



# Zimbabwe

Human Rights, Rule of Law & Democracy 2014

This Annual Report draws from the information we collected directly from the field as well as from our clients who visit our offices seeking both legal advice and representation or indirectly from our member organisations, listed in full below, as well as our valued partners whose work is explicitly acknowledged in the body of the report. The report is divided into 5 major sections, which include rights relating to the integrity of the person, civil liberties, respect for political rights, international obligations and economic, social and cultural rights. Openness in governance and citizens participation is a cross cutting theme. In response to feedback received from our readers, we have included an executive summary which suggests a number of recommendations to civil society, the government and the international community.

Members of the Zimbabwe Human Rights NGO Forum include:

- Amnesty International - Zimbabwe (AI-Z)
- Catholic Commission for Justice and Peace in Zimbabwe (CCJP-Z)
- Civic Education Network Trust (CIVNET)
- Counselling Services Unit (CSU)
- Gays and Lesbians of Zimbabwe (GALZ)
- Justice for Children (JC)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa - Zimbabwe (MISA-Zimbabwe)
- Media Monitoring Project Zimbabwe (MMPZ)
- Non-violent Action and Strategies for Social Change (NOVASC)
- Research and Advocacy Unit (RAU)
- Students Solidarity Trust (SST)
- Transparency International - Zimbabwe (TIZ)
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

# Executive Summary

## **Key Findings and Recommendations**

The successful adoption of the new constitution in 2013 represented both an important achievement for political cooperation in Zimbabwe, as well as constituting a significant step toward the realization of a functioning human rights framework. The human rights situation remained relatively stable throughout 2014, with a significant improvement on previous years in terms of the severity and prevalence of incidents. The year commenced with a welcomed move from the Constitutional Court who ordered the acquittal of the Election Resource Centre officials, who had been arrested during the 2013 election period for conducting voter education without the authority of the Zimbabwe Electoral Commission (ZEC).

However, although this report acknowledges the positive developments that took place during 2014, its main objective is to record and expose continuing human rights abuses in the country. Insufficient progress was made in addressing the policy and structural causes of human rights violations. In May 2014 the Ministry of Justice, Legal and Parliamentary Affairs announced that the government had started aligning 400 Acts of Parliament with the new Zimbabwean constitution, despite the fact that human rights defenders had been calling for the realignment of laws from as far back as September 2013 with the Senate adding its voice on 8 October 2013. In spite of the measures taken, the year ended with a significant number of legislation still requiring alignment, for example the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA). These laws continued to be applied by the state in order to clamp down on civil liberties; evident examples of this included an MDC threat to hold a protest march in August 2014 and the Dzamara case. The risk for the further deployment of these laws during times of high political activities remains high.

Despite the licensing of community radios in 2013, the government continued to exercise a monopoly over electronic media, and proposed various bills to regulate cyber conduct. Furthermore, the government did not follow on its commitment, made during the Universal Periodical Review (UPR) on Zimbabwe in 2011, to ratify the Convention against Torture, although figures for actual violations dropped. It should be noted that the unaligned laws listed in this section are not exhaustive and are fully listed from page 5 onward.

The constitutional court was inundated with people seeking relief either from direct violations or to test the constitution. In the latter category, cases were brought forward by MDC legislators, pertaining to the right to freedom of choice, freedom from discrimination of men on death row, payment of license fees to the state-dominated Zimbabwe Broadcasting Services and citizenship.

In respect of Chapter 12 of the new Constitution of Zimbabwe, which provides for independent commissions that support democracy, progress was insufficient and did not

result in rendering the Zimbabwe Gender Commission and the National Peace and Truth Reconciliation Commissions operational. The Zimbabwe Human Rights Forum and the Zimbabwean Transitional Justice stakeholders' platform consisting of 46 members set up a Transitional Justice Working Group and called on Parliament to increase public participation in the setup of the National Peace Reconciliation Commission (NPRC), a constitutionally founded body mandated to ensure post-conflict justice, healing and reconciliation. Regarding the applicability of the Gender Commission Bill, the Zimbabwe Lawyers for Human Rights (ZLHR) emphasised concern over the gazetted draft bill stating that it needed revision prior to going through the stages of Bills in Parliament and prior to being enacted into law. In addition, they made recommendations that the Zimbabwe Gender Commission be protected from structural impediments that continued to affect the performance of other constitutional commissions. These included: a lack of independence, a lack of adequate resources, skewed accountability mechanisms, a weak mandate and a lack of public support and confidence in their effectiveness. Furthermore, these were applicable to other Chapter 12 commissions, which urged stakeholders to constructively debate the provisions of the Bill and ensure that the law would fully comply with the Constitution, coupled with the human rights obligations which the government had signed up for, so as to create a foundation for the smooth implementation and respect of the principles of gender equality and non-discrimination.

With regards to elections, the holding of 4 by-elections in Harare ward 12, Karoi ward 10, Zaka ward 32 and Chegutu ward 11 demonstrated that the Zimbabwe Electoral Commission (ZEC) placed high importance on local governance.<sup>1</sup> In all the by-elections, the electoral process was peaceful with fewer incidences of violence and voter intimidation than seen in previous years.

However, during the intra party elections, major irregularities were reported, such as the suspension of the Zanu PF Elective Congress, the assault of Elton Mangoma on the 15 February 2014 and the split of the Movement for Democratic Change (MDC). The government continued to improve on its record of transparency, accountability and to a lesser extent citizen engagement. The Judicial Service Commission (JSC) held public interviews for Supreme Court judges as part of implementing public accountability and inclusion in the recruitment process. These interviews set a precedent in terms of the new constitutional procedure for appointing judges, outlined in section 180(2) (c) of the constitution. The Ministry of Information conducted the Media Panel of Inquiry (IMPI), which was meant to solicit for citizens' views on how to reconfigure the country's media industry. The government also continued to work with the international financial institutions (IFIs) such as the International Monetary Fund (IMF) and the World Bank under the Staff Monitoring Project phase 2, this served to validate the government's commitment to improve its record on revenue transparency and to normalise its relations with the international community. However, corruption remained an overriding concern. The year began with huge revelations of corruption by government officials and state run corporations. The revelations mostly emanating from the state media, could also be viewed as the government attempting to show commitment toward exposing cases of

---

<sup>1</sup>See ZESN press statement on 13 September 2014 local government by-elections <http://www.zesn.org.zw/index.php/press-statements>

corruption, especially if seen in light of the President's controversial dismissal of ministers who were alleged to have been corrupt.

There were numerous developments at both the regional and international level. In relation to the neighbouring region, South Africa demonstrated a significant shift in its judicial approach to Zimbabwe's human rights situation. In November 2014, South Africa's Judicial Observer Mission Report on Zimbabwe's 2002 Presidential elections ("Khampepe Report") was finally published and publicly released. The report concluded that the 2002 Zimbabwe elections were not "free and fair." Furthermore, the South African Constitutional Court ruled unanimously that the South African Police Service (SAPS) must investigate crimes against humanity perpetrated in Zimbabwe in 2008. These two developments demonstrated an instrumental change in South Africa's overarching policy approach to Zimbabwe which hitherto has been inconsistent, seeking to balance principle and wider political considerations. Lastly, the European Union further normalized relations with Zimbabwe by lifting all the appropriate measures under the Cotonou Agreement. This move was viewed by many analysts as part of its democracy sequencing based on stabilizing the economy as a short term measure necessary to its long term commitment in building a democratic culture dedicated to going beyond the parameter of party politics. The EU efforts were augmented by a conference jointly held by the SAPES Trust and the U.S National Endowment for Democracy (NED) in Zimbabwe from 5 to 6 May 2014 whose objective was to bring together all stakeholders necessary for the building of Zimbabwe's national development and to deliberate and identify effective approaches to reinforce the country's re-engagement with the global community and its commitment in supporting the democratization process.

## **Recommendations**

This section outlines recommendations made to the government of Zimbabwe, the international community and to civil society and NGOs. The recommendations made should be applied by the relevant parties as a blueprint to tackle the specific ongoing areas that need to be addressed. Due to the precarious political and socio-economic landscape of the country and fluctuating human rights situation, these recommendations are not conclusive.

### **Recommendations to the Government of Zimbabwe**

Generally the government must undertake a broad based and inclusive process to engage all its citizens to address all human rights in line with its commitment that all human rights are universal, indivisible and interdependent and interrelated. In order to achieve this, the government must create an enabling environment for the realization of all human rights.

It should take concrete steps to fulfil its international legal obligations and commitments relating to economic, social, cultural, civil and political rights as spelled out in various

international charters and treaties to which Zimbabwe is party. In order for this to happen, the government should take immediate steps to improve its responsiveness to requests for visits and cooperation by international community and institutions such as the UNHRC, the IMF - specially the Staff Monitoring Project - and the European Union under various articles of the Cotonou agreement.

In addition, the government should also take concrete steps to fulfil the country's human rights obligations. They included the need to reaffirm the rights provisions in the new constitution, ensure justice and accountability for past abuses, uphold activists' rights to organize and operate freely without government harassment, and strengthen the Zimbabwe Human Rights Commission.

These specific steps should include:

- 1.) Enforce the rule of law and realise the importance of consistent economic and political rules and policies, including the indigenization policy, which must be more transparent, consistent and equally applied.
- 2.) Work with civil society and all Zimbabweans to align all laws with the constitution and undertake to begin implementing the new constitution in the next phase of constitutional renewal. This includes making Chapter 12 commissions operational as these are important in holding government to account and support democracy.
- 3.) Exercise political will to ensure the observance of the rule of law by all and in particular take action on illegal evictions.

### **Recommendations to the International Community**

Specific steps should include:

- 1.) Engage the government and civil society to implement the above recommendations.
- 2.) Adhere to the rights based approach that aims to build democratic institutions and promote universal human rights while at the same time supporting inclusive economic growth, private sector development and improved livelihoods for the ordinary Zimbabweans.
- 3.) Adopt a long-term view of democracy promotion in Zimbabwe based on Zimbabweans' evolving views, which for example, could be gleaned from a constitutional baseline survey referred to below.
- 4.) Continue to apply a variety of different instruments and soft power, including diplomatic dialogue, strengthened trade and business cooperation, leadership development, for example the Mandela Fellowship and an extensive development cooperation which should ideally be harmonised with the current IMF and World Bank Staff Monitoring Programme to ensure accountability, transparency and consistent policy approach.

5.) Continue to underscore the importance of the rule of law to Zimbabwe's long-term sustainable prosperity. As a gatekeeper of foreign direct investment, satisfactory progress to the IMF standards would potentially open up foreign direct investment.

### **Recommendations to Civil Society and NGOs**

CSOs working on human rights, democracy and development need to collaborate more and jointly support the government in legislative re-alignment and holding it to account.

Specific steps should include:

- 1.) Hold a constitutional baseline survey to enable ordinary Zimbabweans to set the agenda and priorities of the next of constitutional democracy renewal and re-invigoration.
- 2.) Follow and monitor the international community's current lines of engagement, for example, the IMF Staff Monitoring Programme and current concerns on Zimbabwe's sovereign debt, as these two issues, among others would enable CSOs to link all broad sets of rights.
- 3.) Hold both the government and the international community to account, to ensure that all the processes are transparent and are benefitting from broad based and inclusive multi stakeholders consultations.

We would like to thank our research team that includes Arthur Gwagwa, Judit Getu and Dorothy Mudavanhu for putting this report together.

**Abel Chikomo, Executive Director**



# Rights relating to respect for the Integrity of the Person

Including rights relating to respect for the Integrity of the Person, including freedom from arbitrary arrest or detention, arrest procedures and treatment while in detention, freedom from torture and other cruel, and inhuman treatment, cases of political and organised violence, including assaults, intimidation, including specific violations against human rights defenders, political and organised violence and arbitrary evictions. The section is divided into the following sub-sections: 1a covers torture and other cruel, inhuman or degrading treatment or punishment; 1b covers political violence; 1c covers harassment and intimidation; 1d covers arbitrary arrest or detention of human rights defenders (HDRs); 1e covering prisoners' rights; 1f covers arbitrary interference with privacy, family, home, or correspondence; 1g violations specific to LGBTI community.

