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Human Rights in Africa: Review of 2019 - Zimbabwe [AFR 01/1352/2020]

Human rights defenders, activists and civil society groups continued to hold the government to account through protests in the streets and via social media. Many people joined and participated in demonstrations to protest price increases of basic commodities such as fuel, and the erosion of incomes. The authorities continued to use overly broad laws to crack down on dissenting voices. Civil society space continued to shrink as the authorities continued to suppress, persecute activists and curtail peaceful protests. State security agents continued to use excessive force in dispersing protests and assemblies. The authorities continued with forced evictions despite constitutional provisions prohibiting the practise.

Background

An estimated 8 million people were facing starvation in Zimbabwe^[1] and 2 million had no access to clean drinking water.^[2] The health delivery system has almost collapsed, with many hospitals facing shortages of medical personnel, essential medicines and equipment.^[3] A devastating cyclone resulted in loss of life and housing in the eastern parts of Zimbabwe. Despite progressive provisions in the 2013 constitution on citizenship, many people still consider themselves stateless in Zimbabwe.

Freedom of expression

The authorities continued to restrict the right to freedom of expression. In January, the government instructed Internet service providers to shut down the internet, ostensibly to curtail sharing of information and reporting during the public protests against fuel and food price increases. ^[4]The authorities arrested five people on charges of insulting or undermining the authority of President Mnangagwa.^[5] Movement for Democratic Change (MDC) Councillor, Brian Kembo was arrested in Bindura in June for saying the president had failed to manage the economy.^[6]

Despite many promises, ^[7]the authorities failed to license any community radio stations and the country still has had only one television station with a broadcasting license since its independence in 1980, resulting in lack of media plurality and diversity.

Freedom of peaceful assembly and association

Authorities routinely suppressed the rights to freedom of association and peaceful assembly, using lethal and excessive force to disperse peaceful demonstrations. The police, army and intelligence operatives arbitrarily arrested several protesters, to silence and intimidate anyone suspected of participating, assisting protesters or organising demonstrations. The authorities continued to use the oppressive and overly broad Public Order and Security Act to suppress any planned demonstrations.

In January, Zimbabwe Congress of Trade Unions (ZCTU) president Peter Mutasa called on people to protest against a 130% increase in fuel prices. In response the authorities deployed police officers, soldiers and other state security agents in many parts of the country. Between 14 and 16 January, security agents opened fire on protesters in Harare and Chitungwiza. More security agents were deployed after 16 January in residential areas including in Bulawayo, Harare, Epworth, Dzivarasekwa, Mbare, Gweru, Pumula, and Mabvuku.^[8] The police also threatened and arrested journalists, medical doctors and lawyers monitoring the protests or assisting protestors. Security agents used tear gas, batons, water cannons and live ammunition to disperse protesters. The crackdown on protestors included torture and other ill-treatment, and mass arrests. By the end of February, over 600 people had been arrested in connection with the January protests.^[9]

In August, the police used the Public Order and Security Act (POSA) to ban protests planned in various cities organised by the opposition MDC in protest at what they called government’s mismanagement of the economy. The police issued prohibition orders to ban planned protests in Harare, Bulawayo, Mutare, Gweru and Masvingo, which were confirmed by the courts. In Harare, protesters who had defiantly convened on 16 August for demonstrations were beaten up and dispersed by the police. The opposition MDC’s organising secretary Amos Chibaya was arrested and is facing prosecution on charges of failing to stop the banned August protests in Harare.

Human rights defenders

During the year at least 22 people were charged with subverting a constitutional government under section 22 of the Criminal Law (Codification and Reform) (Criminal Code) Act. They included human rights defenders, activists, civil society leaders, trade unionists and opposition party activists who had called for protests, supported such calls through social media, or were presumed to have participated in or planned protests. In May, for example, seven people were arrested on this charge upon arrival at Robert Mugabe International Airport after attending a workshop on transitional justice and peace-building in the Maldives.

Abductions and torture

Throughout the year over 40 people were abducted by unknown armed men with masks, tortured and later released or charged with various criminal charges to silence them. ^[10]These include the president and secretary general of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), Obert Masaraure ^[11] and Robson Chere; Zimbabwe Hospitals Doctors Association acting president, Dr. Peter Magombeyi; Bustop TV comedian, Samantha ‘Gonyeti’ Kureya; and pro-democracy and human rights activist, Tatenda Mombeyarara.^[12] Obert Masaraure was abducted from his home by a group of armed men and tortured on 5 June. In August, Gonyeti, was abducted by masked men from her home, beaten

up and later dumped. On 14 August human rights activist Tatenda Mombeyarara was abducted by armed men, beaten up and later dumped. In Harare, 14 juveniles ranging from 14-18 years of age, who had been arrested between 14 and 15 January, told their lawyer they were tortured at the police station in Chitungwiza. According to their lawyer they could not walk on the first day of their court appearance as batons had been forced down their throats and into their anuses.^[13]

In September, Dr. Peter Magombeyi was abducted from his home by unknown men, tortured and later dumped. Magombeyi, a government employee, had organized a series of protests to demand better salaries for government doctors. Prior to his abduction, he had received a text message from a local mobile number threatening him with disappearance.

