft Bill on 5 June 2019. The Bill is to be subjected again to consultations with social partners in due course. As I am speaking, arrangements are being made to share the Bill with concerned stakeholders ahead of the planned consultations. The revision of the Public Service Act will take into account specific issues raised by the Committee of Experts in relation to the status of the secretariat of the Public Service Commission and the registration of public service associations.

The Committee of Experts also wants to know what the Government of Zimbabwe has done in terms of revising the Health Services Act. I wish to inform the Committee that the parties to the Health Services Act have recently concluded the negotiations for the principles to amend the Act. The principles will be considered by Cabinet very soon to pave way for the development of the Bill. Essentially the revised Health Services Act will be in sync with the new Public Service Act as both cover the civil servants.

Before I conclude on legislative matters, I wish to inform this august house that Zimbabwe is revising its laws not only to align them to ratified ILO Conventions but more importantly to have these pieces of legislation in sync with our new Constitution.

For instance, labour rights and the right to collective job action are provided for in terms of section 65 of the Constitution of Zimbabwe. To this end, the Government has an obligation to revise various pieces of legislation that are not consistent with the new Constitution and these also include the labour laws. Chairperson, let me now turn to the issue raised in the report of the Committee of Experts pertaining to the complaints filed by International Trade Union Confederation (ITUC) and the Zimbabwe Congress of Trade Unions (ZCTU) regarding the injuries suffered by ZCTU personnel during the disturbances on 1 August 2018. It will be good to discuss this issue in its proper context. Unfortunately, the report of the Committee of Experts does not provide the necessary contextual detail. However, let me first of all give you details of the context. Following the 30 July general elections in Zimbabwe, the main opposition party organized demonstrations on 1 August 2019, alleging delays in the release of election results, yet the electoral law provides that the results of any plebiscite should be released within five days. The demonstrators became violent, attacking offices of the Zimbabwe Electoral Commission and other nearby properties. Government had to intervene in line with its constitutional duty to protect citizens and property as the demonstrations became violent, leading to injury or people and wanton destruction of property. It is unfortunate that buildings and individuals close to the centre of the violent protests were inadvertently affected. It will be misleading to report that soldiers targeted ZCTU offices and its personnel in the ensuing melee that pitted violent demonstrators against law enforcement agents and demonstrators. Offices of the ZCTU happen to be situated close to the offices of the Zimbabwe Electoral Commission (ZEC), which was the target of the violent demonstrators. This matter is well covered in the report of the commission of inquiry. This commission of inquiry was established by His Excellency the President of the Republic of Zimbabwe, Comrade Emmerson D. Mnangagwa. The commission of inquiry was headed by the former South African Head of State, His Excellency Mr Kgalema Motlanthe and included, among others, eminent persons which include Chief Emeka Anyaoku, a former Commonwealth Secretary-General from Nigeria. Also included were Rodney Dixon QC from the United Kingdom and General Davis Mwamunyange, a former Chief of Tanzania People's Defence Forces. The commission conducted open and televised public hearings in which affected persons including ZCTU testified openly. The commission has since provided recommendations on its findings which the Government of Zimbabwe is currently implementing. It is therefore a fact that Government has already complied with the requests made by the Committee of Experts on the issues of damages to ZCTU buildings and injury to its personnel. Regarding the alleged

---

banning of demonstrators, as part of precautionary measures to protect people and businesses, during the violent demonstration of 1 August 2018, the Government appealed to the citizens not to stage demonstrations, or embark on related actions that were likely to be taken advantage of, by people with other motives. That appeal, I am glad to confirm, was by and large welcome and heeded by the generality of Zimbabweans.

Concerning the alleged denial or delayed registrations of trade unions, I wish to submit that there was only one issue pertaining to contested registrations of two trade unions, one of which has since been registered. The other one, is still to approach the Office of the Registrar of Trade Unions as directed by the Labour Court. My Government has already submitted this information to the Committee on Freedom of Association under Case No. 3128.

I wish to conclude by dwelling on an important development in our country which will change the social dialogue landscape in Zimbabwe and help to build trust between the Government and social partners going forward. On 24 May 2019, the Parliament of Zimbabwe passed the Tripartite Negotiating Forum Act, known as TNF in short. The legislated TNF was commissioned on 5 June 2019. This was launched by the Head of State, His Excellency Emmerson D. Mnangagwa, at a function that was attended by leaders from Trade Unions, Employers' Organizations, some of whom are in this room today. During the launch, all of us from Government, Business and Labour, reaffirmed our commitment to address socio economic issues, including those that are labour related, through sustained social dialogue.

At the launch, the ILO Country Director was represented. The ILO Director-General, Guy Ryder, was able to send a representative to the launch of the TNF, in Zimbabwe, on 5 June 2019. The TNF Act provides for consultation and negotiation around labour laws in Zimbabwe. The Government of Zimbabwe is therefore going to revise labour laws and align them to the Constitution. Accordingly, the social partners will be consulted on the new Public Service Bill in line with the TNF Act. It is our considered view that the Government of Zimbabwe has demonstrated full respect for the comments and observations of the ILO supervisory bodies and the concerns of the social partners and their very diverse opinions on various issues of interest.

I would therefore like to assure the Committee that the Government of Zimbabwe's commitment is to expedite the Labour Law Reform and Engendering Social Dialogue, as it helps recover and grow our national economy. Thus, besides meeting the Committee's expectations, we are implementing all these reforms for our national benefit.

I look forward to a productive engagement with the distinguished members of this Committee in exploring further possibilities, for the strengthening of the observance of International Labour Standards in Zimbabwe, including Convention No. 87.

**Employer members** – I would like to begin by thanking the distinguished Government delegate from Zimbabwe for her detailed submissions today and in particular the very constructive and open tone in which these submissions were delivered, we very much appreciate that. As the participants in our Committee know, Convention No. 87 is a fundamental Convention dealing with freedom of association and was ratified by Zimbabwe in 2003 and has been discussed since 2006 on five occasions before this Committee. I am very pleased to be here at a moment presenting this case when it appears that there is some very positive progress to report.

Recalling that our discussion in 2006 focused on the POSA and the elements of that Act that were not in compliance with Zimbabwe's obligations under the Convention, and taking into account that the 2017 high-level technical assistance mission that took place in Zimbabwe and noted the divergence that existed in that time in the scope of POSA and its

---

application to legitimate trade union activities continued to exist, we are very pleased to note positively today the Government's indication that POSA will be repealed and the distinguished Government delegate's submission that Parliament is currently carrying out consultations with the social partners on potential legislation that will replace POSA.

Clearly as this has been a long-standing issue, in terms of Zimbabwe's compliance with the Convention we are encouraged to hear about these measures and would encourage the Government to provide additional information regarding these measures in its report to the Committee of Experts at its next session.

In respect of a labour law reform and the Labour Act, the Employers note that the Committee of Experts and this Committee have previously requested the Government to provide information on the progress achieved in bringing the labour and public service legislation into conformity with the Convention.

Taking into account the conclusions of the Commission of Inquiry, the Employers also welcome the comments made in respect of measures taken in this regard. We therefore, request that Government provide this information which would constitute a status update on its efforts to amend the Labour Act to the Committee of Experts, including the specific measures addressed today.

More specifically, with respect to the Public Services Act, the Committee will recall that the Committee of Experts noted that the Attorney-General was working on a draft of an amendment to the Public Service Act, to take into the ability of public servants to establish and join workers' organizations without the obligation of prior authorization.

The Employers' group notes the Government's submission today that the principles in this regard were approved on 2 May 2019 and that the Attorney-General has produced a first draft on 1 June 2019 and that consultation with the social partners including the sharing of the draft bill would take place.

We were also advised that the Health Services Act will be revised so that it is in sync with the Public Service Act and we very much encourage the Government in this regard, in particular in its efforts to consult with the social partners in respect of this legislative change. The Employers' group also requested the Government to provide a report on the status of this process and a copy of the draft bill to the Committee of Experts for their 2019 session.

The Employers' group will not address the Committee of Experts observations regarding cases in which strike action was banned or otherwise regulated and we will restate our well-known position that in our view this does not fall within the scope of the Convention and therefore our discussion in conclusions will not address those issues.

Turning to the issues related to civil liberties. While noting the ZCTU's allegations of injury and attack on trade union members on 1 August 2018, the Employers must take this opportunity to note its deep concern regarding any possible use of violence to manage demonstrations which in our view is an unacceptable response. The Employers note the additional information provided by the Government today and the additional context that was given.

And while we understand that such circumstances can be difficult, we do take this opportunity to reinforce our view about the importance of ensuring that government officials refrain from violence as a reaction to such matters.

In respect of the ZCTU's allegations of the denial or delay of trade union registrations, the Employers requested the Government to provide information specifically in response to

---

these issues to the Committee of Experts for its next session so that this issue can be reviewed in more detail.

Finally the Employers' group welcomes Zimbabwe's focus on rebuilding social dialogue in the country, including the launch of the TNF. The Employers' group is encouraged by this development and encourages the Government to make a strong commitment to the engagement in the process of social dialogue with the social partners within the TNF and also provide additional information about the dialogue process that is engaged in in respect of the TNF in its report to the Committee of Experts.

Overall, we feel that there is some very important forward motion in this case and we look forward to continuing on that path.

**Worker members** – We are once again examining the application of a fundamental convention in Zimbabwe. Despite the in-depth recommendations delivered by the 2009 Commission of Inquiry and the 2017 high-level mission of the ILO, the Government violates in a systematic way the core principles of freedom of association.

The level of brutality in squashing the exercise of civil rights and severe criminal sanctions against activists is of enormous concern. The absence of real reforms over the past decade continues to enable serious violations denying workers the free exercise of their rights under the Convention.

Just this January we witnessed a massive clampdown in response to a peaceful protest. When the Government announced an extraordinary 100 per cent increase in fuel prices, there was a strong reaction from the population. The ZCTU called on workers to stay home to demonstrate that such a drastic increase in fuel prices would impact their mobility and access to employment.