## Summary

*During 2014, cases of politically motivated murders, violence, abductions, disappearances, torture and intimidation were lower than in previous years. However the overall situation was far from accommodating when it came to human rights issues and necessitated further reforms. There were on going serious human rights abuses, including a disappointing lack of policy reforms and the selective application of the law. The Zimbabwe Human Rights NGO Forum documented a total of 71 cases of torture throughout the year of which 44 of the cases involved the police. Between January and March alone, a total of 312 cases were recorded related to politically motivated violent incidents in the form of intimidation and harassment including the indiscriminate assault of three hundred villagers at Chingwizi Camp. Although the new constitution guaranteed rights of criminal defendants, criminal procedure laws were not aligned with the*

*constitution; there were overt attacks on the legal profession, despite the separation of the offices of the attorney general and Prosecutor General, the incumbent continued in office. Several political opponents or those perceived to be such were arrested and brought to court where due process safeguards were not guaranteed with trials characterised by several delays calculated to harass defendants. In respect of organised violence, despite overt violence remaining relatively low, cases of institutional intimidation and harassment continued, as well as food related violations and post election reprisals.*

## **In DETAIL**

### **Section 1a. Torture and other cruel, inhuman or degrading treatment or punishment**

The section was compiled from information obtained mainly from the Zimbabwe Peace Project (ZPP) with additional supplement from the editor. The whole section outlines developments that occurred between January 2014 and December 2014 that impinge or are likely to impinge on the rights relating to the rights not to be subjected to organised violence, torture, extra-judicial killing etc. As the summaries below show trends, patterns and causes of violence with a few specific examples provided, you may visit ZPP's communal portal with all the detailed report on the following link: [http://www.zimpeaceproject.com/index.php?option=com\\_phocadownload&view=category&id=17:zpp-2014-reports&Itemid=107](http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&id=17:zpp-2014-reports&Itemid=107)

Torture is a crime prohibited under domestic and international law. During the UN Human Rights Council ("HRC") periodical Review of Zimbabwe in 2011 ("UPR"), the Government of Zimbabwe agreed to criminalize torture and prevent all forms of torture and inhuman or degrading treatment, ensure full accountability of perpetrators and redress and rehabilitation to victims. Despite this undertaking, up to date, Zimbabwe has not yet ratified and domesticated the United Nations Convention against Torture ("UNCAT"), in other words torture is not a specific criminal offence in Zimbabwe. Although cases of torture have declined, police officers continue to use it to obtain information from criminal suspects and employ it as a form of punishment.

The Zimbabwe Human Rights NGO Forum documented a total of 71 cases of torture throughout the year of which 44 of the t cases involved police officers. In the documented cases, torture was used in effecting arrests and interrogating criminal suspects in a bid to extract confessions in criminal investigations<sup>2</sup>. There were reports on cases involving the use of *falanga* by the police, a method by which the police hit their targets under the soles of their feet using baton sticks. Furthermore, police officers used excessive force to quell demonstrations resulting in people sustaining injuries.

However, there were a number of court victories over perpetrators that did take place. These specific cases represented meaningful progress in terms of how the judicial

---

<sup>2</sup>Reports made by clients during interviews with the Forum's Public Interest Litigation Unit

machinery responded in deterring the commission of human rights violations. The Ministry of Home Affairs paid Tsitsi Chimhutu \$3000 for being tortured by Nyanga-based police in February 2013 and Fatima Manhando, represented by Forum lawyers was awarded damages amounting to \$3500 for torture by law enforcement agencies in 2008. Other cases included Jim Kunaka who ordered some Zanu PF activists from Muzarabani under Chief Kasekete to compensate villagers whom they accused of being members of the Movement for Democratic Change and had burnt their houses.

Zimbabwe Human Rights NGO Forum represented three men whose houses had been burnt down by Zanu PF activists who had accused the three men of being affiliated with the MDC. The Zimbabwe Human Rights NGO Forum argued that political party affiliation was not a criminal offense and successfully sued 13 Zanu PF Activists. Gideon Mukoshoware sued 13 Zanu PF Activists for \$4,000, John Savanhu sued 6 Zanu PF activists for \$30,000 and Moses Nyabuda sued 3 Zanu PF activists for \$5,000.

### **Section 1b. Political Violence**

January to March 2014, marked the period with the highest frequency of politically motivated violent incidents in the form of intimidation and harassment. A total of 312 cases were recorded of which assault constituted 48 cases, violations of freedom of assembly and association and media rights 11 cases, unlawful arrests and detention 10 cases, malicious damage to property 5 cases, torture 3 cases and lastly displacement which drew the least number of cases recording only 2.

The main perpetrators behind the political violence were the police, CIO, war vets, traditional leaders and members of the political parties. Assault and displacement cases were mainly perpetrated by the police and political parties; harassment and intimidation cases were carried out by war veterans, traditional leaders and members from the ZANU PF political party; . Malicious damage to property, media rights violations, torture and unlawful detentions were largely instigated by ZANU PF activists and some unknown perpetrators; arrests were carried out by the police; lastly, violations of freedom of association, expression and assembly were carried out by the police and members of the ZANU PF and MDC-T political parties

The victims subjected to the political violence included human rights defenders, NCA, MDC-T, and ZANU PF party members. Most of them were unknown victims and recorded a sum of 59% of the victims. 31% of the victims were from the MDC-T party, 5% were human rights defenders, 3% NCA and 2% were allegedly ZANU PF party members.

ZPP statistics for the months of April and May recorded a total of 573 cases for the quarter. The Zimbabwe Human Rights NGO Forum Public Interest Unit received 13 assault complaints from victims of violence that took place in Epworth in May 2014. Although the environment was relatively calm, there was a high incidence of cases of harassment and intimidation. A total of 452 cases were recorded during the period. Harassment and intimidation inhibits the enjoyment of other rights such as the right to freedom of expression, association and assembly and also the right to participate in public

life. The police and ZANU PF supporters were the main perpetrators of violence, the police being only exempt from intimidation and harassment.

### **1b. (i) Distribution of violence by province**

Political violence was more prevalent in the Midlands province followed by Mashonaland West. The region with the least violence recorded was Matabeleland South whereas intimidation, harassment as well as discrimination were widespread across the country's 10 provinces. Media rights violations were recorded in Harare only while torture and unlawful arrest and detention could only be found in three provinces for each of the violations.

The total number of cases of human rights violations during the period amounted to a total of 690 cases, which were recorded during the first quarter of the year. Although the environment was relatively calm, a total of 402 cases of political and organized violence were recorded during the period. The police and ZANU PF supporters were the main perpetrators of violence. Intra-party fighting within the MDC-T resulted in party supporters violating the right to freedom of expression and also respect for the security of the person.

Cases of discrimination, the politicisation of food aid and farming inputs were also high during the period. This was coupled with residual threats arising from the 31st July 2013 elections where Chiefs and village heads were reportedly forcing people either directly or indirectly to surrender their political allegiance in exchange for relief aid. Cases of harassment remained high during the period. A total of 312 cases of harassment were recorded during the period while only 48 cases of assault were documented. The following cases of physical assault, harassment and intimidation were noted during the period. Some assaults were a result of intra party clashes.

The Zimbabwe Republic Police (ZRP) and ZANU PF were the main perpetrators of citizens' arbitrary arrests and assault. ZRP constituted 30% of the perpetrators whilst ZANU PF constituted 22% of the perpetrators, war veterans 12%, MDC-T 8%, Zimbabwe National Army 7%, CIO 5%, MDC- Renewal Team 5% and unknown perpetrators 11%.

Violence was recorded at the Zanu PF Provincial Coordinating Committee meetings in Masvingo and Mutare on Sunday 2 November 2014. This occurred as a result of disagreements which took place over the planned expulsion of provincial chairpersons perceived to be sympathetic to the Mujuru faction. This case served to validate the fact that Intra-party violence that is not subject to law and order interventions by the police can escalate, unleashing violence on ordinary citizens regardless of whether they have an existing political affiliation.

With regard to assault, Zimbabwe Peace Project (ZPP) recorded 62 assault cases. A total of 39 cases of politically motivated violence in the form of physical assault were also identified during the period. Most of the cases were a result of factionalism in the political parties and inter political party violence.

In Chingwizi, villagers burnt two police vehicles and disarmed anti-riot police. This resulted in violent reprisal by the police and army who moved into the camp and indiscriminately assaulted and arrested villagers including the elderly, children and ill people. Police arbitrarily arrested about 300 villagers and 29 were charged with assault and arson of which three of them are still in police custody.

### **Section 1c. Harassment and Intimidation**

Cases of harassment were significant during the period. A total of 718 cases of harassment were recorded. Harassment and intimidation arose mainly from factional fighting within Zanu PF especially during the party's youth and women's conferences. The two conferences were characterised by systematic intimidation, vote buying, fraud and allegations of kidnappings as factions competed for votes.

#### **Specific Violations**

##### **January**

On 6 January 2014, three members of the NCA, Patson Mangwiro, Taurai Maravanyika and Olibeletsu Noko were allegedly harassed by suspected Zanu PF youths in ward 12 Mbare as they were putting up campaign posters for their candidate Takura Gadzira ahead of the local government by-elections that were on 25 January.<sup>3</sup>

##### **February**

On 15 February, Elton Mangoma, the party's deputy treasurer was assaulted by party youths at Harvest House for asking Morgan Tsvangirai to step down.

On 25 February, Zanu PF activists led by the Chipinge South Member of Parliament threatened teachers at Checheche primary school with the termination of their employment if they did not become members of Zanu PF.<sup>4</sup>

Two teachers from Seke reported that they were being threatened and forced to contribute to the victory celebration of the Ward 6 councillor. The teachers were forced to pay \$15 each and attend the celebrations.<sup>5</sup>

Teachers in Mashonaland West, the province that hosted the 21<sup>st</sup> February movement were forced to contribute towards the celebrations while some people were forced to attend.

##### **March**

---

<sup>3</sup> See A report on the local authority by-elections held on 25 January 2014 by the Election Resource Centre 04 February 2014

<sup>4</sup> Zimbabwe Peace Project Monthly Monitor February 2014

<sup>5</sup> The Public Interest Unit, Zimbabwe Human Rights NGO Forum

On 1 March, MDC-T supporters reportedly assaulted Rodrick Dzapasi the Zanu PF cell Chairman for Tabudirira District in Budiro for wearing his party T-shirt.

On 2 March, six MDC-T activists assaulted Talent Nyakunengwa in Chitungwiza following a misunderstanding over the holding of a political rally.<sup>6</sup>

On 7 March, a teacher at St Simon Zhara Mission School in Masvingo was assaulted by Zanu PF youths for failing to attend two Zanu PF organised meetings<sup>7</sup>.

## **April**

On 2 April, four MDC-T activists and a Pastor were assaulted by soldiers at Zororo centre in Harare, for putting up MDC-T posters. They suffered injuries and were taken by police to hospital, the soldiers were not arrested.

On 10 April, the organizing secretary for MDC-T Harare was assaulted by Shakespeare Mukoi for being aligned to the party's expelled deputy treasurer Elton Mangoma and for showing up to a meeting which he had been barred from attending.

On 10 April, a Zanu PF supporter of Chirumanzu Sebagwe Ward 21 accused of voting for the opposition in the July 2013 elections was threatened with eviction by Zanu PF leader Jose Madiro at a developmental meeting held at Chishuku Primary School.

On 11 April, an MDC-T activist was reportedly assaulted with an axe handle at Dabula West village, Bubi Constituency by David Mkandla of Zanu PF for being an MDC-T member. The assault was reported to the police and the perpetrator was fined \$20.

Between the 15 and 16 April, a civil service inspector in Mwenezi, identified as Gondo, forced civil servants in the area to contribute \$5 each towards the Independence celebrations.

On April 18, three MDC-T members were assaulted at Mbuya Nehanda Primary School, in ward 20 of Goromonzi South Constituency by Zanu PF members for refusing to chant Zanu PF slogans.

On 18 April, an MDC-T activist physically attacked at Tombo, Nyanga South, by a Zanu PF activist Juliet Mukura for attending the independence commemorations, on the grounds that independence commemorations were exclusively for Zanu PF members.

## **May**

In May, Bonnyface Kusena, a resident claimed that whilst looking for his cattle near a dam in Chiadzwa, dogs had been set upon him by security guards who also assaulted him accusing him of being related to flushing out diamond panners.

On 4 and 5 May, 13 MDC-T supporters were assaulted during a politically motivated attack, in Domboramwari District, Epworth after an MDC-T rally in the area. The

---

<sup>6</sup>[http://www.zbc.co.zw/index.php?option=com\\_content&view=article&id=42134:6-mdc-t-activists-arrested&catid=48:crime-and-courts&Itemid=91](http://www.zbc.co.zw/index.php?option=com_content&view=article&id=42134:6-mdc-t-activists-arrested&catid=48:crime-and-courts&Itemid=91)

<sup>7</sup> The Public Interest Unit, Zimbabwe Human Rights NGO Forum

attackers could not be identified. . Some of the victims were seriously injured and one of the victims lost property from violence.

## **June**

On 3 June, an MDC-T youth chairperson in Marondera was assaulted by a police officer at Dombotombo police station. The officer accused the MDC-T member of boasting about his party and broke his arm. A report was filed at Marondera police headquarters but no arrests were made.

