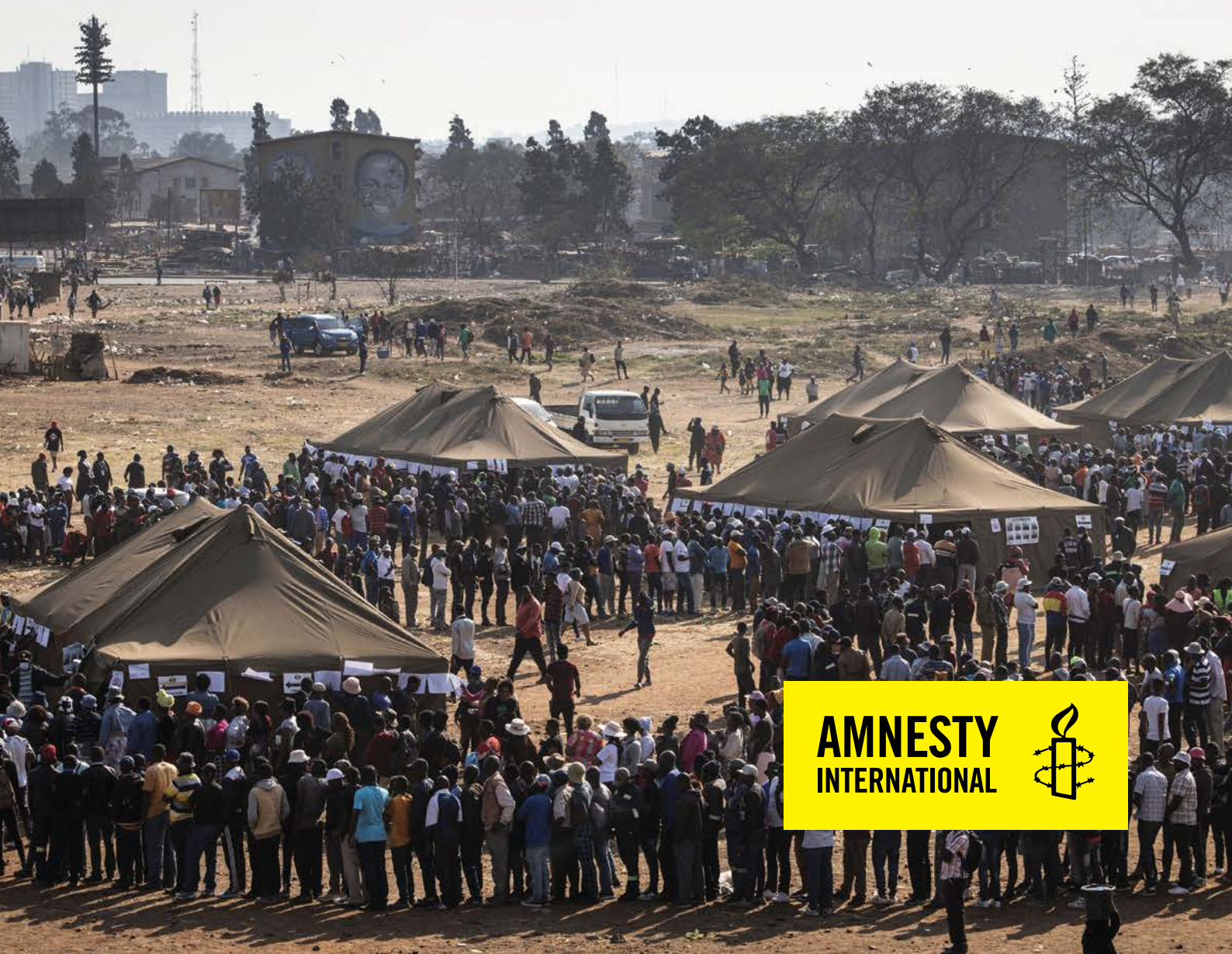


ZIMBABWE:

HUMAN RIGHTS

UNDER ATTACK

A REVIEW OF ZIMBABWE'S HUMAN RIGHTS RECORD IN THE PERIOD 2018-2023



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***Cover photo:** Voters wait in line to vote outside polling stations during the presidential and legislative elections in Mbare, Harare, on August 23, 2023. Image © John Wessels via Getty Images*

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Zimbabwean citizens wait in a queue at a polling station before voting commences in the suburb of Mabvuku on 23 August, 2023 in Harare, Zimbabwe. Against a backdrop of one of the world's highest rates of inflation, Zimbabweans headed to the polls on 23 August. Image © Tafadzwa Ufumeli/Getty Images



A FALSE START TO THE PROMISE OF REFORMS

1.1 INTRODUCTION

The human rights situation in Zimbabwe has been a cause for great concern for many years. The enduring legacy of the late former president Robert Mugabe's government was undoubtedly one of violence and oppression. Under Robert Mugabe's rule, human rights were severely curtailed for decades, as violence characterised electoral processes, opposing voices were persecuted and protests violently dispersed. The resignation of Robert Mugabe as president in 2017 through a military-assisted transition and the holding of elections in 2018 raised hope for a new Zimbabwe. The sense that human rights reform could be achieved in Zimbabwe was palpable and shared by both Zimbabweans and the international community.

In his inauguration speech, Mugabe's successor, President Emmerson Dambudzo Mnangagwa outlined his vision of a new and prosperous Zimbabwe, which he called "the Zimbabwe we want."¹ He pledged "to act fairly and impartially, without fear or favour, as a President of all Zimbabweans."² Although the speech focused on achieving economic development in what he referred to as the Second Republic, the new president promised that his government would be "responsive to the people's needs."³ Instead, five years on, Mnangagwa's government has failed to break from the past and continued to crack down on human rights. The state authorities have employed various methods to suppress dissenting voices. Policing has increasingly been militarised and the excessive use of force by law enforcement during protests has become all too common. As a result, the space for civic engagement has continued to shrink rapidly, making it increasingly difficult for individuals and groups to freely express themselves peacefully, safely, and effectively.

Since 2018, austerity measures, COVID-19 and natural disasters pushed many deeper into conditions of poverty and financial insecurity, that amounted to a denial of their economic, social and cultural rights. The public healthcare system collapsed under the strain of the pandemic, with patients at public hospitals facing shortages of essential medicines. When available, medicines and ambulance services were inaccessible due to the high cost of out-of-pocket payments. Zimbabweans also faced significant food shortages due to the economic crisis and frequency of natural disasters. The government did not put in place adequate measures to mitigate the food crisis and uphold the right to food. The government also continued to forcibly evict people without providing adequate alternative housing. Women in Zimbabwe faced challenges in accessing sexual and reproductive health services, with many maternal deaths resulting from COVID-19-related restrictions on movement and young girls facing barriers to sexual and reproductive health information.

1. Emmerson Mnangagwa, "Inauguration Speech by the incoming President of the Republic of Zimbabwe", 26 August 2018, p. 12, [zimcitizenswatch.org](https://www.zimcitizenswatch.org)
 2. Mnangagwa, "Inauguration Speech" (previously cited), p. 12
 3. Mnangagwa, "Inauguration Speech" (previously cited), p. 13-14

This briefing assesses the extent to which the Zimbabwe government, under President Emmerson Mnangagwa, has lived up to its promises for change and a departure from the dire human rights record of the previous administration led by Robert Mugabe. The briefing consists of two parts: The first part is an introductory section that provides historical context to the Zimbabwean situation and outlines the human rights legal framework in Zimbabwe. The second part of the briefing examines significant human rights incidents that occurred during the past five-year term of Mnangagwa's presidency and assesses his administration's responses to these incidents compared to the previous administration. The briefing concludes by giving recommendations for a real shift on human rights in Zimbabwe to both the Government of Zimbabwe and the international community.

1.1.1 BACKGROUND

Zimbabwe gained independence from white settler colonial rule in 1980, following a protracted guerrilla war of liberation. The transition to black majority rule was formalised at a Constitutional Conference held at Lancaster House in 1979, which gave rise to the signing of the Lancaster House Agreement.⁴ The Conference, amongst other things, provided the blueprint for Zimbabwe's "Independence Constitution"⁵ and defined the process for holding elections in 1980. Following these elections, the Zimbabwe African National Union-Patriotic Front (ZANU-PF) assumed power under the leadership of Robert Gabriel Mugabe – who served initially as the Prime Minister and then, following an amendment of the Constitution, as the country's Executive President.⁶ During his reign, Zimbabwe held regular elections, however, these were marred by allegations of irregularities and widespread violence and intimidation.⁷

The enduring legacy of Robert Mugabe's reign was that of human rights violations that included horrific atrocities such as the Gukurahundi massacres,⁸ state excesses in response to the food riots in 1998,⁹ Operation Murambatsvina in 2005,¹⁰ and the state sanctioned violence during the 2008 presidential election run off.¹¹ In an obituary for Mugabe, Amnesty International highlighted how:

“...increasing reliance on his security services to suppress dissenting voices within and outside his party became a hallmark of the latter years of his rule. Opponents including human rights defenders, journalists and opposition party activists were locked up on politically motivated charges or under draconian laws”.¹²

4. "Southern Rhodesia Constitutional Conference held at Lancaster House, London September - December 1979 Report", December 1979, sas-space.sas.ac.uk

5. Generally referred to as the Lancaster House Constitution

6. Amnesty International, "Obituary: Robert Mugabe – 1924-2019, a liberator turned oppressor", 6 September 2019, [amnesty.org](https://www.amnesty.org)

7. See "A History of Zimbabwean Elections", *Pindula*, pindula.co.zw for an overview of the electoral processes in Zimbabwe. See also Amnesty International, "Mugabe's Obituary", (previously cited)

8. The Gukurahundi massacres saw over 20,000 predominantly Ndebele people killed by special forces from the Zimbabwean army's elite Fifth Brigade. The atrocities took place in Matabeleland and parts of the Midlands provinces. Thousands more were forcibly displaced.

9. The food riots were largely spontaneous protests that took place around Zimbabwe during the week of 19-22 January 1998. The uprisings were sparked by increases in the price of basic commodities such as maize meal and cooking oil. The food riots are discussed later in the report.

10. "On 18 May 2005 the government of Zimbabwe began demolishing informal settlements across the country. The program, known as Operation Murambatsvina, affected more than 700,000 people – leaving them without a home or livelihood or both. Most were driven deeper into poverty by the forced evictions, a situation which has been further compounded by Zimbabwe's economic crisis." Amnesty International, "Zimbabwe: 700,000 forcibly evicted still ignored five years on", 18 May 2010, [amnesty.org](https://www.amnesty.org)

11. See Brian Raftopoulos and A. S. Mlambo (editors), *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*, 2009, Weaver Press, p. 233, available at doi.org

12. Amnesty International, "Mugabe's Obituary" (previously cited)

The political disturbances surrounding the disputed 2008 presidential elections and ZANU-PF's loss of parliamentary majority to the opposition necessitated the creation of a Government of National Unity (GNU) that brought together the leading opposition parties and ZANU-PF in a power-sharing government. The GNU oversaw the creation of what was termed a "people-driven constitution" in 2013.¹³ The adoption of the Constitution of Zimbabwe in 2013 was a significant socio-political development given the country's tempestuous constitutional history. Its "Independence Constitution" had been amended 19 times before being replaced by the 2013 Constitution.¹⁴

Prior to the adoption of the 2013 Constitution, legislative culture in Zimbabwe under ZANU-PF rule tended to view the law as a tool for achieving political power, rather than as a means of ensuring that power is kept in check. This approach resulted in a situation where political authority is prioritized over the rights of individuals. Amnesty International in a 2003 Report restated concerns raised by the United Nations Human Rights Committee in its concluding observations on the initial report on Zimbabwe. The Committee, established to oversee the implementation of the International Covenant on Civil and Political Rights by states parties, observed an "increasing trend to enact Parliamentary legislation and constitutional amendments to frustrate decisions of the Supreme Court that uphold rights protected under the Covenant and overturn certain laws incompatible with it."¹⁵ Legislative authority in Zimbabwe has generally been used to serve the political needs of the ruling class, either through the consolidation of power,¹⁶ or the limiting of rights.¹⁷ The 2013 Constitution was widely thought to be transformative, introducing a new paradigm in Zimbabwean politics, particularly through the introduction of reforms that would better protect the rights of individuals.¹⁸

In November 2017, Robert Mugabe resigned as President. This change was a result of the worsening internal party politics of ZANU-PF, which necessitated succession. The military, ostensibly with the view of restoring the legacy of the liberation struggle, engineered a political transition which led to the appointment of the current President Emmerson Dambudzo Mnangagwa. On 24 November 2017, in his inauguration speech, Mnangagwa promised that his "government will work towards ensuring the pillars of the State assuring democracy in our land are strengthened and respected" pledging that Zimbabwe would play its part towards a peaceful world order,¹⁹ transitioning Zimbabwe into what has variously been referred to as the "Second Republic" or the "New Dispensation." This characterisation was emphasised to signpost the shift from Robert Mugabe's legacy of impunity to that of respect for human rights and the rule of law. The action by the military which led to the departure of Mugabe, dubbed "Operation Restore Legacy", was described as military action targeting criminals surrounding the former president.²⁰

Historically, violence has characterised the pre- and post-electoral periods in the country. The prevalence of electoral violence is exacerbated by the absence of a proper redress mechanism, when violence occurs, and has seriously undermined people's rights. People often express their disappointment or misgivings about the government through organised protests and strike actions. Civil society (particularly trade unions) and the political opposition parties have ensured people's participation through the convening of strikes, stay-aways and marches. However, the trend has been that protest action, where it has occurred, has been violently dispersed by the state's security apparatus.