This peaceful form of protest was met with a violent response by the Government. The country was reported to be on a virtual lockdown. The Government blocked the internet and social media for a number of days to prevent access to information and free speech. The security forces, police, army and others were deployed unto the streets committing violent attacks on peaceful protesters. They beat protesters and opened fire on them. They arbitrarily assaulted people on the streets and in some cases entered homes to drag out and beat up innocent people amidst allegations of sexual violence, including rape. People died, many were injured and over 200 arrested. Instead of investigating and prosecuting those responsible for the brutal violence, the Government targeted ZCTU leaders with severe criminal charges that could put them behind bars for decades and instil fear in trade union members.

The Government attempts to justify its violent and excessive response by arguing that the stay away spilled into street protests and disturbances. However, we remind the Government that forceful police interventions must remain proportional and should in no circumstances lead to the excessive violence that was unleashed on innocent protesters. Zimbabwean workers are already facing an enormous hardship due to the economic crisis and the non-payment of their wages. Moreover, such a reasoning seems to condone the arbitrary violence perpetrated by the police and security forces contributing to an atmosphere of fear in society.

It is also notable that this was not an isolated incident. In October 2018, police prevented the ZCTU from holding a peaceful demonstration organized against the Government's announced economic measures. The ZCTU informed the authorities of its intention to hold a peaceful demonstration that included the delivery of a workers' petition to the Minister of Finance, even though this notice was not required by the POSA. Police stormed the premises of the ZCTU and blatantly blocked the protests with trucks and water

---

cannons and beatings. The ZCTU's President, Peter Mutasa, and its Secretary-General, Japhet Moyo as well as 39 others were subsequently arrested. The arrest of Peter Mutasa sparked an immediate reaction of solidarity actions by trade unions all around the world.

Clearly, the Government uses these repressive and violent tactics to intimidate trade unions and their members from carrying out their activities in full freedom. It is worth reiterating the Committee on Freedom of Association's comment in this regard. The rights of employers' and workers' organizations can only be exercised within the framework of a system that guarantees the effective respect of fundamental human rights including the right of assembly and freedom of opinion and expression.

The Commission of Inquiry as well as previous conclusions of the Committee called for reforms to enable trade unions to fully exercise their rights. One of such is the reform of the institutional culture of the security forces and law enforcement. The Government states that they have taken steps to train the police and have adopted a curriculum to deliver this training on an ongoing basis but it is plain that the actions of the police bear no witness to any such training on civil liberties and international labour standards. The repression perpetrated by the police speaks louder than the expected outcome of such a training. The Zimbabwe Republic Police must do more than adopting a curriculum. It must adopt the principles of civil liberties and freedom of association as part of its operational directives and code of conduct. It must discourage unacceptable behavior by investigating and punishing errant conduct of those who act in violation of the directives and code. We call on the Government of Zimbabwe to fully investigate the excessive violence perpetrated against workers by the police and submit a report to the Committee of Experts with evidence of the sanctions imposed against those who have been found responsible.

Secondly, we are deeply concerned that the Public Service Amendment Bill requires an authorization before public service associations and trade unions can be registered. The Bill also denies staff of the Civil Service Commission the right to organize in breach of Article 2 of the Convention. All workers and employers, without distinction whatsoever, have the right to establish and join organizations of their choice subject only to the rules of the organization concerned. The State cannot condition the exercise of this right or administer it under circumstances amounting to previous authorization. The only group of workers whose right to form or join organizations of their choice that may be limited is the police and the army.

Convention No. 87 does not contain a provision excluding public servants or civil service staff from its scope. Clearly, it is a violation of the Convention that the Public Service Act and the proposed new Bill deny staff of the Civil Service Commission the right to organize and conditions the registration of public service associations and trade unions on the previous advice of the Civil Service Commission. The Commissions prior advice in this respect operates as previous authorization and violates the Convention to that extent. The Health Service Act also denies health-service workers this right. We call on the Government to amend the Bill to comply with the Convention and constitutional principles of the ILO and amend the Health Service Act accordingly.

We are equally concerned about the lack of progress in amending the Labour Act, which has come under repeated criticism by the supervisory bodies and the Commission of Inquiry. We reinforce the call made by the Committee of Experts and urge the Government to immediately engage in full, frank and in-depth consultations with its social partners to review the Labour Bill and the new public order Bill.

Finally, we are deeply concerned about the extremely broad definition of essential services that continues to be in operation to control and limit the legitimate activities of trade unions. According to Principle 11.3, essential services include all services the interruption of which may endanger rights under the Constitution.



---

We note, in agreement with the Committee of Experts, that the definition is so broad as to restrict the legitimate exercise of Article 3 rights in general and the right to strike in particular. Essential services must be defined strictly and should be limited to services whose interruption could endanger the life, personal safety or health of the whole or part of the population. This provision therefore constitutes an obstacle for workers seeking to exercise their rights under the Convention and must be revised.

This case deserves our specific attention. The issues we are discussing today have now been pending for over a decade. While the absence of progress is worrisome enough, there are new and very serious instances where the rights under the Convention have been breached by the public authorities. We want to take the commitments made by the Governments on the application of the Convention seriously. To be credible, the Government must put them into effect in the country and not only in our discussions in the Committee.

We had real hopes that with the new Government the situation in Zimbabwe would improve for working people. However, the situation has in fact worsened. We call on this Committee to denounce the unacceptable situation that workers in Zimbabwe have to go through every day.

**Employer member, Zimbabwe** – I take the floor on behalf of the Employers' Confederation of Zimbabwe to contribute to the issues under discussion. We thank the Government for their response particularly on issues and activities which we are all seized with as tripartite partners as we work towards improving the application of International Labour Standards in Zimbabwe. As Employers we have witnessed, following the ratification of the Convention, the multiplicity of trade unions and employers' associations given the guarantee to freedom of association which is enshrined in section 65 of the Constitution of Zimbabwe. We continue to be involved as social partners and we are regularly consulted in the legislative reforms. We hope that we can expedite the conclusion of this process so that the much awaited reforms can be concluded, here I am talking about the Labour Act, the Public Service Act, the Health Act and the POSA. At present as we speak amendments to the Labour Act have been shared and we are being consulted as social partners. Allow me to also mention that freedom of association in our country is institutionalized as we employers and employees can engage in collective bargaining at national, sector and workplace levels. The TNF is now legislated following the promulgation of the Tripartite Negotiating Forum Act early this month. As Employers, we are of the view that this move will strengthen social dialogue as social partners will now be held accountable of their decisions and actions. We also hold the view that any outstanding issues elaborated here will be discussed and resolved by the social partners in the TNF. We look forward to meaningful social dialogue and for this to happen there must be mutual trust and mutual respect of each other as the parties sit around that TNF table. There must be cordial relationships and negotiation must be in good faith. As social partners we also look to meaningful engagements which will result in mutual gains. The need to build capacity for social partners with the requisite negotiating skills cannot be overemphasized. The parties to the TNF need capacity building so that the negotiating process is taken seriously. The events surrounding the demonstrations on 1 August 2018 in Zimbabwe highlighted here could have been avoided. It is our view that this could have been avoided if parties involved had discussed the issues around the table in the form of the TNF. We do not foresee a repeat of the same in the near future as we are prepared to forge ahead in meaningful engagements with our social partners and that we now have a legislated TNF.

**Worker member, Zimbabwe** – Allow me to start by thanking your Committee for the efforts in seeking to restore dignity, security and prosperity to the working people and working families of Zimbabwe. On behalf of the suffering workers of Zimbabwe, I would like to bring to your attention the serious violations of human and labour rights, especially as they relate to the violations of the principles and provisions of the Convention. The

---

violations are so grave to the extent that if the Committee does not take stern measures against the Government of Zimbabwe, trade unions and civil society organizations will soon disappear in Zimbabwe or rendered ineffective to hold the Government accountable. This is because there is a deliberate and sinister plan that is being implemented to shrink spaces for democratic participation.

The violations relate to killing of citizens, mass arrests, torture, harassment, intimidation, imprisonment, anti-trade union discrimination, obstruction of citizens' rights through the use of force and live ammunition. Ours resembles a war zone in a country not at war. This usually happens once there is a communication of a protest action and actual execution of same against Government's policies injurious to the socio-economic interests of the people.

In November 2017, Zimbabwe had a new Government following the fall of Mr Robert Mugabe, whose Government's record of human and labour rights violations is well-known by this Committee and well documented by the Commission of Inquiry of 2009. The change of Government brought some hope to the people of Zimbabwe as the new regime made promises to respect human rights. However, what we have witnessed so far made it a crime to have been optimistic. The supposed liberator has become more dangerous than its predecessor and we now live in fear and hope is now on a fast lane of retreat.

The serious events that occurred on 1 August 2018 during election period put our fears in perspectives. On the said date, a group of people demonstrated on the streets of Harare demanding the release of election results. In response to the protest actions, the Government of Zimbabwe deployed the army to disperse the protesters. The army and the police indiscriminately fired bullets in the central business district of Harare. Several people were injured and six persons killed.

During this incident, the ZCTU offices were deliberately targeted and our Harare head office was littered with bullets that damaged our building and glasses were shattered, injuring the ZCTU Legal Advisor Mr Zakeyo Mtintema and the security officer Mr Joseph Chuma. The details about this incident are contained in a commission report titled "Report of the commission of inquiry into the 1 August 2018 Post-Election Violence" chaired by former South African President Mr Kgalema Motlanthe. The commission among others noted with concern the use of live ammunition against defenceless citizens and recommended compensation to victims. Unfortunately no such compensation has been made so far.

As if that incident was not enough, the use of live ammunition against citizens occurred again on 14–16 January 2019 during protest action against rising cost of living including fuel increases. This incident left 17 persons dead, 81 injured and treated for gunshot wounds and 1,055 people were arrested and imprisoned including 12 juveniles. They were subjected to mass trials and 995 were denied bail.

The ZCTU Secretary-General Mr Japhet Moyo and President Mr Peter Mutasa were also arrested on 21 and 26 January respectively and jailed for two weeks only to gain their freedom through a court order coupled with strict bail conditions that include to report daily and twice a week for Mr Mutasa. The crackdown was extended to civil society leaders and human rights defenders. They have been charged under section 22 (2) (a) (iii) of the Criminal Law (Codification and Reform) Act Chapter 9:23 for subverting Constitutional Government or alternatively inciting public violence under section 36 (1) (a) of the same Act. They face a 20-year jail term if convicted. It is the State's case that it is criminal to call for a protest action against Government policy even if such policy has direct capability to injure the economic and social rights and well-being of the people. Besides, the argument by the Government is a direct departure and disregard for the clear provisions in our Constitution that guarantees the freedom to demonstrate and petition in section 59.

