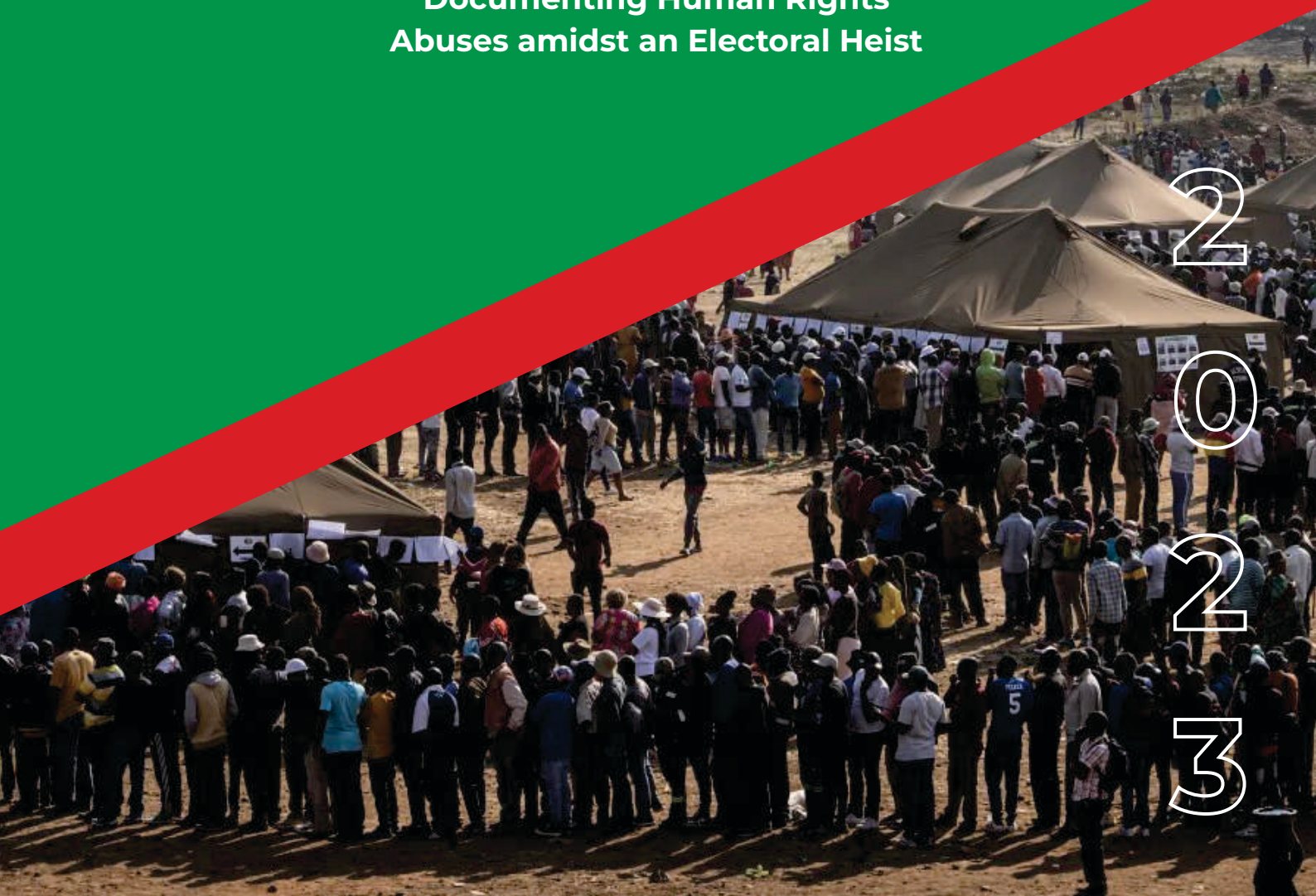
Zimbabwe
HUMAN RIGHTS
NGO Forum

ZIMBABWE STATE OF HUMAN RIGHTS REPORT

**Democracy Hijacked:
Documenting Human Rights
Abuses amidst an Electoral Heist**



2023

2023 ZIMBABWE STATE OF HUMAN RIGHTS REPORT

Democracy Hijacked: Documenting Human Rights Abuses amidst an Electoral Heist

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HUMAN RIGHTS
NGO Forum

ABOUT THE FORUM

The Zimbabwe Human Rights NGO Forum (The Forum) is a coalition of 21 human rights organisations working towards a society that protects andpromotes all human rights of all people.

MEMBERS OF THE FORUM

- Amnesty International - Zimbabwe (AI - Z)
- Catholic Commission for Justice and Peace - Zimbabwe (CCJP - Z)
- Counselling Services Unit (CSU)
- Gays and Lesbians of Zimbabwe (GALZ)
- Justice for Children (JC)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitors (MM)
- Research and Advocacy Unit (RAU)
- Transparency International-Zimbabwe (TI - Z)
- Tree of Life (TOL)
- Veritas
- Women and Law in Southern Africa (WLSA)
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZIMRIGHTS)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

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Many thanks to several individuals who gave testimonies regarding their personal experiences during 2023, as well as information about what they witnessed with regards to the human rights condition in the country. Finally, this work would not have been possible without the essential support from our development partners who invest in human rights for the dignity of all.

CONTENTS

i ABOUT THE FORUM
i MEMBERS OF THE FORUM
ii ACKNOWLEDGEMENTS
v LIST OF ACRONYMS
vi DEDICATION
1 FOREWORD
3 EXECUTIVE SUMMARY
5 PART 1: INTRODUCTION BACKGROUND AND CONTEXT
6 CHAPTER 1: OVERVIEW OF THE HUMAN RIGHTS SITUATION IN ZIMBABWE
6 HUMAN RIGHTS IN ZIMBABWE - 43 YEARS ON
11 ABOUT THE REPORT AND OBJECTIVES
12 PART 2: THEMATIC ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN ZIMBABWE
13 CHAPTER 2: JUDICIALISATION OF POLITICS AND POLITICISATION OF THE COURTS
15 ACCESS TO COURTS
17 JUDICIAL INDEPENDENCE
18 NOMINATION COURT
19 RECALLS OF ELECTED MEMBERS OF PARLIAMENT (MPS)
21 CONTROVERSIAL COURT RULINGS
22 ARBITRARY ARRESTS AND DETENTION
25 CHAPTER 3: ELECTORAL DEMOCRACY IN ACTION - THE 2023 ZIMBABWE HARMONISED ELECTION UNDER A MICROSCOPE
26 PEACE AND SECURITY
27 FREEDOM OF ASSEMBLY AND MOVEMENT
27 MEDIA ENVIRONMENT
29 ACCESS TO INFORMATION
29 VOTER EDUCATION, REGISTRATION, TURNOUT AND PARTICIPATION
30 CREDIBILITY AND INDEPENDENCE OF THE ZIMBABWE ELECTORAL COMMISSION
31 NOMINATION OF CANDIDATES
32 CHAPTER 4: SOCIO-ECONOMIC RIGHTS
33 WATER AND SANITATION
34 ACCESS TO FOOD
35 ACCESS TO HEALTHCARE

36 RIGHT TO EDUCATION
37 RIGHT TO HOUSING
37 LABOUR RIGHTS
39 CHAPTER 5: CIVIL AND POLITICAL RIGHTS
39 UNLAWFUL ARRESTS, DEPRIVATION OF PERSONAL LIBERTY, TORTURE, AND OTHER RELATED ABUSES
41 UNLAWFUL, EXTRA-JUDICIAL, AND POLITICALLY MOTIVATED KILLINGS
41 FREEDOM OF ASSEMBLY AND ASSOCIATION
41 RIGHT TO PROTEST
42 FREEDOM OF THE MEDIA AND FREEDOM OF EXPRESSION
44 CHAPTER 6: GROUP RIGHTS: CHILDREN, WOMEN, LGBTQIA, AND PWD RIGHTS
44 CHILDREN'S RIGHTS
47 PEOPLE WITH DISABILITIES
49 LGBTQIA+ COMMUNITY
52 WOMEN'S RIGHTS
55 CHAPTER 7: ENVIROMENTAL RIGHTS
59 CHAPTER 8: INDEPENDENT COMMISSIONS AND INSTITUTIONS SUPPORTING DEMOCRACY
59 ZIMBABWE HUMAN RIGHTS COMMISSION
60 THE ZIMBABWE ELECTORAL COMMISSION
60 ZIMBABWE GENDER COMMISSION
61 ZIMBABWE MEDIA COMMISSION
61 NATIONAL PEACE AND RECONCILIATION COMMISSION
62 CHAPTER 9: CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS
65 **PART 3: WHERE TO FROM HERE? THE FUTURE OF HUMAN RIGHTS IN ZIMBABWE: PROSPECTS AND RECOMMENDATIONS**
66 CHAPTER 10: PROSPECTS AND CHALLENGES FOR THE PROTECTION OF HUMAN RIGHTS BEYOND 2023
66 POLITICAL REFORMS
66 LEGAL REFORMS
67 STRENGTHENING INDEPENDENT INSTITUTIONS
69 ECONOMIC REFORMS
69 STRENGTHENING THE CIVIL SOCIETY
69 CONCLUSION

LIST OF ACRONYMS

CCC
Citizens Coalition for Change

GBV
Gender-Based Violence

ERC
Elections Resource Centre

EU EOM
European Union Elections Observer Mission

LGBTQIA+
Lesbians, Gay, Bisexual, Transexual, Queer, Intersex and Asexual

MP
Member of Parliament

NGOs
Non-Government Organisations

NPRC
National Peace and Reconciliation Commission

OVT
Organised Violence and Torture

PWD
People With Disabilities

SADC EOM
Southern African Development Community - Elections Observer Mission

ZANU-PF
Zimbabwe African National Union-Patriotic Front

ZBC
Zimbabwe Broadcasting Corporation

ZEC
Zimbabwe Electoral Commission

ZELA
Zimbabwe Environmental Law Association

ZESN
Zimbabwe Elections Support Network

ZHRC
Zimbabwe Human Rights Commission

ZADHR
Zimbabwe Association of Doctors for Human Rights

ZLHR
Zimbabwe Lawyers for Human Rights

ZMC
Zimbabwe Media Commission

ZRP
Zimbabwe Republic Police

Dedication

REMEMBERING THE VICTIMS OF POLITICALLY MOTIVATED KILLINGS IN ZIMBABWE IN 2023

This report is dedicated to the memory of those who died as a result of brute force and suppression of the right to civil and political liberties and freedoms. Our thoughts and prayers are with their families and loved ones.

Thulani Maseko

A celebrated human rights lawyer and a friend of the Forum from Eswatini, Thulani was assassinated on 21 January 2023 in his house in front of his wife and children. To date, the perpetrators have not been identified or held accountable.

Tinashe Edson Chitsunge

He was a Citizens Coalition for Change (CCC) activist who was stoned to death on 3 August 2023 by alleged ZANU-PF supporters, after they attempted to storm an opposition rally in Glen View South, Harare.

Bishop Tapfumaneyi Masaya

He was abducted, tortured, and killed while he was campaigning for a Citizens Coalition for Change (CCC) party candidate on 11 November 2023 by suspected state agents. His body was discovered in Mabvuku, Harare.





FOREWORD

"The Topsy-turvy election year we all failed to predict"
by the Executive Director of the Zimbabwe Human Rights NGO Forum, Vera Musara.

2023 will certainly go down as the year that we will not easily forget. It was the year in which we underwent an election like no other in the country let alone in the region's history. The Zimbabwe Human Rights NGO Forum deployed election observers across the country to monitor, document and report on adherence to due process and human rights violations during elections.

Through its members and accredited local observers, the Forum identified, verified, and documented a number of electoral irregularities. From the delayed opening of polling stations, absence of voting material in polling stations, ballot paper anomalies, non-appearance of names on voters' roll, contestations around night voting, voter intimidation, raids on CSO offices, and unjustified arrests of the same – the 2023 harmonized election was marred with election irregularities rendering it a topsy – turvy election devoid of integrity and constitutionalism.

Unsurprisingly, various foreign and regional election observer missions condemned the electoral process as shambolic. In addition, the Forum, through its Research and Documentation Unit, produced a research publication which documented an unprecedented wave of post-election retributive violence in the aftermath of the 2023 Zimbabwe Harmonised Election[1]. This manifested firstly in the arbitrary arrests of prominent opposition political actors, human rights defenders and those perceived as anti-establishment or politically undesirable persons.