On 3 June, a Radio and TV repair shop owner at Chawarura Business Centre, Muzarabani South, was barred by Zanu PF youths led by Rasy Chapata from accessing his shop and was ordered to leave the premises because he had attended a meeting organized by ZimRights.

On 18 June, MDC councilor for Lupane West was harassed and detained by police after he opposed the Council Chairman's motion during a full council meeting. Police detained him overnight at Lupane police camp. He was released the following day following an intervention by his lawyers.

On 30 June, in parts of Zaka and Gutu Districts, Zanu PF MPs and village heads were alleged to have forced villagers to attend meetings where they forced them to complete data forms with personal details such as personal history, party affiliation, identity number, voter registration status and employment history. Villagers were also coerced to pay R2 for each form issued and non-compliant villagers were threatened with eviction from the villages.

During the ZANU PF youth conference in June, a group called Generations 40 moved in different parts of the country threatening violence. The group started in Harare and Mashonaland Central where their militant behaviour earned them the nickname *Boko Haram*.

On 30 June, Chatfield farm workers in Darwendale were beaten up by their employer, a CIO operative together with his work colleague, in front of their families, for demanding payment for their labour which had been reportedly outstanding since December 2013.

## **July**

On 12 July, the leader of a newly formed political party, Transform Zimbabwe (TZ) Jacob Chenedzeni Satiya Ngarivhume and 13 party supporters were arrested and detained at the Gweru Central Police Station on charges of contravening Section 37(1) (a) of the Criminal Law (Codification and Reform) Act for holding a political meeting at Vashandiri Centre in Mkoba Gweru.<sup>8</sup> The 13 members were however acquitted on 17 September 2014.

During July, twenty four members of the Johanne Masowe Echishanu Apostolic sect led by Madzibaba Ishamael Mufani were allegedly tortured while in police custody.

---

<sup>8</sup><http://www.bulawayo24.com/index-id-news-sc-national-byo-50586.html>

On 29 July, soldiers from 42<sup>nd</sup> infantry Battalion indiscriminately assaulted members of the public at Mupandawana Growth in Gutu Masvingo Province in a reprisal attack following the assault of one of their colleagues.<sup>9</sup>

## August

On 2 August, the ZANU PF branch Chairperson and the district youth Chairperson for Glenview South, Harare forced residents in the neighbourhood to buy the party's electronic cards.

On 3 August, three hundred villagers which included the elderly, children and the ill were indiscriminately assaulted and rounded up at Chingwizi Camp. Twenty nine of them were arrested on arson and assault charges when violent clashes with the police erupted at the camp. This took place following the government's attempts to relocate clinic facilities from the camp that had a holding capacity of about 3000 people, to a new site designated for resettlement. The villagers' tents were burned down which had become their main shelter after floods earlier in 2014 destroyed their homes and livelihoods. Furthermore, the 19 villagers who were arrested were denied access to medication, food and sanitation while in police custody.<sup>10</sup> 26 of them were later released on 8 August.

On 6 August, the manager of Ingwe Safari in Bulawayo was assaulted by soldiers based on allegations of inciting fellow workers to demand their outstanding salaries.<sup>10</sup>

On 15 August, MDC-T MP Sessill Zvidzai was arrested and formally charged for illegally importing 800 wind-up radios in 2010. He was subsequently discharged and the police would proceed by way of summons.

On 23 August, Edison Takataka, the ZANU PF Harare province Youth League vice chairperson was allegedly severely assaulted by party youths in Mbare for supporting Grace Mugabe's endorsement for the post of Secretary for Women's Affairs for the women's league. He was allegedly assaulted in the presence of politburo member Honourable Tendai Savanhu at a constituency meeting in Mbare. A police report was filed but no arrests were made.<sup>11</sup>

On 27 August, two MDC-T legislators, James Maridadi and Eric Murayi and Andrison Manyere a freelance journalist, were briefly detained, but later released during the MDC-T jobs demonstration. The courts did not sustain charges against the MPs.

On 18 and 27 August, police violently suppressed a demonstration organized by MDC-T youths demanding the promised 2.2 million jobs by ZANU PF during the run up to the 2013 elections. The Zimbabwe Human Rights NGO Forum through its Public Interest Unit, documented 12 separate cases of assault during the demonstration. Furthermore,

---

<sup>9</sup>[http://www.zimbabwesituation.com/news/zimsit\\_w\\_gutu-residents-in-shock-following-attack-by-soldiers-sw-radio-africa/](http://www.zimbabwesituation.com/news/zimsit_w_gutu-residents-in-shock-following-attack-by-soldiers-sw-radio-africa/)

<sup>10</sup> The News Day 06 August 2014

<sup>10</sup> See Zimbabwe Peace Project Monthly Monitor August 2014

<sup>11</sup> See the Financial Gazette 28 August 2014

seven youths were arrested and charged with obstructing or endangering free movement of people and traffic.

## **September**

On 05 September, teachers from Murombedzi in Zvimba West were forced by ZANU PF youths to abandon a school meeting in order to attend a ceremony to install chief Zvimba into power.

On 26 September, Melusi Sibanda a Central Intelligent Organisation operative and others in Chimanmani West drove around in a vehicle intimidating people from attending an MDC-T rally that was to be held the following day.<sup>12</sup>

On 26 September, the Epworth Local Board with the assistance of riot police demolished houses during the night. Several occupants were injured and the police randomly assaulted residents. A total of 10 residents were arrested and released on 27 September. One of those arrested sustained injuries.

On 29 September, Temba Mliswa the ZANU PF Mashonaland West provincial chairperson was assaulted by Beauty Zhuwawo a provincial executive member following disagreements at a meeting in Chinhoyi.<sup>13</sup>

## **November**

On 1 November, police murdered a driver, Mugove Manonge at a roadblock at Bemba farm on the Marondera-Murewa road, after demanding him to pay a \$10 bribe.

On 3 November, the Zimbabwe Human Rights Forum announced that they intended to sue the Minister of Home Affairs, Police Commissioner and police Officer Chikari for the assault of Witness Murasiwa on 12 November 2014. The Public Interest Unit (PIU) later announced that the victim decided to pursue an out of court settlement with the attackers.

On 5 November, ZANU PF youths reportedly attacked residents and destroyed homes in Southlea Park, Harare. The attacks have been associated with factional fights.

On 6 November 2014, Itai Dzamara was brutally assaulted by members of the Zimbabwe Republic Police in public for occupying Africa Unity Square and demanding that President Mugabe step down for the mismanagement of the economy.

On 29 November, Jacob Sikhala from the MDC-T was tortured while under police custody after being taken in for questioning. He had been accused of collaborating with the then Vice President Joyce Mujuru to assassinate President Mugabe.

---

<sup>12</sup>Ibid September 2014

<sup>13</sup> See the Newsday 30 September 2014

## **1d. Arbitrary arrest or detention of human rights defenders (HRDs)**

During the period under review, a total of 315 cases of arbitrary arrests and detention were documented with the main targets being human rights defenders and political activists. The rights related to arbitrary arrest and detention are provided for under the Declaration of Rights in the Constitution of Zimbabwe. The principle of justice and fairness fundamental to criminal due process continued to be undermined with arrests being made exclusively to carry out investigations even though by law investigations must precede arrests.

During the period, the Criminal Law (Codification and Reform) Act and the Public Order and Security Act (POSA) were used as the basis of arbitrary arrests and detentions. Police continued to use arbitrary arrests or detention to intimidate and harass human rights defenders (HRDs) and pro-democracy activists.<sup>15</sup> According to the law, a police officer should not effect an arrest without reasonable suspicion that the suspect should be arrested. The following cases illustrate such cases for the period under review:

### **Specific Violations**

#### **January**

On 27 January, police arrested and detained civic leaders from ZimRights, Chitungwiza Residents Trust, Combined Harare Residents Association and the Centre for Community Development in Zimbabwe for two nights for addressing a meeting to discuss the proposed demolition of 14,000 homes in Chitungwiza by the government. They were charged for allegedly inciting public violence and unrest. The leaders were all discharged without any fines paid.<sup>14</sup>

On 27 January, 12 members of Zimbabwe National Students Union (ZINASU) were arrested at Harare Polytechnic for demonstrating against declining standards of education. The 12 were also reportedly assaulted while in custody.<sup>15</sup>

#### **February**

On 13 February, police assaulted members of Women of Zimbabwe Arise (WOZA) following their annual 1 Valentine Day protest march in Harare. WOZA members marched to parliament demanding an end to corruption and an improvement in the deteriorating standards of living.

On 24 February, Martha Tholanah, the Chairperson of Gay and Lesbians Zimbabwe (GALZ) appeared at the Harare Magistrate Court due to allegations of running an unregistered organisation in contradiction of the PVO Act. The charges were executed in

---

<sup>15</sup> Human rights defenders also known as human rights advocates, human rights activists and human rights workers are individuals, groups of people or organisations who promote and protect universally recognised human rights and fundamental freedom through peaceful and non-violent means.

<sup>14</sup>Residents condemn police action, the Daily News 3 February 2014.  
<http://www.dailynews.co.zw/articles/2014/02/03/residents-condemn-police-action>

<sup>15</sup>The Crisis in Zimbabwe Coalition report- issue number 258 13 March 2014

August 2012 after police raided and conducted a search at the GALZ offices in Harare. However, on 27 February 2014 Martha was acquitted of the charges. The acquittal was the second legal victory for GALZ in two consecutive months.

### **March**

There was the acquittal by the High Court on 5 March of the remaining three MDC-T activists who were part of the 29 MDC-T members arrested over allegations of murdering a police officer in Glen View in May 2011. The other 21 were acquitted in 2013.

On 12 March, police dismantled a meeting held by the Gays and Lesbians Association of Zimbabwe (GALZ) at the Bronte hotel in Harare. Natasha Dowell, the organisation's volunteer youth coordinator and Tawanda Mugudze, the training facilitator were arrested for allegedly contravening section 25 (5) of the Public Order and Security Act (POSA) by failing to seek authority from the police before conducting the meeting. The other participants had their details profiled. Dowell was charged under the POSA act whilst Mugudze was released without charge.

### **June**

On 28 June, Bulawayo Agenda officials Mmeli Dube, Butholezwe Kgosi Nyathi, Nthombiyezansi Mabunda Tozana and Thulani Moyo were arrested and charged for allegedly holding a public meeting in Victoria Falls without approval from the police. The arrests were perceived by ZHLR as the curtailment of citizens' fundamental rights by abusing some provisions under POSA, in contravention of Section 58 of the Constitution, which guarantees freedom of assembly and association.

### **November**

On 6 November, ZHLR published a press statement condemning the unprovoked and brutal assault of one of its lawyers, Kennedy Masiye Massiye was arrested while attempting to file a report at Harare Central.

## **1e Prisoners' rights including death penalty and moratoriums**

In Zimbabwe, prisoners' rights are guaranteed by the constitution. In spite of this recognition, inmates live in overcrowded cells with inadequate food rations, bedding needs, sanitation and uniforms. According to reports, in 2014 the country's prison population stood at 18 460 against a holding capacity of 17 000.<sup>16</sup>

In June 2014, the Justice, Legal and Parliamentary Affairs secretary Virginia Mabhiza, told the parliamentary portfolio committee on Justice and Legal Affairs that jails could not adequately supply the prison population with provisions. A report that emanated from the Zimbabwe Prison and Correctional Services (ZPCS) but was later disowned by the

---

<sup>16</sup> <http://www.citypress.co.za/politics/robert-mugabe-pardons-2-000-inmates/>

same institution, revealed that in 2013 malnutrition contributed to the death of at least 100 prisoners in Zimbabwe's jails.

Although annual statistics on starvation in prisons were not available for 2014, the economic circumstances did not suggest that there had been an improvement.

However, measures were deployed to ease congestion in the country's prisons. On 12 February 2014, President Mugabe through Clemency Order No.1 of 2014 granted a presidential amnesty to 2000 inmates. Beneficiaries of the amnesty included all women, except those imposed with the death penalty; prisoners below the age of 18 irrespective of the offences they committed; all terminally ill inmates; prisoners over the age of 70 as at the 30<sup>th</sup> of June 2013; prisoners in open prisons and prisoners sentenced to thirty-six (36) months in prison who would have already served a quarter or more of their sentence as at 12 February 2014. Prisoners convicted of murder, treason, rape, carjacking, armed robbery, stock theft and those serving a sentence imposed by a court martial were excluded from the amnesty<sup>17</sup>. The Constitution of Zimbabwe allows the president to extend amnesty to prisoners at his discretion.