---

We are aware that our Government disputes the figures of people it killed as it put the number to 12 but has not done anything to ascertain the number nor pay compensation to the affected people or their families. Our Government justifies its action of killing by alleging that the protest was violent and goods were looted. To the contrary, it was the security forces that responded violently to the protests by attacking protesters. Besides, the ZCTU had informed them of the planned protest and the rules of managing protest suggest that security forces take adequate measures to protect protesters and properties. To the contrary, the security forces simply rained brutal forces on legitimate protesters under the pretext that the protest was used to perpetrate looting. During the protest period, the Government denied us the right to information as it disconnected internet services and social media access in an attempt to hide the atrocities perpetrated against the protesters by security forces that followed people into their homes and brutalized them and some women were reportedly raped. These findings were validated by the Zimbabwe Human Rights Commission (ZHRC), a Constitutional Body that observed that uniformed members of the Zimbabwe National Army and the Zimbabwe Republic Police instigated systematic torture to civilians visiting their homes at night.

The Government uses State media to incite hate speech and incite menaces against the ZCTU with the intention of blackmailing our organization by the public and to lay pretexts for senseless State attacks against us. Concerning the labour law reforms, the strategy of the Government is to engage the ZCTU in a deliberate haphazard manner, including resorting to last-minute dispatch of outcome documents of the process.

We have just received an official copy of the new Labour Bill here in Geneva and the Maintenance of Peace and Order Bill meant to repeal and replace the POSA, which is under preliminary process. We have not been consulted at all.

Furthermore, a total of 169 trade unionists including the ZCTU President and Secretary-General were arrested on 11 October 2018 for calling for a protest action against increased tax on transaction from 5 cents to 2 per cent per transaction. The increased tax is a rip-off of the workers' income who are struggling to make ends meet in the face of dire economic conditions. The ZCTU leaders and members have all been acquitted by the Court in this matter after several trials that drained the ZCTU's financial resources and lost time.

Despite all these challenges, we continue to call for engagement with our Government. We are not a violent organization as portrayed, our record speaks for itself. On the eve of this ILC on 5 June 2019, our Government partially responded to our call for dialogue and together we launched the TNF. This is a step in the right direction. However, we remain under arrest and wonder how we will participate in the negotiations when we face jail. We will be on trial soon after the closure of this Conference and we are not free to travel due to bail conditions imposed.

Let me conclude by reiterating the established principles of freedom of association. It is my submission that by arresting, detaining the President and Secretary-General of the ZCTU and teachers' organization leaders, the Government of Zimbabwe violated Article 3(1)(2) of the Convention that provides that "workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes, the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."

The ILO supervisory mechanism has over the years stated that "allegations of criminal conduct should not be used to harass trade unionists by reason of their union membership or activities". Furthermore, "all appropriate measures should be taken to guarantee that irrespective of trade union affiliation, trade union rights can be exercised in normal

---

conditions with respect for basic rights and in a climate free of violence, pressure, fear, and threats of any kind”.

The ZCTU urges the honourable Committee to disapprove the excessive and disproportionate use of live ammunition against defenceless people by the Government of Zimbabwe. Instead of persecuting workers, the Government must devote its time to address the economic ills that have impoverished the workers of Zimbabwe.

**Government member, Romania** – I am speaking on behalf of the European Union (EU) and its Member States. The Candidate Countries, the Republic of North Macedonia, Montenegro and Albania, as well as EFTA country Norway, member of the European Economic Area, align themselves with this statement. We are committed to the promotion of universal ratification and implementation of the eight fundamental Conventions as part of our Strategic Framework on Human Rights. We call on all countries to protect, promote and respect all human rights and labour rights and we attach the highest importance to freedom of association and right to organize. Compliance with Conventions Nos 87 and 98 is essential in this respect.

Zimbabwe–EU relations are governed by the Cotonou Agreement, which is the framework for cooperation with the European Union. This Agreement is based on the commitment to respect human rights, democratic principles and the rule of law. On 5 June, the Government of Zimbabwe and the EU launched the formal political dialogue process in accordance with the Cotonou Agreement, which paves the way for enhanced cooperation.

Zimbabwe is also amongst the signatory countries of the Eastern and Southern Africa (ESA) region of the interim Economic Partnership Agreement (iEPA) that is being implemented since 2012. Further, Zimbabwe together with the other members of the ESA region of the iEPA, have requested to deepen this Agreement and the EU responded positively. The negotiations in this respect, will cover all trade related issues, including trade and sustainable development and consultative bodies for civil society.

It is not the first time that the case of Zimbabwe is discussed by the ILO supervisory mechanisms in relation to freedom of association and right to organize. In 2009 a Commission of Inquiry was appointed to examine observance of Conventions Nos 87 and 98, and in 2016 this Committee discussed compliance with Convention No. 98 and the recommendation of the Commission of Inquiry on the implementation of Conventions Nos 87 and 98.

We want to reaffirm that an environment conducive to social dialogue and trust between employers, workers and governments is essential for social and economic stability. We note with interest, the adoption by the Government of a Tripartite Negotiating Forum Bill. We hope this will constitute a first step towards institutionalizing tripartite dialogue in the country.

We also note, that as recommended by the conclusions of the training of trainers’ workshop for members of the Zimbabwe Republic Police organized with ILO’s assistance, a training curriculum has been developed and is now part of the material taught to all members of the police during induction and refresher courses. This contributes to a better understanding of national labour laws, labour rights and the role of the police and can contribute to a climate free of violence against trade unions.

However, we express deep concern over recent acts of repression against workers in demonstrations, including the allegations of injuries suffered by the ZCTU personnel during the demonstration on 1 August 2018, as well as in the beginning of this year, cases of strikes and demonstration being banned or criminalized and denial or delay of trade union

---

registration. We expect and underline the importance that all acts of violence and repression are duly investigated and pursued.

We recall that the need to ensure public order and security should not be used as an argument to limit the rights of trade unions and ban protest actions. In this context the ILO High-level Mission had suggested the Government reviews the application of the POSA, to ensure with greater clarity that trade union activities are outside its scope. We are pleased to hear from the Minister that the POSA will be repealed and we call on the Government to review the application of the POSA in consultation with the social partners.

We also regret that despite numerous requests by the Committee, there is no progress on bringing the labour and public service legislation into conformity with the Convention. We therefore urge the Government to amend the Labour Act without delay and in full consultation with social partners.

We recall the right for all civil servants to unionize and join trade unions of their own choosing, and encourage the government to include the right for the staff of the Civil Service Commission to establish and join occupational organizations in the Public Service Amendment Bill.

We also request the Government to ensure that the legislative provisions dealing with the registration of organizations of public servants will be sufficiently clear, so as not to give rise to possible interpretation of the law, as giving discretionary power to the Civil Service Commission to refuse the registration of any organization.

Based on these considerations, we encourage the Government to fully and systematically consult with social partners on the review of the public service legislation and other labour matters. The EU and its Member States will continue to support Zimbabwe in these endeavours.

*Interpretation from Arabic: Government member, Egypt* – We listened to the statement made by the Government of Zimbabwe and that gave us valuable information about measures taken by the Government in order to guarantee application of the Convention. In particular, we noted what was said by the Government about new legislation on trade unions and we noted what was stated about the Constitution of Zimbabwe. We see that the Government has now completed its preparations for the adoption of this new legislation and it has consulted the social partners.

Efforts have also been undertaken to amend a number of other pieces of legislation that relate to this Convention. In particular, we noted what was said about the POSA, the law on certain medical services also should be noted. All of this shows that the Government is really trying to ensure application of this Convention.

We commend the Government of Zimbabwe for all that it has done in seeking to allow freedom of association and the right to organize to be truly exercised in their country. We also commend the promotion of dialogue with social partners. We support the Government in what it is seeking to do in endeavouring to ensure application of the Convention in law and practice.

**Worker member, Kenya** – I speak on behalf of the East African Trade Union Confederation (EATUC) on this issue of Zimbabwe. The attack on trade union rights and civil liberties by the Government of Zimbabwe has a history that this Committee is well aware and weary of. To be discussing Zimbabwe for the 14th time this year by the Committee is a clear sign of the serious disrespect of the recommendations of the Commission of Inquiry of 2009 and the series of conclusions of this Committee.

---

As may be recalled, in 2016 this Committee dealt with the case of Zimbabwe concerning anti-union discrimination and recommended a stop to such practices. It is unfortunate to report to this Committee that eight trade union leaders belonging to the Energy Sector Workers Union of Zimbabwe (ESWUZ) and another one belonging to the National Energy Workers Union of Zimbabwe (NEWUZ) are facing criminal charges for participating in a protest action against a government company – the Zimbabwe Electricity Supply Authority. Their crime was to demand the implementation of the 2012 collective bargaining agreement and being anti-corruption whistle blowers. They are charged for alleged participation in an unlawful collective job action, breach of confidentiality and insubordination. These charges are new euphemisms for official harassment.

There is also the case of the issue of the President of the Amalgamated Rural Teachers Union of Zimbabwe, Mr Masaraure Obert, who was abducted from his home by suspected state security agents as another example of the deliberate attempt to undermine the tenets of the freedom of association. Mr Masaraure was brutalized and dumped in the bush because he was advocating for an industrial protest action to demand better working conditions of teachers necessary for better education service delivery. This assault was so brazen that the European Union demanded a swift, thorough and transparent investigation by the competent authorities while also demanding that citizens' civic and constitutional rights be respected.

On another note, the second Vice-President of the ZCTU, Mr John Chirenda, was dismissed by the Zimbabwe Revenue Authority on the 10 April 2019 for no clear reasons save to say he insisted that management should speak to the workers through the union. The antics of the management to speak directly to workers is a direct move to undermine the trade union.

We urge this Committee to be weary of doing the needful by siding with the civil liberties, especially as it concerns these unacceptable violations. Zimbabwe must be asked to comply with the provisions of Convention No. 87.