Examples include:

- the 4 September 2023 arrests of human rights lawyers Douglas Coltart and Tapiwa Muchineripi;
- the 13 September 2023 arrest of newly elected CCC Member of Parliament for Sunningdale, Maureen Kademaunga as well as
- the 13 September 2023 arrest of CCC deputy spokesperson and CCC MP for Tshabalala-Pelandaba constituency, Gift Ostallos Siziba.

The report further provides a contextual overview of the socio-economic environment in Zimbabwe during the period under review. If at all Zimbabweans thought the human rights landscape in Zimbabwe could not deteriorate any further, it in fact did so on 30 November 2023. Finance Minister Mthuli Ncube presented the National Budget Statement which proposed a cocktail of

1. Zimbabwe Human Rights NGO Forum,The New "Error"! – A preliminary report on post-election OVT covering the period 23 August to 30 September; https://www.thezimbabwean.co/2023/10/the-new-error/

measures that were completely divorced from the lived realities of ordinary Zimbabweans. These included the proposed levy of sugar tax on beverages that contain sugar (to be charged at 2 cents per gram), proposed wealth tax of 1% of the value of residential property above US$100 000 except for senior citizens above 70 years of age and proposed sharp increases in the price of toll gate, passport and vehicle registration fees.

Ultimately, the Forum presents this report primarily to document the state of human rights in Zimbabwe in 2023. The Forum in this report found that the Government of Zimbabwe continued to perform dismally on the human rights front.

Toxic politics characterised by disregard for the will of the people remained the order of the day in the period under review. Citizens continued to be subjected to unremitting State-sponsored intolerance and violence while grappling with a plethora of societal ills. Resultantly, the total number of human rights violations recorded by the Forum together with the Zimbabwe Peace Project for the period under consideration is 2 435.[2] This marks a sharp increase from the violations recorded in the 2022 State of Human Rights Report which stood at a total of 1 996. This is highly concerning but hardly surprising considering that 2023 was an election year thereby fuelling a heightened power retention drive. This ultimately manifested through the unprecedented levels of state-sponsored pre-election OVT and post election retributrive violence.

The Forum is highly indebted to its development partners who continue to support our work and to our members, from whom our mandate is derived. Special mention is made to the Human Rights Project Consortium Partners with whom we look forward to strengthening collaboration and coordination towards enhancing promotion of civil and political rights in Zimbabwe. Above all, the Forum remains committed in its fight to ensure that there is the equal realization and enjoyment of human rights amongst citizens. Far from being a Utopian promise, the basic principles of human rights enshrined in the Constitution's Bill of Rights, are, in actual fact, the bedrock for political, social and economic stability as well as sustainable democracy. In the same vein, the Forum continues to call on government to facilitate the existence of a functional social contract between itself and the citizens at large. Freedoms and rights enshrined in the Bill of rights must be enjoyed without unreasonable interference by the state or any other institution. Thus, the Forum remains committed in identifying, monitoring, documenting and reporting on human rights documenting and reporting on human rights violations that are as a result of centralizing power in government versus this power remining vested in the people. This commitment includes challenging the products of governments excesses such as impunity and lack of accountability for violations committed.

2. Combined statistics from CSU, ZimRights, ZLHR, Zimbabwe Human Rights NGO Forum (January to July 2023 – 1 381 cases) and Zimbabwe Peace Project Monthly Monitoring Reports (August 2023 - 384); (September 2023 - 146); (October 2023 – 234), (November 2023 – 145) and (December 2023 – 145).

EXECUTIVE SUMMARY

2023 was yet another year in which Zimbabwe witnessed continued regression in the state of human rights and democracy. The year's first politically motivated violence was documented as early as January 7, 2023. This set off what eventually became a restless year characterised by state-sponsored human rights violations. The proclamation of election dates heightened the situation as multiple election-related forms of repression were recorded. These ranged from abductions, torture, and arrests to outright killings. Opposition political activists, lawyers, members of civil society, and journalists were all under siege.

While section 155 (1) of the Constitution of Zimbabwe provides for elections to be free, fair, and peaceful, the 2023 elections were judged by several observer missions as falling short of this standard. Election observer reports cited several challenges including the lack of a level playing field. This was mainly characterised by different forms of repression such as the banning of opposition rallies, biased/ unfair state media coverage, and lack of transparency and accountability from the elections management body, the Zimbabwe Electoral Commission (ZEC).

The law was also weaponised against members of the opposition, civil society and the media. The adoption of the Criminal Law (Codification and Reform) Amendment Act commonly known as the Patriotic Act on the 14th of July 2023 shrank the space for civic and political engagement as citizens, media practitioners, and political activists exercised self-censorship in fear of violation of this law. Further, the weaponisation of legal processes and the judiciary in the pre-election phase was exhibited in the manner in which the judiciary handled pre-electoral related disputes. The flurry of electoral litigation ahead of the August 2023 harmonised elections regarding the eligibility of certain candidates to stand, election dates, eligibility of candidates, banning of rallies, nomination fees, and the release of the voter's roll among others characterised the 2023 pre-electoral landscape as the most litigious in the country's recent history. The judiciary's conduct in these cases brought its credibility into question.

On the socio-economic front, the situation remained dire. An Al Jazeera Investigative Unit four-part documentary titled Gold Mafia[3] exposed alleged illicit financial flows from Zimbabwe. The documentary exposed serious allegations of abuse of diplomatic immunity, illicit gold trading, corruption, and money laundering in the mining sector. The documentary exposed the contra reality of a country whose 42% of the population lives in poverty, and an economy suffering from high

3. The 4 episode long documentary is available on Al Jazeera youtube channel accessible at https://www.youtube.com/@aljazeeraenglish

rates of inflation.

The World Bank indicates that as at December 2023, the annual inflation rate was

26.5%

and a currency depreciation rate of

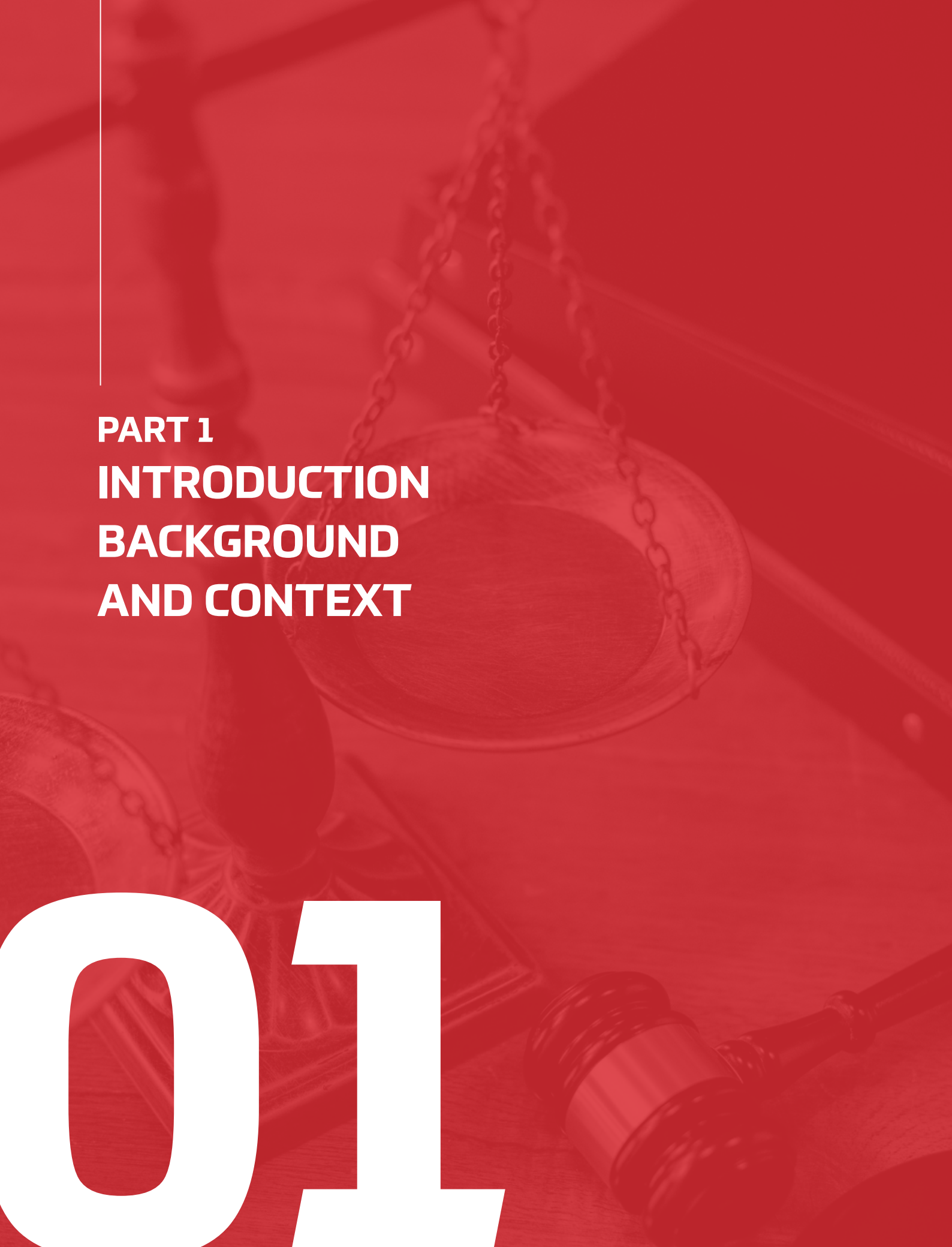
788%.[4]

This report shows that the majority of the population lacks access to necessities such as clean water and sanitation, adequate housing and access to health care services.

The regression in human rights protection in the year 2023 has prompted several key recommendations to the government and other stakeholders. Democratic and human rights improvements are central to the people's hopes and aspirations. Through continued participation in the country's democratic processes, the people of Zimbabwe have demonstrated their commitment to electoral democracy to potentially resolve their socio-economic and political challenges. In light of this, political reforms are called for. Political reforms can potentially enhance civil liberties, and electoral integrity and enhance the independence of the judiciary. At its present state, the judiciary is highly compromised and does not inspire much confidence as a neutral arbiter in light of widespread reported political repression. The judiciary needs to demonstrate its commitment to constitutionalism and rule of law as per its constitutional mandate. Legal reforms are also necessary to revise or repeal repressive legislation such as the Maintenance of Peace and Order Act [Chapter 11:23] (the MOPA) and the Cyber and Data Protection Act [Chapter 12:07] which excessively limit freedom of expression and assembly.

The findings of this Report additionally show there is a need to strengthen independent institutions such as the Zimbabwe Electoral Commission, Zimbabwe Human Rights Commission and the National Peace and Reconciliation Commission to advance democracy and human rights. These institutions are crucial in ensuring free and fair elections, the promotion of freedom of expression and the protection of human rights. Strong and independent institutions will result in transparency, accountability, and public trust in governance. A strong and impartial ZEC can reduce electoral disputes and possible election related conflict. This can only be achieved if ZEC has the power and independence to hold political parties accountable for their actions. Independent Zimbabwe Media Commission (ZMC) can help foster a diverse and unbiased media environment. Zimbabwe also requires economic stability. Civil society is currently under threat due to impending Private Voluntary Organisations Bill. Civil society plays an active role in mobilising resources and complimenting government efforts in various spheres. Government should thus support civil society instead of threatening its existence.

4. World Bank Group (2024) The World Bank in Zimbabwe. Available at https://www.worldbank.org/en/country/zimbabwe/overview



PART 1

INTRODUCTION BACKGROUND AND CONTEXT

01

CHAPTER 1

OVERVIEW OF THE HUMAN RIGHTS SITUATION IN ZIMBABWE



HUMAN RIGHTS IN ZIMBABWE - 43 YEARS ON

In 2023, Zimbabwe marked 43 years of independence. Zimbabwe's human rights track record has not improved from independence, in fact the methods used by the Smith regime on the black majority population to stifle their rights (the use of force and torture to stop black nationalism)[5] are the same methods that continue to be employed by the Government of Zimbabwe today.

By way of example, the Government of Zimbabwe gazetted the Maintenance of Peace and Order Bill (MOPB) on 19 April 2019. The bill sought to repeal and replace the Public Order and Security Act [Chapter 11:17] (POSA). POSA was enacted in 2002 when the Movement for Democratic Change (MDC) party was seemingly in ascendancy and presented a unique challenge to ZANU PF's hegemonic dominance of Zimbabwean politics. POSA repealed the Law and Order Maintenance Act [Chapter 11:07] (LOMA), a colonial and draconian law by the government's own admission.[6] POSA incorporated many provisions of LOMA and introduced even more repressive provisions. As documented in numerous reports, POSA became the centerpiece for State sanctioned repression. Members of the opposition and civil society became targets of a broad scheme to restrict the capacity to coalesce, organize and engage in mass action.

