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Corporate report

Zimbabwe - Country of Concern

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The human rights situation in Zimbabwe remained stable throughout 2014, though nonetheless vulnerable. Politically motivated human rights violations continued, although cases decreased overall. The non-governmental organisation (NGO) Zimbabwe Peace Project (ZPP) recorded fewer than 5,000 cases of politically motivated violations between January and November. This followed a continued downward trend over the past five years from 23,755 cases in 2008 to less than 5,000 in 2013. During 2014, ZPP reported that politically motivated human rights abuses more commonly took the form of harassment and intimidation, rather than violent assault. The Zimbabwe National Statistics Agency recorded progress in the delivery of socio-economic rights, including areas such as maternal mortality, education outcomes and the use of improved drinking water and sanitation facilities. In other areas, there was limited or slow progress – in particular, progress on aligning laws with the new constitution remained slow. Concerns remained around repressive legislation, access to justice, media freedom, and harassment of human right defenders (HRDs).

In April, Freedom House's annual report maintained its "not free" rating of Zimbabwe for civil liberties, political rights and press freedom. The political rights rating improved slightly in the report, due to a decline in harassment and violence against political parties and opposition supporters during the 2013 elections. However, in other areas there was limited progress. The 2014 Ibrahim Index of African Governance ranks Zimbabwe 42 out of 52 African countries for protecting human rights.

The UK government has maintained a policy of supporting Zimbabweans' aspirations for a more democratic, stable and prosperous country. The Embassy in Harare works with NGOs, HRDs, the EU, other diplomatic missions and development agencies to monitor the human rights situation and coordinate development assistance. The UK is still the largest bilateral aid donor to Zimbabwe. We make significant contributions to improve access to socio-economic rights through investments in health, education, water, and sanitation.

We will continue these policies and approaches in 2015.

0.1 Elections.

Notwithstanding the Zimbabwean government's stated commitment to constitutional alignment, progress was slow. Positive steps remain limited to less sensitive and critical areas, with only four laws passed since the entry into force of the new constitution in August 2013. Aligning legislation with the constitution remained a critical step in reforming Zimbabwe's legal framework. Parliament did not pass a proposed General Alignment Bill, which had been under discussion for some months, and which would align nearly 214 domestic laws with the new constitution. The Electoral Amendment Act, which passed under the new government in July 2014, was supposed to address inadequacies identified by the Southern African Development Community and African Union (AU) 2013 election reports. However, it still contradicted the constitution in some areas. For example, it failed to transfer responsibility for the electoral roll from the Registrar General's office to the Zimbabwe Electoral Commission.

We supported the positive judgments by the Constitutional Court to uphold and protect citizens' rights. In July, the court ruled on defamation, invalidating section 31 (a) (iii) of the Criminal Law Codification Reform Act. This law had criminalised the publication of false statements that could undermine public confidence in the uniformed forces, and had been used to prosecute journalists. In June, the government repealed the Statutory Instrument on Postal and Telecommunications Regulations. The court judged the instrument unconstitutional because it allowed third parties to access personal data without a search warrant. As a result of this positive development, the Parliamentary Legal Portfolio Committee withdrew its adverse report to the National Assembly in July. This was a welcome development towards the protection of civil liberties in Zimbabwe.

We welcomed the introduction of the Trafficking in Persons Act, bringing Zimbabwe into line with the Palermo Convention and Protocol. However, implementation will be difficult with the current resources available. We welcomed the Constitutional Court ruling that it is unconstitutional to refuse a Zimbabwean-born person a Zimbabwean passport if they hold another nationality. However, the Registrar General challenged the ruling. The Embassy in Harare will monitor developments.

The Zimbabwe Human Rights Commission (ZHRC) was still not fully operational due to limited fiscal support. More work is required to create a complaints mechanism for Zimbabweans to refer cases to the ZHRC. Nonetheless, the ZHRC started work on a national survey on human rights concerns to help establish a baseline and guide for future activities.