*Interprétation de l'arabe: Membre gouvernemental, Algérie* – L'Algérie remercie le Zimbabwe pour la présentation de son rapport et prend note avec satisfaction des réformes législatives engagées, en particulier la réforme d'harmonisation du droit du travail et la loi sur la fonction publique, et ce dans le cadre d'un dialogue social constructif et soutenu entre le gouvernement et les partenaires sociaux.

La délégation algérienne note aussi positivement que le Zimbabwe demeure attaché aux principes visant à renforcer la liberté syndicale et elle est convaincue que cet engagement serait maintenu en prenant note de l'information donnée par le gouvernement du Zimbabwe, selon laquelle un projet de loi sur le maintien de la paix et de l'ordre fait actuellement l'objet de consultations visant à mettre la législation en conformité avec la convention n° 87 et dont les dispositions seront alignées sur les principes de la liberté syndicale et des libertés civiles consacrées dans la Constitution du Zimbabwe.

L'Algérie se félicite également de l'introduction de mesures visant à mettre pleinement en œuvre les recommandations de la commission d'experts, notamment les mesures nécessaires pour assurer la protection et garantir la sécurité des dirigeants et des membres des organisations syndicales en diligentant une enquête complète et indépendante sur les allégations d'actes d'intimidation, de menaces et d'entraves à la liberté syndicale, ce qui démontre à l'évidence le bien-fondé de la nouvelle approche du gouvernement du Zimbabwe, qui gagnerait à être approfondie davantage à la lumière de ses obligations découlant de la convention.

Cela étant, vous conviendrez avec nous que ces progrès sont fragiles en raison de la situation conjoncturelle et doivent impérativement être maintenus et consolidés par l'assistance du Bureau international du Travail, ce d'autant plus que de nouveaux défis

---

s'annoncent, qui demanderont d'autres approches. C'est ce qui justifie l'engagement du Zimbabwe à œuvrer pour la pleine mise en œuvre de la convention et à poursuivre les efforts déployés pour améliorer le dialogue tripartite et favoriser les réformes législatives dans le respect des principes constitutionnels qui garantissent le respect de l'état de droit et des libertés fondamentales.

**Observer, Public Services International (PSI)** – This is one of those cases in which the patient has stopped taking the antibiotics before time and relapsed or never fully cured. It has been ten years since the Commission of Inquiry and despite the efforts we have not been able to pursue the Government of Zimbabwe to fully comply its recommendations and take the necessary steps to amend its labour and other legislation interfering with the exercise of freedom of association, or – what is even worse – the Government is adopting new legislation in violation of such principles.

Perhaps, what makes it more frustrating is that we visit this house again – in its Centenary – and find out that we are fighting for these same old issues with a new Government – the same Government which not long ago promised a change but today is presenting us with the same old excuses not to comply with the observations of the Committee of Experts and the conclusions of this Committee.

Contrary to the current trend of thinking in this house, we should find methods to strengthen the supervisory mechanism and the ILO capacity to make sure member States comply with their commitments and the international treaties they have ratified. Meanwhile, we will reiterate our demands and the issues raised by the Committee of Experts in the hope that we see some improvement in the near future.

For instance:

- Principle 4.4 of the Public Service Act of Zimbabwe must be repealed or amended in order to grant staff of the Civil Service Commission the right to organize, irrespective of whether they are engaged in the state administration or are officials of bodies which provide important public services.
- Principle 9.2 of the Public Service Act must be repealed or amended to ensure that legislative provisions adopted on the basis of this principle do not impose in practice a requirement of “previous authorization”, in violation of Article 2 of this Convention.
- Principle 11.3 of the Public Service Act which provides for a very broad definition of essential services, must be amended so as to ensure that workers fully enjoy the rights guaranteed by the Convention.
- And most importantly, the process of amendments and adoption of the legislation that complies with the Conventions must be done in full consultation with the social partners.

**Government member, Malawi** – Malawi has taken note of the comments raised by the Committee of Experts, in reference to Zimbabwe, regarding application of Convention No. 87. We have also listened to the submission by Zimbabwe. Malawi appreciates the steps that Zimbabwe has taken, ensuring that trade union rights and civil remedies are protected and respected, in line with the Convention. Malawi also appreciates the Government of Zimbabwe, in implementing the recommendations made by the High Level Commission of Inquiry, headed by His Excellency, Kgalema Motlanthe, former President of South Africa.

Malawi further applauds the positive steps taken by the Government of Zimbabwe in its legislative reforms, to ensure compliance with the provisions of the Convention. The Government of Malawi would like to encourage the social partners to continue cooperation

---

and providing their inputs to the ongoing process of reviewing and developing of roles. The Government of Malawi hopes that the final and adopted copies of the reviewed legislative texts will be shared with the Committee of Experts in this regard.

**Worker member, Netherlands** – As a representative of the Netherlands Trade Union Confederation (FNV) and a large group of its activist members, who already campaigned for over 20 years for justice and respect of trade union rights in Zimbabwe, I want to express our serious concern for the recent heavy and repeated violations by the Government of Zimbabwe of the Convention.

In its 2018 report, the Committee of Experts has noted with concern the allegations submitted by the ITUC and ZCTU regarding the injuries suffered by the ZCTU personnel, when the union's office came under attack by soldiers during the demonstration on 1 August 2018.

Of a more recent date is the violent government reaction when the ZCTU called for a peaceful three day stay-away from 14 to 16 January 2019, demanding an end to the economic crisis faced by the country, and a reversal of the over 150 per cent increase of fuel prices announced by the Government.

Police and security forces attacked peaceful protesters by opening fire, injuring many. We have reports of 17 dead and over 1,055 persons arrested. We heard about fierce crackdown with reports of heavy military and police presence on the streets and security forces arbitrarily assaulting citizens, including following them to their homes.

On 21 January, we learned that ZCTU General Secretary, Japhet Moyo, had been arrested at the airport upon his return from abroad. He was processed at the central police station with a charge of subverting the constitutionally elected Government. Followed by the arrest of the ZCTU President, Peter Mutasa, on 26 January 2019, on charges of inciting violence and subverting the constitutional Government. Repeatedly, his house was raided by police and his brother severely beaten, while he escaped abduction.

We want to emphasize that freedom of organization means workers have the right to express their views on a government's economic programme, including through peaceful demonstrations, in an atmosphere free of fear, intimidation and repression. We urge the Government of Zimbabwe to do all what is possible to restore a social climate, free of violence, to guarantee the safety of trade unionists when they engage in their legal and peaceful action. With the ZCTU, we also demand an independent judicial inquiry into the excessive violence against protesters over the January crackdown, which should be instituted without delay, in order to punish the guilty parties and prevent repetition.

We call up on the Government of Zimbabwe to respect trade union rights for peaceful protest and address the economic problems affecting the country, rather than attacking unionists.

**Membre gouvernementale, Sénégal** – Le Sénégal, par ma voix, remercie la délégation du Zimbabwe pour les informations qu'elle a bien voulu porter à la connaissance de la commission.

Le gouvernement du Zimbabwe nous a informés des progrès réalisés en ce qui concerne la réforme des différentes lois pour mettre en œuvre les recommandations de la commission d'enquête, ce qui démontre sa volonté de coopérer avec les organes de contrôle de l'OIT et de veiller au respect de la convention. La promulgation de la législation destinée à guider le dialogue social et l'engagement tripartite au Zimbabwe offrent des possibilités que le gouvernement et les partenaires sociaux devraient saisir pour trouver des solutions communes aux problèmes auxquels ils sont confrontés.



---

Cela étant, le gouvernement du Sénégal exhorte le Bureau à apporter son soutien aux parties prenantes pour qu'elles privilégient, au niveau national, un dialogue social inclusif et un tripartisme productif préservant l'intérêt supérieur du pays.

**Worker member, United States** – For years, Zimbabwe has consistently failed in law and practice to respect and protect assembly rights. Unions and their allies who protest peacefully to express opinions to Government pay a high price. The Government systematically suppresses this right through a pattern of threats, harassment, physical abuse, and use of force, as well as arbitrary arrests and detentions specifically targeted at trade union leaders, members and their local allies.

The right to freedom of assembly is a fundamental human right. Section 58 of Zimbabwe's Constitution specifically guarantees the right to peaceful assembly and association. Yet the POSA requires organizers to notify police of plans to hold a public gathering of as little as 15 people seven days in advance, except supposedly in relation to public gatherings held by a registered trade union. Failure to do so may result in criminal prosecution and civil liability. As stated in the ILO Commission of Inquiry Report from 2009, as a matter of courtesy the ZCTU gives notice to the police of assemblies.

Authorities often either do not respond or deny requests by trade unions, civil society, religious groups and political parties other than the ZANU-PF to hold public events if the agenda conflicts with government policy. This law is often used to ban protests by unions. Policymakers must make real changes to the law to comply with the Constitution and the Convention. Until then, Government must stop using the law to target unions and allies. In a democracy, unions cannot fulfill their basic roles without exercising this right.

Currently, the people bear hardships brought on by failed policy over many years, including massive unemployment, Government debt, an acute shortage of hard currency and crumbling infrastructure. While the elite are largely protected, those living in or near poverty deal with major price increases, tight monetary policies and regressive tax measures.

In October 2018, police arrested Peter Mutasa, President of the ZCTU, and 35 unionists and others in Harare and other cities as they awaited a court decision on a planned demonstration. Police had previously denied ZCTU's request for a permit, and a magistrate dismissed ZCTU's challenge to the ban.

In response to this sustained crisis, on 11 January 2019, the ZCTU notified the Government of plans to hold protest actions if the Government failed to address concerns of its members in seven days. The next day, the Government announced a massive increase in the cost of fuel more than doubling fuel prices for workers who already struggled to get to work. The ZCTU then called for a three-day stay away in protest of the increases. Over the next few days, while members were on strike, groups of people not organized by the ZCTU engaged in public demonstrations. The military brutally cracked down on the protestors. Union leaders, ZCTU Secretary-General and President still face charges, charges which could lead to a 20 year jail sentence. All charges must be dropped now.