5. "Economic Reflections on the past 56 years of Statism"- April 18 2021, https://medium.com/@tinashemurapata/economic-reflections-on-the-past-56-years-of-statism-d41bd6195e05
6. Zimbabwe Human Rights NGO Forum, An analysis of the Maintenance of Peace and Order Bill, 2019; https://www.thezimbabwean.co/2019/07/an-analysis-of-the-maintenance-of-peace-and-order-bill-2019

The MOPB became law on 15 November 2019 when the Maintenance of Peace and Order Act came into effect. In so doing, the die was cast and the endurance of the LOMA was secured under a different title.

The lingering legacy of the ghost of colonial past was seen in 2023 through banning and/or disruption of opposition political party activities which accelerated a month before the August 2023 general election. On 25 July 2023, CCC national spokesperson Fadzayi Mahere published an update on her official social media accounts which alleged that the police had banned a CCC door to door campaign and car rally scheduled to be conducted in Churu Constituency. The update was accompanied by a prohibition notice dated 24 July 2023 in which the Chief Superintendent, Officer Commanding Police (Mbare District) notified the convener for CCC that CCC's application to conduct door to door campaigns in Churu Constiuency could not be approved as there is a possibility of clashing with (unnamed) politicians. The prohibition notice further indicated that car rally campaigning could not be approved as it could result in possible clashes as well as cause congestion and commotion in the roads. CCC intended to conduct its campaign rallies from 23,25,27 and 29 July 2023.

However, the prohibition notice averred that block booking is not recommended as it is not clear what the situation on the ground would be like on those days. In the update, Fadzayi Mahere alleged that the banning of the scheduled Churu rally now brought the total of banned CCC rallies to 102 while alleging further that no ZANU PF rally had been banned.

Additionally, it was seen through the deployment of ruling party affiliate, Forever Associates of Zimbabwe (FAZ) agents to terrorize and intimidate citizens in the pre and post-election phase.



Voters intimidation through the intimidatory conduct of Forever Associates Zimbabwe (FAZ) in setting up “Exit Poll Survey” desks in the proximity of polling stations nationwide.

> ***“The lingering legacy of the ghost of colonial past was seen in 2023 through banning and/or disruption of opposition political party activities.”***

BY WAY OF EXAMPLE

On 27 July 2023

The CCC aspiring candidate for Mazowe North and his campaign team were attacked while campaigning in Chiweshe Rural. The incident took place just after they had put up posters at Chideu village ward 2 rural. It is alleged that a Toyota Wish without registration plates hit Manyika's car intentionally. People in that vehicle are suspected to be ZANU PF activists led by a member of FAZ based in Chinehasha village ward 3 rural Mazowe North. The assailants were reportedly armed with iron bars and knives. The victims ran away in different directions following the incident.

On 25 August 2023

An incident of post-election violence was reported in Karoi, Hurungwe West, Ward 24. CCC activist, Allan Tivapasi who was the Ward 24 chief election agent was assaulted by a team made up of ZANU-PF youth and members of the ZANU-PF affiliated quasi-security/intelligence organization – FAZ. Tivapasi was severely injured and a report was made at ZRP Magunje Station but no arrests were made.

Interestingly, terrorizing citizens through the use of quasi-security agents goes against the ruling party's foundational ethos.

Inational hero and founder of the country's ruling party, ZANU-PF, Edson Zvobgo once had this to say:

> *"We do not want to create a socio-legal order in the country in which people are petrified, in which people go to bed having barricaded their doors and their windows because someone belonging to the special branch of the police will break into their houses or come after them....This is what we have been fighting against. This is why we are in this revolution for as long as it is necessary, to abolish this system".*

This contextual history makes the pre and post election related OVT witnessed in 2023 a legitimate vantage point for democratic enquiry. Zimbabwe cannot be seen taking steps back and perpetuating the very same oppressive acts and aiding to systems which it fought so hard to be liberated from.

In essence, the nation may have set itself free from the shackles of colonial minority rule in 1980 but the reality of freedom today is riddled with a myriad of governance and human rights challenges. In this context, the state of human rights in Zimbabwe in 2023 can be seen as a reflection of the broader systemic issues and state-led repression that has plagued the nation for decades.

More than four decades after the country's independence, the Government of Zimbabwe continues to pay lip service to its obligations to respect, promote and protect fundamental human rights. Of particular concern is the lack of genuine political will to actualize the key priorities of the revolutionary Vision 2030 blueprint which include:

- re-orientation of the country towards democratization;
- respect for human and property rights;
- freedom of expression and association;
- rule of law;
- redressing economic challenges and
- improving the livelihoods of the ordinary citizenry.

The nation's journey from colonial rule to independence in 1980 has been fraught with both achievements and setbacks, particularly in the realm of human rights. The year 2023 was particularly notable due to the fiercely contested national elections, which underscored the ongoing struggle for political power with broader implications for human rights in the country.

The national elections saw a fierce contest between the long-dominant Zimbabwe African National Union - Patriotric Front (ZANU-PF) party and the opposition Citizens Coalition for Change (CCC). The pre-election period was marred by violence and a distinctly uneven electoral playing field. Reports of arbitrary arrests of opposition supporters and candidates highlighted the oppressive measures employed by state apparatuses to undermine democratic processes.





The judiciary, often perceived as biased,[7] along with an elections management body and a state broadcaster similarly perceived as biased,[8] further skewed the electoral process in favour of the incumbent party.

Despite these challenges, the opposition participated in the election. However, irregularities during the elections were rampant. Issues such as delays in the printing and delivery of ballot papers, alongside other electoral malpractices, cast a long shadow over the legitimacy of the electoral outcomes.

These irregularities not only undermined public confidence in the electoral process but also highlighted the entrenched systemic issues within Zimbabwe's electoral framework. These electoral setbacks are well documented in several election observer mission reports.

The post-election period did not see an improvement in the human rights situation. Instead, it was characterised by a state-led campaign to decimate the opposition and victimise grassroots supporters. This crackdown on opposition figures and supporters further exacerbated the already fragile human rights situation in the country, raising serious concerns among international observers and human rights organisations.

Compounding the political turmoil, Zimbabwe's economy continued to struggle with high inflation, exorbitant costs of living, and inadequate salaries. These economic hardships were further intensified by the threat of an impending drought, which posed a severe risk to food security and the livelihoods of millions of Zimbabweans. Corruption in almost all facets of the economy also reached astronomical levels dashing the hope for economic recovery. The intersection of political repression and economic instability created a dire situation for human rights, with citizens facing not only political oppression but also severe economic deprivation.

The combination of political violence, electoral malpractices, economic instability, and state-led repression painted a grim picture of the country's human rights landscape, necessitating a comprehensive and critical analysis to understand the full scope of the challenges and to advocate for meaningful change.

> ***"More than four decades after the country's independence, the Government of Zimbabwe continues to pay lip service to its obligations to respect, promote and protect fundamental human rights."***

7. Zim Human Rights NGOs Forum (2023) "Trial by pre-trial incarceration" - Detention without Trial and Delayed Trials in Zimbabwe 2020 – 2023.
8. The Economist (21 August 2023) Miles Tendi on the depressingly business-as-usual feel to Zimbabwe's election. Available at https://www.economist.com/by-invitation/2023/08/21/miles-tendi-on-the-depressingly-business-as-usual-feel-to-zimbabwes-election
UNESCO. 2023. Reporting on Zimbabwe's 2023 Harmonized Election: An Analysis of the Media's Performance During the 2023 Harmonized Elections in Zimbabwe. Available at https://unesdoc.unesco.org/ark:/48223/pf0000389070

ABOUT THE REPORT AND OBJECTIVES

The 2023 State of Human Rights Report has been produced to:

- document and capture the broad range of identified human rights issues and challenges that emerged in 2023;
- challenge impunity and seek accountability for human rights violations that occurred in 2023; and
- provide recommendations on steps and measures that can be taken to ensure and safeguard the enjoyment of human rights for all.

The year 2023 was a unique year as the country held its harmonised elections. This report gives insights into some of the key events that transpired throughout the year. This will be done through thematic presentation and where necessary, data, to assist in the evaluation of the human rights situation in the country. Regard will be paid to the state's compliance with domestic, regional and international legal obligations. The report also proffers some recommendations for enhanced protection of human rights in Zimbabwe.



METHODOLOGY

A mixed-methods approach was used to gather and analyse data concerning human rights issues in Zimbabwe in 2023. The report relied on both qualitative and quantitative data from diverse primary and secondary sources. Emphasis was placed on the veracity and credibility of the data and triangulation for validity.

The study sourced its data from various reliable primary and secondary sources, including civil society reports, academic research, intergovernmental organization publications, government institutions, legal documents, and media reports, and through key informant interviews, involving victims of human rights abuses, civil society members, and government officials. Efforts were made to ensure the ethical treatment of participants, particularly in key informant interviews with victims of human rights abuses, respecting their confidentiality and consent. The report employed an analytical framework based on thematic areas of concern, guided by applicable statutory frameworks, international and regional human rights instruments, and legal jurisprudence.

PART 2

THEMATIC ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN ZIMBABWE

02

CHAPTER 2

JUDICIALISATION OF POLITICS AND POLITICISATION OF THE COURTS



In 2023, Zimbabwe's political landscape was significantly shaped by the judicialisation of politics, where legal and judicial institutions played a central role in resolving political conflicts and controversies. This phenomenon was prominently seen in several high-profile cases involving opposition figures and electoral processes. Notably, the cases of Saviour Kasukuwere, Job Sikhala, and various disputes over the nomination of candidates highlighted the increasing reliance on the judiciary to settle political matters. However, these judicial interventions were often marred by perceptions of bias and interference, raising critical questions about the independence and impartiality of Zimbabwe's judicial system.

Saviour Kasukuwere, a former ZANU-PF politburo member and government minister, found himself at the centre of judicial controversies in 2023. Kasukuwere, who sought to challenge the ZANU-PF establishment, faced numerous legal battles that highlighted the judiciary's role in political contests. His attempts to run for the presidency as an independent candidate were thwarted by legal challenges to his eligibility to run for the presidency on the basis that he had spent the past 6 years outside the country in South Africa. Provisions of the Electoral Act were relied on to bar Kasukuwere's candidacy. In terms of section 23(3) of the Electoral Act, *"A voter who is registered on the voters roll for a constituency ... shall not be entitled to have his or her name retained on such roll if, for a continuous period of eighteen months, he or she has ceased to reside in that constituency."*

Section 91(1)(d) of the Constitution states that one qualifies for the election of President if he/she is a registered voter. The judiciary's decisions in Kasukuwere's cases often appeared to align with the interests of the ruling party, raising concerns about the judicial process' fairness and impartiality.

Kasukuwere's legal battles exemplified the strategic use of judicial mechanisms to neutralise political opponents. The courts were employed not merely as neutral arbiters of the law but as instruments for political manoeuvring. This judicialisation of politics through Kasukuwere's case[9] underscored the deep entanglement between legal institutions and political power in Zimbabwe.

Job Sikhala, a prominent opposition leader and member of the CCC, also experienced significant judicial scrutiny in 2022 and 2023. Sikhala faced criminal charges of incitement to violence. His arrest in 2022 and his continued incarceration throughout 2023 were widely viewed as an effort to stifle dissent and intimidate opposition figures by the state. On 14 June 2023, Job Sikhala clocked exactly one year in pretrial incarceration. Job Sikhala was arrested on 14 June 2022 following the violence that erupted in Nyatsime after the body of slain CCC activist Moreblessing Ali was found mutilated in a well.



9. Lovedale Mangwana v Kasukuwere HH- 418-23;

At the time of his arrest, Sikhala was the Member of Parliament for Zengeza West. His continued pretrial incarceration ensured his inability to represent his constituency and his exclusion from participating in the upcoming August election. Consequently, CCC's list of party candidates was submitted to the nomination court with his name missing on 21 June 2023.