The Zimbabwe Prisons and Correctional Services (ZPCS) faced resource challenges. On 17 March, the ZPCS failed to take prisoners to court due to fuel shortages. This resulted in the postponement of trials at the Harare Magistrates' Courts.<sup>18</sup>

With regard to prisoners on the death row, the government continued with its moratorium of death sentences, which followed new provisions in the constitution that abolished death sentences to certain groups of people including women, children and those above the age of 70. Rights groups recently filed a constitutional petition demanding that the moratoriums be made permanent and that the abolition of death sentence be extended to all citizens, as the exclusion of men amounted to discrimination.

A report by the Zimbabwe Lawyers for Human Rights (ZLHR) suggested that over the past 14 years, persons accused of committing criminal acts in Zimbabwe have been subjected to an inefficient criminal justice system, which has lost its capacity to ensure that accused persons are guaranteed their basic rights during pre-trial detention. In 2006, the then Judge President of the High Court of Zimbabwe, Justice Rita Makarau, expressed concern over the conditions of pre-trial detainees who were being held at the Harare Central Prison, one of Zimbabwe's largest remand prisons. During a visit to the prison, Justice Makarau met with a number of pre-trial detainees, including at least ten who had been held on remand for ten years without trial.

She described their plight as "embarrassing and disturbing" and stressed that the courts had "no excuse for this delay. It is imperative prisoners who deserve to be released should not stay here." The Constitution of Zimbabwe includes a Declaration of Rights, which guarantees fundamental rights to all persons, including those accused of committing criminal offences and awaiting trial. Rights specific to pre-trial detainees include the right to liberty and the right to the protection of the law, which includes the right to a fair trial within a reasonable period and the right to innocence until proven

---

<sup>17</sup> General Notice 20 of 2014, Clemency Order No. 1 of 2014, Government Gazette extraordinary 12 February 2014.

<sup>18</sup> Tarisai Machakaire, No fuel to ferry prisoners' the Newsday 18 March 2014

guilty as well as freedom from torture or cruel, inhuman or degrading treatment or punishment.

Despite these constitutional guarantees, Zimbabwe continued to face challenges in ensuring the enjoyment of rights by pre-trial detainees, even though these rights are bestowed on them the moment they are arrested and detained. Zimbabwe's Criminal Procedure and Evidence Act further guarantees accused persons' basic rights while in police custody, regulating the conduct of the police to ensure that they do not violate due legal process. Unfortunately, Zimbabwe's primary law enforcement institution, the Zimbabwe Republic Police has often been accused of, and found liable for, disregarding the rights of accused persons, including engaging in acts of torture, disregard for the rule of law, partisan application of the law, and failing to investigate cases in preparation for trial, leading to extended periods of pre-trial incarceration.

The country's economic recession during the period 1999-2009 deprived state institutions, including law enforcement institutions, of the necessary resources needed to maintain an efficient and effective criminal justice system. As will be detailed in subsequent sections, the operations of key institutions, such as the Attorney General's office, the police, the prisons services and the magistrates' courts among others, have been hampered by poor conditions of service for employees and generally inadequate funding. These challenges have all contributed directly or indirectly to the delayed determination of criminal cases and the prolonged incarceration of pretrial detainees, which have violated the rights of accused persons. The economically depressed situation also had the effect of impoverishing many Zimbabweans, depriving them of access not only to their basic daily needs but also to essential legal representation since legal fees were unaffordable and there was limited provision of legal aid. Juvenile offenders seem to have been the most affected by this situation. In many cases they had to go through the court process alone since their impoverished families were usually unable to attend to court hearings, which were often held far away from their homes.

ZLHR further cited, section 50 (3) of the Constitution states that any person who has been arrested and detained and is not tried within a reasonable time shall, without prejudice to any further proceedings that may be brought against him, be released either unconditionally or upon reasonable conditions. Section 69 (1) also provides that if any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

### **Section 1f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, but the government did not respect these prohibitions both in policy and in practice. There were numerous cases of arbitrary demolitions of property and evictions of suspected MDC supporters. As recorded under the section of freedom of speech, the state took a number of measures to interfere with online privacy.

## **1f. (i) Freedom from arbitrary eviction**

Freedom from arbitrary eviction is provided for in section 74 of the Constitution of Zimbabwe which states that: “No person may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances”. It is also covered under Section 28 of the Constitution, which states that: “The State and all institutions and agencies of government at every level must take reasonable legislative and other measures, within the limits of the resources available to them, to enable every person to have access to adequate shelter.”

During the period under review, the government continued to carry out demolitions, threats of demolitions and arbitrary evictions contrary to section 74 of the constitution of Zimbabwe. Homes for 14 000 families remained under the threat of eviction in Chitungwiza and Manyame after the Minister of Local Government ordered local authorities that had jurisdiction over these communities to destroy illegally constructed structures.

The government continued with its demolition agenda, which began in 2013 following the demolitions of homes and tuck shops in Hatcliffe and Ruwa suburbs in December 2013. Between January and February 2014, local authorities in Chitungwiza embarked on demolishing of houses and other informal structures that were improperly allocated for residential purposes. According to Veritas Trust, Zimbabwe, “ in Chitungwiza alone there are 8 260 illegally occupied stands on land which has been set aside for clinics, schools, cemeteries, recreational activities and roads; in the Seke Communal Lands there are 6 200 such stands”.<sup>19</sup>

### **Specific Violations**

On 10 February, Manyame Rural District demolished six houses allegedly built on illegal land. The demolitions were illegal in that they were carried out without the authority of court orders as set forth in section 74 of the constitution.<sup>20</sup>

On June 7, army officers forced the white farm owner of Piedmont farm in Matepatepa, Bindura North to vacate his farm and leave all farming machinery.

On 19 July, 67 families were left homeless after they were unprocedurally and illegally evicted from Banana Grove Farm in Ruwa, Mashonaland East by the farm owner Simon Makaza.

On 14 September, the Harare City Council demolished market stalls and booths at Fourth Street bus terminus destroying the source of livelihood for many families.

On 26 September, local authorities in Chitungwiza and Epworth demolished houses without a court order as per the provisions of the constitution. According to the Chitungwiza Residents’ Trust, the demolitions in the two areas took place during the very

---

<sup>19</sup> Bill Watch Constitutional watch 2/24, Unpacking and giving effect to the constitution, are demolitions of illegal structures constitutional 28 February 2014

<sup>20</sup> *ibid*

early hours of the morning and several occupants were injured as they were sleeping when the demolitions took place.<sup>21</sup>

In Epworth, while reinforcing the Epworth Local Board efforts, riot police randomly assaulted residents resulting in violent skirmishes.

Police also fired warning shots into the air to disperse residents resisting evictions. In Chitungwiza a near complete shopping complex was demolished in St Mary's. The demolitions in Chitungwiza came against a court order granted by Chitungwiza Magistrates' Court in favour of residents on the 24th of April 2014.<sup>22</sup>

#### **1f. (ii) Malicious Damage of property**

Two cases of arson were documented during the period under review.

On 19 July, Tsaurai Lawrence Stemere, a farmer at Sundowns Farm in Masvingo, suffered from property damage by war veterans during a farm invasion when his vehicle and house were set on fire. .

On 14 September, the house of Penelope Makomeya, a ZANU PF youth leader was allegedly petrol bombed in alleged factional fighting following reports that Harare Province was opposed to the ascendancy of Grace Mugabe. The ZANU PF Provincial Youth Chairperson, Godfrey Gomwe allegedly sent people who assaulted Makomeya on 24 August.<sup>23</sup>

#### **1g. Violations specific to LGBTI community**

The Lesbian, Gay, Bisexual, Transsexual and Intersexual (LGBTI), Men who have Sex with Men (MSM) and Women who have Sex with Women (WSW), Gays and Lesbians of Zimbabwe (GALZ) recorded six cases of human rights violations targeting the LGBTI/MSM/WSW for the period between April and June. These cases varied from unfair labour practices, assault, blackmail, gay bashing, illegal arrest and detention and other related cases.

#### **Specific Violations**

On 17 May, a landlord in Rugare, Harare threatened to report a 26-year-old man to the police for being in a homosexual relationship with a 63 year old man. He was forced to change lodgings.

On 19 May, a transvestite in Hatfield, Harare was bashed and threatened with shooting during a bar argument that emanated from her sexuality. She sustained internal injuries.

On 20 June, a lesbian had her privacy violated by a work colleague who exposed her sexual orientation.

---

<sup>21</sup><http://nehandaradio.com/2014/09/27/council-in-midnight-demolition-blitz/#sthash.UDp5snFw.dpuf>

<sup>22</sup> Crisis Coalition Report issue 306, 02 October 2014

<sup>23</sup> <http://www.financialgazette.co.zw/elimination-politics-in-Zanu-PF/>

# Respect for Civil Liberties

# 2

Including rights relating to freedom of assembly and association and freedom of free speech and the press. The section is divided into the following sub-sections: 2a covers Freedom of Assembly and Association; 2b covers freedom of free speech and the press.

## **SUMMARY**

*The new constitution guarantees civil liberties including freedom of speech, press and media and assembly and association. However, despite the adoption of the new constitution with an extensive and progressive bill of rights as well as other provisions relating to rule of law and political participation, 2014 began with outstanding issues in relation to the overriding need for the re-alignment of key laws with the new constitution. These issues included a lack of commitment to resource various commissions created by the new constitution and the need to address outstanding structural reforms, such as security sector reforms to ensure that Zimbabwe has the capacity to fulfill its domestic, regional and international obligations.*

*Legislative and institutional reform was not a priority for the government and repressive laws such as the Public Order and Security Act (POSA), the Protection of Privacy Act (AIPPA) and the Criminal Law Codification and Reform Act (the Criminal Law Code) continued to be used selectively by unreformed state institutions and actors to prevent the exercise of constitutionally guaranteed freedoms, in particular rights relating to freedom of association, assembly and free speech and media especially electronic media. Serious human rights were recorded during the period under review; there were attacks on members of the media, lawyers, use of repressive laws against targeted civil society organizations (CSOs) and human rights defenders (HRDs) and criminalization of free speech.*

## **In DETAIL**

### **Progress on reforms**

With regards to the right to free expression, the Postal and Telecommunication (Subscriber Registration) Regulations were repealed in June 2014 and were replaced with

Statutory Instrument 95/2014. The new regulation obliges a law enforcement agent to be in possession of a warrant or court order to obtain information related to mobile phone transcribers' information. Previous legislation allowed Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) to provide information from its central database to a law enforcement agent, if it had received a prior written request from an official of a law enforcement agency. The previous regulations violated the right to privacy as they allowed third parties to access subscribers' personal data without a court search warrant.

Further, the Ministry of Information conducted a much contested Media Panel of Inquiry (IMPI) which was meant to solicit for citizens' views on how to reconfigure the country's media industry. Although some within civil society, viewed it as a PR stunt, some viewed it as an important step in the government's efforts to engage more constructively with all stakeholders to address concerns that have been raised in connection with the state of the media generally and specifically the freedom of expression and privacy in Zimbabwe. However, the inquiry was followed by a proliferation of proposed laws by Zimbabwe's Postal Regulatory Authority to further censor social media and interfere with critical views.

Regarding the right to freedom of association, it is important to note that during the period there was a notable decline in the number of cases of violations involving human rights defenders (HRDs) who in the past have been victims of unfounded criminal charges in a bid to curtail their operating space.

There were areas of progress i.e. the Constitutional Court finally acquitted the Election Resource Centre officials who were arrested during the run up to the 31<sup>st</sup> July 2013 harmonised elections on allegations of contravening section 40 (c) (1) (g) of the Electoral Act, for conducting voter education without the authority of ZEC. Also Bulawayo Agenda officials who had been arrested under the Public Order and Security Act (POSA) and accused of conducting a public meeting without police clearance, were acquitted in the Victoria Falls Magistrate Court on 21 August.

However, there was a marked decline in violations during the period under review, violations against human rights defenders have largely been structural, emanating from the government's failure to align current legislation with the 2013 Constitution. Offending laws such as Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) remained in place and were applied selectively by state institutions at the expense of citizens' enjoyment of constitutional freedoms. Law enforcement agencies in particular continued to bring unfounded criminal charges against human rights defenders<sup>24</sup>. Through the systematic disregard of the right to free association, the operating space for human rights defenders was restricted.

---

<sup>24</sup> Human rights defenders also known as human rights advocates, human rights activists and human rights workers are individuals, groups of people or organisations who promote and protect universally recognised human rights and fundamental freedom through peaceful and non-violent means.

During the period under review, it was reported that the government was in the process of drafting new cyber-security laws to control the activities of social media. This move will undermine Zimbabweans' rights to privacy, free expression and a free media.<sup>25</sup>

The Constitutional Court on 25 June 2014 upheld dual citizenship that is provided for in the Constitution in the case of Farai Madzimbamuto, who had sought from the court freedom to travel and live in Zimbabwe on his South African passport without applying for a residence permit.