The first elections in independent Zimbabwe in which Mugabe was not a party were held on 30 July 2018. The electoral outcome announced by the

13. Zimbabwe, Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe], 22 May 2013

14. See Lovemore Madhuku, "A survey of constitutional amendments in post-independence Zimbabwe (1980-1999)", 1999, *Zimbabwe Law Review*, Volume 16, pp. 82-107

15. Amnesty International, *Zimbabwe: Rights under seige* (Index: AFR 46/012/2003), May 2003, [amnesty.org](https://www.amnesty.org), p. 8

16. Constitutional Amendment No. 7 (Act 23 of 1987) introduced the Executive Presidency

17. The enactment of Acts such Broadcasting Services Act (2001), the Public Order and Security Act (2002), and the Private Voluntary Organizations Act (2002) all had the effect of limiting the enjoyment of rights

18. Amnesty International, "New Zimbabwe constitution can usher in new culture of human rights", 22 May 2013, [amnesty.org](https://www.amnesty.org)

19. Mnangagwa, "Inauguration Speech" (previously cited)

20. Tendai Marima, "Zimbabwe: Army operation that led to Mugabe ouster ends", 27 November 2017, [aljazeera.com](https://www.aljazeera.com)

Zimbabwe Election Commission was the subject of a court challenge by the opposition leader Nelson Chamisa. However, the court dismissed Chamisa's petition, finding that he had failed to substantiate his claim.²¹ Eventually President Emmerson Mnangagwa took the oath of office as Zimbabwe's President on 26 August 2018. Mnangagwa promised a new dispensation in Zimbabwe in which everyone was "free to campaign, speak their mind and to express themselves however they choose."²² It is against these promises of change that this briefing seeks to review the human rights situation in Zimbabwe under the government of President Mnangagwa.

1.1.2 METHODOLOGY

The purpose of this briefing is to assess the extent to which Zimbabwe under the government of President Emmerson Mnangagwa has achieved a departure from the previous government's repressive policies and practices. The briefing does not cover all the significant events between 2018 to 2023 but focuses on Amnesty International's observations and responses to human rights developments in the country during the same period. Where source documentation is available in the public domain it has been appropriately referenced and is readily available. This briefing augments Amnesty International's previous publications, with additional data from various sources including press statements, news reports, academic literature (including journal articles and books), NGO reports and position papers. It is, however, primarily based on information that has been previously published by Amnesty International, and relies heavily upon past reports, calls for action, open letters, and statements. While the briefing does contain some historical facts, these are included purely to provide context.

21. Constitutional Court of Zimbabwe (CCZ), *Chamisa v Mnangagwa & 24 Others*, Case CCZ 42 of 2018, Constitutional Court judgment, 24 August 2018, available at [zimlji.org](https://www.zimlji.org)

22. Address to the ZANU-PF Central Committee in Harare on 8 June 2018, as reported by Richard Chides, "Let's break from the past: Mnangagwa", *News Day*, 9 June 2018, [newsday.co.zw](https://www.newsday.co.zw) quoted in Amnesty International, 'Open for business', *Closed for dissent: Crackdown in Zimbabwe during the national stay-away 14-16 January 2019* (Index AFR 46/9824/2019), 8 February 2019, [amnesty.org](https://www.amnesty.org), p. 5

1.2 CONSTITUTIONAL AND NORMATIVE FRAMEWORK

Zimbabwe has a comprehensive normative framework which should ostensibly support or facilitate the protection of human rights. The 2013 Constitution attests to the people of Zimbabwe's "commitment to upholding and defending our fundamental human rights and freedoms".²³ It enshrines the respect for human rights as one of the nation's founding values, along with other virtues such as constitutional sovereignty,²⁴ the rule of law,²⁵ gender equality,²⁶ and the recognition of human dignity and equality.²⁷ The 2013 Constitution's principal contribution to the human rights architecture in Zimbabwe is contained in Chapter 4, "The Declaration of Rights." Chapter 4 enjoins the state and non-state actors to respect, protect, promote, and fulfil the rights set out therein.²⁸ It calls upon the courts and other adjudicatory bodies to consider international law and treaties in their interpretation of Constitutional provisions.²⁹ This chapter acknowledges that the bouquet of rights it articulates is not necessarily exhaustive and that there is scope for recognition of other rights which are consistent with the provisions of the Constitution.³⁰

The "Declaration of Rights" in the 2013 Constitution expands upon the list of human rights set out in the Lancaster House Constitution.³¹ The express inclusion of economic, social, and cultural rights was a significant addition. The Constitution now includes a right to "a basic state-funded education,"³² "access to basic health care services,"³³ and guarantees the rights of every person to safe water and sufficient food.³⁴ The Constitution also acknowledges the need to have greater protection for group rights and in so doing it expanded the regiment of rights that would be justiciable.³⁵ The 2013 Constitution creates, in

addition to their individual entitlements, rights that are peculiar to women (section 80), children (section 81), "the elderly" (section 82), persons with disabilities (section 83) and veterans of the liberation struggle (section 84). The Constitution provides that these have been added to elaborate upon "certain rights and freedoms to ensure greater certainty as to the application of those rights and freedoms to particular classes of people."³⁶

In addition, Zimbabwe is a state party to most major human rights conventions including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples' Rights. Zimbabwe is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, the provisions of the CAT are incorporated in a set of guidelines and measures for the prohibition and prevention of torture and cruel, inhuman, or degrading punishment or treatment in Africa, now known as the Robben Island Guidelines.

Over the past five years Amnesty International has monitored and documented human rights violations in Zimbabwe, including ahead of, during and after elections. The evidence shows that the freedoms of assembly, association, opinion and expression have been severely curtailed in this period. Dissenting voices have been suppressed by the government and free expression has become more curtailed. Protest action continues to be met with excessive force. Economic, social and cultural rights have been eroded, with people, especially pregnant women and girls, facing significant barriers in accessing public health facilities and services."

23. Zimbabwe, Constitution, 2013, (previously cited), Preamble

24. Zimbabwe, Constitution, 2013, (previously cited), section 3(1)(a)

25. Zimbabwe, Constitution, 2013, (previously cited), section 3(1)(b)

26. Zimbabwe, Constitution, 2013, (previously cited), section 3(1)(g)

27. Zimbabwe, Constitution, 2013, (previously cited), sections 3(1)(e) and (f)

28. Zimbabwe, Constitution, 2013, (previously cited), sections 44 and 45(2)

29. Zimbabwe, Constitution, 2013, (previously cited), section 46

30. Zimbabwe, Constitution, 2013, (previously cited), section 47

31. The Lancaster House Constitution was one of the outcomes of the Lancaster House Agreement signed on 21 December 1979 to end the armed conflict and settler occupation in Zimbabwe

32. Zimbabwe, Constitution, 2013, (previously cited), section 75 (1)(a)

33. Zimbabwe, Constitution, 2013, (previously cited), section 76 (1)

34. Zimbabwe, Constitution, 2013, (previously cited), section 77

35. Zimbabwe, Constitution, 2013, (previously cited), sections 79-84

36. Zimbabwe, Constitution, 2013, (previously cited), sections 79(1)

1.2.1 RIGHT TO HEALTHCARE

76. RIGHT TO HEALTHCARE

1. Every citizen and permanent resident of Zimbabwe has the right to have access to basic healthcare services, including reproductive healthcare services.
2. Every person living with a chronic illness has the right to have access to basic healthcare services for the illness.
3. No person may be refused emergency medical treatment in any healthcare institution.
4. The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section.

The 2013 Constitution does not provide for the right to health *per se*, but instead guarantees the right to healthcare. It provides that every citizen and permanent resident of Zimbabwe has the right to access basic healthcare services and that no one should be refused emergency treatment at any institution.³⁷ The provision of healthcare is also listed in the Constitution as a national objective, with the state enjoined to take “all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe.”³⁸ While the exact meaning of “all practical measures” has not been clearly established by the courts, their role in safeguarding the right to healthcare has been crucial, especially during the COVID-19 outbreak. Cases were brought before the courts on multiple occasions to secure the protection of this fundamental right.³⁹ The Constitution also highlights the importance of the right to healthcare for such groups as children,⁴⁰ older persons,⁴¹ war veterans,⁴² and the need for all appropriate measures to be taken to ensure the enjoyment of these rights.⁴³

37. Zimbabwe, Constitution, 2013, (previously cited), sections 76

38. Zimbabwe, Constitution, 2013, (previously cited), sections 29(1)

39. See, High Court Case, *Lucia Masvondo and ZLHR v Min of Health and Others*, Case No. HC 2170/20, 2020; High Court Case, *Zimbabwe Association of Doctors for Human Rights v Min of Health and Others*, Case No. HC2163/20, 2020. High Court Case, *Centre for Disability and Development & Deaf Zimbabwe Trust & Zimbabwe National League of The Blind v Zimbabwe Broadcasting Holdings (Pvt) Ltd & Minister of Information, Publicity and Broadcasting Services & Minister of Health & Child Care & Minister of Public Service, Labour & Social Welfare*, Case No: HC 2175/20, 2020

40. Zimbabwe, Constitution, 2013, (previously cited), sections 81(1)(f)

41. Zimbabwe, Constitution, 2013, (previously cited), sections 82(b)

42. Zimbabwe, Constitution, 2013, (previously cited), sections 84

43. Zimbabwe, Constitution, 2013, (previously cited), sections 19(2)(b), 60(3)

1.2.2 FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

The 2013 Constitution has provisions that safeguard the individual's right to participate in the country's governance, in other words, the rights that allow people to be heard.

These include:

- Freedom of assembly and association;⁴⁴
- Freedom to demonstrate and petition;⁴⁵
- Freedom of conscience;⁴⁶ and
- Freedom of expression and the freedom of media.⁴⁷

The fundamental rights to freedom of peaceful assembly and freedom of association have played a significant role in enabling the people of Zimbabwe to actively engage in public affairs and assert their rights. The ability to gather has been crucial in ensuring that the voice of the people is heard, and their concerns are highlighted in a civic space that has been constantly shrinking. The 2013 Constitution initially generated optimism as it promised a more robust normative framework that people could invoke to come together as a collective force and advocate for their rights. The 2013 Constitution guarantees the rights of everyone to freedom of peaceful assembly and association.⁴⁸ The rights also ensure that no person can be required or coerced into belonging to an association or to take part in a meeting or gathering.⁴⁹

The fundamental human right of peaceful assembly enables individuals to express themselves collectively and to participate in shaping their societies. The right of peaceful assembly is important in its own right, as it protects the ability of people to exercise individual autonomy in solidarity with others. Together with other related rights, it also constitutes the very foundation of a system ... based on human rights, the rule of law and pluralism. Peaceful assemblies can play a critical role in allowing participants to advance ideas and aspirational goals in the public domain and to establish the extent of support for or opposition to those ideas and goals. Where they are used to air grievances, peaceful assemblies may create opportunities for the inclusive, participatory and peaceful resolution of differences.

United Nations Human Rights Committee, General Comment 37: The Right of Peaceful Assembly (Art. 21)⁵⁰

44. Zimbabwe, Constitution, 2013, (previously cited), sections 58

45. Zimbabwe, Constitution, 2013, (previously cited), sections 59

46. Zimbabwe, Constitution, 2013, (previously cited), sections 60

47. Zimbabwe, Constitution, 2013, (previously cited), sections 61

48. Zimbabwe, Constitution, 2013, (previously cited), sections 58(1)

49. Zimbabwe, Constitution, 2013, (previously cited), sections 58(2)

50. UN Human Rights Committee, General Comment 37: The Right of Peaceful Assembly (Art. 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 1

The Constitution also provides for the right to demonstrate and to petition. This right is protected for every person provided that they exercise the right peacefully.⁵¹ The 2013 Constitution, therefore, guarantees the right of individuals not only to gather and associate but also to protest and present petitions. Accordingly, it calls upon authorities to respect and protect these human rights. The enjoyment of these rights is intricately linked to the rights to hold an opinion and the liberty to express it, which are also guaranteed by the Zimbabwean Constitution.