The nomination of candidates for the 2023 elections was another area where the judicialisation of politics was prominently observed. Numerous legal disputes emerged over the eligibility and nomination processes of various candidates, particularly those from the opposition. In Bulawayo, a high court application was made challenging the nomination of various opposition candidates who allegedly filed their nomination papers outside of the set time frames. The judiciary was frequently called upon to adjudicate these disputes, often under contentious and politically charged circumstances.

The judicialization of politics in Zimbabwe in 2023 raised critical concerns about the independence and integrity of the judiciary. The consistent pattern of judicial decisions favouring the ruling party's interests suggested a compromised judicial system susceptible to political influence. This erosion of judicial independence undermined public confidence in the legal system's ability to act as a check on political power and protect fundamental human rights.

ACCESS TO COURTS

Access to courts is a fundamental aspect of the rule of law and a cornerstone for the protection and promotion of human rights. It ensures that individuals and groups can seek redress and protection against violations of their rights. This access is crucial for several reasons, which collectively uphold the principles of justice, fairness, and accountability.

Courts serve as a vital mechanism for the enforcement of human rights. Without access to judicial institutions, rights enshrined in constitutions, laws, and international treaties remain theoretical and unenforceable. Courts provide a platform for individuals to challenge violations and seek remedies, ensuring that rights are not just aspirational but practically realizable. Furthermore, access to courts is essential for holding individuals, corporations, and the state accountable for human rights violations. Judicial review enables the scrutiny of government actions, ensuring that they comply with legal standards and respect human rights. This accountability is fundamental to maintaining the rule of law and preventing abuse of power.

> ***"Access to courts ensures that individuals and groups can seek redress and protection against violations of their rights."***



Courts provide protection against arbitrary and unlawful actions by state actors. Judicial oversight can prevent and rectify abuses such as unlawful detention, torture, and discrimination. By providing a check on executive and legislative actions, courts ensure that human rights are upheld even in the face of state power. The possibility of judicial intervention acts as a deterrent against human rights violations. Knowing that their actions can be challenged and punished in court, potential violators are more likely to adhere to legal norms and respect human rights. This deterrence is crucial in fostering a culture of respect for human rights.

Access to courts contributes to the development of human rights jurisprudence. Judicial decisions set precedents that shape the interpretation and application of human rights laws. Over time, this body of case law advances the protection of rights and adapts to emerging challenges, ensuring that legal frameworks evolve in line with societal changes. Access to courts empowers individuals and communities by providing them with a means to assert their rights and seek justice. This empowerment fosters greater participation in the legal and political processes, promoting a more inclusive and democratic society where all voices are heard and respected.

Courts offer a peaceful and structured forum for resolving disputes. In the context of human rights, this means addressing grievances related to discrimination, property rights, labour rights, and other areas where rights may be contested. Effective judicial resolution of such disputes is essential for social stability and harmony. Many countries are party to international human rights treaties that mandate access to effective legal remedies for rights violations. Access to courts is therefore not only a national obligation but also an international one, ensuring that states comply with their commitments under international law.

Some of the major challenges that hampered access to courts in Zimbabwe in 2023 were the financial costs in the form of legal fees which were very prohibitive for many prospective litigants. Key informant reports indicate that geographic barriers also played a major part in making courts inaccessible for the majority of rural population especially in remote areas. Lack of awareness was also a barrier to access to courts as people were usually unaware that they could have their rights vindicated in a court of law.

Zimbabwe's court structure has the:

- Constitutional Court which seats in Harare and has its jurisdiction set out in the Constitution of Zimbabwe 2013.
- Below the Constitutional Court is the Supreme Court of Appeal which also seats in Harare but has a registry at the Bulawayo High Court in Bulawayo.
- This is followed by the High Court which is largely decentralised and is found in 4 major cities, that is Harare, Bulawayo, Mutare and Masvingo.
- The magisterial provinces comprise of 10 provincial stations and 46 resident courts to make a total of 56 stations.
- The resident courts are each headed by a resident magistrate.
- In addition, there are 48 periodic courts situated at various centres across the country.
- The Magisterial Provinces are composed of Provincial centres as well as Resident and District Courts totaling fifty-four (54).
- There are forty-eight (48) circuit courts in Zimbabwe. Harare, Matabeleland South, Matabeleland North, Masvingo, Manicaland, Midlands, Mashonaland East, Mashonaland West and Mashonaland Central Provinces make up the Magisterial Provinces of Zimbabwe.



Access to courts is indispensable for the protection and promotion of human rights. It ensures the enforcement of rights, accountability of violators, protection against arbitrary actions, deterrence of future violations, development of jurisprudence, empowerment of individuals, resolution of disputes, and fulfilment of international obligations. Addressing the barriers to access is crucial to ensuring that justice is not only available but also accessible to all, thereby upholding the principles of human rights and the rule of law.

JUDICIAL INDEPENDENCE

Zimbabwe subscribes to the *trias politica* doctrine which entails the separation of the three arms of state.

As such, an independent judiciary is important for an effective system of checks and balances. Cardinal to checks and balances is the system of judicial review which gives the courts the power to keep the executive and the legislature in check.

The independence of the judiciary including the judges is therefore important for the promotion and protection of human rights.

The United Nations Basic Principles on the Independence of the Judiciary[10] clearly explains the relationship between the independence of judges and the protection of human rights. In terms of these Principles, *"judges are charged with the ultimate decision over life freedoms, rights, duties and property of citizens."*[11]

The period running up to the 2023 elections in Zimbabwe was characterised by the mutilation of the independence of the judiciary through threats and intimidation, as well as the inclusion of judges in the political patronage system.

These actions culminated in queries about the independence of the judiciary especially in matters that have a political bearing. Several political activists were either prosecuted for non-existent offences or outrightly denied bail. The High Courts passed questionable judgments that were widely seen to favor the incumbent.[12]

An independent judiciary is also cardinal to effective election-related dispute resolution. Electoral Courts were set up as ad hoc divisions of the High Court. These courts had jurisdiction over administrative decisions of the election's management body as well as other election-related disputes. They were set up to hear appeals, applications, and petitions related to the Electoral Act.

In 2023, 35 Judges were appointed to sit as judges of the Electoral Court.[13] Stakeholders expressed scepticism over the impartiality of the judiciary, including judges of the Electoral Courts.

NOMINATION COURT

The nomination process for both parliamentary and presidential candidates in Zimbabwe is a crucial aspect of the country's democratic system, ostensibly designed to be impartial and fair. The independence of Zimbabwe's Nomination Court, which oversees this process, is of paramount importance to ensure the legitimacy and transparency of elections.

However, in 2023 concerns were raised about the actual independence of the court and its vulnerability to political influence. These concerns were compounded by the allegations that judges had received $400,000 in housing loans from the government in controversial circumstances.[14]

The Nomination Court operates under the legal framework established by Zimbabwe's

10. UN General Assembly. Basic Principles on the Independence of the Judiciary. 1985.
11. Preamble of the Basic Principles
12. See for example Douglas Mwonzora & MDC-T v ZEC, President of Zimbabwe, Minister of Justice & AG CCZ 20/23; Tonderai Chidawa v Parliament of Zimbabwe CCZ 1/23; Linda Masarira v Presiding Officer of the Nomination Court & Others EC 01/23; Lovedale Mangwana v Savior Kasukuwere, ZEC & Minister of Justice EC 10/23 and Citizen Coalition for Change v ZEC, Soneni Moyo, Dingilizwe Tshuma & 14 ors (HB 158/23) among others.
13. The Judges were appointed in terms of Section 162(1) of the Electoral Act which provides for the Chief Justice to, after consultation with the Judicial Service Commission and Judge President of the High Court appoint at least 2 Judges of the High Court to be judges of the Electoral Court.
14. See Judges get US$400k loans, lawyers say payments are bribes. Zimlive 8 June 2023. Available at https://www.zimlive.com/judges-get-us400k-loans-lawyers-say-payments-are-bribes/

Electoral Act and the Constitution. These laws are intended to provide clear guidelines for the nomination process, including:

- requirements for candidates,
- procedures for filling nomination papers, and timelines.

Despite the legal provisions, the perception of the Nomination Court's independence was marred by allegations of political interference. Critics argue that the court's decisions sometimes reflect the interests of the ruling party, ZANU-PF, rather than being impartial.[15]

Elisabeth Valerio and Linda Masarira, two prominent figures aiming to run for the presidency, faced challenges during the nomination process that ultimately led to their exclusion. Valerio, the leader of the United Zimbabwe Alliance, at the nomination court, failed to secure her nomination due to procedural issues. Masarira, known for her activism and leadership in the Labour Economists and African Democrats (LEAD) party, also did not make it through the nomination process. Similar to Valerio, her failure was attributed to not meeting specific nomination requirements regarding payment of fees. Masarira had failed to meet the payment deadline due to bank transfer limits. Both Masarira and Valerio challenged these decisions in the High Court.

While Valerio's challenge was successful, Masarira's was dismissed with costs.[16]

Masarira further alleged that the process was biased and manipulated to favour certain candidates, reflecting broader concerns about the impartiality of the Nomination Court.

The exclusion of Masarira had significant implications for Zimbabwe's democratic process. It suggested potential systemic issues within the electoral system that hindered fair competition and limited voter choice. The perception of bias and lack of transparency undermined public confidence in the electoral process and the legitimacy of the resulting government. While the Nomination Court in Zimbabwe is designed to be an independent body overseeing the electoral process, the failure of Linda Masarira to be nominated as presidential candidate highlights persistent concerns about its impartiality and susceptibility to political influence. Ensuring a genuinely independent and transparent nomination process is essential for the credibility of Zimbabwe's democracy and the trust of its electorate.

RECALLS OF ELECTED MEMBERS OF PARLIAMENT (MPS)

The situation involving the recalls of CCC MPs by Sengezo Tshabangu in Zimbabwe raises significant concerns about the erosion of the impartiality of the judiciary. After the elections in 2023, Sengezo Tshabangu, claiming to be the interim Secretary General of the CCC, initiated the recall of several MPs

15. See Zimbabwean high court bars 12 opposition parliamentary candidates from contesting August 23 elections. Daily Maverick. 27 July 2023. Available at https://www.dailymaverick.co.za/article/2023-07-27-zimbabwean-high-court-bars-12-opposition-parliamentary-candidates-from-contesting-august-23-elections/
16. See Masarira v Presiding Officer of the Nomination Court (1 of 2023) [2023] ZWHHC 393 (27 July 2023)

from the CCC party. This move was highly controversial, primarily because many within the CCC and the general public did not recognise Tshabangu's authority to make such decisions. This suggested that the recalls might have been part of a broader strategy to destabilise the opposition.

According to VERITAS,[17] when the National Assembly met for its first day of business on the 10th October, the Speaker announced that he had received a letter from a Mr Tshabangu, who claimed to be the interim Secretary-General of the CCC party, notifying him that 14 named Members of the House (two of whom had only just been sworn in) had ceased to be members of the party. According to the Speaker, he could not adjudicate on whether the Members had indeed ceased to belong to their party or whether their seats had become vacant; instead, he was compelled by section 129(1)(k) of the Constitution as interpreted by previous court rulings to notify the President and the Zimbabwe Electoral Commission that the Members' seats had become vacant. Essentially, the Speaker and President of Senate proceeded to declare the respective seats vacant without investigating the credentials of the person who had sent the letters.

The recalls were then challenged in the High Court. On the 12th October the recalled Members of the National Assembly launched urgent applications in the High Court asking the court to declare that Tshabangu did not have authority to recall them; further that they were still members of the National Assembly representing CCC. The recalled Senators filed a similar application on the 16th October. The Harare High Court went on to dismiss these challenges with costs.[18]

The Tshabangu recalls highlighted what is an essence, a fully fledged electoral heist and flagrant subversion of the people's will from whom the authority to govern is derived. The strategic implications of the recalls are significant. These recalls effectively disenfranchised the people who voted for those MPs to represent them. Further, by removing CCC MPs, the ruling ZANU-PF created vacancies that could then be filled through by-elections or appointments favourable to them. Without waiting for the Court to hear the applications, the President issued a proclamation on the 20th October calling by-elections in their constituencies. The proclamation fixed the 7th November as nomination day in the by-elections and the 9th December as polling day. By 9 November 2023, Tshabangu had recalled fifteen parliamentarians and twenty-six councillors on grounds that they had ceased to be CCC party members. In Mabvuku-Tafara, ZANU PF candidate Scott Sakupwanya was declared the winner after running uncontested in the December 9 2023 by-elections. This was after the court barred a recalled CCC lawmaker, Febion Munyaradzi Kufahakutizwi from participating.