Impunity

Authorities’ failure to ensure access to justice and redress continued to be a key driver of human rights violations and abuses. The authorities failed to arrest, prosecute and hold accountable suspected perpetrators of abductions, torture and unlawful killings. In August 2018, the authorities deployed members of the military who shot and killed 6 people in Harare, Epworth and Chitungwiza. The victims of excessive use of force by the police and members of the military were either part of the protests or were caught up in the clashes between police and protesters. In January, at least 16 people were killed after the authorities again deployed members of the military to disperse protests.^[14] Despite calls from civil society and some foreign embassies and recommendations by the Kgalema Motlanthe Commission of Inquiry to arrest and prosecute suspected perpetrators, the authorities have claimed that there is a “third force” responsible for these grave human rights violations. The Motlanthe Commission of Inquiry was established by President Mnangagwa to investigate violations during the August 2018 post-election violence. The recommendations to arrest and prosecute perpetrators alleged to have killed and injured protestors are yet to be implemented.

Economic, social and cultural rights

In a year when austerity measures and natural disasters pushed many into poverty and financial insecurity, economic social and cultural rights suffered.

Right to health

The decay of Zimbabwe’s economy was perhaps best reflected by its collapsing public healthcare system. Patients at state hospitals faced shortages of essential medicines and, when available, high costs of medicines and ambulance services. Besides shortages of medicine, Harare Central Hospital had inadequate equipment such as ventilators and anaesthetic machines or obsolete equipment and a critical shortage of nursing staff. The maternity ward at the second-largest referral hospital Harare Central, did not have adequate beds, anesthetic machines and ventilators^[15]. At the Harare Central Hospital Maternal unit, a lack of sufficient equipment and staff had a serious impact on obstetric services and neonatal health.^[16] The poor conditions of service have compounded the health crisis with

junior doctors being paid salaries as low as \$80 per month.^[17] This has led to over three strikes and demonstrations by medical personnel in 2019. A strike by junior doctors that started in September went on for more than 60 days.

Right to food

In the midst of an economic crisis and facing natural disasters whose impact was exacerbated by climate change, the UN World Food Program stated that over five million people, at least a third of Zimbabwe's population, were in dire need of food aid and were facing starvation. Zimbabwe needs 2,2 million tonnes of grain annually to feed its people, but only produced 760,000 tonnes in the 2018/19 farming season. In September, Agriculture Minister Perence Shiri revealed at a cabinet meeting that the country was facing a 1,2 million tonne grain deficit in 2019.^[18] The crop failures forced the government to import grains, which led to unaffordable price hikes of staple food items. The authorities did not put in place adequate measures to mitigate the food crisis.^[19] By year's end people living in Chimanimani and Chipinge districts affected by Cyclone Idai were still facing food shortages due to poor logistical planning and allegations of abuse in the distribution of handouts.

Right to water

Many residents in Harare had limited access to clean water and Bulawayo residents experienced water shut-offs, as the local government authorities failed to supply water to residential homes, repair or replace leaking pipes or treat dirty water. In September, the Bulawayo city council introduced 48-hours of water-shedding per week as it struggled to supply clean drinking water to residential areas. Those who could afford it drilled boreholes to access clean drinking water, assisted by local councils, to avert the incidence of diseases like cholera.

Right to housing

Despite constitutional provisions proscribing arbitrary demolition of houses, the authorities continued to forcibly evict people without providing adequate alternative housing, leaving many families homeless, landless and driven deeper into poverty. Since September, 116 people settled at Haydon Farm in Harare were facing eviction after two former local government ministers occupied their land and started to develop it for commercial residential units. The residents were allowed to settle at the farm by the Zvimba Rural District Council in 2000 at the height of the land reform program. The eviction has been challenged in the Supreme Court, which has reserved judgment. Should the courts sanction their eviction in the absence of international human rights safeguards, including the provision of alternative housing, the eviction will constitute a forced eviction and therefore a human rights violation. ^[20]

In August, 58 families were left homeless in Manicaland province's Chipinge district after the local authority demolished their homes without providing alternative accommodation.^[21] High-ranking government officers, local authorities and the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement have since January served eviction notices against thousands of families alleged to have occupied various farms in Masvingo, Midlands, Manicaland and Matabeleland provinces.^[22] In March, the people of Chipinge and Chimanimani in the eastern province of Manicaland faced death and devastation as Cyclone Idai caused heavy winds, heavy rains and flash floods. This resulted in the deaths of at least 344 people, the destruction of 4,000 households, shops and schools, and affected the livelihoods of over 270,000 people. ^[23]

