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## HRW – Human Rights Watch (Author)

### World Report 2023 - Zimbabwe

The human rights climate in Zimbabwe deteriorated in 2022 without the government taking any meaningful steps to uphold rights and ensure justice for serious past abuses primarily committed by state security forces. There has been little progress on investigations into abductions, torture, arbitrary arrests, and other abuses against opposition politicians and activists. The government has yet to pass the Independent Complaints Commission Bill to establish an independent complaint mechanism—as provided by Zimbabwe’s Constitution—to receive and investigate public complaints against the security services.

Repression of civil society organizations and activists continued unabated in 2022. In November 2021, the government proposed a bill to amend the Private Voluntary Organizations (PVO) Act to further restrict the operations of nongovernmental organizations (NGOs). The government said the amendment is aimed at curbing terrorism financing and money laundering to comply with the Financial Action Taskforce (FATF) recommendations. There are, however, concerns that its passage would seriously threaten the right to freedom of association in the country.

The Cyber and Data Protection Act of 2021 has further undermined the rights of Zimbabweans, including civil society groups and human rights defenders. In February and March 2022, the authorities slowed down the internet significantly, with disruptions, during rallies and demonstrations by opposition parties and their supporters.

Section 73 of the Criminal Law (Codification and Reform) Amendment Act, 2006 (Criminal Law Code), which punishes consensual same-sex conduct between men with up to one year in prison, a fine or both, contributes to

stigma and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.

## Lack of Accountability for Abuses

Authorities often arbitrarily arrested, harassed, and prosecuted critics of the ruling party through lengthy detentions and trials.

Notable critic and author, Tsitsi Dangaremba, and another protester, Julie Barnes, have faced a prolonged trial since their arrest in July 2020 during an anti-government protest on charges of public incitement to violence, breach of peace, and bigotry. On September 29, the Harare Magistrate court gave them a six-month suspended jail sentence and a fine for participating in a public gathering with the intent to incite violence and for breaking Covid-19 protocols.

The Movement for Democratic Change (MDC) Alliance members, Cecilia Chimberi, Netsai Marova, and a member of parliament, Joanna Mamombe, were in court 61 times between January and May 2022, facing charges of faking their own abduction. The authorities are prosecuting the three women for reporting that in May 2020 they were abducted from police custody by suspected state security agents, assaulted and sexually abused, then dumped in Bindura, 80 kilometers from Harare, the capital. They were accused of taking part in a protest against the government during the Covid-19 lockdown.

Failure to investigate these women's reports of assault and sexual abuse violates the country's obligation to ensure access to justice and effective remedies in cases of human rights violations under international and African regional human rights law.

More than four years after the Motlanthe Commission of Inquiry's into the 2018 post-election violence, no steps have been taken to implement its recommendations. This includes ensuring justice for the six people killed and 35 injured by government security forces.

## Rights to Food, Water, and Sanitation

The World Bank ranked Zimbabwe second out of 177 countries for food price inflation between April to July 2022, which has contributed to deteriorating food security. As of August 2022, the World Food Program estimates that between 30 and 38 percent of the rural population is food insecure. This is despite the minister of agriculture stating that Zimbabwe would attain food security by 2022 through agricultural transformation. Climate change—which has exacerbated floods, cyclones, and droughts—the Covid-19 pandemic, and the war in Ukraine have led to a food crisis in the country. climate change exacerbating floods, cyclones, and droughts.

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While the government has introduced several action plans to address the growing food insecurity in the country, such as the National Nutrition Strategy and the National Policy on Drought Management, there has been no effective implementation of farming projects, allegedly due to corruption, poor policy implementation, and lack of coordination among the ruling and opposition political parties.

Many parts of Zimbabwe continue to face a water crisis, with some places in Harare going without safe water for years, and residents turning to potentially contaminated wells and boreholes. Human Rights Watch research shows that neighboring towns like Chitungwiza, Ruwa, Epworth, and Norton draw water from Harare's water system, which is reportedly contaminated with algae and toxic substances linked to incidents of water-borne diseases in those locations.

In 2022, according to media reports, water supplies varied from erratic to non-existent in some parts of Harare, following a reduction in water production at Morton Jaffray Water Treatment Waterworks. The country's second largest city, Bulawayo, has faced similar water shortages. In March, Bulawayo authorities introduced 20-hour day water rationing due to poor rainfall.

Access to safe water has also remained a challenge in rural areas with some areas being more affected than others due to a lack of reliable water sources, such as dams and boreholes.

The government has taken some positive steps to address the crisis, including setting aside US\$5.3 million for a critical Harare water treatment project. There are, however, delays in disbursing the funds, exposing residents to further risks. The lingering water crisis has affected the rights of Zimbabweans under section 77 of the 2013 constitution, which provides for the right to safe, clean, and potable water.

## Forced Evictions

The government has continued to designate land for mining and commercial projects, without consulting affected communities. In 2022, about 50 families in Nyamakope village, in the district of Mutoko, alleged that a Chinese mining company told them that they would have to leave their homes and land that fell within the mining area licensed to the company by the government. According to media reports some families were given \$2,500 as compensation, an amount considered meagre since it does not allow them to secure new housing and did not consider their relationship with their ancestral land.

On January 20, a Zimbabwean civil society group flagged concerns about Chinese mining projects in the country and the threats of displacement faced by affected local communities. In response to rising concerns, the Chamber of Chinese Enterprises in Zimbabwe called on the Zimbabwean government to “avoid granting projects with demolition disputes, environmental risks, and cultural conflicts to Chinese enterprise.”

## Children’s Rights

In May, in the case of *Kawenda v Minister of Justice, Legal and Parliamentary Affairs & Others*, the Constitutional Court declared the Criminal Law Code provisions that set the age of consent to sexual intercourse at 16 years as inconsistent with section 81(1) of the 2013 constitution, which defines a child as anyone under 18 years. Parliament in March passed the Child Marriage Bill, which, if signed into law, will establish the age of legal and customary law marriages or a civil partnership as 18 years.

## Key International Actors

In December 2021, four United Nations special rapporteurs on the rights to freedom of peaceful assembly and the right to freedom of association, the promotion and protection of the right to

freedom of opinion and expression, the situation of human rights defenders, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism, released joint comments and expressed concerns about the grave consequences of Zimbabwe’s Private Voluntary Organizations Amendment Bill “for the exercise of civil and political rights, including the right to freedom of association of Private Voluntary Organizations in Zimbabwe.”

In February, the European Union renewed sanctions on Zimbabwe citing continued intimidation of political opposition and other government critics, as well as the restriction of the democratic and civic space through the Data Protection Act and the proposed PVO Amendment Bill.

The United Kingdom added Zimbabwe Defense Industries in February to the list of designated persons on targeted sanctions for being involved in the commission of serious human rights violations in Zimbabwe.

In March, the United States also extended its sanctions on Zimbabwe for another year, stating that human rights violations and violent crackdowns on the opposition continued amid President Emerson Mnangagwa’s failed promises to introduce political reforms six years after replacing the late President Robert Mugabe.

Senegalese President Macky Sall, chairperson of the African Union, and Alena Douhan, the UN special rapporteur on the negative impact of unilateral and coercive measures on the enjoyment of human rights, in May and August respectively called for the lifting of sanctions, claiming they adversely impact living conditions and human rights of Zimbabweans at a time of crisis.

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