17. VERITAS, Court Watch 05-2023 Recall of Members of Parliament and Ensuing Court Cases, 10 November 2023; https://www.veritaszim.net/node/6715
18. See CITE, CCC recall challenge thrown out by High Court, 4 November 2023; https://cite.org.zw/ccc-recall-challenge-thrown-out-by-high-court/



On 10 October 2023, Human rights lawyer, Beatrice Mtetwa staged a one-man protest against the Tshabangu recalls of 15 CCC MPs. A very short 4 seconds long video clip of her solo protest emerged on various social media platforms and quickly went viral.

Therefore, the use of judicial mechanisms to influence parliamentary composition undermined the democratic process in the country.

Judicial independence is vital for maintaining checks and balances within a government. When the judiciary is perceived as biased or under the influence of the ruling party, public confidence in the legal system and democratic institutions erodes.

This lack of trust has led to increased political instability and waned international credibility for the country.

CONTROVERSIAL COURT RULINGS

The barring of Saviour Kasukuwere from contesting in the Zimbabwean elections and the subsequent controversy surrounding the printing of ballot papers without his face raises serious questions about the integrity of the electoral process and the independence of the judiciary.

Saviour Kasukuwere is a prominent Zimbabwean politician who was a key figure in the ruling ZANU-PF party before falling out of favour and subsequently forming his own political movement. His attempt to contest in the elections represented a significant challenge to the ruling establishment, as he had a notable support base and political clout. Kasukuwere was barred from contesting in the elections by the courts because he had not been resident in Zimbabwe for the requisite period preceding the election, a requirement for eligibility. This decision was contentious for several reasons:

The decision to bar Kasukuwere came relatively late in the election cycle, which many interpreted as a strategic move to prevent him from mounting a viable campaign. The interpretation of the residency requirement was seen by some as selectively applied. Critics argued that the judiciary's decision was politically motivated rather than a neutral application of the law.

The controversy deepened when it was revealed that the ZEC had printed ballot papers without Kasukuwere's face before the court's decision was publicly announced.



This sequence of events suggested that the ZEC had prior knowledge of the court's ruling, raising several critical issues. If the ZEC was informed of the court's decision before it was officially announced, it implies a lack of separation between the judiciary and the electoral body. This compromised the perceived independence of the judiciary, suggesting possible collusion or undue influence.

The case of Saviour Kasukuwere being barred from contesting in the election by the courts, and the pre-emptive printing of ballot papers without his face by the ZEC, highlight significant issues regarding judicial independence and electoral integrity in Zimbabwe. These actions suggest possible collusion between the judiciary and the electoral commission and raise serious questions about the fairness of the electoral process. For Zimbabwe to advance its democratic processes, it is essential to ensure the independence of its judicial and electoral institutions, uphold transparent and fair electoral practices, and foster public trust in these critical democratic mechanisms.

ARBITRARY ARRESTS AND DETENTION

In 2023, Zimbabwe faced significant criticism from human rights organisations and international observers for its continued practice of arbitrary arrests and detention without trial. This issue is emblematic of broader concerns regarding the rule of law and human rights in the country. Here are some key aspects of this problem:

Arbitrary arrests are often used as a tool of political repression in Zimbabwe.

Opposition leaders, activists, and critics of the government frequently find themselves targeted. This pattern undermines democratic processes and discourages political dissent. Several high-profile cases in 2023 highlighted the extent of the issue. Activists such as Jacob Ngarivhume and Job Sikhala, a prominent opposition politician, were among those arbitrarily arrested and detained. Their cases drew international attention and condemnation. In 2023, Sikhala continued to suffer pretrial detention.

Jacob Ngarivhume, a prominent opposition leader and founder of the Transform Zimbabwe party, has been a vocal critic of the Zimbabwean government. Ngarivhume remained behind bars during the nomination court sitting. Ngarivhume was convicted of charges of incitement of public violence on 27 April 2023 and was on 28 April 2023 sentenced to an effective three years' imprisonment without an option of a fine. On 14 June 2023, Forum member Zimbabwe Lawyers for Human Rights (ZLHR) indicated that High Court Judge, Justice Chikowero had dismissed ZLHR's application for Ngarivhume's release on bail pending the determination of his appeal against both conviction and sentencing for allegedly inciting people to commit violence. His continued incarceration meant that he could not contest in the upcoming 2023 harmonized election.

Ngarivhume was subsequently acquitted in December 2023 after spending 8months in prison. Ngarivhume was initially arrested in 2020 for calling for nationwide protests against government corruption and economic mismanagement. Despite being released on bail, he faced continuous legal harassment and was re-arrested in 2023.

Ngarivhume's experience highlights a common tactic used to punish and intimidate political opponents without providing them the opportunity to defend themselves in a timely manner. Courts repeatedly denied Ngarivhume bail, citing grounds that he posed a flight risk or would incite further unrest. This denial contravenes his right to be presumed innocent until proven guilty and to be granted bail unless there are compelling reasons to detain him.

Job Sikhala, a senior member of the opposition party Movement for Democratic Change Alliance (MDC Alliance) and a Member of Parliament, has also been a frequent target of the government's repressive tactics. Sikhala has been arrested numerous times over the years. His continued detention has been in connection with his outspoken criticism of government policies and his efforts to mobilize opposition supporters.

Sikhala faced extended periods in detention, often under harsh conditions. His treatment in custody raised concerns about potential violations of his human rights, including access to medical care and legal representation. Like Ngarivhume, Sikhala was repeatedly denied bail on contentious grounds. The judiciary's refusal to grant bail appeared politically motivated, aimed at keeping him incarcerated to weaken his political influence and deter other opposition figures. Sikhala has been denied bail a record of 15 times.

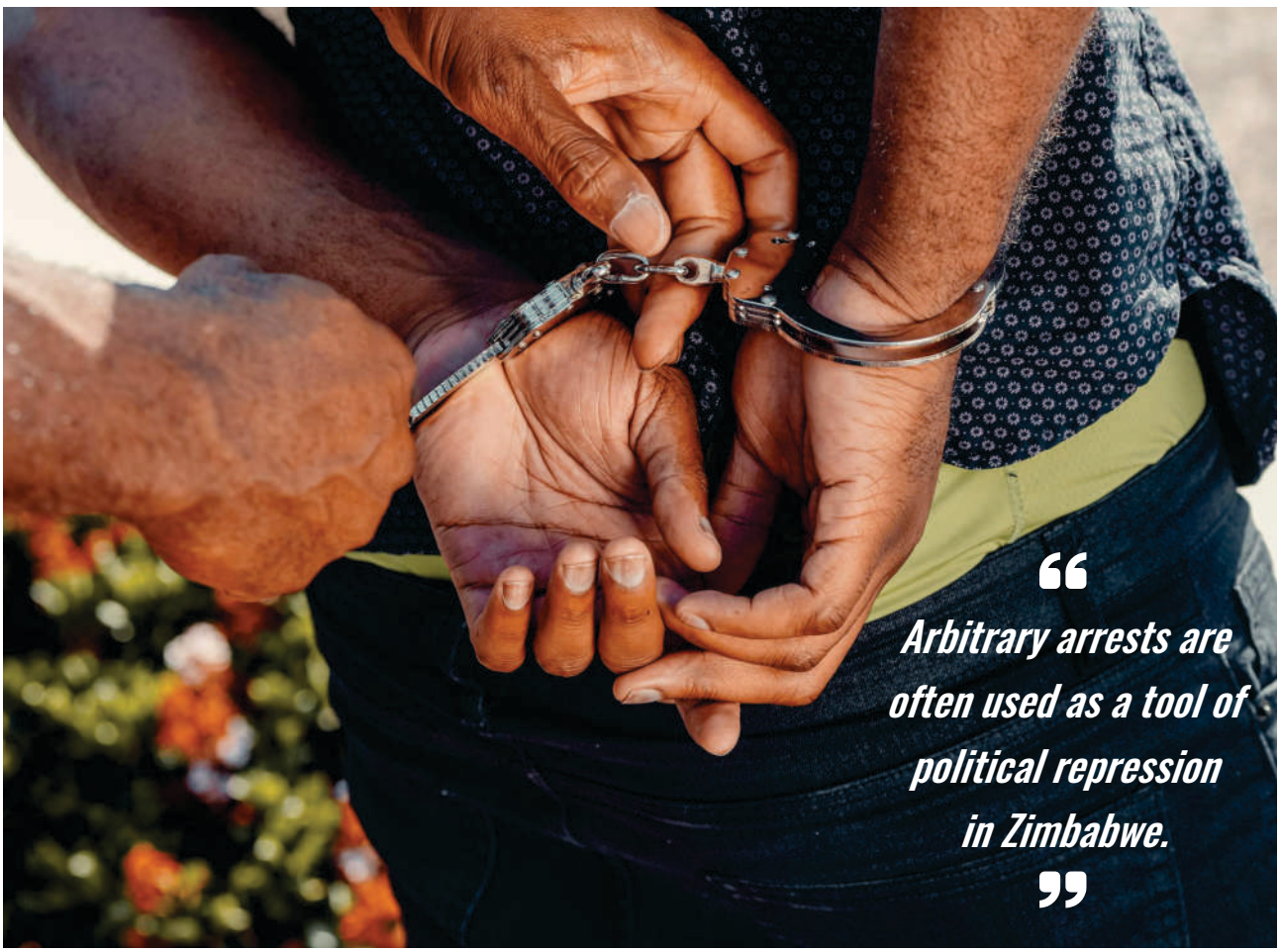
On 14 June 2023, Job Sikhala clocked exactly one year in pretrial incarceration. Job Sikhala was arrested on 14 June 2022 following the violence that erupted in Nyatsime after the body of slain CCC activist Moreblessing Ali was found mutilated in a well. At the time of his arrest, Sikhala was the Member of Parliament for Zengeza West. His continued pretrial incarceration has ensured

his inability to represent his constituency and his exclusion from participating in the upcoming August election. Consequently, CCC's list of party candidates was submitted to the nomination court with his name missing on 21 June 2023.

Civil society organizations and journalists also faced heightened risks of arbitrary arrest and detention. This creates a climate of fear and stifles freedom of expression and the press, which are crucial for holding the government accountable.

The Zimbabwe Elections Support Network (ZESN) and Elections Resource Centre as key civil society organizations, have been at the forefront of efforts to ensure free and fair elections by monitoring the electoral process and reporting on irregularities. Their role is critical in providing an independent assessment of the conduct of elections.

The arrest and subsequent detention of Election Observers belonging to the ZESN and ERC during the 2023 elections in Zimbabwe marked a significant and troubling episode in the country's electoral process. This incident highlights ongoing concerns about electoral transparency, the suppression of civil society, and the broader implications for democracy in Zimbabwe.

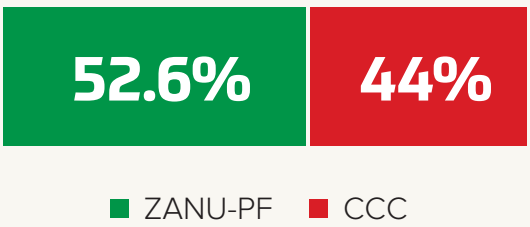


CHAPTER 3

ELECTORAL DEMOCRACY IN ACTION - THE 2023 ZIMBABWE HARMONISED ELECTION UNDER A MICROSCOPE

On the 7th of April 2023, President Mnangagwa through, a government gazette, promulgated the date for the Presidential, Parliamentary, and Local government elections as 23 August 2023. This set the country into an election mode and political parties started gearing towards the national plebiscite.

The political climate before the election was generally tense across the country. While the situation was tense, there was hope that the election would mark progress in democracy, while also not ruling out the deep-seated fears of repression and a contested outcome. After the election, ZEC declared the incumbent President Mnangagwa as the winner of the election. According to ZEC, ZANU-PF attained 52.6% of the total votes cast while CCC, the ruling party's main contender, garnered 44% of the total votes cast. Several international and local observer reports ruled that the election fell short of expected democratic practices and principles.