The Government also targets civil society leaders criminalizing human rights defenders in Zimbabwe. Those arrested include members of the Crisis in Zimbabwe Coalition, members of the Parliament of the Movement for Democratic Change and the president of the Amalgamated Rural Teachers Union of Zimbabwe.

The Government must undertake serious reform in order to meet its obligations to freedom of assembly as stated in its constitution and to ensure freedom of association, as required by the Convention.

---

**Miembro gubernamental, Cuba** – Mi delegación desea reafirmar la importancia de continuar promoviendo el tripartismo y el diálogo social en cada país para resolver las diferencias que se suscitan en el mundo del trabajo, y favorecer una mayor protección de los derechos de los trabajadores y las libertades sindicales, lo cual debe ser un objetivo permanente para todos.

En este caso, el Gobierno de Zimbabwe ha informado de las medidas adoptadas en cumplimiento de sus compromisos con la OIT, lo que pone de manifiesto su buena voluntad de continuar avanzando. Ha citado expresamente las medidas que con fines legislativos viene realizando. Por ello, reconocemos los esfuerzos que realiza el Gobierno de Zimbabwe y lo alentamos a que continúe prosiguiendo con los pasos subsiguientes.

Hacemos énfasis también en la necesidad de continuar fomentando, en el marco de la OIT, las medidas y programas que fomenten la asistencia técnica a los países y den espacio a los gobiernos para que emprendan acciones dirigidas a resolver los desafíos que enfrentan en un ambiente de cooperación e intercambio.

**Observer, Organisation of Trade Unions of West Africa (OTUWA)** – I speak on behalf of OTUWA covering 16 countries. Some of those workers coming from countries who have had military experience, know and cherish the values of a democratic society. And the role citizens' participation can play in consolidating and shaping it. This is why we are deeply concerned about the growing mockery of democracy and the disregard for citizens, humans and liberal right in Zimbabwe.

Zimbabweans are experiencing change of power from one person to another for the first time after 37 years of the liberation struggle. Unfortunately, they are yet to witness the real dividends to democracy and the benefit of power change. Rather, the people and workers have continued to get boots, wipes and bullets instead of bread, roses and freedom. This is exactly the case with the relentless and serial attack that the ZCTU and its allies are subjected to, in clear disregard of the provision of this very important Convention.

The attacks against the ZCTU have been catalogued by some of the interventions we have listened to so far. The International Visitors and Allies of the ZCTU, most of whom visited for solidarity gestures have not been spared either. This is the case of the ITUC from the Africa region, Mr Kwasi Adu-Amankwah, a Ghanaian, who was arrested on 26 February 2019 an hour after checking into his hotel room in Harare. He was detained at the Harare International Airport for 11 hours and being processed for deportation. He was only released after a flurry of actions. The ZCTU petitioned the High Court; a coordinated international outcry took place as well as the intervention by his own Government. Furthermore, on 12–14 March 2019, the Southern Africa Trade Union Coordination Council (SATUCC) leadership comprising of Mr Cosmas Mukuka, Mr Austin Muneku, Mr Hahongora Kavihuha and Mrs Angie were also detained at the Harare airport for visiting the ZCTU.

The Zimbabwean Government will allude to her genuine disposition to facilitating social dialogue and accountability by pointing to the adoption of the TNF and the empanelling of the composition of the eminent persons led by former South African President, Mr Kgalema Motlanthe, to inquire into the handling of the 1 August 2019 protest. Therefore, we ask: “how do social partners engage in meaningful social dialogue under an atmosphere of perpetual harassment meant to undermine their right to freely associate?” The report of the panel of Inquiry to the protest of 1 August 2019 has been released and the report recommended compensation to victims of brutality by the security agents. When will the recommendations be implemented?

This Committee must once again demand that the Zimbabwean Government take genuine and time-measured steps to enhance social dialogue by desisting from the

---

harassment and persecution of the officials of ZCTU, its members, leaders, affiliates and allies. The charges against the leadership of ZCTU must be dropped.

**Government member, Zambia** – Zambia takes the floor in support of the statement given by the Government of Zimbabwe. Zambia notes the efforts that Zimbabwe has made in addressing the issue of alleged attack on the ZCTU Office and personnel by soldiers on 1 August 2018 by appointing a commission of inquiry. It further notes the reviews of the various pieces of legislation including the labour law reform and harmonization of the Labour Act.

Zambia appreciates the efforts and commitment of Zimbabwe to address the number of issues raised by the Committee of Experts and therefore advise that the country be given a chance to finalize its reviews. Zambia further wishes to encourage the tripartite partners in Zimbabwe to fully engage on various issues affecting the employment and labour sector as well as in other areas in the country.

**Worker member, Republic of Korea** – Korea and Zimbabwe have been competing with each other in terms of the number of the ratified ILO Conventions, while Zimbabwe is one step ahead than my country, in that it ratified the Convention on freedom of association. So the effective implementation of the ratified convention by the Government is always our concern.

The Committee of Expert's report shows that the unilateral and clandestine processes for the amendments of the Labour Acts has not been improved at all. It is my regret, that the new draft for the Labour Act revision was given to the ZTUC at this Conference, no earlier than 12 June, at 1.55 p.m. The Bill still falls short of compliance with the comments of the supervisory bodies and agreed tripartite principle, which are well known by the Government. For example, the amendment of section five on discrimination still excludes discriminatory grounds of social reason, national instruction, direct and indirect discrimination, which was recommended by the Committee of Experts.

Secondly, section 34(a) introduced new provisions that require workers' and employers' organizations to supply audit report, membership and its office bearers to the Registrar, and empowers it to cancel the certification if it fails to submit without any mechanism of appeal. This is a clear violation of the principle of the freedom of association.

Thirdly, section 55(a) introduces new powers of the Registrar to interfere in the internal dispute of the workers' and employers' organizations on the day-to-day management, which it should be resolved by the organizations themselves, or by an independent judicial court, not an administrative authority.

The amendment to section 63, does not address interference in voluntary bipartite employment council. The amendment of section 74 excludes part of the agreed principle number of two on collective bargaining to include adopting the factors to be considered in fixing minimum wages provided in the Minimum Wage Fixing Convention, 1970 (No. 131).

The amendment to section 98 excludes other agreed elements of principle No. 3 that addresses issues of enforcement of conciliation agreements, setting timeframes for conclusion of arbitration process and reviewing the power of the labour court. The draft Bill does not address the repeated observation of the Committee of Experts on the declaration of the essential services, the excessive penalties for the unlawful strikes, provided in section 107 of the Act, interference by the Minister in trade union, anti-union discrimination and protection of worker representatives. I would like to conclude by urging the Government to amend the Labour Act, so as to bring it into conformity with the Convention and the review should be concluded in full consultation with the social partners without further delay.

---

**Government member, Namibia** – In its capacity as the current Chair of Southern African Development Community (SADC) Employment and Labour Sector (ELS), Namibia would like to inform the Committee that issues of compliance to International Labour Standards are central to our tripartite dialogue mechanism as a Regional Economic Community. SADC member States and social partners have committed themselves to collectively address questions relating to the full implementation of the Conventions at the regional and national levels, including in particular Conventions Nos 87 and 98. At our last regional meeting held in March 2019, the regional bloc discussed reports of social partners, which detailed some of the matters that have been brought before this august house in the case of Zimbabwe. As is our tradition, the discussions were held in a true spirit of social dialogue and tripartite engagement and we are confident that such a unique mechanism as we have established in the region, will go a long way in promoting compliance with labour standards, not only in Zimbabwe, but also in the region at large. As SADC ELS Chair, we note the ongoing efforts by the Government of Zimbabwe to address socio-economic challenges and transform the economy, particularly through the Zimbabwe Transitional Stabilization Programme (2018–20), and to consolidate unity and peace in the country. We also note that there are various initiatives that have been put in place to promote dialogue to address a wide range of issues, including through the TNF that has recently been greatly strengthened following the enactment of the TNF Act. We particularly note the demonstration of political will at the highest level towards the Forum purpose of objective giving that the President, His Excellency Emmerson Mnangagwa, personally presided over the launch of the TNF on 5 June 2019. The Committee is requested to consider this pertinent and important development in the discussions. Therefore, we call upon all the tripartite parties to the TNF dialogue to earnestly work towards the full functioning of the Forum, prioritizing dialogue for a common understanding on the implementation of ratified Conventions in law and practice. Indeed, we wish to specially request the Committee to consider that new TNF presents an important platform for the Government of Zimbabwe and its social partners to collectively address the issues raised by the workers. Accordingly, we request the Office to prioritize support towards the full functioning of the Forum as may be requested by the parties to fast track progress.

**Worker member, Norway** – I will speak on behalf of the trade unions in the Nordic countries. Once again, we are here to discuss Zimbabwe and the Government’s violation of the Convention. The Government has over the years made promises to improve the situation but words continue to be different from deeds.

An ILO high-level mission visited Zimbabwe in 2017 following the conclusions of this Committee. Previously, in 2009, a commission of inquiry visited Zimbabwe and made a report with recommendations on:

- stopping prosecution of trade unionists, allowing trade unions to operate freely; and
- amending the laws and creating a conducive environment for social dialogue.

Although the Government accepted the recommendations, like in the past, not much has been done. All Acts which the report called for reform remained intact – for example, the Public Service Act and the famous POSA which I understand has now changed name to MOPA (Maintenance of Order and Peace Act). I am yet to see whether the contents of this Act have also changed.

We are however pleased to note that a Tripartite Negotiation Forum Act was signed last week. We do hope that this is a serious step forward to establish a functioning social dialogue allowing the three social partners space to articulate their agenda.

In the Nordic countries we have a very active and effective social dialogue system among the three social partners. Many laws and regulations have been formulated through

---

social dialogue. Even though we do not always agree, consultations take place. Both employers and workers follow the rules and regulations regarding the rights to organize, strike and bargain as laid down in the basic agreement between the parties. This cooperation has definitely had a very positive impact on our economies.

We hope that Zimbabwe will take advantage of the ILO experience to ensure that social dialogue contributes to economic growth of the country. The Government must ensure that an agreed road map is in place for continued consultations and that social dialogue must be based on mutual trust.