In July, the Zimbabwean parliament introduced a Gender Commission Bill that, if passed, would give powers to the new Gender Commission. This is one of the independent commissions established by Chapter 12 of the constitution. Whilst we welcome the bill, we share concerns with local civil society groups that it is not fully aligned with the constitution.

We welcome Zimbabwe's establishment of the National Peace and Reconciliation Commission (NPRC), which is also a chapter 12 constitutional commitment. The NPRC will conciliate and mediate disputes among communities, organisations, groups and individuals. The NPRC is also not yet operational.

Despite the intensive political infighting and reshuffle that surrounded the ruling Zimbabwe African National Union- Patriotic Front's (ZANU-PF) party congress in December (in which, reports state,

political decisions were made that broke the party's own constitution), levels of politically motivated human rights violations remained relatively low.

0.2 Freedom of Expression and Assembly

In 2014, political and press freedoms continued to be constrained by a backdrop of harassment, and sometimes violence. We remained concerned by reports of harassment, politically-inspired violence and restrictions on civil liberties. Zimbabwe Peace Project (ZPP) continued to record such incidents, including internal party violence.

Although the constitution aims to protect freedom of speech and press, in practice there were unjustified limits imposed on these freedoms in the interest of defence, public safety, public order, state economic interests, public morality and public health. The Zimbabwean government arrested, detained and harassed critics, and continued to restrict some aspects of media freedom. Printed media was relatively free but the Ministry of Media, Information and Publicity continued to control broadcasting. Although restrictions remained, some signs began to emerge of a more independent radio broadcasting environment. In May, for example, the Broadcasting Authority of Zimbabwe shortlisted 18 applicants for local commercial radio licences. There were also fewer reports of harassment of journalists. Nevertheless, overall, media practitioners and journalists continued to be harassed through attacks by senior politicians, unlawful arrests and threats of closure. On 6 November, police reportedly beat the journalist and human rights activist, Itai Dzamara, as he peacefully demonstrated in Harare. The police reportedly also assaulted Zimbabwe Lawyers for Human Rights (ZLHR) lawyer, Kennedy Masiye, as he attempted to represent Dzamara.

We were also concerned by reports of politically-motivated intimidation and arrests by the state, targeting political figures. In November, war veterans' leader Jabulani Sibanda, was arrested following his comments on the political progress of the First Lady, Grace Mugabe. In October, during a period of elective congresses of the two main political parties – ZANU-PF and the Movement for Democratic Change-Tsvangirai (MDC-T) – the Zimbabwe Peace Project (ZPP) recorded unprecedented levels of hate speech from the media and from senior political figures. Of particular concern were incidents of reported hate speech used by the First Lady. For example, in October, she publicly said she would “spill blood” if anyone attempted to remove her from her Mazoe Farm.

On rights of assembly, we remained concerned by the use of oppressive police tactics. These tactics stopped legitimate peaceful protest and limited freedom of expression. There were cases of public unrest and anti-government protests this year, with the majority peaceful. In July, for example, approximately 150 MDC-T youth members staged anti-government protests in Harare. Further protests took place in August in Harare and Bulawayo. Government forces reacted with restraint, allowing the protests to assemble peacefully. However, there are cases where the police continued to invoke and misuse repressive legislation. They did this to prevent and break up some protests and rallies organised by opposition parties and civil society groups. We received reports of police assaults and arrests of demonstrators in Marondera, Masvingo, Mutare and Harare South.

0.3 Access to Justice and the Rule of Law

In 2014, access to justice was limited for victims of political violence, intimidation, and for those trying to seek legal address around land and property rights. In these areas, in particular, there was a culture of impunity. Victims of political violence were rarely able to rely on the police to pursue justice on their behalf. Court cases were lengthy and regularly postponed. Selective application and interpretation by law enforcement officials and the Attorney General limited access to justice and freedoms by ZANU-PF opponents. Prison conditions, including for those in pre-trial detention, remained poor. There were several high-profile and ongoing court cases during 2014, which highlighted these problems. British Embassy officials from Harare followed all cases throughout 2014 closely, attending many of the political court hearings.