PEACE AND SECURITY

The pre-election period saw sporadic incidents of violence and intimidation, primarily targeted at opposition supporters and civil society activists. There were reports of clashes between supporters of the ruling party, ZANU-PF, and the main opposition, the CCC. Several cases of election-related violence were reported. The CCC deputy spokesperson, Ostallos Siziba, during the run-up to the election, said,

> *"right now, we cannot hold meetings in towns and cities, and we cannot go to the rural areas. ZANU-PF declared that rural areas are no-go zones for the opposition, and the ruling party causes violence any time the opposition tries to venture into the rural areas."*[19]

On election day there were few incidences of political violence reported. Most polling stations reported a calm atmosphere. However, isolated incidents of violence and voter intimidation were reported in certain hotspots, particularly in rural areas and opposition strongholds. While the presence of security forces was intended to ensure peaceful voting, there were allegations of biased conduct, with security personnel reportedly favoring the ruling party in some instances. This resulted in the arrest of opposition members even in instances where the perpetrators were from the ruling party.

19. Human Rights Watch. 3 August 2023. Zimbabwe: Repression, Violence Loom over August Election. Available at https://www.hrw.org/news/2023/08/03/zimbabwe-repression-violence-loom-over-august-election



FREEDOM OF ASSEMBLY AND MOVEMENT

It all began with a video that quickly went viral on 7 January 2023. In the video, Morris Seremani, a 74-year-old senior citizen, can be seen lying helplessly on the ground as blows rain down heavily and indiscriminately on his frail, old frame. A video recording (apparently taken by the perpetrators themselves) of this vicious and senseless attack that occurred in Bhunu Village in Murehwa North of Seremani, his wife, and other opposition political party Citizens Coalition for Change (CCC) supporters, some of them elderly men and women, being viciously flogged, became the first documented incident of politically motivated violence in the New Year, a few months away from the 2023 general elections.

The widespread condemnation against the brutal attack that was carried out against senior citizens in Bhunu, Murehwa by alleged ZANU-PF party supporters did not diminish the appetite for violence and/or political intolerance. Additional examples of violations of the freedom of assembly and movement emerge below:

Opposition parties faced significant hurdles in organizing rallies and campaigns. There were numerous reports of denied permits, last-minute cancellations, and disruptions by police. In contrast, the ruling ZANU-PF enjoyed relatively unhindered freedom to campaign, with large rallies often held without interference. According to the Carter Centre *"authorities were reported to have banned more than 300 public gatherings, making it extremely difficult for opposition parties and candidates to engage with potential supporters and the electorate."*



300+

Opposition parties public gatherings banned by the Authorities.

Civil society organizations and opposition groups reported extensive surveillance and harassment during public gatherings and meetings, impacting their ability to mobilize supporters and conduct voter education.

MEDIA ENVIRONMENT

The media environment was heavily influenced by state control, with the state-owned Zimbabwe Broadcasting Corporation (ZBC) and other government-aligned outlets providing biased coverage favouring ZANU-PF. Independent journalists and media houses faced harassment, threats, and arrests.

Several incidents of journalists being detained while covering opposition rallies or electoral events were reported. The digital space was rife with misinformation and propaganda. Both state and opposition supporters used social media to spread their narratives, leading to a highly polarized online environment. There were concerns about potential internet shutdowns or restrictions, although no significant disruptions were reported on Election Day itself.

Due to fear of reprisals, many citizens and activists practiced self-censorship. Open criticism of the government and electoral process was often met with swift and severe responses from authorities.

The state media has a constitutional obligation to cover election campaigns fairly and impartially. UNESCO Report of Media Performance during the 2023 elections indicates that the state media was largely biased against the opposition.



UNESCO Report shows that, overall, the ruling party ZANU-PF enjoyed 57% coverage and the main opposition CCC enjoyed 22% coverage. The remaining 38 political parties had 21% coverage.

In the state media, however, ZANU-PF enjoyed 88% coverage and CCC had 5%. The rest of the 38 parties had 7% coverage. Individual candidates were covered as shown below;

Candidate	Print	Candidate	Broadcast
Mnangagwa Emmerson	56%	Mnangagwa Emmerson	68%
Chamisa Nelson	11%	Chamisa Nelson	5%
Kasukuwere Saviour	7%	Chikohora Trust	4%
Mwonzora Douglas	4%	Mwonzora Douglas	3%
Winston Chitando	4%	Madhuku Lovemore	3%
Madhuku Lovemore	2%	Wilson Harry Peter	2%
Valerio Elisabeth	2%	Mliswa Themba	2%
Siziba Ostallos Gift	2%	Mavhudzi Donaldson	2%
Wilson Harry Peter	2%	Kasukuwere Saviour	1%
Makamba Busha	1%	Mutokonye Vimbai	1%
Other	9%	Other	9%

Source: UNESCO 2023[20]

The above is supported by an analysis of Media Monitors Zimbabwe weekly reports which highlight that during the election period, 6 weeks, ZANU PF enjoyed an average of 62% coverage in all media combined. The rest of the political parties shared the remaining 38%.[21]

20. UNESCO. 2023. Reporting on Zimbabwe's 2023 Harmonized Election: An Analysis of the Media's Performance During the 2023 Harmonized Elections in Zimbabwe. Available at https://unesdoc.unesco.org/ark:/48223/pf0000389070
21. Media Monitors Zimabwe 2023. Election Period. Available at https://mediamonitors.org.zw/category/reports/elections-2023/election-period/

The most notable challenges during the year 2023 were the use of inflammatory language and unbalanced reporting. Opposition leader Nelson Chamisa was referred to as a *"narcissist"* and a *"religious demagogue."*

ACCESS TO INFORMATION

Access to information, particularly regarding elections and information held by ZEC, has been a contentious issue in Zimbabwean politics. The lack of transparency surrounding critical aspects of the electoral process, such as the printing and distribution of ballots, has raised concerns about the integrity and credibility of elections. The 2023 elections in Zimbabwe were no exception, with reports of shortages of ballots in Harare adding to existing scepticism about ZEC's transparency.

VOTER EDUCATION, REGISTRATION, TURNOUT AND PARTICIPATION

Despite the challenges, voter turnout was relatively high, indicating a strong desire among Zimbabweans to participate in the democratic process. There was notable engagement from youth and women, driven by campaigns to increase political participation among these groups.



The ZEC registered

451,811

new voters and transferred

191,738

registered voters to new locations before the elections.

Reports of voter suppression tactics, such as deliberate delays at polling stations, misinformation about voting procedures, and obstacles to voter registration, were prevalent. Political violence and intimidation, particularly in rural areas and opposition strongholds, created an environment of fear. This discouraged voter education activities as both educators and potential voters feared reprisal from political thugs or state security forces.

Individuals and organizations involved in voter education were targeted by the state and ruling party affiliates, leading to arrests, detentions, and threats, which severely hampered their efforts.

Many rural areas in Zimbabwe are difficult to access due to poor infrastructure. This made it challenging for voter educators to reach remote communities and provide the necessary information and resources. There were limited resources for producing and distributing voter education materials, particularly in local languages and dialects, which are essential for effective communication in diverse regions.

> ***"Political violence and intimidation, particularly in rural areas and opposition strongholds, created an environment of fear."***

CREDIBILITY AND INDEPENDENCE OF THE ZIMBABWE ELECTORAL COMMISSION

ZEC has a long-standing history of bias against the opposition. The ZEC is composed of Commissioners who are mostly loyal to the ruling party ZANU PF. In many respects, ZEC failed to comply with its constitutional obligations to be fair and transparent.

Before the election, ZEC had conducted its constituency delimitation exercise. This delimitation exercise was shrouded with controversy there were allegations that the report produced constituted gerrymandering and failed to observe the correct methodology for delimitation. On 3 February 2023, the Zimbabwe Electoral Commission Chairperson Priscilla Chigumba handed over the final Delimitation report with new wards and constituencies to President Emerson Mnangagwa. This meant the President now had a legal obligation to publish it within 14 days in the Government Gazette. This deadline was however not met by the President. This drew a lot of criticism from electoral transparency activists with advocacy group, Team Pachedu, accusing the President and ZEC of constitutional delinquency for usurping ZEC's delimitation authority and refusing to gazette the final delimitation report on time. The presidency late insisted that the President had in fact not received the final delimitation report and that what they had received rather was a revised preliminary delimitation report.[22] There were also allegations that Chigumba met with President Mnangagwa on February 13 where he gave her further comments to what ZEC had clearly stated to be its final report. This was problematic as there is no constitutional provision for a *"revised preliminary delimitation report"*. ZEC can only make two submissions to the president – a preliminary report for onward submission to parliament to comment, and a final report after taking into consideration the comments by parliament. The country's electoral management body, Zimbabwe Electoral Commission (ZEC) has been conducting, since June last year, a delimitation exercise, to craft boundaries of constituencies and wards ahead of the 2023 polls.

In addition to that, opposition parties and civil society organisations criticized ZEC for the delay in releasing the voter's roll in a searchable and analysable format. The effect of the late release was that stakeholders missed the opportunity to audit the roll and instill public confidence. By failing to provide the voters' roll in a searchable and analysable format ZEC violated section 21 of the Electoral Act.[23]

ZEC activities were shrouded in secrecy. For example, the printing and distribution of ballots are essential components of the electoral process. However, ZEC's practices regarding these processes lacked transparency, with limited information provided to

22. ZimLive, Mnangagwa accused of constitutional delinquency over delimitation report, (18 February 2023); https://www.zimlive.com/mnangagwa-accused-of-constitutional-delinquency-over-delimitation-report/
23. Section 21 of the Electoral Act.

the public and stakeholders. This was despite civil society organizations and opposition parties raising concerns about the lack of independent oversight of ballot printing, highlighting the potential for manipulation or irregularities. The secrecy surrounding ballot printing eroded public trust in the electoral process. Without transparency and accountability, voters questioned the legitimacy of election outcomes, leading to a loss of confidence in the democratic institution.

ZEC's conduct was compounded by reports of ballot paper shortages on election day, despite ZEC's assurances to observer missions that ballots had been printed and distributed. On the 23rd of August 2023 some polling stations, particularly in opposition strongholds, did not open on time, and in some places, opened way late into the night.

ZEC's reports indicate that in:

- Midlands and Mashonaland West, 99 percent of polling stations opened on time,
- Mashonaland Central and Mashonaland East, 95 percent of polling stations opened on time,
- Manicaland, 85 percent of polling stations opened on time,
- Bulawayo, 75 percent of polling stations were open by 8:15 a.m., and
- Harare, only 23 percent of polling stations opened on time.

The discrepancies in the supply of ballot papers raised concerns about the impartiality of the electoral commission. Many were left wondering how it was possible that ballots would arrive in remote areas of the country on time but not in the towns. This further fuelled suspicions about the accuracy and honesty of official statements regarding electoral logistics.

Ballot shortages can disenfranchise voters, preventing them from exercising their right to vote. In cases where ballots are not available in sufficient quantities, voters may face long queues, frustration, and ultimately, exclusion from the electoral process.

The discrepancy between reported ballot supplies and actual shortages feeds into perceptions of electoral manipulation or incompetence on the part of ZEC. Opposition parties and civil society groups interpreted such discrepancies as deliberate attempts to influence election outcomes.

NOMINATION OF CANDIDATES

The nomination fees required for one to contest in the elections were prohibitive. In 2023, the Government increased the presidential nomination fee from $US 1000 to $US 20,000 for presidential candidates and from $US50 to $US1000 for Parliamentary candidates. These amounts are too high and beyond the rich of many candidates who aspired to run for election.

The inhibitive nature of these amounts along with the payment system issues saw the failure of two women presidential candidates to run for election. Zimbabwe African People's Union also failed to field its presidential candidate due to the exorbitant nomination fees.

CHAPTER 4

SOCIO-ECONOMIC RIGHTS

Socio-economic rights are rights that allow individuals to have access to certain necessities for a dignified existence, requirements that are essential for human dignity.[24] If the government fails to uphold, defend, advance, and fulfill these rights, then it may be held responsible, as well as private persons and organisations in specific situations. Socio-economic rights are particularly important for marginalised and at-risk social groups.[25]

A UNICEF report indicates that in 2023, an estimated 3 million people, including 2 million children, were projected to be in urgent need of humanitarian assistance in Zimbabwe. This was due to the impact of food and nutrition crises induced by natural hazards such as drought, floods, and disease outbreaks.