## **2a) Freedom of assembly and association**

Freedom of assembly and association is safeguarded in section 58 (1) of the Constitution of Zimbabwe and also in the African Charter on Human and Peoples' Rights (ACHPR) to which Zimbabwe is a party.

### **Specific violations**

The following are some examples in which the government restricted freedom of assembly and association during the period under review.

#### **January**

In January, five members of GALZ were arrested at a party in Bulawayo for wearing T-shirts inscribed with the message "same love."

On 18 January, police banned a church meeting to commemorate victims of Gukurahundi. The meeting was to be led by Archbishop Pius Ncube.

On 27 January, police arrested and detained civic leaders from ZimRights, Chitungwiza Residents Trust, Combined Harare Residents Association and the Centre for Community Development in Zimbabwe. They were detained for two nights for addressing a meeting to discuss the proposed demolition of 14,000 homes in Chitungwiza by the government. They were charged for allegedly inciting public violence and unrest. The leaders were all discharged

On 27 January, 12 members of Zimbabwe National Students Union (ZINASU) were arrested at Harare Polytechnic for demonstrating against declining standards of education. The 12 were also reportedly assaulted while in custody<sup>26</sup>

Police refused to sanction an anti- corruption march planned by ZimRights and 60 other CSOs in Zimbabwe.

---

<sup>25</sup> MMPZ-Press statement- MMPZ concerned by news of plans to 'regulate' social media [http://www.mmpz.org/sites/default/files/articles/MMPZ%27s%20statement%20over%20plans%20by%20Government%20to%20control%20social%20media-Sept%202014\\_1.pdf](http://www.mmpz.org/sites/default/files/articles/MMPZ%27s%20statement%20over%20plans%20by%20Government%20to%20control%20social%20media-Sept%202014_1.pdf)

<sup>26</sup> The Crisis in Zimbabwe Coalition report- issue number 258 13 March 2014

## **February**

On 13 February, police assaulted members of Women of Zimbabwe Arise (WOZA) following their annual Valentine Day protest march in Harare. WOZA members marched to parliament demanding an end to corruption and an improvement in the deteriorating standard of living.

On 15 February, armed riot police forced members of the Gimbok South housing society in Mutare to prematurely end their annual general meeting;

## **March**

On 12 March, police raided a meeting by the Gays and Lesbians Association of Zimbabwe (GALZ) at Bronte hotel in Harare and arrested Natasha Dowell, the GALZ volunteer youth coordinator and Tawanda Mugudze, the training facilitator for allegedly contravening section 25 (5) of POSA by failing to seek authority from the police before conducting the meeting. The other participants had their details profiled. Tawanda was released without charge while Dowell was charged under the Public Order and Security Act (POSA).

## **May**

On 8 May, human rights lawyer, Trust Maanda, was arrested and charged for defeating the course of justice. Maanda was arrested and charged for representing six ex-Mbada Diamond Mining firm workers who were suing the police, for implicating them in a \$3 million diamond theft case, The arrest of Maanda was described by Zimbabwe Lawyers for Human Rights as “a fresh assault on the legal profession” following a similar arrest of Beatrice Mtetwa in 2013.

In May Prosecutor-General of the National Prosecuting Authority (NPA) appealed against the acquittal of human rights lawyer Beatrice Mtetwa. Mtetwa was acquitted on charges of contravening the Criminal Law Act after an altercation with police in November 2013. The NPA application has been perceived by the Zimbabwe Lawyers for Human Rights (ZHLR) as continuing persecution of human rights defenders.

The Zimbabwe Peace Project (ZPP) recorded 8 cases of violations of freedoms of assembly and association. A key event during the period that was recorded from press reports was the illegal ban of the Johane Masowe eChishanu apostolic faith sect in Budiriro, by Bishop Ndanga, a self-appointed leader of a group that claims to regulate apostolic faith churches. Human rights defenders accused police who escorted Bishop Ndanga to announce the ban of legitimising an undue process under law since Bishop Ndanga had no jurisdiction over the sect.

## **June**

On 3 June, a Radio and TV repair shop owner at Chawarura Business Centre, Muzarabani South, was barred by Zanu PF youths led by Rasy Chapata from accessing his shop because he had attended a meeting organised by ZimRights. The man was ordered to leave the premises.

On 4 June, a vendor at Tanganda Halt in Chipinge West, was targeted by a group of soldiers who stole her goods because she was wearing an MDC-T t-shirt.

On 28 June, Bulawayo Agenda officials Mmeli Dube, Butholezwe Kgosi Nyathi, Nthombiyezansi Mabunda Tozana and Thulani Moyo in Victoria Falls, were arrested and charged for allegedly holding a public meeting without approval from the police. The arrests were perceived by ZHLR as the curtailment of citizens' fundamental rights by abusing some provisions under POSA, in contravention of Section 58 of the Constitution, which guarantees freedom of assembly and association.

On 30 June, , Zanu PF MPs and village heads in parts of Zaka and Gutu Districts, were alleged to have forced villagers to meetings where they coerced them to complete data forms with confidential information such as personal history, party affiliation, identity number, voter registration status and employment history. Villagers were also coerced to pay R2 for each form issued and non-compliant villagers were threatened with eviction from the villages.

## **July**

On 12 July, armed riot police disrupted Transform Zimbabwe's national executive meeting held in Gweru on the pretext of looking for the party's president Jacob Chenedzeni whom they wanted to arrest on charges of holding an unsanctioned meeting in Hatfield Harare.

## **August**

On 1 August, police violently disrupted a clean-up exercise in Harare that was organised by the National Vendors of Zimbabwe.<sup>27</sup>

On 2 August, the ZANU PF branch Chairperson and the district youth Chairperson for Glenview South, Harare went from residence to residence forcing inhabitants to buy the party's electronic cards.

## **September**

On 5 September, teachers from Murombedzi in Zvimba West were forced by ZANU PF youths to abandon a school meeting in order to attend the installation of chief Zvimba.

On 14 September, a group of youths from MDC- Renewal Team allegedly disrupted a meeting convened by the MDC-T in Masvingo. The group of intoxicated youths from the Renewal Team were singing and shouting obscenities resulting in the adjourning of the meeting.<sup>28</sup>

On 25 September, members of the CIO disrupted a Transparency International meeting in Hwange. The meeting was cleared by police and was meant to discuss environmental issues.

---

<sup>27</sup> <http://allafrica.com/stories/201408050207.html>

<sup>28</sup> <http://www.radiovop.com/index.php/national-news/11219-drunken-youths-disrupt-mdc-t-meeting.html>

## **2b) Freedom of speech and of the press**

The right to freedom of expression and freedom of the media is safeguarded respectively in section 61 (1) and (2) of the Constitution of Zimbabwe. Despite the adoption of the new constitution, the Criminal Law Code has continuously been used to criminalize utterances likely to undermine police authority (the Code, section 177), or insult the office or person of the President (the Code, section 33). Section 31 of the Criminal Law Code makes “*publishing or communicating false statements prejudicial to the state*” a crime. This remained the status quo especially in the first half of 2014. Section 33 of the Criminal Code continued to be used to arrest and detain people for allegedly insulting and undermining the authority of President Mugabe. In the first quarter of the year, the Zimbabwe Lawyers for Human Rights (ZLHR) reported more than 80 cases involving arbitrary application of section 33 that were pending before the Constitutional Court and other subsidiary courts.

### **Progress on reforms**

In order for significant and lasting progress on reforms to be made, it is imperative that all the pieces of legislation that stifle freedom of expression and of the media with the Constitution are realigned. On the positive, the second half of the year saw the striking off of section 31 (a)(iii) of the Criminal (Codification and Reform) Act, which makes “*publishing or communicating false statements prejudicial to the state*” a crime. On 22 July 2014, the Constitutional Court ruled that section 31 of the Criminal Code was in contravention of the provisions of the constitution and was undemocratic. The result was a reduction in cases of violation of freedom of expression and of the media during the second half of the year.

### **Specific Violations**

#### **January**

In January, Gumisai Manduwa a teenager from Odzi, Manicaland was arrested under section 33 of the Criminal Law for reportedly sharing a post on Facebook alleging that President Mugabe had died and was being preserved in a freezer.

On 25 January, Godfrey Mtimba, a *Daily News* reporter, was reportedly assaulted by suspected ZANU PF youths while covering a US embassy youth meeting in Masvingo. The youths, led by Talent Majoni, were apparently provoked by US President Barack Obama’s decision to exclude President Mugabe from the US-Africa summit, to be held in August.

#### **February**

On 16 February, Kelvin Ufumeli, a journalist was attacked by MDC-T youths while covering a rally addressed by the party’s leader Morgan Tsvangirai in Glen Norah.<sup>29</sup>

---

<sup>29</sup> Information Rights Report by Media Monitoring Project Zimbabwe, February 2014

On February 8, the then Vice President Joyce Mujuru criticised the media for exposing corrupt activities in parastatals. She argued that this was most likely the work of detractors aimed at the stalling the government's programmes. She made the remarks while addressing the ZANU PF Mashonaland West provincial women's conference in Chinhoyi.

On 11 February, Cuthbert Dube, the former Premier Service Medical Aid boss gave the media a one day ultimatum to stop publishing articles on his alleged abuse of public funds at the medical aid society, if he failed to comply he would approach the courts for an interdict. He made the threats in a statement issued by his lawyers, Venturas and Samkange.

## **April**

In April and June 2014 respectively, the offices of community radio initiatives, Radio Dialogue and Radio Kwelaz were raided by police under suspicions that they were in violation of the Broadcasting Services Act. They were not in breach of any legislation.

On 28 April, Nevanji Madanhire, the editor of the Newsday and a reporter were charged with contravening the criminal law, after they published a story alleging police partial responsibility for the death of a four-year old who was killed by a minibus fleeing from the police.

## **May**

On 3 May, police banned the march to mark World Press Freedom Day. Armed riot police blocked the peaceful march by journalists after police had withdrawn authorization sanctioning the march and road show to continue. The Minister of Information expressed displeasure over the actions of the police in banning the march, which was later re-scheduled to a later date.

## **August**

On 15 August, MDC-T MP Sessill Zvidzai was arrested and formally charged for the illegal importation of 800 wind-up radios in 2010. He however was discharged and the police would proceed by way of summons.

On 18 and 27 August respectively, a photojournalist Angela Jimu and a freelance journalist Andrison Manyere were assaulted and arrested during the MDC-T job marches. The two were released without any charges.

## **September**

On 2 September, the Chairperson of the Broadcasting Authority of Zimbabwe (BAZ), Dr. Tafataona Mahoso banned recordings and social media postings of proceedings during public hearings for prospective commercial radio station applicants in Bulawayo. As a result, BAZ confiscated recorders belonging to Lifaqane Nare and Mvelo Zondo, two journalists, who only got their recorders after the hearings.

On 21 September, the Zimbabwe Mail Online Editor, Privilege Musvanhiri was assaulted and arrested by Harare Municipal Traffic Enforcement Officers while he was taking pictures of clashes between the Municipal police and illegal hawkers . His phone was confiscated and he was detained and later released.

### **October**

On 22 October, Harare Police assaulted Alpha Media Holdings online reporter Tapiwa Zivira for capturing video footage of the ongoing clashes between police and illegal hawkers operating in the Central Business District (CBD).

On 22 October, Journalist Wilson Maphosa was arrested for taking pictures of houses that had been allegedly burnt down by police at Roy Business Centre in Masvingo.

On 22 October, an online reporter, Tapiwa Zivira from Alpha Media Holdings, was assaulted and detained.

# Respect for Political Rights

# 3

Including the Right of Citizens to Change Their Government: Elections and Political Participation. This section is divided into the following sub-sections: 3a covers rights relating to political participation including elections; 3b the subversion of party electoral processes.

## **SUMMARY**

*The constitution provides citizens with the right to participate in local and national elections including the right to freely choose their leaders and government peacefully. Section 23A of the new constitution provides for the right to vote while section 121 and 121A of the Zimbabwe Electoral Act provides for the occurrence of a by-election in the event of death or to fill a special vacancy in a given local authority. Despite the affirmation, these rights were restricted in practice. The government continued to align the country's laws to the constitution at an inadequate and slow pace. After the flawed 2013 elections, the political process continued to be heavily in favor of Zanu PF with little progress attained to ensure the implementation of reforms that would give rise to free and fair elections in the future.*

Political violence usually stands as a major impediment to free and fair elections. The reported cases of political violence are recoded under section 1.

## **In DETAIL**

### **Elections and Political Participation**

On 25 January, local government by- elections were held in three wards; Harare (ward 12), Karoi (ward 10) and Zaka (ward 32). These by-elections were necessitated by the death of incumbent councilors in the respective wards. Three political parties, ZANU PF, MDC-T and the newly formed NCA participated in the by-elections in which ZANU PF councilors won all the seats. Similar to the 2013 harmonized elections, the electoral process was peaceful in all the wards despite the heavy police presence, particularly in

the Sunningdale Ward 12.<sup>30</sup> The presence of police had a negative effect of intimidating voters.