The UK government had previously reported on the ongoing Glenview case, in which 29 MDC-T activists were charged with murdering a police officer in Glenview in May 2011. Their lawyers argued that the state had failed to prove its case and, in September 2013, the state acquitted 21 of the activists. One of those acquitted, Rebecca Mafukeni, died in custody in August 2013. In January 2014, three of the eight remaining activists were released on bail pending trial, which began in March. The trial is ongoing and the Embassy in Harare will monitor the situation and report on any developments.

In a welcome development, the High Court convicted a Kadoma ZANU-PF youth activist, Stablisir Kadafi, for perpetrating political violence. His actions followed the aftermath of the 2008 presidential run-off election. Kadafi was sentenced to 20 years in jail. The UK recognises this as a step towards ending the culture of political violence and impunity in Zimbabwe. We also recognise the ongoing work of HRDs in helping bring cases to the Constitutional Court.

0.4 Death Penalty

Zimbabwe still has the death penalty and the new constitution enshrines its use. However, there has been an unofficial moratorium since the last execution in 2004. On 7 June, two convicted armed robbers, Wilson Mavhuto and Charles Rusiko, were given death sentences. Justice Minister Emmerson Mnangagwa announced in August that he would not sign any death warrants for the 97 remaining murder convicts on death row. Since taking up his new role as Vice President, Mnangagwa has expressed his commitment to maintain the de facto moratorium.

Many in civil society called for the government to take the next step and introduce an official moratorium on the death penalty. Zimbabwe continued to vote at the UN General Assembly against the abolition of the death penalty.

0.5 Torture and Cruel, Inhuman or Degrading Treatment

The constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment. However, security forces continued to engage in such practices with impunity, and with the support of affiliated ZANU-PF officials. In 2012, we welcomed the announcement by the Minister for Justice that the government would ratify the Convention against Torture (CAT). However, this has not yet happened. HRDs continued to raise allegations of torture by police and the security sector during politically motivated interrogations.

Human rights organisations marked the 26 June “UN Day in Support of Victims of Torture” with a “fighting impunity” event in Harare, which Embassy staff attended. Local civil society groups called on the Zimbabwean government to prohibit torture by upholding the constitution. They also asked the government to honour its 2012 commitment under the UN Universal Periodic Review to ratify the CAT.

0.6 Freedom of Religion or Belief

In 2014 there was no targeted persecution of organised religious groups. On 30 May, members of the Johannes Masowe eChishanu apostolic church in Harare attacked police officers and a cameraman from the Zimbabwe Broadcasting Corporation. The violence erupted when a rival sect, the Apostolic Christian Council of Zimbabwe, visited Masowe eChishanu headquarters with anti-riot police. Journalist bodies and human rights organisations condemned the violence. There has been no formal decision by the state to ban the sect.

0.7 Women’s Rights

Zimbabwe ranked 110 out of 152 on the 2013 UN Development Programme Gender Inequality Index. The 2013 constitution was stronger on women’s rights than its predecessor; it invalidated customary laws and practices that discriminate against women. However, legislation is either not yet aligned to the constitution or is not being implemented. In March, the Supreme Court set an important precedent regarding the Termination of Pregnancy Act, ruling that the state did not fulfil its obligations under the act. This now means that the state is liable to meet the costs of raising a child born as a result of rape.

0.8 LGB&T Rights

Zimbabwe criminalised homosexuality in domestic legislation in 2006. This left LGB&T people marginalised and harassed.