A total of

1.5 Million People

(972,000 females and 528,000 males), including

1.1 Million Children

(572,000 girls and 528,000 boys), will need life-saving health, HIV and nutrition services.[26]

24. Khoza, S. (2007). Introducing socio-economic rights. Available at https://repository.uwc.ac.za/bitstream/handle/10566/254/KhozaSocioEconomicRights2007.pdf?sequence=1&isAllowed=y
25. Ibid
26. UNICEF (2023) Zimbabwe. Available at https://www.unicef.org/media/131851/file/2023-HAC-Zimbabwe.pdf

WATER AND SANITATION



Section 77 of the Zimbabwean Constitution states that everyone has a right to safe, clean, and portable water. Further section 73(a) of the Constitution states that everyone has a right to an environment that is not harmful to their health or well-being. There is an obligation on the government of Zimbabwe to progressively realise these rights. In November 2023, there was a cholera outbreak with more than 6000 cases and more than 150 deaths reported by the Ministry of Health.[27] The City of Harare declared a state of emergency due to the outbreak.[28] Cholera is a water-borne disease caused by consuming water or food that is contaminated and can kill within hours if untreated, but it is generally readily treatable by rehydrating patients if detected in time.

There has been a well-documented struggle to access clean water or water-purification supplies for over a decade, especially in the high-density suburbs of Harare. The City of Harare's cholera challenges are exacerbated by poor governance, corruption, and unmaintained water infrastructure.



Zimbabwe Environmental Law Association (ZELA) has attributed the water challenges to rapid urbanisation.[29]

Local authorities have also been unable to properly dispose of waste which affects the environment that citizens are exposed to.

In July 2023, the President of Zimbabwe declared a state of disaster in Harare. The government gazette titled, *"State of Disaster: Emergency Solid Waste Management"* cited how the Harare City Council had failed to manage waste dumps and littering in the city.[30] The Environmental Management Agency (EMA) was tasked with the removal of waste dumps. The mismanagement of waste severely impacts the environment and results in cholera and dysentery.

In Bulawayo, one million people were facing acute water shortages in 2023. The government implemented a water rationing plan in December 2023 to alleviate the challenge.[31]

27. Minisitry of Health and Child Care. 2023. Zimbabwe Cholera Outbreak. Available at https://www.mohcc.gov.zw/?p=6581
28. Cholera: Harare declares state of emergency. Newsday Zimbabwe. 17 November 2023 available at https://www.newsday.co.zw/local-news/article/200019630/cholera-harare-declares-state-of-emergency
29. Zimbabwe Environment Law Association. 2023. Growing Water Scarcity in Zimbabwe: A Threat. Available at https://zela.org/growing-water-scarcity-in-zimbabwe-a-threat/
30. SI 2023-140 Civil Protection (Declaration of State of Disaster - Emergency Solid Waste Management Harare Metropolitan Province) Notice, 2023
31. City of Bulawayo. WATER SITUATION UPDATE. Available at http://www.citybyo.co.zw/Services/WaterSituationUpdate



ACCESS TO FOOD

> Section 77(b) of the Zimbabwean Constitution states everyone has a right to sufficient food. Section 25 of the Constitution also speaks on food security with a mandate placed on the government to secure the establishment of adequate food reserves and encourage and promote adequate and proper nutrition through mass education and other appropriate means.

This entails that the state has to effectively ensure that citizens have access to adequate food.

The El Nino drought which spans Malawi, Mozambique, Namibia, Zambia, and Zimbabwe has been the biggest cause of food insecurity. Whilst this drought is a result of the broader issue of climate change, the Zimbabwean government has a duty to address concerns of food insecurity as per the Constitution. According to the World Food Program, the 2023 Global Hunger Index classified Zimbabwe's situation as serious.

An estimated

6 Million

people were expected to be food insecure in Zimbabwe in the latter part of 2023.

The World Weather Attribution also cited how Zimbabwe's reliance on rain-fed subsistence crop production limits the ability of the government to secure food for the millions of starving citizens.[32]

The high prices of food, outside of the drought, due to high inflation and currency instability have limited access to food. The Health Policy Watch documented an interaction with Zimbabwean citizens who only eat once at dinnertime. This has resulted in reported malnutrition in children with most of them suffering from kwashiorkor, a severe form of malnutrition.[33]

32. World Weather Attribution. (2024). El Niño key driver of drought in highly vulnerable Southern African countries – World Weather Attribution. [online] Available at: https://www.worldweatherattribution.org/el-nino-key-driver-of-drought-in-highly-vulnerable-southern-african-countries/.
33. Moyo , J. (2024). Drought Fuels Hunger And Disease In Zimbabwe - Health Policy Watch. [online] Health Policy Watch . Available at: https://healthpolicy-watch.news/drought-fuels-hunger-and-disease-in-zimbabwe/

ACCESS TO HEALTHCARE

Section 29 of the Constitution provides that the government must take all practical measures to ensure the provision of basic, accessible, and adequate health services throughout Zimbabwe. Section 76 states that every citizen and permanent resident of Zimbabwe has the right to have access to basic healthcare services, including reproductive healthcare services. Despite the protection of the right to access to healthcare, the Zimbabwean healthcare system is in a deplorable state. In 2023, the Ministry of Finance made a Health Budget allocation of only 11% which is largely uninspiring and falls far short of the Abuja Declaration Target of 15%.



There has been a

40%

drop in healthcare coverage in Zimbabwe.[34]

The main health issues faced by Zimbabweans include cholera, malaria, tuberculosis, and other vaccine-preventable diseases, diarrhea, and health difficulties impacting pregnant women and newborns.

There is a serious human resources problem in the Zimbabwean healthcare system due to the intensified migration of healthcare workers. In 2023 alone, the number of Zimbabweans migrating for care work in the United Kingdom increased by 169%, reaching more than 20,000. The poor conditions of service and remuneration have led Zimbabwean healthcare workers to jump at an opportunity to work abroad.

Zimbabwe's largest referral medical facility, Parirenyatwa Group of Hospitals in Harare, does not have functional cancer machines with the mammography machine reported to have broken down 15 years ago.[35] The health sector problems in Zimbabwe have not been mitigated by the Health Resilience Fund that was launched in 2023 to cover the full continuum of essential health services, from health promotion to prevention, treatment, rehabilitation, and palliative care.[36] The Fund was launched by the government of Zimbabwe and UN Agencies (UNFPA, UNICEF, and WHO). It is funded by the European Union, the Government of Ireland, and the United Kingdom.

BY WAY OF EXAMPLE

Rising Afropop musician Garikai Mapanzure tragically passed away after sustaining critical injuries in an accident in October 2023. The young musician was seriously hurt in a vehicle accident, and according to his family and friends, he did not receive medical attention due to the unavailability of efficient emergency

34. Health Reporters. 2024. Zimbabwe's Health Budget allocation below regional, global benchmark. Available at https://healthreporters.info/zimbabwes-health-budget-allocation-below-regional-global-benchmark/#:~:text=Per%20capita%20health%20spending%20on,Abuja%20Declaration%20target%20of%2015%25.
35. Pindula. (2024). Parirenyatwa Hospital Cancer Unit In Bad State. [online] Available at: https://www.pindula.co.zw/2024/05/15/parirenyatwa-hospital-cancer-unit-in-bad-state/
36. UNICEF 2023. Government and partners launch new strategies and programmes to support health in Zimbabwe. Available at https://www.unicef.org/zimbabwe/press-releases/government-and-partners-launch-new-strategies-and-programmes-support-health-zimbabwe

health services. They pleaded with the government to address the severe shortage of life-saving resources in the nation. For several days, posts with the hashtag #FixOurHealthSystem trended on X(formerly known as Twitter), echoing the family's grievances and asking why the government hasn't succeeded in fixing the nation's healthcare system.

RIGHT TO EDUCATION

Section 27 states that the Zimbabwean government must take all practical measures to promote free and compulsory basic education for children and higher and tertiary education. Section 75 of the Constitution also reinforces the right to a state-funded basic education. Ahead of the August 2023 elections, the Zimbabwean government promised to avail 6,3 billion dollars to ensure access to basic primary education as per the state-controlled newspaper, The Herald.[37] However, these resources have not been availed at the time of compiling this report. A subsequent report published by another newspaper, New Zimbabwe, at the end of 2023 revealed that the government had retracted its commitment to provide free education, claiming that the move would require significant resources and mobilisation techniques.[38]



CARE International's START4GIRLS project reported that the formal learning of girls was severely affected by teenage pregnancies and child marriages. It also highlighted how hard it is to reintegrate pregnant teenagers into the school system because of the slanted re-admission policies.[39] There are also looming fears of a mass exodus among the teachers. Furthermore, the Zimbabwe Teachers' Association (ZIMTA) reported in 2023 about 300 teachers leave the country each month.



Teachers received very low salaries of about

USD 350

a month.

37. $6.3bn for free primary education. The Herald Zimbabwe. 12 May 2023. Available at https://www.herald.co.zw/63bn-for-free-primary-education-2/
38. Zimbabwe: Govt Backtracks on Free Education Roll-Out - Says Program Needs Resource Mobilisation. (2023). New Zimbabwe. 27 Dec. Available at: https://allafrica.com/stories/202312270022.html
39. CARE International (2023). (START4GIRLS) Learning brief: Reintegration of pregnant and married adolescent girls into the formal education system - Zimbabwe | ReliefWeb. Available at reliefweb.int. Available at https://reliefweb.int/report/zimbabwe/start4girls-learning-brief-reintegration-pregnant-and-married-adolescent-girls-formal-education-system

RIGHT TO HOUSING

Though the Zimbabwean Constitution does not make provision for the right to access adequate housing, it refers to the right of all persons to shelter under section 28. Further, section 74 of the Constitution guarantees freedom from arbitrary eviction. It is also important to note that Zimbabwe ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and has an obligation in terms of Article 11(1) to achieve the progressive realisation of the right to have access to adequate housing.

The rise of poverty in Zimbabwe due to hyperinflation has resulted in the rise of homelessness. The Ministry of National Housing and Social Amenities in partnership with the Infrastructure Development Bank of Zimbabwe reported that an estimated 1,25 million housing units are needed nationwide in Zimbabwe.[40] Homeless people have occupied areas like Harare Gardens, parts of Mabelreign, and Africa Unity Square as per the Inter Press Service Report.[41]

Several families also lost their houses to demolitions by government agencies in 2023. For example, 15 homeowners lost their houses to demolition by the Municipal authorities in the Whitehouse suburb of Harare on the 6th of December 2023. On the 3rd of November 2023, more than 300 structures were demolished in Waterfalls, Harare to allow Emmanuel Makandiwa's United Family International Church (UFIC) to occupy the land that the families had been allocated by land barons.[42] These demolitions were done without providing alternative shelter to the occupants.

LABOUR RIGHTS

> Section 65 of the Constitution states that every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage; a right to be part of a union; a right to fair working conditions and the right to participate in collective job action.

Even though these rights are enshrined, there has been a severe degradation of labour rights in Zimbabwe. The situation is dire for informal workers who do not fall neatly into the aforementioned rights and bear the brunt of the inequality. Amnesty International reported on Zimbabwe's failure to protect the human rights of women working in informal, cross-border trade.[43] The group highlighted that there are diverse forms of abuse perpetrated against cross-border women by state officials, including border authorities as well as non-state actors.

40. Govt, IDBZ assess Zim housing needs. The Herald Zimbabwe. 5 April 2023. Available at https://www.herald.co.zw/govt-idbz-assess-zim-housing-needs/
41. IPS. Homeless Families Now a Growing Issue in Zimbabwe. 4 January 2024. Available at https://www.ipsnews.net/2024/01/homeless-families-now-a-growing-eyesore-in-zimbabwe/
42. Honeymoon over as thousands evicted from Makandiwa land. Newsday Zimbabwe. 7 November 2023. Available at https://www.newsday.co.zw/local-news/article/200019179/honeymoon-over-as-thousands-evicted-from-makandiwa-land
43. Amnesty International. (2024). Southern Africa: Malawi, Zambia and Zimbabwe failing to protect the human rights of women working in informal, cross-border trade. [online] Available at: https://www.amnesty.org/en/latest/news/2024/03/southern-africa-malawi-zambia-and-zimbabwe-failing-to-protect-the-human-rights-of-women-working-in-informal-cross-border-trade/ [Accessed 26 May 2024].

NewZimbabwe.com conducted a survey that reflected how underpaid formal workers were such that their salaries were below the cost of living. The survey also noted how the placing of salaries in the local currency (Bond notes/RTGS) whilst most basics are charged in USD$ makes it hard for employees to afford the basics. In January 2023, the government passed a law, the Health Services Amendment Act and the Criminal Law (Codification and Reform) Amendment Act, prohibiting extended strikes by healthcare professionals including nurses and doctors and penalising defiant employees or union officials with up to six months in prison.