In conclusion, we would like to urge the Government to avoid cosmetic reforms but engage in genuine dialogue with social partners for a way forward. Some of us are tired of seeing Zimbabwe on the agenda of this committee year after year and hope to see Zimbabwe on the list of progressive countries next year.

**Government member, Botswana** – Botswana wishes to support the Government of Zimbabwe in its efforts to address shortcomings in compliance with the Convention. We know that the Government of Zimbabwe has embarked on the following:

- (1) The repealing of POSA which would be replaced by the maintenance of Peace and Order Bill.
- (2) The enactment of the TNF Act in May 2019. Consultations with the social partners on the draft Public Service Bill. Upcoming review of the Health Act and Labour Act as to align them with Zimbabwe constitution adopted in 2013 that provides for freedom of association and the right to strike.

We also noted, however, that reforms the Government of Zimbabwe plans to carry out are legislative by nature so borrowing from our own experience patience should be exercised by all parties involved as legislative reforms tend to take longer as they are usually many bodies involved in the process which include cabinet, tripartite structures and the national assembly. It is our hope that Zimbabwe will avail itself to ILO technical assistance in order to expedite the ongoing labour law reform.

The events of 1 August 2018 which culminated in violence were unfortunate, however, we note with satisfaction that Zimbabwe is on the road to recovery. We wish to commend the Government of Zimbabwe for promptly engaging his Excellency Kgalema Motlante and his commission to investigate the incidents what happened on that day and we are happy that the Government is currently implementing the recommendations of the commission.

**Worker member, South Africa** – I speak on behalf of the Southern African Trade Union Co-ordination Council (SATUCC). By arresting and detaining civil society leaders, the Government of Zimbabwe continues to demonstrate its serial capacity to violate the principles of freedom of association of workers with the intention to instil fear in them and deny them the right to associate with the ZCTU.

The ILO supervisory mechanism had pronounced clearly that a system of democracy is fundamental for the free exercise of trade union rights and that trade union rights can only be exercised within the framework of a system that guarantees the effective respect of other fundamental rights including the right to associate and assemble. The supervisory mechanism further pronounced that a free trade union movement can develop only under a regime which guarantees fundamental rights, including the right of trade unionists to hold meetings in trade union premises, freedom of opinion expressed through speech and the press and the right of detained trade unionists to enjoy the guarantees of normal judicial procedures at the earliest possible moment. However, the Government of Zimbabwe continues to violate all these principles through its action of attacking trade unionists and

---

subjecting them to long court processes that amounts to leashing worker leaders, violating the right to free movement both internally and abroad. This honourable Committee has over the years emphasized the respect of human rights embodied in the Universal Declaration of Human Rights.

Furthermore, the Government of Zimbabwe violated its own Constitution which provides for the right to life which is section 48; rights to personal liberty section 49; freedom from torture or cruel inhumane or degrading treatment or punishment section 53; right to privacy section 57; freedom of assembly and association section 58; freedom to demonstrate in petition section 59; freedom of expression and freedom of the media section 61; access to information section 62; labour rights section 65; and freedom of movement section 66. SATUCC requests the honourable committee to impress it upon the Government of Zimbabwe to stop its military actions against civilians and adopt humane policing measures in line with its international obligations. The Government of Zimbabwe must withdraw all criminal charges against trade union leaders, civil society leaders and members of the public arbitrarily arrested. Also the Government of Zimbabwe must be told unambiguously in unambiguous terms to allow trade unions to engage in peaceful protest actions in line with its constitution and its international obligations regarding the right to freedom of association, assembly and expression.

**Government member, Mozambique** – The Government of Mozambique would like to thank the Government representative and her delegation for the update she gave to this Committee. Indeed, the Government of Zimbabwe has made significant progress in addressing the legislative gaps. We commend Zimbabwe’s efforts in revising Labour Act and the Public Service Act. More importantly, my Government is pleased to note that the Government of Zimbabwe working with its social partners has promulgated the Tripartite Negotiating Forum Act. This Act is the key to sustained social dialogue in Zimbabwe.

My Government urges the Government of Zimbabwe and its social partners to deal with all socio-economic issues in line with what is provided in the TNF Act. Finally, I wish to end by requesting the ILO to support the Government of Zimbabwe and its social partners in strengthening the structure for social dialogue.

*Interpretation from German:* **Worker member, Germany** – In its report, the Committee of Experts urges the Government to review the application of the POSA in consultation with the social partners. This law is systematically abused in order to violate the rights guaranteed by the Convention. The European Parliament also condemns in a resolution of February 2019 the misuse and restrictive nature of this Act.

At the end of 2018, the Constitutional Court of Zimbabwe declared article 27 of the POSA unconstitutional. Article 27 gave the police a far-reaching power to ban demonstrations in certain areas for up to one month.

As we have heard, the Government of Zimbabwe submitted a bill for the Maintenance of Peace and Order Act to replace the POSA.

However, this bill only contains cosmetic corrections and, to a large extent, adopts the regulations of the POSA in its provisions. Furthermore, a demonstration must be registered seven days, a public assembly five days in advance. The law leaves no room for spontaneous meetings, which are at the core of the freedom of assembly also protected by the Zimbabwean Constitution. In the event of a breach of this obligation, the convener of the meeting – as under the POSA – is personally liable for any damage. The deterrent effect that follows from the potentially high financial consequences of this regime is more than obvious.

---

In addition, the Maintenance of Peace and Order Act continues to include an obligation to periodically provide police with lists of the names of non-public assembly participants. This interference with personal freedom of assembly and privacy is intolerable.

Finally, the draft law continues to provide extensive police powers to restrict freedom of assembly, which, on account of the wide discretion and vague wording of the law, constitute a gateway for disproportionate interference. This is simply POSA in a new outfit. To cite the Committee on Freedom of Association: “Freedom of assembly and expression are indispensable for the exercise of freedom of association.”

We therefore urge the Government of Zimbabwe, in cooperation with the social partners, to amend the Maintenance of Peace and Order Bill in such a way that it complies with freedom of assembly and expression and thus with the right of trade unions under Article 3 of the Convention, to organize their activities freely. Furthermore, we urge the Government to ensure that also the application of the law is compliance with these provisions.

**Government member, Kenya** – The Kenya delegation thanks the representative of the Government of Zimbabwe for the detailed reply to the issues raised by the Committee of Experts on the Government’s compliance with certain provisions of the Convention.

After careful consideration of the report by the Committee of Experts and the replies by the Government, it is apparent that, matters under discussion in this case have been the subject of constructive engagement between the Government of Zimbabwe and the ILO through the high-level mission carried out in 2017 following the conclusions of this Committee at the 105th Session of the International Labour Conference through the implementation of the 2009 Commission of Inquiry’s recommendations.

And as noted in the Government’s report, the outcomes of these engagements are now at various stages of implementation. Legal reforms relating to the POSA, the Labour Law Act and the Health Service Act have been commenced with a view of aligning them with the provisions of this fundamental Convention. These measures represent important steps towards full compliance and should be encouraged.

The Kenya delegation welcomes the Government’s commitment to fully consult with the social partners in the process of implementing the legal and policy reforms and calls on the social partners to take advantage of such initiatives to advance their concerns. Regarding the issue of alleged violation of trade union rights and civil liberties which resulted into the injury of people and destruction of property, we note the Government’s explanation that it was an unfortunate incident which has since been investigated by an independent commission of inquiry and whose findings are currently being implemented. We remain hopeful that justice will be rendered to all those who were affected by these unfortunate acts.

Finally, it is our view that since Zimbabwe remains a member State of the ILO this Committee may wish to give the Government more time to complete the ongoing reforms while continuing to monitor progress under the existing reporting mechanisms.

**Worker member, Ethiopia** – I am speaking on behalf of the Ethiopian Teachers’ Association, Education International and the Zimbabwe Education Unions. A quality public education system must have respect for teachers as a core value. The Zimbabwe Teachers’ Association (ZIMTA) and the Progressive Teachers’ Union of Zimbabwe (PTUZ) have recently joined to demand that the government provide adequate funding of basic education and decent working conditions for teachers. They hold the government to account so that it delivers on its commitment to reform the labour and public service legislation.

---

However, what progress can we report to this Committee? What steps has the post-Mugabe government made? Are we seeing real political will? Unfortunately, we can report no such thing. For over ten years, there have only been endless delays.

Despite the adoption of a new Constitution taking into account the provisions of ILO conventions, the Public Service Act Chapter 16:04, the Public Service Regulations and the Public Service Joint Negotiating Council Regulation 141/97 have not been amended accordingly.

We urge the Attorney-General to amend the Labour Act and the Public Service Act to bring them in full conformity with the Convention. The amendments should be submitted for the consideration of the social partners, and then to Parliament. These amendments should provide for public service employees to enjoy the right to collective bargaining and collective job action. They should also clearly define what is meant by essential services in line with the Convention. For the record, we insist that the ILO Committee on Freedom of Association excludes the teaching profession from any definition of essential service.

ZIMTA and PTUZ are pro-actively seeking to find constructive ways forward. On 3 June, the unions convened an “indaba”, a meeting where in traditional African culture, people get together to sort out the problems that affect them all. Union leaders held a daylong meeting with members of the Parliamentary Portfolio Committee on Public Service, Labour and Social Welfare. This was an opportunity to discuss how to move forward. The teachers’ unions in Zimbabwe are also mobilizing their teaching profession through a signature campaign calling upon the Government to meet its international commitments.

The teacher unions will continue to mobilize for the right to organize and to bargain collectively. Hence, today, we are requesting that this Committee assist the unions in their work.

**Government member, Eswatini** – From hearing the submissions made by the representative of the Government of Zimbabwe on progress made so far, regarding the implementation of the recommendations of the Commission of Inquiry and the subsequent Committee of Experts report, we note the progress that has been made thus far.

Being alive to the common cause challenge that in most governments, the procedures for legislative reforms are normally protracted, and thus not easy to accomplish within the shortest possible time. We are appealing to the Committee to accept the commitment already presented by the Government of Zimbabwe to complete its journey, without being burdened with some further conditions and recommendations, over and above the programme that the Government has set for this purpose.