Deprivation of nationality

Despite provisions in the 2013 constitution allowing dual citizenship for any person born in Zimbabwe, hundreds of people originally from Malawi, Mozambique and Zambia remained stateless or at risk of being stateless in Zimbabwe. The Citizenship Act, which in 2001 was amended to deprive persons with dual citizenship of their right to Zimbabwean nationality if they failed to renounce their foreign citizenship within six months from January 2002, led to hundreds being rendered stateless. Due to several barriers, including hostile attitudes of registry officers, excessive discretion in the citizenship office and cumbersome administrative requirements, stateless people continued to face challenges in acquiring Zimbabwean nationality. In order to address the issue of statelessness, the authorities embarked on a nationwide program to document those who lack birth certificates and IDs and may thus face challenges in proving their nationality. Most of the stateless people were located on mines and farms in Mashonaland and Manicaland provinces and are descendants of victims of Gukurahundi.^[24]

[1] <http://www.newsdezimbabwe.co.uk/2019/11/budget-for-poor-ncube.html>
(<http://www.newsdezimbabwe.co.uk/2019/11/budget-for-poor-ncube.html>)

[2] <https://edition.cnn.com/2019/07/17/africa/zimbabwe-water-crisis-intl/index.html>
(<https://edition.cnn.com/2019/07/17/africa/zimbabwe-water-crisis-intl/index.html>)

[3] <https://www.news24.com/Africa/Zimbabwe/bare-handed-surgeries-as-zimbabwes-health-system-collapses-20190112> (<https://www.news24.com/Africa/Zimbabwe/bare-handed-surgeries-as-zimbabwes-health-system-collapses-20190112>)

[4] Amnesty International Report, Open for Business, Closed for Dissent, February 2019.

[5] Five people were charged with insulting the President in 2019.

[6] <http://kubatana.net/2019/07/02/zim-man-charged-for-insulting-mnangagwa-as-zlhr-rescues-councillor/> (<http://kubatana.net/2019/07/02/zim-man-charged-for-insulting-mnangagwa-as-zlhr-rescues-councillor/>)

[7] <https://www.musicinafrica.net/magazine/zim-govt-urged-license-community-radio-stations> (<https://www.musicinafrica.net/magazine/zim-govt-urged-license-community-radio-stations>), See also <http://www.zbc.co.zw/govt-pledges-to-licence-community-radios/> (<http://www.zbc.co.zw/govt-pledges-to-licence-community-radios/>)

[8] Amnesty International Report, Open for Business, Closed for Dissent.

[9] See Amnesty International Report, Open for Business, Closed for Dissent.

[10] <https://www.trtworld.com/magazine/who-is-behind-the-spate-of-activist-abductions-in-zimbabwe-30433> (<https://www.trtworld.com/magazine/who-is-behind-the-spate-of-activist-abductions-in-zimbabwe-30433>)

[11] <https://ewn.co.za/2019/06/06/suspected-state-agents-accused-of-abducting-brutally-assaulting-union-boss> (<https://ewn.co.za/2019/06/06/suspected-state-agents-accused-of-abducting-brutally-assaulting-union-boss>)

[12] <https://www.telegraph.co.uk/news/2019/08/14/zimbabwe-opposition-activists-abducted-tortured-ahead-anti-government/> (<https://www.telegraph.co.uk/news/2019/08/14/zimbabwe-opposition-activists-abducted-tortured-ahead-anti-government/>)

[13] Interview with Amnesty International.

[14] Interview with Amnesty International.

[15] Amnesty International interview with Harare Central health practitioner

[16] Amnesty International Interview with the Harare Central health practitioner Maternity Ward.

[17] <https://zwnews.com/payslip-zimbabwe-junior-doctors-earn-us80-per-month-pictures/> (<https://zwnews.com/payslip-zimbabwe-junior-doctors-earn-us80-per-month-pictures/>)

[18] <https://allafrica.com/stories/201909200128.html> (<https://allafrica.com/stories/201909200128.html>).
See article titled Zimbabwe Cabinet grapples with food crisis.

[19] <https://www.timeslive.co.za/news/africa/2018-06-20-bread-shortage-scare-in-zimbabwe/> (<https://www.timeslive.co.za/news/africa/2018-06-20-bread-shortage-scare-in-zimbabwe/>). See also <https://www.timeslive.co.za/news/africa/2019-06-18-bread-disappearing-from-zimbabwean-shops-as-forex-shortage-bites/>

[20] Interview with lawyer representing victims.

[21] Interviews with partner NGO Vemuganga who are assisting the victims of forced evictions.

[22] <https://www.thestandard.co.zw/2019/03/03/matland-evictions-stoke-fears-tribal-clashes/>, where 54 Filabusi families are facing eviction; <https://www.newsday.co.zw/2019/05/land-evictions-will-make-zanupf-unpopular/>, where 5,000 families settled on farms on Insiza are facing eviction from the Ministry of Lands.

[23] <https://www.mercycorps.org/articles/cyclone-idai-quick-facts> (<https://www.mercycorps.org/articles/cyclone-idai-quick-facts>)

[24] The early rains that washes away the chaff before the spring rains. This term was used to denote the massacre of thousands of Ndebele speaking people in Matabeleland and Midlands provinces between 1982-1986.

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