Before and after the 2013 election, members of local LGB&T rights group Gays and Lesbians of Zimbabwe (GALZ) were subjected to state harassment. Police raided their offices and the state alleged that GALZ were running an unregistered organisation and “engaging in gay and lesbian activities”. In January, a Harare Magistrate ruled against the state in favour of GALZ after the state had tried to charge them with running an illegal organisation. In May, GALZ and the Dutch Embassy held an event on International Day against Homophobia and Transphobia to discuss the challenges homosexuals face in Zimbabwe. In a welcome development following the event, a ZANU-PF councillor, Richman Rangwani, publicly championed LGB&T rights.

However, LGB&T people continued to be harassed and intimidated by the state. President Mugabe has repeatedly said that gay rights are not human rights. Mugabe publicly supported the Ugandan Anti-Homosexuality Act, saying it was “fighting a just fight”. In a statement, the President said he was keen to know the members of GALZ and said he would “deal with the organisation”. In April, he also publicly warned that Zimbabwe would expel diplomats who promoted gay rights.

0.9 Other Issues

0.10 Disabled persons' rights

The Zimbabwean government ratified the UN Convention on the Rights of Persons with Disabilities in September 2013. However, there was little progress on implementation. The Ministry of Public Service, Labour and Social Welfare had virtually no budget to address disabled persons' rights.

0.11 Economic and social rights

Zimbabwe ranked 156 out of 187 countries on the UN Human Development Index. Despite slightly improved scores since 2008, it is unlikely to meet the Millennium Development Goals, especially access to water, under-five mortality, maternal mortality, and HIV prevalence. The 2011-12 Poverty Income Consumption and Expenditure Survey showed that 72% of the population live below the poverty line of US\$2.56 per day, with the rural population most affected. According to the 2014 Multiple Indicator Cluster Survey, nearly eight in 100 children die before their 5th birthday and for every 100,000 women giving birth, around 600 die as a result. Lack of respect for property rights and the rule of law is a key constraint to growth and development. Commitment to economic and social rights remains uneven, with strong signs of policy-level commitment in some sector ministries and progress on key indicators since 2010 (for example, secondary school enrolment). Nevertheless, concerns exist around the high wage bill crowding out capital expenditure across all social sectors.

0.12 Land, farm invasions and forced relocations

We were concerned by the continuing lack of respect for property rights in Zimbabwe and the security of land tenure. There was some positive progress on land reform with the introduction of a land permit system for smallholder farmers. However, farm invasions against black- and white-owned properties continued. In one recent high-profile case, a senior official in the Office of the President and Cabinet took over a commercial farm in Figtree, despite a High Court order barring him from doing so. Even within the last few months of the year, there continued to be allegations of the First Lady "grabbing" land for personal gain. This highlighted the continued lack of respect for the rule of law regarding land and property by those in positions of authority.

Poorly managed forced relocations from urban housing also continued. The Land Bill, designed to create the Land Commission, did not go through parliament. Zimbabwe's constitution is designed to protect citizens from arbitrary eviction or demolition of their houses without a valid court order. However, in January, the government started to demolish housing in the high-density suburb of Chitungweza. This followed reports by a Ministry of Local Government audit team, which identified nearly 25,000 homes for demolition. Residents dispute the legality of this action.

The Chitungweza residents' associations worked with ZLHR to stop the demolitions. A court order in February prevented the demolition of some houses. Despite this ruling, in August and September the government resumed the demolition in Chitungweza, Epworth and Harare. Local Epworth residents reacted angrily to this, with skirmishes breaking out between them and police, who fired live rounds into the air. Skirmishes and assaults were also reported in Chitungweza and Harare.

We remained seriously concerned at the situation at the Chingwizi camp for internally displaced persons. On 31 July, violence erupted at the camp as people grew frustrated at the lack of government assistance and compensation for relocation. On 4 August, ZLHR reported that the police arrested approximately 300 people in the incident. The UN Office for the Coordination of Humanitarian Affairs led multilateral action to provide assistance where possible, despite restricted access by local authorities.

This publication is part of the 2014 Human Rights and Democracy Report (<https://www.gov.uk/government/publications/human-rights-and-democracy-report-2014/human-rights-and-democracy-report-2014>).

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