We congratulate the Zimbabwean Government and their social partners for having successfully commissioned the TNF on 5 June 2019, following promulgation into law, of the TNF Act. In the spirit of moving towards strong tripartitism and inclusiveness as already demonstrated in the statement presented by the Government delegation of Zimbabwe, the Government should be encouraged and supported to continue in its efforts to work together with the social partners in fostering the development of national labour legislation, on individual and collective labour rights, and other activities that drive decent work and sustained inclusive and sustainable economy growth.

Eswatini persuades the Committee to reckon that with the practical demonstration of a political will and commitment by the Government of Zimbabwe regarding ensuring the exercise and enjoyment of the right to freedom of association, and the protection of the right to organize. Further progress regarding the case of Zimbabwe could still conveniently be made through a tripartite approach at the national level.



---

**Worker member, Zambia** – I am speaking for the Workers’ movement in Zambia. This Committee has established repeatedly that workers have the right to use their organization and benefits of association to pursue the protection of their socio-economic rights. It is, therefore, from this standpoint that I would like to bring the attention of this Committee to the economic problem facing the workers of Zimbabwe. These problems are the source of protest actions and if not addressed, Zimbabwe will appear again in this Committee in the near future.

In 2009, Zimbabwe dumped its own currency due to hyperinflation and adopted a basket of other countries’ currencies dominated by the United States dollar. As from 2009 to 2015, wages were paid in United States dollars. In 2016, Zimbabwe introduced a surrogate currency called “bond note” and declared by law that it is equivalent to the United States dollar. As a result, workers’ wages were then paid in bond notes. In February 2019, Zimbabwe introduced another electronic currency called RTGS dollar. Zimbabwe has now accepted that its bond note and RTGS are not equivalent to the US dollar. As a result, goods and services are now pegged in United States dollar, while wages are paid in the local currency. Goods charged in local currency are eight times more than those in US dollars.

While goods and prices change every day, wages have remained static at an average of RTGS\$300, against a total Consumption Poverty Line of RTGS\$873 for a family of five in April 2019.

The Committee on Freedom of Association has pronounced the following principles regarding protests in paragraphs 716–718 of the Freedom of Association Compilation, 2018: “that Freedom of association implies not only the right of workers and employers to form freely organizations of their own choosing, but also the right for the organizations themselves to pursue lawful activities for the defence of their occupational interests.”

“The Committee firstly recalls that freedom of association implies not only to the right of workers and employers to form freely organizations of their own choosing, but also the right for the organizations themselves to pursue lawful activities – including peaceful demonstrations – for the defence of their occupational interests. Any provision that restricts the rights is incompatible with this Convention.”

I implore the government of Zimbabwe to stop its crackdown on workers and address the economic problems.

**Government member, Ethiopia** – My delegation takes note of the observations of the Committee of Experts in relation to the application of the Convention in law and in practice on which the Government of Zimbabwe is requested to supply information. We have keenly listened to the information provided by the Government of Zimbabwe pertaining to measures taken in response to the observations of the Committee. More specifically, the Government of Zimbabwe indicated in its report that it is currently implementing the recommendations of the Commission of Inquiry and is undertaking legislative reforms so as to harmonize with the Convention. Furthermore, we listened from the interventions of the Government of Zimbabwe that a tripartite negotiation forum act was passed by the competent authority and was launched in June, which, in our view, is a welcome development.

Article 2 of the Convention clearly stipulates that workers shall have the right to establish and to join organizations of their own choosing. To this effect, the ultimate responsibility for ensuring less respect for the principle of freedom of association lies with governments.

Based on the information and explanations as provided by the Government of Zimbabwe, we are encouraged by the development taking place in the country, complying with the observations of the Committee.

---

Finally, we encourage the Government of Zimbabwe to expedite its efforts in consultation with social partners, to address cases that may be outstanding and we hope that the Committee will take into consideration the progress made in Zimbabwe while drawing its conclusions.

**Worker member, United Kingdom** – In 2009, an ILO Commission of Inquiry was convened to discuss serious allegations in relation to violations of basic civil liberties, including the arrest, harassment and intimidation of trade unionists for exercising legitimate trade union activities. Its 164-page report outlined steps to bring the country into compliance with the Convention and emphasized that:

“It is only if this agreement is implemented in good faith by everyone that it could help steer Zimbabwe on a new course towards stability and progress in the interests of its people and pave the way to genuine democracy”.

Its opinion was that the reforms could, and should, be carried out without further delay. Those reforms included: The Labour Act, and the POSA, should be brought into line with the Convention; that all anti-trade union practices should cease, and; that training should be provided for the police and security forces in understanding Freedom of Association.

Now we enter a decade of missed opportunities. In 2010, The Committee of Experts expressed the firm hope that the Labour Law would be brought in line with the Convention. In 2011 the Committee heard that progress had been delayed, and that education of law enforcement had only just started. The Committee reiterated that POSA should be amended to comply with the Convention and repeated that trade unionists prosecuted under POSA should have cases withdrawn, expressing the hope that this would happen in the very near future. In 2012 the Committee asked again for a review of POSA with the social partners. Withdrawal of prosecutions appeared not to have happened. In 2013 some good news: a handbook and a code of conduct for law enforcement agencies were agreed. In 2015, two years later, the Committee “urges the Government to take the necessary steps for the early adoption and effective implementation of the mentioned handbook and code of conduct.” The Government meanwhile announces amendments to the Labour Laws. They still don’t align with the Convention. In 2016, seven years after the first request, the matter of prosecutions under POSA finally seems to be resolved. But here we are ten years later: law enforcement agencies still act as if trade unions were subject to POSA. POSA still has not been aligned with the Convention. Nor has the Labour Act. An ILO Commission of Inquiry is a serious investigation. States are understandably keen to avoid the opprobrium of such a high-level investigation into the failings of fundamental labour rights. But the biggest shame lies with states that many years after such a Commission, proceed at a snail’s pace, or sometimes not at all, in implementing recommendations.

How can it be that after ten years the labour law has been amended on several occasions and the Government either cannot, or will not, get the changes right to make it consistent with the Convention? Recalling that vital democratic freedoms, and often personal safety, are at stake, ten years is an unacceptable time to wait for resolution of these matters.

**Government member, Uganda** – The Ugandan delegation thanks the Government of Zimbabwe for the submission made to the Committee. My delegation is of the view that the steps taken by the Government to operationalize a framework for social dialogue and collective decision-making on the matters of industrial relations through the establishment of the tripartite negotiating forum will greatly address matters raised by the Committee.

Secondly, the processes initiated for review of the national laws are key and will greatly improve the enabling environment by providing the legal and institutional framework that are necessary for the implementation of the appropriate recommendations of the Committee.

---

We therefore ask Zimbabwe to continue on that path and request the Committee to take note of the progress made in addressing these recommendations.

**Government member, United Republic of Tanzania** – The United Republic of Tanzania thanks the delegation of Zimbabwe for the explanation given and constructive engagement in the review process. Tanzania welcomes the various efforts by the Government of Zimbabwe, in fulfilling its obligations and the ILO Conventions, despite all the major economic challenges that the country continues to face.

Tanzania notes with gratitude, progress made by the Government of Zimbabwe in the implementation of Recommendations, including advancement in legislative and administrative measures. We further congratulate the Government of Zimbabwe and its social partners for the enactment of the TNFA, in May 2019.

Finally, Tanzania would like to encourage the Government of Zimbabwe to continue engaging with social partners in fulfilling its international obligations, and we ask the ILO to continue lending full necessary support to efforts being made by the Government of Zimbabwe.

**Government member, Sudan** – The Sudan Government expresses its wishes to the Government representative for the updating to the Committee on the progress Zimbabwe has made in giving effect to the recommendations of the Committee of Experts. The Government of Zimbabwe should be commended for the stride it has taken to review all key pieces of labour legislation. Sudan notes the renewed commitment to social dialogue by the Government and its social partners. This is an encouraging step and should be supported.

**Government representative** – Allow me to thank all delegates who have contributed to the discussion of my country. We have taken note of the various constructive ideas generated during the debate. We particularly want to acknowledge and appreciate the interventions that have recognized the great strides being made by my Government and social partners in addressing the observations and comments of the ILO supervisory bodies and in modernizing the labour laws in Zimbabwe in general.

Let me also take the opportunity to respond to some of the issues raised during the debate. Some delegates made reference to issues that are not part of the report of the Committee of Experts. These issues are intrinsically domiciled in the political domain. In my initial address to this august house I did make reference to the commission of inquiry set by his Excellency the President of Zimbabwe E.D. Mnangagwa to deal with violent disturbances, wanton destruction of property and injuries to citizens including those who were not taking part in the demonstration.

I also went further to indicate that my Government accepted the recommendations of the Commission of Inquiry and is already implementing them. In addition, I wish to inform the Committee that consistent with the Government's reform agenda and the recommendations of the Commission of Inquiry in question, the Zimbabwe republic police is currently undergoing comprehensive transformation.

Again, I also note that my compatriots raised issues around the violent disturbances of January 2019. These disturbances are not part of the report of the Committee of Experts. In response, however, allow me to point out that it is the primary responsibility of any government to ensure that all citizens are secure and are able to fully exercise their rights including the right to demonstrate as provided for and protected under section 59 of the constitution of Zimbabwe. While we recognize the right to demonstrate, what transpired in the form of violent disturbances from 14 to 16 January 2019 is not what is contemplated in the principles of the Convention. What happened on 14 to 16 January 2019 was not an ordinary stay away. As all fair-minded observers and even our compatriots from the ZCTU

---

will acknowledge that the protests which took place in some parts of Zimbabwe from 14 to 16 January were neither civil nor peaceful but were characterized by wanton violence and destruction of private and public property.

I also want to ask the partner who gave this meeting a list of what he heard about events in January 2019. I want to ask whether he also heard that the non-violence demonstrations he mentioned involved the beating-up of citizens who tried to cross the barricades erected by the demonstrators or whether he also heard about the destruction of vendor stalls and merchandise. Did he also hear about the burning of privately owned vehicles, the beating-up and killing of a policeman? Did he also hear about the joy of workers when they were facilitated by the Government to go back to work when the Government provided them with buses? When the people had appealed for protection against the brutal attacks by the so-called peaceful demonstrators.