1.2.3 FREEDOM OF OPINION AND EXPRESSION

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

ARTICLE 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others;
 - b) For the protection of national security or of public order (ordre public), or of public health or morals.

In Zimbabwe, every individual is entitled to the right to freedom of conscience, which encompasses freedom of thought, opinion, religion, or belief.⁵² This right also allows people to practice, publicise, and express their thoughts, opinions, religion, or belief in public or private, individually, or collectively.⁵³ The Constitution also upholds the right to freedom of expression, which encompasses the freedom to explore, acquire, and communicate ideas, as well as artistic and intellectual expression.⁵⁴ Furthermore, the Constitution provides protection for media freedom, including the protection of journalists' sources of information in confidence.⁵⁵ The Constitution limits these rights by excluding conduct that may incite violence, is tantamount to hate speech, or that is malicious and may either impede upon a person's reputation or unduly breaches a person's right to privacy.⁵⁶

51. Zimbabwe, Constitution, 2013, (previously cited), section 59

52. Zimbabwe, Constitution, 2013, (previously cited), section 60(1)(a)

53. Zimbabwe, Constitution, 2013, (previously cited), section 60(1)(b)

54. Zimbabwe, Constitution, 2013, (previously cited), section 61(1)

55. Zimbabwe, Constitution, 2013, (previously cited), section 61(2)

56. Zimbabwe, Constitution, 2013, (previously cited), section 61(5)

The UN Human Rights Committee has pointed out that freedom of opinion and freedom of expression are the foundation stone for a rule of law-based society.⁵⁷ The African Commission on Human and Peoples' Rights' Declaration of Principles on Freedom of Expression and Access to Information in Africa (the African Commission's Declaration on Freedom of Expression) echoes this sentiment and affirms that:

“The respect, protection and fulfilment of these rights is crucial and indispensable for the free development of the human person... and for enabling the exercise of other rights.”⁵⁸

The UN Human Rights Committee has spoken of the interlinkages between freedom of opinion (or consciousness, as it is referred to in the Zimbabwean Constitution) and freedom of expression. The Committee has noted that expression provides “the vehicle for the exchange and development of opinions.”⁵⁹ Similarly, the African Commission's Declaration on Freedom of Expression describes freedom of opinion, as a “fundamental and inalienable human right indispensable for the exercise of freedom of expression”⁶⁰ and enjoins states not to interfere with anyone's freedom of opinion.⁶¹

Despite being a party to both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, authorities in Zimbabwe have a long-standing history of stifling the right to freedom of expression of opinion and ideas. The African Commission on Human and Peoples' Rights (the African Commission) has stated on multiple occasions that Zimbabwe violated article 9(2) of the African Charter on Human and Peoples' Rights.⁶² Article 9 of the African Charter on Human and Peoples' Rights provides for the right to receive information and freedom of expression.

The 2013 Constitution also includes a composite entitlement to political rights. This right encompasses the right to take part in the affairs of a political party of their choice.⁶³ The 2013 Constitution also provides means for redress should these rights be violated, primarily through the Constitutional Court in accordance with Part 4 of Chapter 4 and several independent commissions set out in Chapter 12 of the Constitution.

57. Human Rights Committee, General Comment 34, 2020 (previously cited), para. 2.

58. African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression and Access to Information in Africa, adopted at its 65th Ordinary Session, 21 October to 10 November 2019, [achpr.au.int](https://www.achpr.org/instruments/declaration-principles-expression-access-information-africa/), principle 1.

59. Human Rights Committee, General Comment 34, 2020 (previously cited), para. 2.

60. African Commission, Declaration on Freedom of Expression, 2020 (previously cited), principle 2.

61. African Commission, Declaration on Freedom of Expression, 2020 (previously cited), principles 2 and 5.

62. African Commission on Human and Peoples' Rights, 297/05: *Scanlen & Holderness / Zimbabwe*, 3 April 2009, available at: [refworld.org](https://www.refworld.org/docid/45d8d8d8.html); African Commission on Human and Peoples' Rights, *Zimbabwe Lawyers For Human Rights and Another v Republic of Zimbabwe*, (Communication 294 of 2004) [2009] ACHPR 98, (3 April 2009), Available at [africanlii.org](https://www.africanlii.org/doc/2009/98.html)

63. Zimbabwe, Constitution, 2013, (previously cited), section 67(2).

DOCUMENTED VIOLATIONS: A REVIEW OF THE PAST FIVE YEARS

2.1 CURTAILMENT OF EXPRESSION AND ACCESS TO INFORMATION

2.1.1 EXPRESSION AND INFORMATION

Under the Mugabe administration, the government passed the Access to Information and Protection of Privacy Act (AIPPA) in 2002. The aim of the Act was to thwart the growing influence of opposition groups such as the Movement for Democratic Change and other voices that were critical of the government.⁶⁴ The then Chair of the Parliamentary Legal Committee, Dr Eddison Zvobgo of ZANU-PF, described the AIPPA Bill when it was first introduced as “the most calculated and determined assault on our liberties guaranteed by the Constitution.”⁶⁵ Indeed, the provisions of AIPPA were used by the government to silence dissenting voices, as the year following its inception at least 21 journalists had been arrested and charged under various provisions of the AIPPA.⁶⁶ Even prior to the inception of the AIPPA the Government had a history of harassing and intimidating journalists. In January 1999, for example, two journalists from The Standard newspaper, Mark Chavunduka and Ray Choto, were arrested and tortured for publishing stories that were perceived as being anti-government.⁶⁷

On 12 February 2019, the Minister of Information, Publicity, and Broadcasting Services announced that the Zimbabwean Cabinet approved the repeal of the AIPPA, in response to concerted efforts by civil society and the international community.⁶⁸ However, only four years since the repeal of the AIPPA, history seems to repeat itself. In 2023, the Zimbabwean government announced, in General Notice 1189 of 2023, the proclamation into law of the Amendment to the Criminal Law (Codification and Reform) Act⁶⁹ which was commonly referred to as the Patriotic Bill.⁷⁰ This Amendment to the Criminal Code follows in the same tradition of the AIPPA and criminalizes “wilfully damaging the sovereignty and national interest of Zimbabwe.”⁷¹ The amendment frames the offence in very broad terms, which potentially opens it up for abuse by the state. Like the AIPPA,

64. Amnesty International, *Zimbabwe: Rights under siege*, 2003 (previously cited), and Article 19 and Misa-Zimbabwe, *The Access to Information and Protection of Privacy Act: Two Years On*, September 2004, [article19.org](https://www.article19.org)

65. Amnesty International, *Zimbabwe: Rights under siege*, 2003 (previously cited), p. 22

66. Amnesty International, *Zimbabwe: Rights under siege*, 2003 (previously cited), p. 23

67. Amnesty International, *Zimbabwe: Fear of torture/prisoner of conscience* (Index AFR 46/003/1999), 22 January 1999, [amnesty.org](https://www.amnesty.org). See also Amnesty International, *Zimbabwe: Severe torture and illegal detention of journalists threatens breakdown in rule of law* (Index AFR 46/002/1999), 21 January 1999, [amnesty.org](https://www.amnesty.org)

68. MISA Zimbabwe, *Statement on the announced repeal of AIPPA*, 13 February 2019, [zimbabwe.misa.org](https://www.zimbabwe.misa.org)

69. Zimbabwe, *Amendment to the Criminal Law (Codification and Reform) Act* [Chapter 9:23] (the Amendment to the Criminal Code)

70. *Criminal Law Codification and Reform Amendment Bill 2022*

71. Amendment to the Criminal Code, section 22A

A photograph of Itai Dzamara, a Zimbabwean journalist and activist, speaking into a microphone at a wooden podium. He is wearing a light blue t-shirt with a small graphic on the chest and a dark cap. The background shows green trees and a clear sky. A black text box in the top right corner contains the following text:

Itai Dzamara, Zimbabwean journalist, peaceful pro-democracy activist and leader of the protest group Occupy Africa Unity Square, disappeared on 9 March 2015 in Harare.

the amendment was introduced in the run-up to an election invariably affecting the free exchange of ideas in the build-up to the 2023 polls. The UN Human Rights Committee, in General Comment 34, reiterated its recommendations first elaborated in its General Comment 25,⁷² as follows:

“The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues and to inform public opinion without censorship or restraint.”⁷³

The enactment into law of the Amendment to the Criminal Code was designed to have a chilling effect on would-be dissenters as it carries very strict penalties, including the death penalty.⁷⁴ This means that the Amendment to the Criminal Code not only violates the Constitution in its infringement of the right to freedom of opinion and expression, but also in its imposition of the death penalty. Contravention of section 22(2)(a) of the amended Criminal Code carries the same penalty as treason, which, despite Constitutional limits on the application of capital punishment in Zimbabwe, may be a crime punishable by death.⁷⁵ As such, the Amendment to the Criminal Code, in its imposition of the same penalty, directly infringes on the right to life under section 48(2) of the Constitution.

72. UN Human Rights Committee, General Comment 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (art. 25), 12 July 1996, UN Doc. CCPR/C/21/Rev.1/Add.7

73. UN Human Rights Committee, General Comment 34: Freedoms of opinion and expression (art. 19), 12 September 2011, UN Doc. CCPR/C/GC/34, para. 20

74. Amnesty International has made repeated calls for the Government of Zimbabwe to abolish the death penalty. See Amnesty International, “Zimbabwe: Commute death sentence to prison terms in Tapiwa Makore murder case”, 13 July 2023, [amnesty.org](https://www.amnesty.org). See also Amnesty International, “Zimbabwe: End the death penalty after 10-year execution hiatus”, 22 July 2015, [amnesty.org](https://www.amnesty.org)

75. Article 20(1b) of the Criminal Law (Codification and Reform) Action [Chapter 9:23] (Zimbabwe Criminal Code)

The provisions of the Amendment to the Criminal Code will have a detrimental effect on the ability of people to express opinions, particularly those that are opposed to government policies and practice. The Amendment to the Criminal Code contains overly broad provisions that criminalize participating in meetings where sanctions and military interventions are considered or planning to subvert, upset, overthrow, and overtake a constitutionally elected government.⁷⁶ Historically, authorities called upon provisions such as these to persecute civil society leaders by charging them with crimes against society such as treason and subversion. A recent example was the arrest of Farirai Gumbonzvanda, Gamuchirai Mukura, George Makoni, Nyasha Frank Mpahlo, Rita Nyampinga, Stabile Dewa and Tatenda Mombeyarara. The seven were arrested in May 2019 at the Robert Mugabe International Airport in Harare, simply for attending a resistance workshop in the Maldives.⁷⁷ Reminiscent of the enforced disappearance, torture and prosecution of Jestina Mukoko and 20 others in 2009 under the Mugabe administration,⁷⁸ the prosecution of critical voices has not been limited to civil society but also extended to members of opposition political parties. An example is the 2020 abduction, beating, sexual assault and arbitrary arrest of Joanah Mamombe, Cecillia Chimbiri and Netsai Marova, three women who led an anti-government protest. They were arrested, taken to a Harare police station and forced into an unmarked car, later to be thrown into a pit, beaten, sexually assaulted and forced to eat human excrement. These women were further charged with criminal offenses relating to the protest and later charged and detained for “faking their ordeal”. They were also prevented by prison guards and police from talking to journalist whilst receiving medical attention. To date, no one has been held accountable for the violations they suffered.⁷⁹

In the period under review, there have been a number of high-profile prosecutions which have led to convictions. Amnesty International has previously noted that:

“The conviction and sentencing demonstrate the extent to which authorities are willing to go to muzzle critical voices and suppress the right to freedom of expression. The authorities are sending a clear message that there is no space for exercising the right to freedom of expression in Zimbabwe.”⁸⁰

This observation was made by Amnesty International following the conviction of opposition spokesperson Fadzayi Mahere for a tweet in which she was critical of police conduct.⁸¹ Her conviction adds to a growing list of opposition leaders who have been persecuted for expressing a dissenting opinion. In May 2023, Job Sikhala was convicted for obstructing the course of justice and given a wholly suspended six months sentence with an option of paying US\$600 or spending six months in jail.⁸² This conviction concludes one of three charges that have been levelled against the outspoken opposition Member of Parliament (MP). Similarly, Jacob Ngarivhume was convicted and sentenced to 48 months in prison, with 12 months suspended, on charges of inciting violence, simply for exercising his right to freedom of expression. He had been arrested and charged after leading and organizing anti-corruption protests on 31 July 2020. Despite the trumped-up charges both faced, the accused persons still suffered injury to their reputations, lost their liberty and endured the hardships of a criminal trial. The spate of prosecutions is likely to increase as the government has introduced a raft of statutory enactments⁸³ designed to stifle peaceful dissent.