### **3a. Rights Relating to Political Participation Including Elections**

On 25 January 2014, the Zimbabwe Election Support Network (ZESN) observed the three local government by-elections in Harare, Karoi and Zaka. While voting took place peacefully in Ward 11 of Chegutu Rural District Council, ZESN observers reported the occurrence of critical incidents in some polling stations. The deployment and heavy presence of riot police (at least 5 per polling station) intimidated voters at Stodart Hall in Mbare. The police were reportedly positioned outside the polling station however in some cases they sat inside the polling station.

The observers also reported that some voters' names were not appearing in the voters roll. Voting was based on producing voter registration slips, which were mostly from an outdated voters' register dating as far back as June 2013. The voting slips could not be authenticated since voters who did not reside in the particular ward holding the by election could vote. On the other hand, there was a great turn away of voters whose names were not appearing in the voters roll used at that time.

On 3 April 2014, the Zimbabwe Election Support Network (ZESN) expressed concern with the hurried deliberations on the Electoral Amendment Bill in Senate and failure to take the Bill through the public hearing process first. This Bill is an important piece of legislation that will inform how future elections will be administered in Zimbabwe. Adequate consultations with the public and other stakeholders were vital to ensure comprehensive alignment of the Bill with the new Constitution and enshrining regionally and internationally accepted norms and standards that govern the conduct of elections.

Other critical incidents that took place during the voting process included: the bussing in of voters at Selous Tobacco Primary, which recorded the highest number of voters; the continued use of voting slips which were used in the harmonized elections and secrecy of the vote was infringed on as the presiding officer provided assistance to voters in the presence of a polling official and a police officer. As a result of these challenges, some of the MDC polling agents who observed the by-elections refused to sign the V11 forms specifically alleging that persons from outside ward 11 had been allowed to cast votes using voters' slips.

On 2 September 2014, ZESN noted the signing of the Electoral Amendment Bill into law by President Mugabe during the week of 17 August 2014. The Act now forms part of the legislative framework that regulates electoral processes in Zimbabwe. However, Veritas argued that the Bill had many loopholes and regarding special voting stated that election officials and security forces that were not able to cast their votes in their constituencies were not able to get postal votes and so were disenfranchised. The Research Advocacy Unit (RAU) contributed an opinion on the Kampepe report criticising Mbeki's choice of political expediency over adherence. The South African government disregarded the

---

<sup>30</sup>See ZESN press statement on 25 January 2005 local government by-elections

contents of the Kampehe report to validate Zimbabwe's 2002 elections thereby committing Zimbabweans to a government they did not elect in contravention of the Southern African Development Community (SADC) and the African Union (AU) electoral guidelines.

### **3b. Subversion of Party Electoral Processes**

In April 2014, Tendai Biti and Elton Mangoma of the MDC held a meeting at the Mandel Training centre in Harare, under the name 'Renewal Team' during which it was alleged that they planned to suspend Morgan Tsvangirai from the MDC. However Douglas Mwonzora, the MDC-T Secretary General accused Biti of trying to violate both the national and the party's constitution. Section 129(i) (k) of Zimbabwe constitution says "where a person ceases to be a member of a certain political party, they are recalled by that political party in which they were voted into in parliament". More so article 9.1.1 of the party constitution states that the President is the leader and Chief Principal Officer of the Party and is ultimately accountable to the National Council and Congress for the vision, strategy, actions and omissions of the Party subject to its Constitution. Further, article 9.1.2 (b) of the party constitution states, it is the duty of the president to chair meetings of the National Executive Committee. To this regard, the MDC Renewal team breached the party constitution by convening a meeting in the absence of the party president, hence nullifying the meeting outcomes. In November 2014, the Renewal Team signed a memorandum of understanding with the MDC-N and formed a new party called the democratic Union.

In December the ruling party's (ZANU PF) central committee granted President Robert Mugabe the authority to suspend the internal Zanu PF elections that were to be held at its "elective congress" from 2-7 December. This decision not only resulted in enabling the (90-year-old) president to directly appoint his deputies but also gave him wide discretionary powers to appoint his successor.

The 1980 Zanu PF manifesto is anchored on 13 fundamental rights and freedoms which include Franchise rights), Freedom of speech, assembly, association, procession, demonstration and strike action, among other rights

President Mugabe and his central committee unilaterally undermined the 1980 manifesto, introducing a complete structural overhaul of the Zanu PF party, in order to allow President Mugabe to handpick his deputies. The power to elect the two Zanu PF deputies granted to Zimbabwe's 10 provinces was revoked and the central committee placed total power in the hands of the first secretary. This measure was taken under the justification of protecting the ruling party from internal threats and restoring stability. In reality, however, the emergency-like powers were being systematically employed not only to confront legitimate internal challenges but to intimidate, harass, or persecute opponents loyal to Mugabe's potential successor, the then Vice President Joyce Mujuru<sup>31</sup>

---

<sup>31</sup><http://www.dailynews.co.zw/articles/2014/11/26/mugabe-dumps-liberation-values#.VHYzaM0BbL0.twitter>

# International Obligations

# 4

Including Governmental Attitude regarding International Human Rights Violations and Non-governmental Investigation of Alleged Violations of Human Rights in relation to the International Community as well as Regional Governing Bodies such as the SADC and the AU.

## **SUMMARY**

*In 2014, Zimbabwe continued to ignore official visit requests by international bodies and continued to neglect its judicial duties with unratified outstanding human rights conventions. Numerous statements and appeals were issued by international NGOs including Amnesty International, Human Rights Watch and intergovernmental organisations including the UN calling the government to fulfil its obligations under international law, to which there were no adequate responses. The EU commenced a 6-year agenda of economic re-engagement with Zimbabwe whilst South Africa's judicial stance on human rights in Zimbabwe underwent some significant changes.*

## **In DETAIL**

During her visit to Zimbabwe in May 2012, the UN Human Rights High Commissioner stated that, 'based on historical reasons there are two distinct covenants that are the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), however there is only one set of human rights, as originally outlined in the Universal Declaration of Human Rights'.

UN Member States, including Zimbabwe, agreed at the World Conference on Human Rights in Vienna in 1993 that "all human rights are universal, indivisible and interdependent and interrelated," and that "the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same

emphasis.” This implied recognition that no human right can be achieved fully without the enjoyment of other rights<sup>32</sup>.

On 28 February 2014, in Geneva, United Nations Special Rapporteur on Zimbabwe confirmed that a joint allegation letter Case ZWE 1/2014 was sent to the Zimbabwean government regarding alleged acts of harassment against leaders of two associations promoting and defending human rights to which there was no state reply. The Special Rapporteur urged the government to fulfil its outstanding obligations. These obligations included the following:

1. Putting in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms of peaceful assembly and association without undue hindrances. He reiterated the content of the operative paragraph 2 of the Human Rights Council Resolution 24/5 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and taking all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

2. Abiding by the International Covenant on Civil and Political Rights acceded by Zimbabwe on 13 May 1991, which guarantees the right to freedom of peaceful assembly and of association (article 21 and 22), stipulates that “each State Party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”(article 2), and guarantees to all individuals equal and effective protection against discrimination on grounds identified in article 2 (article 26).

3. Adhering to article 21 of the International Covenant on Civil and Political Rights “*No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others*” (emphasis added). International law therefore does not give the State any right to take measures to “limit acts that and place restrictions to guarantee national security.”

4. Responding to the Special Rapporteur’s country visit request sent in September 2011 and October 2013, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... calls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks... and to consider favourably his or her requests for visits<sup>33</sup>.”

---

<sup>32</sup> Navi Pillay, the United Nations High Commissioner for Human Rights at the University of Zimbabwe, May 24, 2012, <http://www.newzimbabwe.com/opinion-8073-Full>

<sup>33</sup><http://freeassembly.net/rapporteurreports/zimbabwe-communications/>

On March 21 2014, there was a collective response from Zimbabwean NGOs to the government's ongoing failure in meeting its human rights obligations; this included the concern regarding impending official visit requests and the government's continued neglect of ratifying outstanding human rights instruments. The Civil Society Organisations report compiled by Zimbabwe Lawyers for Human Rights, Zimbabwe NGO Human Rights Forum together with 51 other NGOs, stated that "GoZ refused or neglected to respond to reminders for requests for country visits sent by several Special Rapporteurs (SRs) on Freedom of Association and Assembly, SR violence against women and the SR Independence of Judges and Lawyers, in 2012, and SR on Torture in 2013." The report reinstated the urgency for the Government of Zimbabwe to abide by its international legal obligations by cooperating with all human rights mechanisms, and issue a standing invitation to all UN Special Procedures mandate holders, accepting all outstanding requests for country visits before 2016. The report also called on the Zimbabwean Government to ratify all outstanding human rights conventions including the Convention Against Torture and other Cruel, Inhuman or degrading Treatment (CAT), the International Convention for the Protection of all Persons against Enforced Disappearances (ICPED) and Optional Protocols to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), International Covenant of Economic, Social and Cultural Rights (ICESCR)<sup>34</sup>.

On 22 May, Amnesty International confirmed the continuing presence of legislation restricting internationally recognized human rights in Zimbabwe... "A year ago the people of Zimbabwe were celebrating a new Constitution which promised a much improved Declaration of Rights. Unfortunately, the government has since failed to amend or repeal all the laws rendered unconstitutional and continues to use these laws to repress people exercising their rights in Zimbabwe," said the organisation's director of Southern Africa, Deprose Muchena<sup>35</sup>.

The Government of Zimbabwe's continued failure to adopt and implement concrete measures to promote democratic principles resulted in a furtherance of relations with the U.S based on conditions.

In May, the U.S Ambassador to Zimbabwe reiterated the U.S policy on Zimbabwe in his address at the SAPES Trust in Zimbabwe to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

The current Consolidated Appropriations Act, 2014 Public Law No: 113-76, reiterated some of key ZDERA provisions:

*(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective*

---

<sup>34</sup> The full text of the report: <http://www.hrforumzim.org/news/zim-civil-society-organisations-mid-term-report-of-the-universal-periodic-review-process/>

<sup>35</sup><http://www.amnesty.org/en/news/zimbabwe-anniversary-new-constitution-no-cause-celebration-2014-05-22>

*institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, and freedom of speech and association.*

*(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State makes the determination required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.*

In addition to ZIDERA, the independent U.S. executive branch can deploy its executive powers using distinct and different legal authority<sup>36</sup>.

On 9 August, following the violent arrest of up to 300 people at Chingwizi camp housing approximately 20,000 displaced people in southern Zimbabwe, Human Rights Watch issued a statement urging the government to ensure that the displaced people are not denied their rights under international law and Zimbabwe's constitution, including the rights to health, shelter, food, and the prohibition of torture.

Furthermore, the Government of Zimbabwe continued its stagnant approach in implementing measures to promote democratic principles and institutions in accordance with the minimum standards set within the AU framework. On 9 August, Human Rights Watch urged the Zimbabwean government to recognise the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which Zimbabwe ratified, requires in article 9(2) (b) that states parties ensure that all displaced people have safe access to “food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services<sup>37</sup>.”

On 2 October, Philippe Van Damme was appointed the new EU Ambassador to Zimbabwe.

On 30 October, Philippe Van Damme, announced the lifting of the appropriate measures under Article 96 of the Cotonou Agreement which governs relations between the EU and Zimbabwe which would enable Zimbabwe to benefit from the 11th European Development Fund for the period 2015 to 2020. The Draft National Indicative Programme 2014-2020 stated “the EU's ultimate objective is the full normalization of relations with Zimbabwe in the attainment of the country's aspirations which include

---

<sup>36</sup> The full text of US Treasury Sanctions Program Zimbabwe:  
<http://www.treasury.gov/resourcecenter/sanctions/Programs/Documents/zimb.pdf>

<sup>37</sup><http://www.hrw.org/news/2014/08/09/zimbabwe-protesters-beaten-arrested>

consolidation of democracy, peace and stability, prosperity and sustainable development<sup>38</sup>.”

This will allow the trading bloc to support Zimbabwe’s programmes under the 11<sup>th</sup> European Development Fund for the period 2015 to 2020, from 1 November 2014 but still does not include budget support and does not include the lifting of the restrictive measures on Zimbabwe’s head of state and his wife.