I also want to take note of what the compatriot Mr Mutasa said. He noted that he was arrested, that is true, however we would like to point out that there is a separation of powers between the executive and the judiciary. The Government negotiated with the courts for Mr Mutasa to be here and through his own acknowledgement and I quote “I was only freed by the court” and we take this as an honest acknowledgement by Mr Mutasa of that separation of powers between executive and judiciary.

For the TNF to work in Zimbabwe it calls for mutual trust and goodwill. When we launched the TNF on the 5 June, it was done in a collaborative and friendly manner. I also want to quote the President of the ZCTU when he said “We live in fear, we are in a war zone in a country not at war” was the friendly collaborative nature in which we launched the TNF done in a war zone, I think not.

I also want to mention that one of the speakers noted the labour bill, we note that the draft legislation on the labour bill is still being critiqued internally. It has not or should not have been shared as yet with the external partners. We are surprised that it has been discussed here. Without dwelling on political overtones as some of the delegates did in their intervention, let me just say that my Government respects freedom of association and expression on the part of all Zimbabweans including workers as enshrined in the Bill of Rights of our constitution. Nevertheless it should also be appreciated that the Government has the duty to enforce the rule of law, to protect citizens and property when demonstrators turn violent like what happened in January 2019.

Having commissioned the Tripartite Negotiating Forum my Government now looks forward to constantly updating a beneficial relationship with our social partners. I am convinced that most of the issues raised will be dealt with in our engagements within the purview of the TNF which has already been enacted. There is renewed commitment among social partners.

Finally, I would like it noted that we are a new Government, it is a Government in transition, reform is in process. We require technical assistance to achieve what needs to be achieved. I also would like it noted that despite the earlier speaker talking about living in fear, it is important that for the first time ever in history his Excellency the President of Zimbabwe was able to meet trade unions and business in one room. The trade unionists shared their concerns with the President and he reassured them that they shall be addressed.

It is our hope that those responsible for serial attacks on Zimbabwe can please cease and desist for long enough to recognize the very positive developments being spearheaded by the Government of Zimbabwe. In closing I would like to ensure this Committee the commitment that Zimbabwe has and also to say that Zimbabwe is currently on the cusp of a sea change in our labour relations. We are moving forward towards the realization of Vision 2030 to make Zimbabwe an upper-middle income economy in order for us to achieve that,

---

we value the commitment by our social partners in ensuring that we achieve a shared national vision.

**Worker members** – The Government of Zimbabwe must match its expressed intentions to live up to its international obligations with its action on the grounds. As we speak, the Government is engaged in a campaign of prosecutorial and judicial harassment of both the President and General Secretary of ZCTU. They dared to challenge the Government's economic policy and direction, and are therefore facing subversion charges. It is the role of trade union leaders to reject policies that would bring hardship from their members and to seek dialogue on alternative solutions. The criminalization of trade unions stands at odds with the obligations the Government has under this Convention. Zimbabwe must immediately and unconditionally withdraw the charges against trade union leaders and members for peaceful activities undertaken to defend and protect the rights and interests of workers. We urge the Government to take all necessary measures in order to ensure the safety of those who have spoken out here today upon their return to Zimbabwe. We call on the Government of Zimbabwe to vigorously investigate and pursue these cases of serious allegations of brutalities perpetrated by the security forces, and indeed, the Committee of Experts' report did not mention the violence occurred in January. How could they possibly have done it? The Government must begin an inclusive process, a national dialogue to resolve the economic and political challenges facing the country. This is the way for stability and progress. Without social peace and stability based on inclusion, tripartism and respect for civil liberties and rights, the Government will not be able to deliver on its promises to achieve economic and inclusive growth. We note in this respect, the passage of the National Tripartite Forum Act. However, this Act was signed into law by the President of Zimbabwe days before the ILC. Regrettably, there was an absence of tripartite consultations in the adoption of the Act, and there are numerous areas that raise serious concerns. Concerns have also been raised about the absence of full and frank consultations over the hasty introductions of other pieces of legislation. A few days ago, just ahead of the ILC, the Government has produced a Labour Bill and shared it with the ZCTU. Clearly, no meaningful consultations with social partners took place on the new contents of this current Bill prior to its official publication. We regret that a cursory look at the Bill reveals that key aspects remain incompatible with the Convention. We take section 55, for example, where the registrar of trade unions has been given power to hear and determine disputes pertaining to day-to-day management of the union or employers' organization. The registrar's decisions will be final. We note this provision is in contrast with the observation of the Committee on Freedom of Association that conflicts within a trade union should be resolved by its members or by appointing an independent mediator with the agreement of the parties concerned, or through the intervention of the judicial authorities. The social partners must be immediately consulted to revise this new Bill.

In addition, the Government has just published the Maintenance of Peace and Order Bill a few days ago, to amend the POSA. This Bill has also been published without meaningful consultation with the social partners. Section 7 of the Bill provides, for burdensome and winding procedures for convening public demonstrations and processions. The new Public Order Bill will do nothing but give the security forces license to continue the heavily repression of the right to freedom of assembly. Zimbabwe's non-compliance with the Convention remains severe, and we are more convinced of that after hearing the Government's response. We deplore the fact that there are new violations of the right to freedom of association in practice. The legislative steps undertaken so far have been wholly inadequate in order to remedy the numerous contradictions of the legislation with international labour standards. We urge the Government to invite a high-level tripartite mission of the ILO. The mission would be helpful, and assist, and ensure that the Government returns to a path of social and economic stability and progress, especially through compliance with its obligations under international labour standards.

---

**Employer members** – I think it is fair to begin by thanking all of the speakers, and certainly we have taken into account the perspectives shared. Thank you in particular to the distinguished Government delegate, Madam Minister, for the detailed information that was shared.

I think it is fair to say that this is a complicated case with a long history, and if we pick up the history of this case, beginning in 2009 with the Commission of Inquiry, we see that there have been issues repeatedly raised and brought to the attention of the Government, but without follow-up at that time. The Employers' group is hopeful that perhaps a change in perspective accompanied the 2017 high level technical assistance mission that took place, specifically to assess to obstacles to the implementations of the Recommendation of the 2009 Commission of Inquiry, as well as the full implementation of the Convention, both in law and practice, as was requested by the Committee in its June 2016 session and we know the high level technical assistance mission of 2017 made a number of recommendations, some of which we are discussing today.

Now, there is a new Government and certainly in respect of the Government's submissions today, there seems to be an openness and willingness to consider these issues and take measures that perhaps did not previously exist, and some of the submissions today from the Government, appear promising, such as the Government's indication of a promised repeal of POSA with a new Public Order Bill, promising also is the establishment of the TNF as a framework in which to engage in social dialogue with both employers' and workers' organizations. It sounds promising that the Government also provided information today regarding measures in relation to the Public Service Act, amendments to the Health Services Act, to make sure that it is in sync with the rights under the Public Service Act, and of course also promising the Government's indication of its willingness to accept technical assistance to continue on this path to compliance both in law and in practice.

Clearly some concerns remain and as noted by a number of government speakers, it appears to the Employers' group to be appropriate to proceed with, what I will call, cautious optimism, and that is to encourage the Government to implement the measures that have been discussed this evening in consultation with the social partners, mindful of many observations made by the experts in relation to these fundamental points, and to seek technical assistance of the ILO on this path.

As part of this process, the expectation is also that information continues to be provided as requested to the Committee of Experts so that further assessment and consideration of the promises made, and the measures described this evening, can be monitored and encouraged.

## **Conclusions of the Committee**

**The Committee took note of the information provided by the Government representative and the discussion that followed.**

**The Committee noted concern regarding the Government's failure to implement specific elements of the recommendations of the 2009 Commission of Inquiry. The Committee noted persisting failure issues of non-compliance with the Convention, including allegations of violations of the rights of the freedom of assembly of workers' organizations. The Committee also noted the Government's stated commitment to ensure compliance with its obligations under the Convention and to the process of social dialogue, including through the framework for Tripartite Negotiating Forum (TNF).**

---

**Taking into account the discussion, the Committee calls upon the Government to:**

- **refrain from the arrest, detention or engagement in violence, intimidation or harassment of trade union members conducting lawful trade union activities;**
- **ensure that the allegations of violence against trade union members are investigated, and where appropriate, impose dissuasive sanctions;**
- **repeal the Public Order and Security Act (POSA), as it has committed to do so, and to ensure that the replacement legislation regarding public order does not violate workers' and employers' freedom of association in law and practice;**
- **revise or repeal the Public Service Act and, as necessary, the Health Services Act, to allow public sector workers freedom of association in consultation with the social partners;**
- **amend the Labour Act, in consultation with workers' and employers' organizations, to come into compliance with the Convention; and finally**
- **to continue to engage in social dialogue with the workers' and employers' organizations in connection with the framework of the TNF.**

**The Committee urges the Government to accept a direct contacts mission of the ILO to assess progress before the next International Labour Conference.**

**Government representative** – I want to thank you for giving me the floor to make some remarks on behalf of my Government, following the presentation of the conclusions on the case of Zimbabwe. Regrettably, my Government does not accept the Direct Contacts Mission, which your Committee has recommended. The non-acceptance of the mission is based on the following:

My delegation is convinced that Zimbabwe has made remarkable progress in addressing the legislative and other concerns of the Committee of Experts. The Government of Zimbabwe is committed to strengthening social dialogue, working with social partners. It is apparent that a fact finding mission to courts of Zimbabwe will disturb the momentum that is already there following the Commission of the Tripartite Negotiating Forum (TNF).

The Government and social partners have affirmed their commitment to social dialogue. Zimbabweans are looking forward to the results of the engagements, not yet another inquiry by the International Labour Organization.

The call for the high-level tripartite mission does not take into account submissions made by African governments and Cuba, which acknowledged the progress made by Zimbabwe. They also asked the office to provide technical assistance to Zimbabwe. The European Union (EU) was inclined to give social dialogue a chance, by making reference to its formal re-engagement with the Zimbabwean Government, only this month. The Employers' group also took note of the progress made in Zimbabwe and expressed the need for technical assistance.

In conclusion, let me inform this Committee that, notwithstanding the foregoing, the Government of Zimbabwe shall provide regular updates, through reports to be submitted to the Committee of Experts, in accordance to article 22 of the ILO Constitution.