76. Zimbabwe, Criminal Code, (previously cited), section 22A(2)

77. Amnesty International, *Zimbabwe: Seven activists arrested, charged with treason* (Index AFR 46/0450/2019), 31 May 2019, [amnesty.org](https://www.amnesty.org/en/documents/afr46/0450/2019/)

78. Amnesty International, “Zimbabwe activists including Jestina Mukoko bailed”, 4 March 2009, [amnesty.org](https://www.amnesty.org/en/documents/afr46/5836/2009/)

79. Amnesty International, *Zimbabwe: Joanah Mamombe, Cecillia Chimbiri, Netsai Marova: Write for Rights 2022 Case Card*, 29 September 2022. Index number AFR 46/5836/2022, Available at: <https://www.amnesty.org/en/documents/afr46/5836/2022/en/>

80. Amnesty International, “Zimbabwe: Conviction and sentencing of opposition spokesperson shows escalating assault on freedom of expression”, 6 April 2023, [amnesty.org](https://www.amnesty.org/en/documents/afr46/5836/2023/en/)

81. On 5 April 2023, Fadzayi Mahere, the national spokesperson for the Citizen’s Coalition for Change, was fined US\$500 for “publishing or communicating false statements prejudicial to the state” after posting a video on Twitter alleging that a police officer had killed a baby. However, the law under which she was convicted does not actually exist.

82. Amnesty International, “Zimbabwe: Conviction and sentencing of opposition leader is a travesty and adds to a growing crackdown on peaceful dissent”, 4 May 2023, [amnesty.org](https://www.amnesty.org/en/documents/afr46/5836/2023/en/)

83. These include, for example, the Cyber and Data Protection Act 2021 [Chapter 12:07], 2022, the Freedom of Information Act, [Chapter 10:33], 2020, the Maintenance of Peace and Order Act [Chapter 11:31], 2019 (replacing Public Order and Security Act), and the Private Voluntary Organisations Amendment Bill, 2021.



Armed Riot police prepare to be deployed on the streets of Harare, Friday, August 25, 2023. Hordes of police officers armed with batons, teargas canisters, and some with guns were seen next to the result center as Zimbabweans anxiously waited for the outcome of general elections after polls closed on Thursday and authorities tightened security around the results center.

2.1.2 TOOLS OF REPRESSION

Under the Mugabe government, the AIPPA was enacted together with a raft of legislative measures that included the Broadcasting Services Act (2001), the Public Order and Security Act (2002), and the Labour Relations Amendment Act (2003). Amnesty International pointed out at the time that “[s]pecific provisions of these pieces of legislation are being used by the government as a pretext to systematically silence its opponents and critics”,⁸⁴ describing them further as “tools of repression”.⁸⁵ Under Mugabe, the authorities used the introduction of legislation and amendments, which were presented as means of protecting national security or facilitating access to information, to target dissenting groups and limit the space for open political debate. Similarly, the legislative agenda following the 2018 elections has included several laws which achieve the same objectives as those introduced at the turn of the millennium. These include the Cyber and Data Protection Act [Chapter 12:07] (No. 5 of 2021),⁸⁶ the Freedom of Information Act, 2020 (which replaces the AIPPA),⁸⁷ the Maintenance of Peace and Order

Act [Chapter 11:23],⁸⁸ and the Private Voluntary Organizations Amendment Bill, H.B. 10, 2021.⁸⁹ This legislative agenda is not dissimilar to the “tools of repression” introduced by the Mugabe government at the turn of the millennium. Instead, the Zimbabwean government has carried on in the same tradition, using the law as an instrument of oppression and a means of cracking down on human rights.

It is clear that the current administration is opposed to peaceful dissent and the communication of information that is contrary to its narrative. By September 2022, journalists Wisdom Mudzungairi, the editor-in-chief for Alpha Media Holdings and editor of NewsDay newspaper, and Desmond Chingarande, a senior reporter at NewsDay were arrested and charged under the newly enacted Cyber and Data Protection Act.⁹⁰ The arrests of these journalists are not isolated cases but represent a broader systematic attack on media freedom.

84. Amnesty International, *Zimbabwe: Rights under siege*, 2003 (previously cited), p. 13

85. Amnesty International, *Zimbabwe: Rights under siege*, 2003 (previously cited), p. 13

86. Cyber and Data Protection Act 2021 [Chapter 12:07] zimlil.org

87. Freedom of Information Act, [Chapter 10:33], 2020 zimlil.org

88. Maintenance of Peace and Order Act [Chapter 11:31], 2019 media.zimlil.org

89. Private Voluntary Organisations Amendment Bill, H.B.10, 2021 veritaszim.net

90. Amnesty International, “East and Southern Africa: Attacks on journalists on the rise as authorities seek to suppress press freedom”, 3 May 2023, amnesty.org

2.1.3 ATTACKS ON JOURNALISTS

The culture of intimidation and harassment of journalists has persisted under the current government. Since the 2018 elections, Amnesty International has documented several incidents where journalists have been persecuted simply for expressing an opinion. In 2021 alone at least 15 journalists were assaulted, detained or arrested by security agents for carrying out their work.⁹¹ Every case involving the harassment of a journalist in the discharge of their duties is unacceptable. However, there are a few cases that require specific mention:

- In 2019, Amnesty International denounced a police raid on 263 Chat, an online news site. This action by the police was a clear attack on media freedom and the right to freedom of expression. The attack on the media house followed the filming, by one of their journalists, of street vendors being forcibly removed from their stalls in Harare. Lovejoy Mtongwiza, the reporter in question, had been assigned to capture images of a joint operation by the Zimbabwe Republic Police and the Harare City Council to remove street vendors from the city centre.⁹² The police fired canisters of tear gas into the 263 Chat newsroom after chasing the reporter to the offices.
- In 2020, two journalists, Nunurai Jena and Panashe Makufa, were accused of working without valid journalism accreditation cards. However, the Zimbabwe Media Commission (ZMC) at the time had not yet issued the 2020 accreditation cards to journalists. The two journalists were reporting on the enforcement of the COVID-19 lockdown and police activities. As a result of this harassment and intimidation of journalists, the Media Institute of Southern Africa (MISA) Zimbabwe Chapter sought a High Court order to prevent police and other law enforcement agencies from interfering with the work of journalists. The order was granted on 20 April 2020.⁹³
- Hopewell Chin'ono, a freelance journalist and anti-corruption activist, faced repeated police intimidation and harassment. He was detained three times from July 2020 to January 2021, spending over 80 days in detention. This was due to his efforts to expose allegations of government corruption and advocate for the right to peaceful assembly.⁹⁴

The government has stifled free access to information by shutting down the internet during the fuel protest in 2019.⁹⁵ The crackdown on peaceful dissent is not limited to expression but extends to other means of people's participation such as the rights to freedom of peaceful assembly and association.

91. Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Rights* (Index POL 10/4870/2022), 29 March 2022, [amnesty.org](https://www.amnesty.org), p. 413

92. Amnesty International, "Zimbabwe: Attack on 263 Chat website a blatant attempt to muzzle the media", 4 April 2019, [amnesty.org](https://www.amnesty.org)

93. Amnesty International, "Southern Africa: COVID-19 a pretext for surge in harassment of journalists and weakening of media houses by states", 3 May 2020, [amnesty.org](https://www.amnesty.org)

94. Amnesty International, "East and Southern Africa: Media freedoms curtailed as COVID-19 regional crises expose urgent need for access to information", 3 May 2021, [amnesty.org](https://www.amnesty.org)

95. Amnesty International, "Zimbabwe: Crackdown escalates on protests over massive fuel price hikes, hundreds arrested", 15 January 2019, [amnesty.org](https://www.amnesty.org)

2.2 REMAIN SILENT OR RISK ARREST

2.2.1 FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

Zimbabweans have a long history of collective action dating back to the Chimurenga Wars against colonial occupation.⁹⁶ In the 1990s, the country experienced severe food shortages, which were caused by failing fiscal and monetary policies. The government at the time had introduced a raft of economic reform programs meant to liberalise the economy; however, these did not yield the anticipated fiscal growth.⁹⁷ Instead, the measures introduced during that period resulted in severe food shortages,⁹⁸ widespread retrenchments and escalating food prices. The hardship these measures caused became the catalyst for protest action mostly led by trade unions.⁹⁹ The government's response was to thwart this collective action by deploying security forces to violently break up protest actions. In a statement in 1996, Amnesty International documented one such incident and recorded that:

“More than 50 Zimbabwean riot police this morning fired teargas and used batons in downtown Harare to break up a planned protest march by trade unions, churches and human rights groups. Earlier, the Zimbabwean Government issued an order banning public demonstrations in support of thousands of nurses and junior doctors who went on strike.”¹⁰⁰

The pattern of protests and violent reprisals continued throughout the 1990s culminating in the food riots that took place in 1998. Writing at the time, Amnesty International remarked that “[t]he message sent by the Zimbabwean Government seems to be clear: remain silent or risk arrest.”¹⁰¹ The Mugabe government's response to the 1998 protest was similarly violent and heavy-handed, and resulted in “[e]ight deaths, uncounted injuries, thousands of people being arrested and detained.”¹⁰² In 2004, the government introduced the Public Order and Security Act (POSA),¹⁰³ which gave the authorities greater power to suppress protests and oppress individuals who demonstrated against state action. In so doing, it effectively curtailed the guarantees of freedom of expression and peaceful assembly provided for in the constitution. Police often misinterpreted section 24 of the POSA, leading them to deny proposed protest actions. This section required the organizers of demonstrations to simply notify the regulating authority before holding a public gathering, however the notification requirement was amply misused as a tool for authorisation to stop the collective action.

96. The people of Zimbabwe waged two wars against colonial occupations referred to as the Chimurenga wars. The first Chimurenga war started in 1890 and the second Chimurenga war started in the late 1950s when “the nationalist movement arose, leading a decade later to the guerrilla-based war of liberation or second chimurenga in the 1970s.” Helliker, K., et al. *The First Chimurenga*. In: *Fast Track Land Occupations in Zimbabwe*. Springer, Cham link.springer.com

97. K. Kanyenze, “Economic Structural Adjustment Programme (ESAP): precursor to the fast track resettlement?”, in M. Masiwa (editor), *Post-independence land reform in Zimbabwe: controversies and impact on the economy*, 2004, Friedrich Ebert Stiftung and Institute of Development Studies, University of Zimbabwe, pp. 90-124

98. Kanyenze, ESAP, 2004 (previously cited), p. 107

99. See Kanyenze, ESAP, 2004 (previously cited), pp. 118-120, on the socio-economic impact of ESAP

100. Amnesty International, “Zimbabwe: Right to peacefully assemble for protest march under attack” (Index AFR 46/006/1996), 11 November 1996, [amnesty.org](https://www.amnesty.org)

101. Amnesty International, “Right to peacefully assemble”, 1996 (previously cited)

102. The Zimbabwe Human Rights Forum, *A Consolidated Report on The Food Riots 19-23 January, 1998*, 21 January 1998, hrforumzim.org, p. 4

103. Public Order and Security Act, [Chapter 11:17], 2002. Repealed by Maintenance of Peace and Order Act, 2019 on 15 November 2019]. zimlil.org

The 1998 food riots were perhaps the catalyst that led to the emergence of an organised pro-democratic reform movement in Zimbabwe at the time. Throughout Robert Mugabe's tenure there was a consistent trend of violence used by the security agents against political dissenters. Some notable incidents of police violence include the so-called "Final Push" in 2003¹⁰⁴ and the "Save Zimbabwe Campaign" in 2007.¹⁰⁵

In December the authorities flouted a High Court order not to block a planned demonstration in Harare, the capital, to mark a one-day nationwide general strike. Police used tear-gas and batons to disperse tens of thousands of people who gathered peacefully to protest against proposed new taxes and violent clashes ensued. The Home Affairs Minister stated that police would shoot anyone demonstrating against the tax rises, and the Commissioner of Police reportedly said that the strike organizers, the Zimbabwe Congress of Trade Unions (ZCTU), would be crushed if the strike went ahead. Less than 48 hours later, several people assaulted and severely injured ZCTU Secretary-General Morgan Tsvangirai in an incident later condemned by President Mugabe. The ZCTU alleged ZANU-PF involvement in the attack.