The Dutch government continued to be a positive influence on the Zimbabwean government. In October, Zimbabwe Watch, a Dutch NGO, emphasized the importance for the EU “to make the so-called 're-engagement' strategy part of a wider multi-faceted policy framework, whereby the EU and its member states are using their leverage to engage and support the Zimbabwe government on the one hand, but also continue to support critical actors in Zimbabwe to take the government to account.” Recommendations made to the Dutch government on strengthening human rights mechanism in the country included:

- 1.) Continuing to empower civil society “watchdogs” in order to monitor the progress and compliance of the Zimbabwe Government with its own laws and procedures. Support for evidence-based research is crucial in this regard.
- 2.) Making additional funding available to support Zimbabwean civil society organisations working on the democratisation and human rights agenda in order to protect (and expand on) the valuable gains achieved in recent years. Putting in place initiatives to harmonise donor and civil society agendas should be supported<sup>39</sup>

In 2014, South Africa’s highly criticized and controversial foreign policy towards Zimbabwe underwent some significant developments:

On 30 October, the Constitutional Court of South Africa ruled unanimously that the South African Police Service (SAPS) under domestic and international law must investigate acts of torture, as a crime against humanity committed in Zimbabwe in 2008. The case brought by the Southern African Litigation Centre (SALC) and the Zimbabwean Exiles Forum (ZEF) was initiated in March 2008 to urge the South African judiciary to abide by its domestic and international legal obligations to investigate and prosecute high-level Zimbabwean officials accused of crimes against humanity.

The decision by the South Africa court reaffirmed the obligations outlined in the South African Implementation of the Roman Statute of the International Criminal Court Act 27 of 2002 (ICC Act) regarding investigation and prosecution of international crimes<sup>40</sup>.

“After eight years of legal wrangling, we are thrilled that victims of torture in Zimbabwe now have some prospect of seeing justice served,” said Gabriel Shumba, ZEF Chairperson, “But the case doesn’t just hold out promise for victims of torture in

---

<sup>38</sup> 11<sup>th</sup> European Development Fund Draft National Indicative Programme Zimbabwe 2014-2020

<sup>39</sup> Zimbabwe Watch Briefing Note, October 2014

<sup>40</sup> <http://www.issafrica.org/acpst/news/south-africas-police-must-investigate-zimbabwe-torture-allegations>.

Zimbabwe. Should it be reasonable and practicable for South African authorities to investigate international crimes committed elsewhere – for instance, the Democratic Republic of Congo – potentially the victims of those crimes might approach South Africa’s investigating authorities for assistance<sup>41</sup>.”

On 13 November, The Freedom House Report, *Supporting Democracy Abroad* substantiated worldwide criticisms made against South Africa’s foreign policy towards Zimbabwe. Regarding South Africa sending its own observer missions to Zimbabwe in the past it established that overall this has resulted in South Africa taking a passive stance and “unwillingness to criticize host governments.” It stated that civil society has urged stronger public criticism and further diplomatic action against Zimbabwe from South Africa who was the lead facilitator of the process that resulted in the Global Political Agreement (GPA) in 2008. Furthermore, South Africa has been criticized for not enforcing the provision outlined in by the GPA. It concluded that “Even though South Africa is regarded as a leader on the continent for advancing human rights and democracy, its foreign policy has had a ‘minimal’ impact on promoting human rights and democracy<sup>42</sup>.”

On 14 November, South Africa’s Judicial Observer Mission Report to Zimbabwe’s 2002 Presidential elections was published. This report also known as the Khampepe Report concluded that the 2002 Zimbabwe elections were not “free and fair.” Furthermore it confirmed that violence and intimidation were rampant during the pre-election period and at least 107 people were killed by politically motivated attacks between March 2000 and March 2002. The judges affirmed that, “having regard to all the circumstances, and in particular the cumulative substantial departures from international standards of free and fair elections found in Zimbabwe during the pre-election period, these elections, in our view, cannot be considered free and fair<sup>43</sup>.”

In December the UN Special Rapporteur on the independence of lawyers and judges visited Zimbabwe and gave an inaugural lecture during an annual event commemorating the international human rights day organised by the Zimbabwe Human Rights NGO Forum and Zimbabwe Lawyers for Human Rights. As this was an unofficial visit, she spoke generally on the need for a judiciary that is independent.

---

<sup>41</sup> <http://www.southernafricalitigationcentre.org/2014/10/30/news-release-zimbabwe-torture-case-victory-in-the-constitutional-court/>

<sup>42</sup> The full text of the report: [https://www.freedomhouse.org/sites/default/files/FH\\_Demo\\_Reports\\_South\\_Africa\\_final.pdf](https://www.freedomhouse.org/sites/default/files/FH_Demo_Reports_South_Africa_final.pdf)

<sup>43</sup> The full text of the report: <http://cdn.mg.co.za/content/documents/2014/11/14/reportonthe2002presidentialelectionsofzimbabwe.pdf>

# Economic, Social and Cultural Rights

# 5

Including rights relating to economic, social and cultural rights (“ecosoc”), including the right to health, education and education of the girl child, safe water and property and the right to freedom from corruption recognized by the Human Rights NGO Forum as a fundamental human right. The section is divided into the following sub-sections: 5a the right to freedom from corruption; 5b the right to education; 5c the right to education of the girl child and equality; 5d the right to food; 5e the right to safe and clean water; 5f the right to health; 5g the right to property.

## **SUMMARY**

*There were numerous human rights concerns relating to economic, social and cultural rights (“ecosoc”). Although, the new constitution includes these rights, they are still far from being realized. Rights to health, education and safe water continue to be violated through the government’s inability to have these rights accessible to everyone. At the same time, the exposures of mass corruption demonstrate that, the government’s inability to provide essential services has little to do with resource constraints as is often alleged by the government, and more to do with the question of resource redistribution. Furthermore, an embedded system of patronage ensures that there are a few politically connected elites in Zimbabwe who are committed to hold on to power and wealth, while the majority lack access to basic rights such as food and other provisions and social services.*

## **In DETAIL**

“Although for historical reasons there are two distinct covenants, on civil and political rights (ICCPR) and economic, social and cultural rights (ICESCR), there is only one set of human rights, as originally outlined in the Universal Declaration of Human Rights.

UN Member States, including Zimbabwe, agreed at the World Conference on Human Rights in Vienna in 1993 that “all human rights are universal, indivisible and interdependent and interrelated,” and that “the international community must treat human

rights globally in a fair and equal manner, on the same footing, and with the same emphasis<sup>44</sup>.”

Coupled with the serious human rights situation and rampant corruption, the country’s economy remained depressed, with unemployment increasing as a result of company closures. Municipalities countrywide struggled to provide basic public services like health, clean water, and constant electricity supply. Sanctions on the other hand had a negative impact on Zimbabwe’s Ecosoc Rights. As pointed out by the United Nations High Commissioner for Human Rights, Ms Pillary Navi in her speech at the University of Zimbabwe, the General Comment 8 adopted in 1997 by the Committee on Economic, Social and Cultural Rights emphasizes that the imposition of international sanctions entails obligations both for the targeted State as well as those imposing sanctions with regard to economic, social and cultural rights.

Regarding the targeted state, the imposition of sanctions does not nullify or diminish its obligations under economic, social and cultural rights. While sanctions might well diminish the capacity of the affected state to fund or support some of the measures necessary for the fulfillment of economic, social and cultural rights, the state remains under an obligation to ensure the absence of discrimination in relation to the enjoyment of these rights, and to take all possible measures, including negotiations with other states and the international community, to reduce to a minimum the negative impact upon the rights of vulnerable groups within the society<sup>45</sup>.

At the same time, those imposing the sanctions have to take economic, social and cultural rights into account when designing an appropriate sanctions regime. Furthermore, they are obliged to take steps, individually and through international assistance and cooperation, to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country.

## **Developments**

President Mugabe invoked the Presidential Powers (Temporary Measures) and amended the Money Laundering and Proceeds of Crime Act under Statutory Instrument 2 of 2014, which brought into effect stiffer penalties to curb money laundering, terrorist financing and white-collar crime. However, in order for the laws to be effective, a holistic approach against corruption is required. There is need for strong political will and public support to combat corruption.

In recognition of the complementary role of NGOs in the realisation of the right to food, Provincial Affairs minister responsible for Masvingo, Kudakwashe Bhasikiti, lifted the ban imposed on 29 NGOs most of which were humanitarian organisations. In lifting the

---

<sup>44</sup> <http://www.cfuzim.org/index.php/newspaper-articles-2/human-rights/2592-speech-by-ms-navi-pillay-at-the-university-of-zimbabwe>

<sup>45</sup> <http://www.cfuzim.org/index.php/newspaper-articles-2/human-rights/2592-speech-by-ms-navi-pillay-at-the-university-of-zimbabwe>

ban, Minister Bhasikiti acknowledged that the government could not feed all the starving people in the province on its own.

Despite the fact that the Constitution of Zimbabwe has an elaborate Bill of Rights that covers economic, social and cultural rights, there has been little progress on the ground regarding the achievement of Ecosoc rights. Service delivery remained poor, beginning in the first quarter with most parts of the country being affected by acute shortages of water and electricity.

Corruption became a topical issue in the first quarter, with the government condemning media exposes of corruption. The government's refusal to acknowledge the corruption was extremely indicative of the wider lack of political will in fighting the societal ill.

## **5a) Corruption**

Regardless of how corruption manifests, it is a violation of human rights. Those who cannot afford paying bribes are sometimes excluded from realizing their basic human rights. The Global Corruption Perception Index by Transparency International ranked Zimbabwe 156 out of 175 making it the most corrupt country in Southern Africa after Angola, ranked at 161 out of 175. Corruption impedes the enjoyment of social, economic and cultural rights

### **Specific violations**

During the first quarter of the year, corruption perpetrated by state officials in state owned corporations became a topical issue in both the public and private media. This was widely known as the "salary gate". In the salary gate, Chief Executive Officers of state owned corporations were paying themselves obscene salaries and astounding benefits while the majority of Zimbabweans are living below the poverty datum line. What became apparent during the quarter is that it is not the alleged sanctions that are hemorrhaging the country's economy but corruption.

In reports received by the Transparency International, Zimbabwe's Advocacy and Legal Advice Centre (ALAC) implicated government officials and security agencies in mines and mineral related corruption; hospital officials in theft of essential drugs from hospitals for sale on the black market; and the manipulation of housing and stand allocation by local government officers<sup>46</sup>.

In the background of adopting the new constitution that gave birth to independent commissions, a lot was expected from the Zimbabwe Anti- Corruption Commission. The Commission is the constitutional body mandated with combating corruption. However, over a year since the adoption of the new constitution, the Zimbabwe Anti-Corruption Commission remained non-operational.

Fake police details were stolen on 30 October in Chitungwiza masquerading as traffic policemen. The operations involved criminals posing as police officers extorting money

---

<sup>46</sup> ALAC Updates January- February Report

from citizens; this was in clear violation of the Criminal Law Codification and Reform Act Ch 9:23. Already existing extortion tendencies by the police destroy the legitimacy of the police, which is essential for public cooperation with the police and public acceptance of the police mandate.

### **5b) The Right to Education**

The right to education among other children's rights is provided for in section 27 of the Constitution of Zimbabwe, which states that, "*The state must take practical steps to promote free and compulsory basic education for children; and higher and tertiary education.*" Also Section 81 of Zimbabwean constitution states that a child's best interest is paramount in every matter concerning the child, thus placing greater emphasis on the right to education. The lack of access to basic education remained dire in 2014 with numerous cases of child sexual and emotional abuse recorded.

#### **Specific violations:**

Although the government introduced the Basic Education Assistance Module (BEAM),<sup>47</sup> accessing basic education remained an unresolved burden for children from vulnerable groups. BEAM remained underfunded.

At the beginning of the school term in the first quarter, the government only managed to pay for 83 000 children out of a targeted 250 000 students under BEAM leaving out 167 000 children.<sup>48</sup> The UK government through its Department for International Development (DFID) responded to the situation by providing funds for the year 2014.

In February, the government removed subsidies for 'O' and 'A' level examinations. Thus it became increasingly difficult especially for children from vulnerable groups to sit for public examinations. Inadequate funding has also led to the reduction of education schemes aimed at those from impoverished backgrounds such as the Cadetship Scheme, which financed the education of tertiary students from vulnerable backgrounds. The Cadetship programme replaced the Student Grant and Loan Scheme that was removed in 2006. The removal of schemes such as the Cadetship programme has led to increased inequality with education becoming a privilege for the rich.

In June, Action Aid established that early marriages and the effects of HIV/AIDS compromised the right to education for children in Nyanga and Makoni districts of Manicaland. In broad terms, the cultural and religious practices of certain communities and religious sects are prohibitive of the right to education.