Amnesty International Annual Report 1998 (Index: POL 10/01/98. Amnesty International Annual Report 1998 - Amnesty International, p. 367)

Under Mugabe, the state's response to protestors was in violation of the robust constitutional framework that protects the rights to freedom of assembly and association. Likewise, under Mnangagwa's rule, a pattern of an unfavorable attitude towards protestors emerged, which can be traced back to the 2018 elections. On 1 August 2018, citizens in Harare protested for the release of election results following the close of polls on 30 July of the same year. The delay in releasing the election results may have caused anxiety among the electorate due to past events. In 2008, the presidential election took place on 29 March, but the results were not announced until 2 May 2008. The Chairperson of the election management body attributed the delay to the need for "meticulous verification of the results".¹⁰⁶ In the aftermath of the announcement of the results, and consequently, the need for a run-off, Mugabe engaged in a violent campaign that resulted in the death of over 200 Zimbabweans.¹⁰⁷ Even before the 2018 polls had been held, there were several reports of intimidation against the electorate that were reminiscent of the Mugabe government. The period leading up to the 30 July election was marred by reports of intimidation in rural areas. Military personnel and intelligence agents were deployed to villages and sometimes went to people's homes, particularly in Mutoko and Domboshava in Mashonaland East telling villagers to "vote right".¹⁰⁸

104. Amnesty International, "Medical Action: Police target patients in clinic following national protests Zimbabwe" (Index AFR 46/014/2003), 6 June 2003, [amnesty.org](https://www.amnesty.org/en/documents/AFR46/014/2003/)

105. Amnesty International UK, "Zimbabwe: Investigation required into police attack during Harare demonstration", 13 March 2007, [amnesty.org](https://www.amnesty.org/en/documents/UK001/001/2007/)

106. Amnesty International, "Tension grows in Zimbabwe as results are delayed", 3 April 2008, available at [refworld.org](https://www.refworld.org/docid/45d8d8d8.html)

107. [amnesty.org](https://www.amnesty.org/en/documents/AFR46/014/2003/)

108. Amnesty International, "Zimbabwe: Investigate the army's conduct in post-election killings", 1 August 2018, [amnesty.org](https://www.amnesty.org/en/documents/AFR46/014/2003/)

Opposition supporters are seen before their court appearance at the magistrates courts in Harare, Zimbabwe Thursday, August 17, 2023. 42 members of the leading opposition party appeared in court facing charges of blocking traffic and disrupting order during a campaign event on Tuesday, as the southern African country heads to the polls on August 23 to elect the president and legislature in what analysts expect to be a tense affair, marked by a crackdown on dissent and fears of vote-rigging.



Six protesters were killed by the army and scores were injured following post elections violence. The army used live ammunition against unarmed protesters thereby breaking the rule of law and muzzling freedom of expression, association and assembly.¹⁰⁹ After the resignation of Robert Mugabe in November 2017, military personnel held prominent positions within the government, with several army chiefs transitioning into civilian government roles. However, despite the army's previous involvement in civilian affairs, it was inconceivable that live ammunition would ever be used to disperse protestors. Speaking at the time, Colm Ó Cuanacháin, Amnesty International's Acting Secretary General then said "[i]t is unfortunate that this election has descended into bloodshed, which could have been avoided if security forces had exercised restraint against protesters. The army's conduct should be promptly investigated, with those responsible brought to justice."¹¹⁰ The post-election state security violence resulted in the loss of at least six lives. Additionally, there were numerous injuries, the exact count is still unknown. In response to the turmoil, President Mnangagwa appointed a Commission of Inquiry to investigate the events. Despite this, no arrests or prosecutions were made.

Six months later, following an address by the President announcing plans to increase fuel prices, more protest action was organised. The authorities once again deployed the police and the army to disband the protesters, leading to at least 15 cases of rape,¹¹¹ the deaths of fifteen individuals, as well as the arrest of over a thousand others.¹¹²

The government has consistently used security personnel to quash any opposition. In 2022, Zimbabwean author and activist Tsitsi Dangarembga, along with activist Julie Barnes, were initially convicted of "inciting violence" for participating in protests on 31 July 2020. However, they later won an appeal and were given a six-month suspended sentence.¹¹³ On 17 May, six University of Zimbabwe students, Benjamin Watadza, Emmanuel Chitima, Comfort Mpfu, Lionel Madamombe, Gamuchirai Chaburumunda and Darlington Chigwenha, were arrested for staging a peaceful protest in Harare, Zimbabwe's capital.¹¹⁴ As the 2023 elections drew nearer political reprisals intensified. For example, in January, 25 members of the opposition political party Citizens' Coalition for Change (CCC) were arrested and physically assaulted for holding a meeting at a private residence in Budiro, a suburb of Harare.¹¹⁵

109. [amnesty.org](https://www.amnesty.org)

110. Amnesty International, "Investigate the army's conduct", 2018 (previously cited)

111. Amnesty International, *Open for business, Closed for dissent*, 2019 (previously cited), p. 13

112. Amnesty International, "Zimbabwe: Ruthless crackdown on freedom of assembly exposes intolerance for dissent", 8 February 2019, [amnesty.org](https://www.amnesty.org)

113. Amnesty International, "Zimbabwe: Students arrested for peaceful protest" (Index AFR 46/6964/2023), 13 July 2023, [amnesty.org](https://www.amnesty.org)

114. Amnesty International, "Students arrested for peaceful protest", 2023 (previously cited).

115. Amnesty International, "Zimbabwe: Arrest of members of opposition shows an escalating crackdown against freedom of association and assembly", 17 January 2023, [amnesty.org](https://www.amnesty.org)

The 9th Parliament of Zimbabwe (2018-2023) has enacted several laws which have a devastating effect on people's ability to freely assemble and associate. Among the legislative reforms which are reminiscent of the past,¹¹⁶ the Private Voluntary Organizations Amendment Bill is perhaps the most pervasive as it looks to directly affect how civil society organisations are structured and managed. Amnesty International had previously noted that:

“This bill, if passed by the president, could be used to deny registration of human rights organizations due to the work that they do, including defending rights such as freedom of expression, association and peaceful assembly. The bill would also exacerbate the growing crackdown on civil society organizations, increase human rights violations and make it more difficult for the people to hold the government to account. There is a risk that employees and board members of NGOs could be arrested and subjected to punitive measures, including imprisonment, simply for doing their work.”¹¹⁷

The implementation of oppressive laws and their utilization to constrain freedom of expression and peaceful assembly is evocative of the past, under the rule of Mugabe. The use of the court system as a tool of repression, and the failure to provide a fair trial for those taken into custody, has continued and was particularly evident in the aftermath of the January 2019 protests which led to numerous arrests.

Zimbabwean Opposition Activists make a court appearance under the watchful eye of prison guards at the magistrates Courts.



116. Including the Cyber and Data Protection Act [Chapter 12:07] (No. 5 of 2021); Freedom of Information Act, 2020; the Maintenance of Peace and Order Act [Chapter 11:23]; the Private Voluntary Organizations Amendment Bill, H.B. 10, 2021; and the Amendment to the Criminal Code

117. Amnesty International, “Zimbabwe: President Mnangagwa must reject proposed new law that threatens rights and civic space”, 2 February 2023, [amnesty.org](https://www.amnesty.org)

2.2.2 PERSECUTION BY PROSECUTION

The treatment of individuals when they are accused of committing a crime is a crucial and telling evaluation of a state's dedication to uphold human rights. However, this test becomes even more critical when the accused individual is a political prisoner. In such instances, authorities may suspect that the accused person poses a threat to those in positions of power, making the situation more complex and potentially more dangerous.¹¹⁸

President Emmerson Mnangagwa announced an increase in fuel prices on 12 January 2019, which took effect the following day. In response, the Zimbabwe Congress of Trade Unions (ZCTU) called for a three-day national protest. ZCTU's President, Peter Mutasa, urged Zimbabweans to boycott work, businesses and schools from 14 to 16 January, to protest the high cost of living and stagnant salaries. Mutasa criticized the fuel price hike as "insensitive and provocative." In response to the ZCTU's call for national stay-away action, many Zimbabweans stayed home, causing major disruption to businesses across the country.¹¹⁹ The protest was met with a violent response from the authorities. The state deployed military, police and intelligence units into the major city centres and into some residential areas. The security forces went door-to-door breaking into residents' homes, which resulted in cases of rape, severe assaults and loss of lives at the hands military and police personnel. Additionally, security personnel arrested and arbitrarily detained thousands of residents.

The protestors that were arrested were then hurriedly brought before the courts. The arrests

would take place en masse and the accused persons would be presented to the courts in large groups. It was often the case that the accused would not be aware of their co-accused nor why they had been bundled together. As a result of the speed with which the cases were brought before the courts, the accused persons did not have an opportunity to consult their legal counsel, nor adequate time and facilities to prepare their defences. Very often rules of procedure and evidence were not followed throughout these fast-track cases, and ultimately many of the accused were found guilty of various offences under the Criminal Code and were sentenced to long custodial sentences.

In Zimbabwe, the legal system has been known to be used as a tool to suppress protests and voices of dissent. There have been several prominent cases where the aim of the prosecution appears to be persecution rather than the objective pursuit of justice.¹²⁰ In such cases the courts are used to silence dissent with courts lacking judicial independence and relying on obsolete laws.¹²¹ There have also been cases where authorities level malicious charges against persons, dragging them through lengthy court processes in an effort to silence them from expressing dissenting views.¹²² In the context of the January 2019 fuel protest, and the management of other protests by security forces in the period under review, there were several violations of human rights that warrant consideration. These include the use of excessive force, arbitrary arrest and detention and unfair trial.

118. Amnesty International, *Fair Trial Manual* (Index POL 30/002/2014), 2014 (second edition), [amnesty.org](https://www.amnesty.org), p. IV

119. These three days of collective action shall be referred to as the "fuel protest".

120. See for example the case against Evan Mawarire in Amnesty International, "Zimbabwe: Pastor Mawarire's arrest a case of history repeating itself" 26 June, 2017. Available at : [amnesty.org](https://www.amnesty.org)

121. See for example the case of conviction and sentencing of opposition spokesperson based on a legal provision that was declared void by the Constitutional Court in 2014. Amnesty International, *Zimbabwe: Conviction and sentencing of opposition spokesperson shows escalating assault on freedom expression*, 6 April 2023. Available at: [amnesty.org.zw](https://www.amnesty.org.zw)

122. For example, Hopewell Chin'ono, Job Sikhala and Fadzayi Mahere were arrested and charged with "publishing or communicating false statements prejudicial to the state" as a way of harassing and intimidating them. Amnesty International, *Zimbabwe: Authorities must drop malicious charges against opposition leaders and journalists*, 13 January 2021. Available at: [amnesty.org.zw](https://www.amnesty.org.zw)

2.2.3 EXCESSIVE USE OF FORCE

After the January 2019 protest, the Zimbabwe Association of Doctors for Human Rights (ZADHR) reportedly treated 343 people for injuries. Among these cases, 78 individuals had suffered gunshot wounds, while four had been bitten by dogs.¹²³ As indicated earlier, this was not the first time that law enforcement agents in the “New Dispensation” had used live fire at protesters. This incident is reminiscent of the approach to law enforcement that was used during the food riots of 1998 and attests to a trend that has been prevalent in the period under review. Listed below are some examples:

FEBRUARY 2018

Police dispersed protesting students at the National University of Science and Technology in Bulawayo using water cannons. As students peacefully protested, police arrived and without warning started spraying them with water as well as tear gas.¹²⁴

AUGUST 2018

Authorities used excessive force to disperse protest action against the delayed release of election results. Six people were killed, and scores were tortured and injured.

There are international guidelines that regulate the use of force in law enforcement. For example, the Code of Conduct for Law Enforcement Officials provides that they (law enforcement officials) may only use force when strictly necessary and to the extent required for the performance of their duty.¹²⁵ This is again reiterated in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,¹²⁶ which call upon law enforcement agents, in carrying out their duty, to the extent possible, to apply non-violent means before resorting to the use of force and firearms.¹²⁷

The Basic Principles direct that force and firearms should only be used “if other means remain ineffective or without any promise of achieving the intended result.”¹²⁸ Furthermore, where force and firearms are used, the basic principles call for law enforcement officials to exercise restraint and apply force in proportion to the seriousness of the offence.¹²⁹ Law enforcement agents should ensure that they “[m]inimize damage and injury, and respect and preserve human life.” The Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines)¹³⁰ also require law enforcement agents to exercise the same restraint and use force as a last resort.¹³¹

Although Zimbabwean law anticipates that there may be incidents where lethal force may be used in the process of law enforcement, any such use must be in accordance with international human rights standards. The Criminal Procedure and Evidence Act allows, under specific circumstances, the use of lethal force to apprehend an accused person who is resisting arrest.¹³² The Act sets strict guidelines for the use of such force: Lethal force can only be used when the person being arrested is suspected of committing a serious offence and the arresting officer believes that the force is necessary to protect themselves from harm. Additionally, lethal force can be used when there is a high risk that the suspect will cause severe bodily harm or death if the arrest is delayed, or when the offence is a serious and forcible one that is currently in progress.

It is important that law enforcement officials only resort to using force when absolutely necessary. While they may have the authority to use force, it should be used sparingly. However, the current government still relies heavily on the use of

123. Amnesty International, *Open for business, Closed for dissent*, 2019 (previously cited), p. 11

124. Nehanda TV, “WATCH riot police water cannon protesting NUST students in Bulawayo - VIDEO”, 27 February 2018 [nehandatv.com](https://www.nehandatv.com)

125. UN Human Rights Office of the High Commissioner, *Code of Conduct for Law Enforcement Officials*, 17 December 1979, General Assembly resolution 34/169, Article 3, [ohchr.org](https://www.ohchr.org)

126. United Nations, “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,” adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 [ohchr.org](https://www.ohchr.org). See also Amnesty International, “Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,” 7 September 2015 [amnestyusa.org](https://www.amnestyusa.org)

127. Basic Principle 4

128. Basic Principle 4

129. Basic Principle 5(a)

130. African Commission on Human and Peoples Rights, “The Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa” (the Luanda Guidelines) adopted by the African Commission on Human and Peoples’ Rights (the Commission) during its 55th Ordinary Session in Luanda, Angola, from 28 April to 12 May 2014

131. Guideline 3(c)

132. Zimbabwe, Criminal Procedure and Evidence Act, [Chapter 9:07], 1927



People on the streets hold live and empty bullets left on the streets of following protests in Harare Zimbabwe which left 6 people dead after security forces used force to clamp down on post-election protests in Harare on August 1, 2018.

excessive force as a primary method of law enforcement, a trend that was common during the previous administration. The violent incidents that occurred after the elections and fuel protests are not justifiable under Zimbabwean law nor international

human rights standards. To break away from the legacy of the past, there needs to be a shift away from the flagrant use of violence in the current administration's approach to law enforcement.

2.2.4 ARBITRARY ARRESTS AND DETENTION

The use of excessive force by law enforcement during the protest in 2019 was not just to disperse protesters from their assembly points; the police and the army also raided homes in the high-density suburbs. The military and the police undertook a door-to-door campaign where they would break into houses and brutally assault the occupants. Following that exercise, at least 1050 people were arrested and brought before the courts. In several incidents, law enforcement agencies would employ a dragnet strategy and arrest anyone that they came across.

This type of unwarranted use of arbitrary arrest and pretrial detention has been a perennial concern throughout Zimbabwe's history. It increases the risk of torture against accused persons and has significant socio-economic impacts on them, their families and their communities. Perhaps more significantly, it has fostered in the general populace a broad sense of fear and insecurity. Although the 2013 Constitution provides extensive safeguards and defines rights for persons who encounter law enforcement, state practices have fallen short of the expected standards.¹³³

133. Zimbabwe, Constitution, 2013, (previously cited), section 49 (Right to personal liberty), section 50 (Rights of arrested and detained persons), section 53 (Freedom from torture or cruel, inhuman or degrading treatment or punishment), section 69 (Right to a fair hearing), and section 70 (Rights of accused persons)

2.2.5 RIGHT TO A FAIR TRIAL

During the period under review, there were several positive developments within the courts that should improve access to justice. The High Court in Mutare became operational, as did an additional three courtrooms at the Bulawayo High Court, and the number of regional magistrates was increased in Chipinge, Plumtree, Karoi, Beitbridge and Guruve.¹³⁴ The courts were also instrumental in protecting the rights of individuals during the COVID-19 lockdown period. The High Court delivered judgments on issues such as the right to safe, clean and potable water enshrined in section 77(a) of the Constitution,¹³⁵ the right to life, healthcare and dignity as guaranteed by sections 48, 76 and 51 of the Constitution,¹³⁶ respectively, and the right to life and freedom from torture, or cruel and inhuman and degrading treatment and punishment, as guaranteed by sections 48 and 55 of the Constitution.¹³⁷

However, despite all the progress and achievements made by the Judicial Services Commission since the inception of the new constitution, the integrity of the courts was brought into question following the January 2019 events. The courts were used as part of the state machinery deployed against protesters following the fuel protests. This was not the first time the courts had been used in this way following disturbances of this nature. In 1998, following the food riots, the courts were also used as a tool for the persecution of protesters.

However, the difference between the fuel protests and the food riots prosecutions was the fast-track nature of the trials and the rate of conviction in respect of the former.

It is unclear how many people were arrested or prosecuted during the 1998 food riots. Amnesty International reported that “almost 1000 people were detained without bail”.¹³⁸ A report by the Zimbabwe Human Rights NGO Forum indicates that 3,000 persons were arrested.¹³⁹ The Zimbabwe Human Rights NGO Forum report on the riots provides sample statistics that can be used to compare the 1998 and the 2019 trials.¹⁴⁰ Although the pre-trial detention period for accused persons was longer in 1998, 6 weeks,¹⁴¹ 73% of the cases were discharged or withdrawn before the initial remand stage of the trial. However, on the available statistics, after 40% of the cases were concluded, the 2019 cases had a conviction rate of 55%.

Another significant difference was the nature of the sentences for those who were found guilty. Following the trials in 1999, the convicted protestors were given 12 months custodial terms. However, in the 2019 trials, accused persons were given custodial sentences ranging between 12 months and 7 years.

134. Zimbabwe Judicial Service Commission, *Speech by the Honourable Mr Justice Luke Malaba, Chief Justice of Zimbabwe, on the Occasion of the Official Opening of the 2019 Legal Year Theme: Consolidating the Rule Of Law*, 2019. Available at: veritaszim.net

135. High Court Case, *Ephraim Matanda (M), United Mutare Resident and Rate Payers Association (UMMRT) v City of Mutare, Minister of Local Government Public Works & National Housing, Minister of Health and Child Care and Minister of Finance*, Case No: (HC 89/20) (O) (U); High Court Case, *Mutare, Nevermine Mutamba(M), Musekiwa Zvarebwanashe, Masvingo United Residents & Ratepayers Alliance v City of Masvingo, Minister of Local Government Public Works & National Housing, Minister of Health and Childcare and Minister of Finance* Case No. (HC 84/20) (O) (U) Masvingo

136. *Zimbabwe Association of Doctors for Human Rights v Minister of Health and Child Care and Minister of Finance and Economic Development and Minister of Transport and Infrastructural Development*

137. *Levison Ncube (M) (25) v Zimbabwe Republic Police* (O) (U), Bulawayo

138. Amnesty International, *Amnesty International Annual Report 1999*, (Index: POL 10/01/99), 1 January 1999. Pg 371

139. Zimbabwe Human Rights NGO Forum, *Report on The Food Riots*, 1998 (previously cited), p. 26

140. This report relies on press reports, newspapers, magazines, and other reports for its analysis. See Zimbabwe Human Rights NGO Forum, *Report on The Food Riots*, 1998 (previously cited), p.15

141. Statistics are drawn from Zimbabwe Human Rights NGO Forum, *Report on The Food Riots*, 1998 (previously cited), p. 27

Some examples are highlighted below.

S V MISTON SIRIVA & 7 ORS

The accused persons were charged with public violence as defined in section 36(1) of the Amendment to the Criminal Code.¹⁴² The accused were alleged to have burnt a bus. Two of the accused were acquitted, four were sentenced to 5 years in prison with 1 year suspended on the condition of good behaviour. Miston Siriva was sentenced to 7 years imprisonment with 1 year suspended on the condition of good behaviour.¹⁴³

S V MAKWARIMBA & 11 ORS¹⁴⁴

The accused persons were charged with public violence as defined in section 36 (1) of the Amendment to the Criminal Code.¹⁴⁵ The 12 accused persons are alleged to have barricaded a road. Five of the accused,¹⁴⁶ including a minor, were sentenced to 48 months in jail each with 12 months suspended on condition of good behaviour.

The sentences are particularly worrying when one considers the fast-track nature of the trials. The Chief Justice justified adopting this approach in a statement insisting that it was consistent with the Constitution. Chief Justice Luke Malaba was quoted as having said, “that all judicial officers are required by Section 164(1) of the Constitution to dispense justice expeditiously. In doing so, all due process must be followed, and rights of accused persons respected.”¹⁴⁷ However, rounding them up en masse and not informing them of their charges before being presented before the courts, and denying them adequate time and facilities to prepare their defences and to consult with a lawyer of their choice¹⁴⁸ is inconsistent with such due process. The Law Society said:

“There is an unmistakable paradigm shift in the manner that the accused are being treated. The fast-tracked trials, routine denial of bail, routine dismissal of applications, blatant disregard of the constitutional provisions relating to the right to fair trial, are causing alarm within the profession. We do not believe that all the cases being brought to courts are similar in facts, circumstances and evidence to warrant the uniform treatment being witnessed”.¹⁴⁹

142. Amendment to the Criminal Code (previously cited)

143. Tendai Rupapa, “6 ZUPCO bus arsonist jailed 36 years”, The Herald, 29 January 2019, herald.co.zw

144. Prosper Demberda, “Zimbabwe: Five Jailed, Seven Acquitted”, 15 February 2019, All Africa, allafrica.com

145. Amendment to the Criminal Code (previously cited)

146. Tafadzwa Zibako (19), Phillip Simango (16), Simbarashe Ndarukwa (27), Steven Mudzamiri (23) and Daniel Gwembe

147. “Chief Justice Malaba Justifies Fast Track Mass Trials For Protesters, Says Magistrates Are Not Captured”, 1 February 2019, Pindula, pindula.co.zw

148. Amnesty International, *Open for business, Closed for dissent*, 2019 (previously cited), p. 15

149. Amnesty International, *Open for business, Closed for dissent*, 2019 (previously cited), p. 15

The preamble to the Bangalore Principles of Judicial Conduct¹⁵⁰ highlights the importance of the court for the promotion and protection of rights. The preamble reads as follows:

“The Universal Declaration of Human Rights (UDHR) recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations and of any criminal charge. Furthermore, regional and international conventions such as the International Covenant on Civil and Political Rights guarantees that all persons shall be equal before the courts, and that in the determination of any criminal charge or of rights and obligations in a suit at law, everyone shall be entitled, without undue delay, to a fair and public hearing by a competent, independent and impartial tribunal established by law. The importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice.”¹⁵¹

The Preamble emphasises the crucial role of the courts in ensuring that fair trial rights are upheld. Without a functional, competent, and independent judiciary, the enjoyment of such rights would be impossible to achieve. It is through the interpretation of various national instruments and adherence to international law that the courts are able to give effect to these rights. In the African context, the judiciary play a particularly vital role as they often serve as the final safeguard for human rights defenders faced with persecution. The fast-tracking of cases and the dispensing of procedural safeguards is a violation of the constitutional protections to a fair trial.

150. The Bangalore Draft Code of Judicial Conduct 2001, adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices
151. The Bangalore Principles of Judicial Conduct, 2001 (previously cited), Preamble

2.3 EROSION OF ECONOMIC AND SOCIAL RIGHTS

2.3.1 RIGHT TO HEALTH

The Constitution of Zimbabwe provides for the protection of the right to healthcare for individuals. According to section 29, it is the responsibility of the state to implement measures that guarantee accessible and sufficient healthcare to all Zimbabweans.¹⁵² This includes ensuring that emergency medical treatment is not denied to anyone in need.¹⁵³ Additionally, the state is mandated to take all possible measures to prevent the spread of diseases within the limits of its resources.¹⁵⁴ Section 76 of the Constitution of Zimbabwe states that all citizens and permanent residents have the right to access basic healthcare, including reproductive health services.¹⁵⁵ The government is required to take reasonable

measures to achieve these rights within the available resources.¹⁵⁶ The UN Committee on Economic, Social and Cultural Rights has highlighted that providing access to reproductive, maternal, and child healthcare is a fundamental obligation under the right to health.¹⁵⁷ This means that it is a priority and cannot be overlooked by any state.

The period under review was characterised by the COVID-19 pandemic; the issues arising from which are discussed in the section to follow. In the period under review, Amnesty International released two reports on the right to health:

- *I Never thought I could get healed from this*: The report focuses on women and girls in Zimbabwe who have experienced obstetric fistula while giving birth. In the report, Amnesty International shows that the Zimbabwean government has not allocated enough resources to the health sector. Despite announcing a policy of providing free maternal services, it has not provided the necessary funding or put the relevant initiatives into action.¹⁵⁸
- *Lost without knowledge: Barriers to sexual and reproductive health information in Zimbabwe*: Amnesty International conducted research which revealed that in Zimbabwe deep-seated cultural beliefs surrounding adolescent sexuality hinder young people from accessing crucial information and services that could safeguard their well-being. This perpetuates gender discrimination and has particularly negative consequences for girls who find themselves unexpectedly pregnant. These consequences can include being forced into child marriage, experiencing social stigma and struggling to continue their education. Additionally, their physical health is put at risk if they are unable to access antenatal care services in a timely manner.¹⁵⁹ Critical gaps remain in Zimbabwe meeting its obligation to ensure access to sexual and reproductive health care because of a lack of information on sexual and reproductive rights as well as on entitlements to the services, goods and programmes which the government has made available; this continues to hamper girls' ability to exercise these rights. The absence of a clear legal framework, and requirements regarding age and third-party consent for health services, leads to ambiguity on the rights of adolescents to access health services and information.