The government's umbrella ban of holiday lessons removed opportunities for struggling students to catch up and get remedial education. The move, perceived by Zimbabwe Teachers Association (ZIMTA) was designed to punish teachers, furthermore it forced

---

<sup>47</sup> The Basic Education Assistance Module (BEAM), is a government driven support scheme for primary and secondary school children from vulnerable backgrounds

<sup>48</sup><http://www.telegraph.co.uk/news/worldnews/africaandindiocean/zimbabwe/10595467/Zimbabwe-asks-Britain-for-funds-to-educate-a-million-children.html>

children to secure holiday lessons in environments where they would be vulnerable to abuse.<sup>49</sup>

Physical abuse including sexual and emotional abuse compromise a child's right to education and the right to health. On 24 May at Machongwe – Nyahode (Ward 13), Zanu PF youth leader Amon Jekiseni reportedly abducted three girls aged 16, 14, and 13 years of age. A community search found them at his tuck-shop with one of the girls having been sexually abused. The case was reported to the police and a request for medical examination was made at Mutambara hospital. The girls, who remained under police custody on 25 May, went missing on 24 May and the police refused to investigate the girls' disappearance, and instead threatened to arrest the parents themselves.

In November, 237 school children experienced various forms of abuse between January and September 2014, 123 of these cases being of sexual abuse. Child abuse was in contravention of the African Charter of the Rights and Welfare of the Child.

### **5c) Education of the Girl Child and Equality**

Aided by the international community, Zimbabwe made enormous strides in promoting girls' access to education during the period under review

The ZimStat Multiple Indicator Cluster Survey for 2014 showed that there were more girls than boys in both primary schools and secondary schools.

Further, through the Campaign for Female Education (CAMFED) Girls' Bursaries Programme, the UK Department for International Development (DFID) continued with its scheme to provide £12 million between the years 2012-2016 for bursaries enabling 24,000 highly disadvantaged girls to complete secondary school.

In 2013 this funding was augmented by an additional £25 million from DFID's Girls Education Challenge (GEC) for two further projects, one implemented by CAMFED and one by World Vision, supporting a further 89,000 OVC girls to complete secondary school.

Zimbabwe is not reflective of the Region as a whole. Gender equity in both enrolment and achievement has been achieved as far as form 4. Below that level the main barriers are due to socio-economic factors and they appear to affect girls and boys more or less evenly. Gender discrepancies then emerge in most provinces in upper secondary as the issues of early marriage, teen pregnancy etc. are introduced. However, the region of Matabeleland has a unique dynamic with so much male cross-border migration, that girls outnumber boys even at the highest level.

According to the UK Department for International Development (DFID), the most interesting and innovative intervention during 2014 has been the joint project between Camfed and KIVA aimed at providing small loan schemes. The project served to help

---

<sup>49</sup> Zimbabwe Mail, 11 April 2014

recent Form 4 graduate girls to set up small businesses, creating better employment prospects for young women, and incentivizing them to stay in school therefore avoiding early marriage.

The status quo on girls' rights during 2014 was defined by both positive and negative developments at the national level. The most significant development regarding policy reforms was the setting up of the gender commission however this was outweighed by two separate incidents of women being stripped for wearing miniskirts, an indication that more work is still outstanding in ensuring that women, especially girls feel safe in their communities.

#### **5d) The right to food**

The right to sufficient food is provided for in section 77(b) of the constitution.<sup>50</sup> In spite of this positive development, there were reports of food aid distribution along partisan lines with purported supporters of mainly the MDC being discriminated against.<sup>51</sup> The Zimbabwe Peace Project (ZPP) reported in its January Monthly Monitor that politicisation of food aid was high in Mashonaland Central (23 cases), followed by Midlands (19 cases) and Mashonaland East provinces (15 cases).<sup>52</sup>

In February, the Zimbabwe Human Rights NGO Forum had to intervene on behalf of residents of Mudzi by writing letters to 11 village heads who were reportedly distributing food aid only to Zanu PF supporters<sup>53</sup>.

In the second quarter, food continued to be used as a political tool accounting for most of the cases of discrimination identified during the quarter. Sixty-six (66) violations relating to the right to food were recorded countrywide.

As has been the trend, the third quarter recorded a total of 67 violations relating to the right to food.<sup>54</sup> Food continued to be politicised especially in drought-prone areas where people were denied food hand-outs on the basis of their political party affiliation.

#### **5e) The right to safe and clean water**

The right to safe and clean water is provided for in section 77 (2) (a) of the Constitution of Zimbabwe, which declares that every person has the right to "safe, clean and portable water". Water therefore has to be available, accessible and meet international standards on water quality. The government of Zimbabwe has for more than a decade failed to provide safe and clean water to its citizens, thus violating the citizen's right to safe and

---

<sup>50</sup> Regerai Pepukai, Zimbabwe Welcomes back NGOs 10 January 2014  
<http://mg.co.za/article/2014-01-10-00-masvingo-welcomes-back-ngos>

<sup>51</sup> See the Zimbabwe Peace Project Monthly monitor January 2014

<sup>52</sup> <http://www.zimpeaceproject.com/>

<sup>53</sup> The Public Interest Unit, Zimbabwe Human Rights NGO Forum

<sup>54</sup> See the Zimbabwe Peace Project Monthly monitor July and August 2014

clean water. Water shortages continued to be experienced in most parts of the country leading to residents resorting to unsafe water sources such as shallow open wells.

The 2014 January weekly surveillance report from the Ministry of Health and Child Welfare reported a total of 28 cases of typhoid countrywide, with 13 of them recorded in Harare alone.<sup>55</sup> The typhoid outbreak was attributed directly to the shortage of water.

During the first quarter, prisons and hospitals were not spared either of the erratic water supplies. In February ZINWA disconnected water supplies to Chikurubi (Harare), St Thomas (Marondera) and Khami prisons (Bulawayo). This exposed inmates to diseases. Parirenyatwa Group of Hospitals experienced water shortages for between three and four days per week.<sup>56</sup>

Water supplies in Harare remained inconsistent in the second quarter and also water treatment was highly questionable during the same period. Thus, the water and sanitation situation in Harare placed millions of residents at the risk of waterborne disease as they were forced to fetch water from unsafe sources or used contaminated piped water that caused diseases like cholera and typhoid.<sup>57</sup>

By 4 April residents of Kuwadzana Extension high-density suburb had gone for more than two months without water.<sup>58</sup> Harare City Council's health director Prosper Chonzi in June conceded that piped water could cause long-term health problems due to chemical rather than bacterial contaminants.<sup>59</sup> A 144.4 million dollar loan facility procured from a Chinese bank to address the infrastructural challenges for water reticulation, was reportedly abused<sup>60</sup> by the Harare City Council. In the period under review, no appropriate measures were taken to make portable water safe.

In the third quarter of 2014, water shortages also resulted in outbreaks of typhoid. According to the Ministry of Health and Child Welfare, a total of 370 new cases of typhoid were reported in Harare, Mutare and Chegutu during the period.<sup>61</sup> The water situation did not improve. The government continued to fail to provide safe and clean water. According to Human Rights Watch, the water crisis in Harare appeared to be the result of the government's neglect of the city's water system which is built on outmoded infrastructure. The infrastructure pre-dates Zimbabwe's 1980 independence, when the city had 600,000 residents; in 2014 Harare's population was in excess of 1.6 million.<sup>62</sup>

Urban agriculture in Harare contributed to the siltation of Lake Chivero that supplies water for Harare urban. Water storage capacity for Lake Chivero reduced by an estimated 20% and pumps became clogged due to siltation. Section 73 of the Constitution of Zimbabwe provides that the state must take reasonable legislative and other measures,

---

<sup>55</sup> <http://www.thestandard.co.zw/2014/01/12/fresh-typhoid-outbreak-hits-zimbabwe/>

<sup>56</sup> Feluna Nleya, Water crisis hits Parirenyatwa, the *NewsDay* 20 March 2014

<sup>57</sup> Human Rights Watch report, 2013

<sup>58</sup> Herald, 4 April 2014

<sup>59</sup> Newsday 1 July 2014

<sup>60</sup> Newsday 23 May 2014

<sup>61</sup> <http://www.thezimbabwean.co/news/zimbabwe/72995/typhoid-kills-nine-370-fresh.html>

<sup>62</sup> See Human Rights Watch Report: Troubled Water: Burst Pipes Contaminated Wells and Open Defecation in Zimbabwe's Capital, November 2013

within the limits of resources available to it, to achieve the progressive realisation of prevention of pollution and ecological degradation; promote conservation and secure ecologically sustainable development and use of natural resources while promoting economic and social development.

#### **5f) The right to health**

Health care services, including that for chronic illness and emergency medical treatment, are guaranteed rights for every Zimbabwean under Sections 76 and 77 of the Constitution. Although the right to health care is constitutionally protected, water shortages continued to cripple the health delivery system. In March, the Zimbabwe Association of Doctors for Human Rights (ZADHR) expressed concern for vulnerabilities to health risks for 3 400 families displaced by the Tokwe-Mukosi Dam flooding in Masvingo.<sup>63</sup> The Minister of Health and Child Care, Dr Parirenyatwa, feared an increase in sexually transmitted infections, malaria and diarrhea diseases from the confinement at Chingwizi.<sup>64</sup>

The failure to provide other basic human rights such as clean and safe water exposed the population to a greater risk of contracting communicable diseases. Continued water shortages at public institutions could not be separated from the right to health. During the period under review, the country's major referral hospitals included Harare and Parirenyatwa hospitals, which operated without water for the greater part in violation of several international public health standards.

Medicins Sans Frontiers (MSF) warned that antiretroviral drugs (ARVs) were not accessible to many in Zimbabwe. As many as 1.2 million people were in need of ARVs while 800 000 were on the course. Unavailability and inaccessibility of essential medicines can constitute failure by the state to promote and protect health rights as provided by the Constitution of Zimbabwe.

#### **5g) The right to property**

The issue of land redistribution remained unresolved and critical during the period under review. The farm invasions which were violent and carried out with complete disregard for the rule of law, targeted both black and white commercial farmers. Provinces which were affected by the farm invasions included Masvingo, Mashonaland Central and Matabeleland North and South. In July President Robert Mugabe ordered the eviction of the remaining white farmers.<sup>65</sup> According to the Commercial Farmers Union, there are only between 100 and 150 white farmers left in Zimbabwe, down from 6 500 at independence in 1980.<sup>66</sup>

---

<sup>63</sup>Zimbabwe Association of Doctors for Human Rights, 19 march 2014

<sup>64</sup> ZBC online, 2 May 2014 located at

[http://www.zbc.co.zw/index.php?option=com\\_content&view=article&id=43547:govt-moves-to-avert-disease-outbreak-at-chingwizi&catid=41:top-stories&Itemid=86](http://www.zbc.co.zw/index.php?option=com_content&view=article&id=43547:govt-moves-to-avert-disease-outbreak-at-chingwizi&catid=41:top-stories&Itemid=86)

<sup>65</sup>President Robert Mugabe told a ZANU PF supporters at Chipfundi Farm in Mhangura during the launch of the A1 small scale commercial farm <http://www.csmonitor.com/World/Africa/2014/0703/R>

<sup>66</sup> See the Zimbabwe Independent 25 July 2014

Zanu PF youths in Mufakose, invoking the name of Dr Grace Mugabe, appropriated land used for urban agriculture, in a wetland and is parcelling out residential stands at prices of between \$500 - \$1500. Ward Councillors for the constituency were confronted with hostility from the youths while trying to intervene and the police at Marimba Police Base reportedly said they could not intervene. Lack of policy enforcement on land use management by the local authority will have adverse environmental impacts and is part of structural violence.

On 7 July, more than 100 Zanu PF supporters invaded Mazwi Game and Nature Reserve in St Peters Bulawayo.

On 19 July, war veterans invaded Mr Mukaro's farm in Masvingo province where they attacked him and destroyed his car.

On 19 July, war veterans invaded Sundowns Farm belonging to Mr Stemere in Masvingo province. His car and house were burnt and another farmer Mufaro Mukaro, employed at the farm, was hospitalised after being struck by an axe.

Other farms that were invaded included Nidspruit, Potyo Farm, Thankerton Farm, Chigumedhe, Mudzikisi, Chipare, Pakai and Mukuta, all of which were located in the Masvingo province.<sup>67</sup>

On 1 August, Ray Ndhelukula the Deputy Chief Secretary in the office of the President and Cabinet invaded Dartnelly Farm in Figtree, Bulawayo belonging to David Connolly. The invasion took place despite a High Court order barring him from evicting Mr. Connolly from the farm. Farm workers who had been on the farm since 1980 were rendered jobless and homeless.

On 04 August, militant Zanu PF youths invaded Dubiso Dabengwa's Rudy Farm in Nyamandlovu Matabeleland North.

---

<sup>67</sup><http://www.newzimbabwe.com/news-16925-War+vets+axe+new+farmer+in+land+row/news.aspx>