152. Zimbabwe, Constitution, 2013, (previously cited), section 29(1)

153. Zimbabwe, Constitution, 2013, (previously cited), section 29(1)

154. Zimbabwe, Constitution, 2013, (previously cited), section 29(3)

155. Zimbabwe, Constitution, 2013, (previously cited), section 76(1)

156. Zimbabwe, Constitution, 2013, (previously cited), section 76(4)

157. UN Committee on Economic, Social and Cultural Rights, General Comment 14: The Right to the Highest Attainable Standard of Health (art. 12), 11 August 2000 (UN Doc. E/C.12/2000/4), para. 8

158. Amnesty International, "Zimbabwe: 'I never thought I could get healed from this': Barriers to treatment and human rights abuses against women and girls with obstetric fistula in Zimbabwe" (Index AFR 46/4112/2021), 20 May 2021, [amnesty.org](https://www.amnesty.org/en/documents/AFR46/4112/2021/)

159. Amnesty International, *Zimbabwe: Lost without knowledge: Barriers to sexual and reproductive health information in Zimbabwe* (Index AFR 46/7700/2018), 26 January 2018, [amnesty.org](https://www.amnesty.org/en/documents/AFR46/7700/2018/)

The challenges highlighted in the two reports persist. Civil society organisations (CSOs) in Zimbabwe petitioned parliament to investigate the issue of access to sexual and reproductive health services by adolescents. However, recommendations made by parliament to address the age at which children can access sexual and reproductive rights were refused by the Minister of Health. CSOs also lobbied parliament for section 35 of the Public Health Act to allow health workers to provide sexual and reproductive health services (SRHS) to children without the consent of their parents. There have been increased incidences of teenage pregnancies which is attributable to a lack of access to SRHS.¹⁶⁰ In 2021, the Minister

of Gender and Women's Affairs reported that the government had recorded 5,000 cases of teenage pregnancies in January and February.¹⁶¹ In addition to sexual and reproductive health rights, the Government of Zimbabwe has also failed to uphold the rights to equality and privacy and freedom from torture and other ill-treatment of women and girls, through its failure to prevent and treat obstetric fistula. To date the government has failed to increase efforts to prevent obstetric fistula¹⁶² through creating a conducive policy framework by, for example, fully funding and operationalising the free maternal healthcare policy, and including post-natal care, including health services related to maternal morbidity within this policy.

2.3.2 RIGHT TO HOUSING

The 2013 Constitution provides that “[n]o person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.”¹⁶³ This provision should be read together with section 28 which enjoins all agencies of government to take reasonable legislative and other measures to enable every person to have access to adequate shelter.¹⁶⁴ Despite this, several households were rendered

homeless as a result of the authorities evicting families or the demolition of homes built on what the government termed “illegal settlements”. For example, in 2019, 58 families were left homeless in Manicaland province’s Chipinge district after the local authority demolished their homes without providing alternative accommodation, and it took an intervention by the courts to halt the eviction of 116 people from Haydon Farm.¹⁶⁵

2.3.3 COVID-19 PANDEMIC

At the start of the COVID-19 pandemic the World Health Organisation (WHO) had issued a set of guidelines for countries to follow in managing the pandemic. The guidelines included measures such as quarantine, self-isolation, repatriations of citizens and preparedness at workplaces for essential services. The net result of these measures was that non-essential movement and business had to be

restricted to mitigate the risk of infection.¹⁶⁶ The pandemic had a marked impact on the human rights situation and warrants special consideration.

The COVID-19 pandemic posed a significant risk to human rights, particularly the right to life and the right to health.¹⁶⁷ In accordance with section 29 of the Constitution, the Zimbabwean government

160. Amnesty International, *Lost without knowledge*, 2018 (previously cited), p. 18.

161. Amnesty International, “Southern Africa: Alarming rise in the number of girls experiencing sexual abuse and unwanted pregnancies during the pandemic calls on governments to take action to protect girls’ rights” (Index AFR 03/5087/2021), 8 December 2021, [amnesty.org](https://www.amnesty.org/en/documents/AFR03/5087/2021/)

162. Amnesty International, *I Never Thought I could get Healed from This*, Index AFR 46/4112/2021, 20 May 2021

163. Zimbabwe, Constitution, 2013, (previously cited), section 74

164. Zimbabwe, Constitution, 2013, (previously cited), section 28

165. Amnesty International, *Human Rights in Africa: Review of 2019* (Index AFR 01/1352/2020), 2020 [amnesty.org](https://www.amnesty.org/en/documents/AFR01/1352/2020/). See also decision in *Zimbabwe Homeless Peoples Federation And Another v Minister of Local Government and National Housing And 3 Others* (SC 78-21, Civil Appeal No. SC 118/19) [2021] ZWSC 78 (24 June 2021)

166. World Health Organisation, “Advice for the public: Coronavirus disease (COVID-19)”, [who.int](https://www.who.int/)

167. Alessandra Spadaro, “COVID-19: Testing the Limits of Human Rights”, 2020, *European Journal of Risk Regulation*, Volume 11, pp. 317–325, [cambridge.org](https://www.cambridge.org/core)

bears the responsibility of ensuring that everyone has basic, accessible, and adequate health services.¹⁶⁸ This obligation also includes the prompt provision of emergency medical care to all individuals, without any exceptions.¹⁶⁹ Additionally, the government is mandated to take necessary measures to prevent the propagation of diseases, within its available resources and capabilities.¹⁷⁰ The Constitution provided the government of Zimbabwe with the necessary normative tools to allow it to respond to the health crisis. The Government enacted the Public Health (COVID-19 Prevention, Containment

and Treatment) (National Lockdown) Order, 2020 (COVID-19 Regulations)¹⁷¹ as the primary means by which it regulated conduct during the pandemic. The statutory instrument was amended several times throughout the pandemic. These changes created a lot of uncertainty about the law, and it was difficult for people to effectively regulate their conduct and maintain compliance.¹⁷² Furthermore, security forces used excessive force to enforce the regulations. State overreach and abuse of power was rife and “in the first four months of lockdown, 116,000 people were arrested for violating COVID-19 regulations.”¹⁷³

RIGHT TO LIFE AND HEALTH

From the start of the pandemic to 28 June 2023, Zimbabwe had 265,413 confirmed cases of COVID-19 with 5,707 reported deaths.¹⁷⁴ As of 18 June 2023, the WHO reported that a total of 13,935,112 vaccine doses had been administered in Zimbabwe.¹⁷⁵ Access to healthcare services was inadequate during the COVID-19 pandemic with authorities implementing a home-based care policy, arguing that the majority of people with COVID-19 did not require hospitalization, consequently turning people away from hospitals. This led to an increase in privatization of treatment which was prohibitively expensive for many in Zimbabwe and many could not afford the treatment.

There were some concerns about the protection and safety of healthcare workers, due to the government’s failure to provide them with personal protective equipment (PPE). It took an intervention by the Zimbabwe Association of Doctors for Human Rights (ZADHR), together with Zimbabwe Lawyers for Human Rights, to remedy the situation.¹⁷⁶ The two organisations were able to get an order from the High Court compelling the government to provide all frontline health workers with PPE.¹⁷⁷ In addition to the provision of PPE, there were concerns about health facilities’ lack of intensive care equipment, including ventilators.¹⁷⁸

FREEDOM OF MOVEMENT

The COVID-19 pandemic exposed the tension between the right to health and other rights. Globally, the health crisis created the potential curtailment of rights, particularly civil and political rights. The UN High Commissioner for Human Rights Michelle Bachelet maintained

that “...efforts to combat this virus won’t work unless we approach it holistically, which means taking great care to protect the most vulnerable and neglected people in society, both medically and economically”.¹⁷⁹ The measures adopted to limit the spread of the disease, for example,

168. Zimbabwe, Constitution, 2013, (previously cited), section 29(1).

169. Zimbabwe, Constitution, 2013, (previously cited), section 29 (2).

170. Zimbabwe, Constitution, 2013, (previously cited), section 29 (3).

171. Public Health (COVID-19 Prevention and Containment) Regulations, 2020 Statutory Instrument 77 of 2020. Available at: zimlil.org

172. Amnesty International Report 2020/21, (previously cited), p. 403

173. Amnesty International Report 2020/21, (previously cited), p. 404

174. World Health Organisation (WHO), “Zimbabwe Situation”, covid19.who.int

175. WHO, Zimbabwe Situation (previously cited)

176. High Court Case, *Zimbabwe Association of Doctors for Human Rights v Min of Health and Others*, Case No. HC2163/20, 2020

177. Amnesty International, Report 2020/21, 2021 (previously cited), p. 403

178. Amnesty International, “COVID-19 as an emergency human rights issue”, 2 April 2020, [amnesty.org](https://www.amnesty.org)

179. UN Office of the High Commissioner for Human Rights, “Coronavirus: Human rights need to be front and centre in response, says Bachelet”, 6 March 2020, [ohchr.org](https://www.ohchr.org)

made obvious limitations to the right to freedom of movement.¹⁸⁰ Section 17 of the COVID-19 Regulations imposed curfews and limits to business hours. Section 18 placed limits on public transport, further impeding the capacity of

people to move and work. During the pandemic, Zimbabwe went into several extensive lockdowns which restricted people from moving freely within the country. This affected their ability to work and earn a living, and to worship.

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

The COVID-19 pandemic also limited the ability of people to seek collective action and assemble. The measures adopted for its containment meant that people had to practice “social distancing”, thus taking away their ability to assemble. As demonstrated earlier in this briefing, the primary means by which people participate in their

governance in Zimbabwe is through organised protests and marches, which were restricted. The Mnangagwa government, however, used the pandemic as a pretext to further curtail people’s rights in the country, thwarting protests, and arresting organisers while using excessive force.¹⁸¹

ECONOMIC AND SOCIAL RIGHTS

The right to healthcare was not the only right affected by the pandemic. The right to food and water,¹⁸² the right to work¹⁸³ and the right to education¹⁸⁴ were also extremely limited. The pandemic exposed the fissures in Zimbabwe’s social services framework and exacerbated the economic crisis. It was estimated that in the first year of the pandemic, seven million people were in need of humanitarian assistance and 4.3 million of those faced severe food insecurity across the country.¹⁸⁵ The situation was further exacerbated by allegations of unfair distribution of food aid in certain areas.¹⁸⁶ It was also reported that the

distribution of food aid was done along political party lines, leaving vulnerable groups struggling to survive.¹⁸⁷ Opposition MP Regai Tsunga was arrested in Mutasa for breaking Statutory Instrument 83 of 2020 for distributing food in his constituency and addressing his constituency’s concerns on the partisan distribution of aid.¹⁸⁸ Despite these apparent food shortages, the Zimbabwe Republic Police raided the Sakubva vegetable market in Mutare at dawn on 3 April 2020, causing more than 300 vegetable vendors to flee and leave their produce behind.¹⁸⁹

180. Section 66(2)(a) provides that “Every Zimbabwean citizen and everyone else who is legally in Zimbabwe has the right to move freely within Zimbabwe”: Zimbabwe, Constitution, 2013, (previously cited)

181. Amnesty International, *Zimbabwe: Authorities thwart anti-corruption protests, launch a witch-hunt against activists*, 31 July 2020 [amnesty.org](https://www.amnesty.org)

182. Zimbabwe, Constitution, 2013, (previously cited), section 77

183. Zimbabwe, Constitution, 2013, (previously cited), section 64, 65

184. Zimbabwe, Constitution, 2013, (previously cited), section 75

185. World Food Programme, “Urgent international support needed to prevent millions of desperate Zimbabweans plunging deeper into hunger”, 8 April 2020, [wfp.org](https://www.wfp.org)

186. Amnesty International, “Southern Africa: Governments must move beyond politics in distribution of COVID-19 food aid”, 6 May 2020, [amnesty.org](https://www.amnesty.org)

187. Amnesty International, “Governments must move beyond politics”, 2020 (previously cited)

188. Amnesty International, “Governments must move beyond politics”, 2020 (previously cited)

189. Amnesty International, “Southern Africa: Government intervention required as millions face hunger under COVID-19 lockdown regimes”, 17 April 2020, [amnesty.org](https://www.amnesty.org)

2.3.4 STATELESSNESS

During the period under review, Amnesty International conducted extensive research on statelessness in Zimbabwe and produced the report *We are like “stray animals”: Thousands living on the margins due to statelessness in Zimbabwe* (Statelessness Report).¹⁹⁰ Amnesty International’s report demonstrates how certain sections of the population in Zimbabwe have been deprived of rights as citizens, and continue to be denied these rights in present day Zimbabwe. The Statelessness Report documents how over decades the Zimbabwean government has failed to remove the administrative obstacles to the enjoyment of the rights to citizenship, particularly for the descendants of migrants who migrated to Zimbabwe before independence and to victims of Gukurahundi and their descendants. The report shows that many migrant workers from neighbouring countries, who were brought in by colonial authorities to work on farms and mines in Zimbabwe, along with their descendants who have settled or were born in the country prior to its independence in 1980, are struggling to obtain citizenship. As a result, they have been effectively rendered stateless. Furthermore, the Ndebele people, who have lived in the Matabeleland and Midlands provinces for generations have also been affected by statelessness. This is because many of their family members were killed or displaced during the Gukurahundi massacres in the early to mid-1980s. This tragic event caused many to lose their identification documents. Also, many of those born in the ensuing years were not registered because they could not provide the death certificates of their parents (who were killed during Gukurahundi) as required to prove Zimbabwean nationality, thereby rendering them stateless. Further, the Statelessness Report reveals that the government’s administrative barriers impede the

rights of migrants and Gukurahundi victims and their descendants, causing daily hardships.

The nature of the violations, and the absence of official statistics, make it difficult to quantify the true extent of the violations. UNHCR has, however, estimated that around 300,000 individuals in Zimbabwe are currently facing the risk of becoming stateless.¹⁹¹

There has since been some progress since the publication of Amnesty’s report. From 1 April to 30 September 2022 the Civil Registry Department conducted a nationwide mobile registration process. This process was geared at addressing the backlog created by travel and working restrictions during the COVID-19 pandemic and did not specifically target groups impacted by statelessness such as descendants of migrant workers.¹⁹² The main purpose of the activity was to reach out to all Zimbabwe nationals who are entitled to apply for a birth certificate, national identification card, and death certificate. To make sure as many people as possible could be registered, documents were issued for free, and some registration requirements were relaxed. There is still scope for more to be done, including amendments to the Citizenship of Zimbabwe Act [Chapter 4:01].¹⁹³ This Act came into force in 1985. It abolished the possibility of dual nationality and required that persons of other nationalities renounce that nationality by the end of 1985.¹⁹⁴ However, the constitutional context has changed and now allows, under certain circumstances, for citizens to retain dual citizenship.¹⁹⁵

Although the violations identified in Amnesty’s report are not necessarily attributable to the current government, they do represent an enduring legacy from the past that the Mnangagwa Government has thus far failed to remedy.

190. Amnesty International, *We are like “stray animals”: Thousands living on the margins due to statelessness in Zimbabwe* (Index AFR 46/3932/2021), 16 April 2021, [amnesty.org](https://www.amnesty.org/en/documents/AFR46/3932/2021/)

191. Submission by the UN High Commissioner for Refugees for the Office of the High Commissioner for Human Rights’ Compilation Report Universal Periodic Review: 2nd Cycle, 26th Session ZIMBABWE

192. This initiative was as a result of the Zimbabwe Human Rights Commission Report on National Inquiry on Access to Documentation in Zimbabwe, which recommended that the Ministry of Home Affairs and Cultural Heritage conduct regular and well-resourced mobile registration programmes. While the report addressed issues of statelessness, it did not recommend tailored mobile registration processes which target people impacted by statelessness but made recommendations geared at strengthening legal frameworks protecting these groups. See Zimbabwe Human Rights Commission, *Report on National Inquiry on Access to Documentation in Zimbabwe*, April 2020. Available at: [veritaszimbabwe.net](https://www.veritaszimbabwe.net). See also The Sunday Mail, *Nationwide blitz for IDs, civil documents*, 27 March 2022. Available at: [sundaymail.co.zw](https://www.sundaymail.co.zw)

193. Citizenship of Zimbabwe Act, Chapter 4:01, 31 December 2016. Available at: [media.zimlil.org](https://www.media.zimlil.org)

194. Zimbabwe, Citizenship Act, Section 9(2).

195. See Constitutional Court Case, *Mutumwa Dziva Mawere v Registrar General & Ors*, Case No: CCZ4115, 26 June 2013. Available at: [olds.zimlil.org](https://www.olds.zimlil.org)

CONCLUSIONS AND RECOMMENDATIONS

3.1.1 RECOMMENDATIONS TO THE GOVERNMENT OF ZIMBABWE

In the past five years, the human rights situation in Zimbabwe has continued to be of extreme concern. The right to peaceful protest, which is guaranteed by the Constitution of Zimbabwe and international human rights treaties to which the country is a state party, has been repeatedly violated. The military has been heavily involved in policing civilian gatherings, leading to an intimidating atmosphere for those wishing to exercise their rights to freedom of expression and peaceful assembly. The government has ramped up efforts to suppress human rights, with individuals who speak out or organize protests facing persecution. In some cases, family members have been targeted and harassed in order to intimidate activists. Abductions have also been on the rise, further exacerbating the human rights situation. Although the Constitution enshrines the right to freedom of expression, journalists, opposition party members and critics of the government who speak out on and offline are harassed or arrested for speaking out against human rights violations. Activists and political party leaders have been criminalised for exercising their right to dissent. Socio-economic rights continue to be eroded in Zimbabwe with access to healthcare being inadequate, especially for women and girls' enjoyment of sexual and reproductive rights. The rising cost of living continues to drive many deeper into poverty as government fails to ensure the progressive realisation of the rights to adequate food, housing and other socioeconomic rights in this context.

A formal conception of the rule of law that is void of human rights values and principles will invariably lead to arbitrariness and repression. The absence of an independent judiciary means that victims of human rights violations continue to be denied access to justice and effective remedies.

ADHERENCE TO THE 2013 CONSTITUTION AND REGIONAL HUMAN RIGHTS TREATY OBLIGATIONS AND RATIFICATION OF KEY HUMAN RIGHTS INSTRUMENTS, INCLUDING THE AFRICAN COURT PROTOCOL

- a) Amnesty International calls on the Government of Zimbabwe to adhere to the Constitution of Zimbabwe and to ensure that the values and principles it enshrines are translated into legislation protecting people's human rights and welfare. The legacy of the past government was the enactment of repressive laws. Breaking away from that legacy means that parliament must actively seek to create a corpus of laws that ensures the promotion and protection of people's rights. Even beyond the provisions of Chapter 4, the Constitution provides the normative tools necessary for the people of Zimbabwe to thrive. Freedom from fear and the creation of a peaceful environment will free the imagination of the people of Zimbabwe and allow them to be partners in the country's development agenda. Promoting and protecting human rights is essential for the realisation of the country's development agenda.
- b) The Constitution provides for the protection of economic, social and cultural rights. This protection must translate into changes in policy and practice in order for it to have meaning and significance to ordinary people. Amnesty International, therefore, calls on the Government of Zimbabwe to desist from conduct that will have a negative impact on the enjoyment of these rights, such as forced evictions, and demolition of houses, and failure to equip health facilities and provide accessible health services for all. It further encourages the government to take steps to promote these rights, through the adoption of inclusive legislation and adequate allocation of resources.
- c) The reoccurrence of state sanctioned violence in Zimbabwe, particularly against peaceful dissenters, shows that there is a pattern of conduct that needs to be broken. The Government of Zimbabwe must make considered efforts to deal with the past injustices to ensure that history does not repeat itself. Amnesty calls on the government to ensure access to justice and ensure accountability by preventing, investigating and punishing acts of violence by both state and non-state actors. The cyclical nature of violence will continue until there is genuine political will to deal with it, to uphold human rights and end impunity.

- d) The courts continue to play an important role in the protection and promotion of human rights in Zimbabwe. An independent and impartial judiciary is essential for the preservation of fair trial rights and to ensure redress when all other rights are violated. Therefore, the Government of Zimbabwe should adopt effective measures to ensure judicial independence. These should include the provision of adequate funding and regular and systematic training of judicial officers.
- e) The government should take effective measures, administratively and legislatively, to ensure that all stateless descendants of migrant workers from Malawi, Mozambique, Zambia and all other countries are granted citizenship in line with the Constitution. Furthermore, the government should take all appropriate steps to ensure that the descendants of victims of Gukurahundi are granted birth certificates and IDs. The steps by the government should include ratifying the 1961 United Nations Convention on the Reduction of Statelessness¹⁹⁶ and domesticating its provisions through the adoption of appropriate national laws and policy guidelines. In February 2019, the Zimbabwean cabinet approved amendments to the Zimbabwe Citizenship Act to allow dual citizenship in order to align it with the 2013 Constitution. However, these amendments have not been effected. Accordingly, the government should further ensure that the Citizenship Act¹⁹⁷ is aligned to the Constitution.
- f) Although Zimbabwe has ratified the key regional human rights treaties that spell out the rights of individuals, it is yet to ratify the one treaty that would allow such individuals to access a regional human rights court and a couple of treaties that would improve the legal framework that would strengthen the ability of the country to address endemic human rights violations. More than 20 years after signing the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' rights, Zimbabwe is yet to ratify it and make the declaration allowing individuals and NGOs to directly access the Court. By ratifying the African Court Protocol and making the declaration, the authorities will ensure citizens' access to a regional human rights accountability mechanism. Accordingly, Zimbabwe must undertake concrete steps to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and deposit its article 34(6) declaration.

196. UN General Assembly, *Convention on the Reduction of Statelessness*, 30 August 1961, United Nations, Treaty Series, vol. 989, p. 175, available at: refworld.org
197. Citizenship of Zimbabwe Act, Chapter 4:01 (previously cited)

TRANSFORMATION OF THE LAW ENFORCEMENT APPARATUS

To maintain a safe and secure society, law enforcement officials must be professional in their duty and adhere to international human rights standards. This duty includes upholding the law and always acting in a lawful and responsible manner. Every individual is entitled to certain human rights, one of which is the right to liberty and security of their person. This means that no one can be arrested or detained arbitrarily, without a valid reason and legal procedures. In case of an arrest, the individual must be informed of the reasons for their detention at the time of the arrest and be made aware of any charges against them. It is also imperative that the arrested person is brought before a judicial authority promptly, to review the legality of their detention and ensure that it is not unlawful. Furthermore, every person who is arrested has the right to a fair trial within a reasonable time or to be released. Detention pending trial should be exceptional and not the norm. For this reason, access to legal representation is crucial, and every detained person should have the opportunity to communicate with their lawyer or legal representative. This is essential to ensure that their rights are respected and protected and that they are treated justly.

It is therefore recommended that:

- The Government of Zimbabwe and all relevant law enforcement agencies should adopt and strengthen implementation of rules and regulations on the use of force and firearms by law enforcement officials in line with international human rights standards such as the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) and the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.

3.1.2 RECOMMENDATIONS TO THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY HEADS OF STATE AND GOVERNMENT

Amnesty International has previously called upon Heads of State and Government in the Southern Africa Development Community (SADC) to redouble their efforts to ensure the Zimbabwe authorities end human rights violations in the country.¹⁹⁸

Electoral processes in Zimbabwe have traditionally been characterised by increased violations of human rights. SADC must play a role to ensure that Zimbabweans are safe and that authorities uphold human rights before, during and after all elections.

3.1.3 RECOMMENDATIONS TO THE AFRICAN UNION

Amnesty International further calls upon the African Union (AU) to pay close attention to the deteriorating human rights situation in Zimbabwe. Amnesty International requests that the AU call on Zimbabwe to uphold its human rights obligations under the AU Constitutive Act¹⁹⁹ and the African Charter on Human and Peoples' Rights.

Amnesty International further calls upon the African Commission on Human and Peoples' Rights to undertake a country visit to Zimbabwe, through its relevant special mechanisms, to investigate allegations of human rights violations in the country and request relevant letters of authority to allow its special mechanisms to conduct inspection and promotion visits.

198. Amnesty International, "Zimbabwe: Women at the forefront of challenging government policy face increasing repression", 25 July 2007, [amnesty.org](https://www.amnesty.org)


199. Organization of African Unity (OAU), Constitutive Act of the African Union, 1 July 2000, Available at: [refworld.org](https://www.refworld.org)



People cast their vote in Zimbabwean general elections at a polling station in Midlands, Kwekwe, Zimbabwe on August 23, 2023. Image © Mkhululi Thobela/Anadolu Agency via Getty Images

A woman with a baby on her back searches for her name on a voters' list outside a polling station during Zimbabwe's presidential and legislative elections at Sherwood Park Primary School in Kwekwe, August 23, 2023. Zimbabweans on August 23, 2023 began voting in closely-watched presidential and legislative elections. Image © Jekesai Njikizana/AFP via Getty Images





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ZIMBABWE: HUMAN RIGHTS UNDER ATTACK

A REVIEW OF ZIMBABWE'S HUMAN RIGHTS RECORD IN THE PERIOD 2018-2023

This advocacy briefing looks at the human rights record in Zimbabwe from the time that Emmerson Mnangagwa took Office as President of Zimbabwe. It assesses the extent to which the present government has failed to reform the abysmal legacy of human rights under Robert Mugabe. It further demonstrates that there has not been a real shift in the human rights legacy between the Mugabe and the Mnangagwa presidencies. It makes several recommendations to the government on how a real shift could be achieved, including by simply adhering to the Constitution of Zimbabwe.

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