According to the Zimbabwe Diamond and Allied Minerals Workers Union (ZDAMWU), 5 member trade unionists were threatened and chased away at gunpoint by more than 20 people, while they were setting up for the Workers Day celebrations at a stadium at Bikita Minerals on 1 May. The Union's tent was destroyed and one of the unionists was subjected to an embarrassing body search.

On 13 March 2023, Newsday published an article which revealed how government workers had reportedly rejected a USD$50 salary increment from USD$200 offered by their employer during the National Joint Negotiating Council (NJNC) negotiations.[44] This latest increment would have seen the lowest-paid worker earning US$250. This was a far cry from what civil servants were demanding - a salary increment that would see the least-paid worker earning US$840.

The selective remuneration of government workers has also been a recurrent contentious issue in particular the apparently preferential salary increments for the security forces (soldiers and the police force) but not for teachers. Teachers' unions slammed government for selectively applying standards following the controversial awarding of a 400% pay hike to the military and police.[45]

This came in the wake of teachers' rejection of a 50% increase on their local currency wages during the NJNC negotiations. Teachers found it unacceptable that they received the short straw in terms of salary negotiations when they are faced with the same economic challenges as members of the army and police. Under section 65(1) of the 2013 Constitution of Zimbabwe: Every person has the right to be paid a fair and reasonable wage.

> ***"NewZimbabwe.com conducted a survey that reflected how underpaid formal workers were such that their salaries were below the cost of living."***

44. NewsDay, Govt workers reject USD$50 increment, 13 March 2023; https://www.newsday.co.zw/local-news/article/200008752/govt-workers-reject-us50-increment
45. ZimLive, Zimbabwe teachers fume over 'selective' army, police 400% pay hike, 17 March 2023; https://www.zimlive.com/zimbabwe-teachers-fume-over-selective-army-police-400-pay-hike/

CHAPTER 5

CIVIL AND POLITICAL RIGHTS

Even though the Declaration of Rights in Zimbabwe's 2013 Constitution promotes and protects human rights including civil and political rights, the situation in 2023 showed no improvement from previous years. Zimbabweans continued to suffer deprivation of various freedoms at the hands of the state and other state-affiliated agencies. The situation was worsened by the impending elections that were eventually held in August. Below we provide a thematic assessment.

UNLAWFUL ARRESTS, DEPRIVATION OF PERSONAL LIBERTY, TORTURE, AND OTHER RELATED ABUSES

Zimbabwe has a host of security laws which act contrary to the freedoms that are guaranteed in the constitution. Such laws include the Maintenance of Public Order Act [MOPA] the Cyber Security, the Data Protection Act, and the Criminal Code. Security forces, relying on these laws, arrested and detained politicians, activists, and other actors perceived to be anti-government such as Fadzayi Mahere who was in 2023 convicted for publishing falsehoods in contravention of section 31 of the Criminal Code. These arrests were used as tools to intimidate and harass people in the run-up to the 2023 election.

> ***"The Constitution of Zimbabwe prohibits arbitrary arrests and unlawful detention."***

Every arrested person has a right to be informed of charges that are being leveled against them and a right to appear before a court of law within 48 hours of arrest. Only a competent court has the power to extend an arrested person's detention. In addition to that, every arrested person must be allowed to apply for bail and to be granted such bail where necessary.

Despite these constitutional standards, in 2023 accused persons suffered several violations. For example, it was reported that the police arrested members of the opposition who had attempted to observe the postal ballot election at a police camp on the 13th of July 2023. In September 2023 two human rights lawyers Douglas Coltart and Tapiwa Muchineripi were arrested by the Zimbabwe Republic Police for obstructing and/or defeating the course of justice while representing two opposition politicians Womberaiishe Nhende and Sonele Mukhuhlani who had been abducted and tortured by suspected state agents. After a hearing on 5 September at the Magistrate court, they were released on $100 bail each. The arrests were strongly condemned by international organisations including Amnesty International. In response to these arrests, Amnesty International opined that:

> *"Authorities must uphold international standards on the independence of the legal profession and fair trial rights by ensuring that lawyers are not targeted for discharging their function of defending their clients. Lawyers discharge their professional functions without intimidation, hindrance, harassment, or improper interference. Lawyers should not be identified with their clients' causes as a result of discharging their functions."*[46]



On 23 October 2023 James Chidhakwa was abducted, tortured, and injected with an unknown substance by suspected state agents, he was found in Mazowe. On 1 November 2023, another prominent opposition politician Takudzwa Ngadziore was also abducted and tortured by suspected state agents. He was eventually found in Mazowe.

46. Amnesty International. Zimbabwe: Arrest and detention of human rights lawyers an attack on the legal profession. 5 September 2023. Available at https://www.amnesty.org/en/latest/news/2023/09/zimbabwe/

UNLAWFUL, EXTRA-JUDICIAL, AND POLITICALLY MOTIVATED KILLINGS

In 2023, Zimbabwe witnessed several politically motivated killings. In addition, there are also several documented reports of other unlawful and extrajudicial killings perpetrated by state agencies including the police. There were reports that an opposition activist Tapfumaneyi Masaya, a 51-year-old pastor and a political activist, part of an opposition political campaign team, was abducted by suspected state agents on the 11th of November 2023 and was found dead three days later. Abducted along with Tapfumaneyi Masaya was Jeffrey Kalosi. Kalosi was abducted, tortured, and released on the same day. There were suspicions that Masaya had been tortured and injected with an unknown substance leading to his death. In addition, it was reported that on the 15th of September 2023, members of the ZRP allegedly killed one Persuade Mandara whom they were investigating for grain theft. A Zimbabwe Human Rights NGO Forum report indicates that Mandara was allegedly assaulted with burning logs, and gunshots were also fired during the ordeal.[47]

FREEDOM OF ASSEMBLY AND ASSOCIATION

Despite being a constitutionally guaranteed right, freedom of assembly was severely restricted during 2023. The MOPA was mainly used to prevent opposition parties from holding gatherings in the form of rallies. The MOPA requires conveners of such gatherings to give notice to the police of their intention to hold a rally. This notice requirement was abused by the police in denying opposition parties the right to assemble. The European Union Observer Mission Preliminary report indicated that the opposition registered more than 100 banned rallies.[48] Reports also indicate that several opposition gatherings were dispersed by the police. For example, on the 7th of July 2023, the ZRP denied the CCC party permission to hold its presidential campaign launch rally in Bindura. The reason for the denial was that the chosen venue was "bushy" and was not easily accessible. The CCC appealed against the decision in the Magistrate's Court and the court dismissed the appeal.

RIGHT TO PROTEST

Closely linked to freedom of assembly and association is the right to protest and petition the government. These rights are constitutionally guaranteed. However, in 2023, these rights were severely restricted as previous history has shown that the government does not hesitate to shoot and kill any protesters.

Sometime between 17 May 2023 and 8 June 2023, the police arrested the University of Zimbabwe students Benjamin Watadza, Emmanuel Chitima, Comfort Mpofu, Lionel Madamombe, Gamuchirai Chaburumunda and Darlington Chigwena for staging a peaceful protest in Harare. They were demonstrating against the prolonged incarceration of Job Sikhala.

47. Zimbabwe Human Rights NGO Forum,The New "Error"! – A preliminary report on post-election OVT covering the period 23 August to 30 September; https://www.thezimbabwean.co/2023/10/the-new-error/
48. EU EOM Zimbabwe 2023 PRELIMINARY STATEMENT Curtailed Rights and Lack of Level Playing Field Compounded by Intimidation, Election Day Largely Calm, but Disorderly Harare, 25 August 2023



FREEDOM OF THE MEDIA AND FREEDOM OF EXPRESSION

Zimbabwe's Constitution provides for media freedom as well as freedom of expression within prescribed constitutional limits. However, there are several laws such as the Criminal Law (Codification and Reform) Amendment Act ("Patriot Act") that restrict freedom of expression by imposing several penalties such as imprisonment and heavy fines for violations. The existence of this and other similarly categorised laws have had a chilling effect, leading to self-censorship. The amended Criminal Code broadly prohibits acts against *"the sovereignty and national interest of Zimbabwe"*. This Act is vague and its restriction is too broad.

A prominent opposition politician, Fadzayi Mahere, who was the CCC spokesperson at the time was convicted and fined $500 for *"publishing or communicating false statements prejudicial to the state"*. This is after she had posted a video on social media alleging that a police officer had killed a baby. She was convicted under a law which no longer exists. She subsequently appealed and had her conviction reversed.

Media practitioners were also harassed and intimidated during the course of 2023. The Media Institute of Southern Africa (Zimbabwe) reported that in 2023 there were 16 documented incidences of media freedom violations. These range from attacks on individual journalists to media houses. Some of these journalists faced violations on more than one occasion.[49] The editor of a Masvingo Mirror, Garikai Mafirakureva was arrested and charged for publishing or communicating false information prejudicial to the state on 18 January 2023. Another journalist, Anastacia Ndlovu, was assaulted along with her colleagues while covering a story of ZANU PF supporters who were harassing vendors on 17 July 2023 in Bulawayo.

49. Media Institute of Southern Africa (MISA). 2023 State of the Media Report. Available at https://data.misa.org/en/entity/iv6e66nbwrm?page=10

The media space in Zimbabwe is dominated by the state-owned Zimbabwe Broadcasting Corporation. This significantly limits media diversity. Other TV and radio stations are also owned by state entities such as the Zimbabwe Defence Forces and the state publisher Zimpapers. Others are owned by ZANU-PF-linked individuals, such as ZiFM which is owned by former ZANU-PF politburo member and MP Supa Mandiwanzira.

SPECIFIC CASES

On 16 January 2023, about 20 journalists who had gathered in Budiriro to cover the hearing of opposition political party Citizens Coalition for Change Organizing Secretary Amos Chibaya and 24 others charged with holding an unlawful gathering with the intent to incite public violence, were harassed, threatened with assault and barred from covering the hearing. Journalists from state-owned outlets Zimbabwe Broadcasting Corporation (ZBC) and The Herald newspaper were however allowed to cover the proceedings. The journalists who were barred included those working for privately owned news outlets ZimLive, TechnoMag, NewsHawks, NewsDay Zimbabwe, NewZimbabwe, Nhau News Online, and Heart and Soul TV, among others, according to the five journalists who spoke with the Committee to Protect Journalists (CPJ). Although the journalists produced press identification cards, police pushed them away with their baton sticks, ordered them outside, and refused to allow them to stand near the court building.

On 4 March 2023, the Zimbabwe Republic Police disrupted and shut down a music show by a popular artiste Wallace Chirumiko known as Winky D. Winky D had released a music album that contained lyrics against social and political injustice, corruption, and the economic meltdown in the country. Analysts viewed the police's conduct as an indication of how far the state was willing to go to stifle freedom of expression.

Baba Harare, another artiste with a huge following on social media made calls of encouragement for the youth to register to vote. After making those calls, the police refused him permission to hold live shows. Calls to register to vote were somehow associated with support for the opposition which had been encouraging the youths to register to vote.

CHAPTER 6

GROUP RIGHTS: CHILDREN, WOMEN, LGBTQIA, AND PWD RIGHTS

The vertical application of the law affects individuals differently based on the socio-cultural perspectives of the territory in which the law is applied. It is important to also look at group rights in the African context considering the international law obligations and the emphasised sense of community in most African communities.

CHILDREN'S RIGHTS

Sections 18 and 81 of the Zimbabwean Constitution deal with children's rights. The Constitution states that the state must adopt policies and measures to ensure that in matters relating to children, the best interests of the children concerned are paramount. The Constitution also states that guarantees children the right to a name, the right to education, and the right to nutrition.

The Court has actively pronounced on most human rights concerns that directly impact children including the banning of child marriages as per the *Mudzuru v Minister of Justice* case[50] in 2016 and the banning of corporal punishment as per the *S v Chokuramba*[51] case in 2019. However, in 2023 child marriages remained a topical issue, especially among Vapostori religious sects.

50. Mudzuru & Anor v Ministry of Justice, Legal & Parliamentary Affairs N.O. & Ors (CC 12 of 2015; Constitutional Application 79 of 2014) [2016] ZWCC 12 (20 January 2016)
51. S v Chokuramba Justice For Children's Trust Intervening As Amicus Curiae Zimbabwe Lawyers For Human Rights Intervening As Amicus Curiae (CCZ 10 of 2019; Constitutional Application CCZ 29 of 2015) [2019] ZWCC 10 (3 April 201

Birth Registration

Children in Zimbabwe are also still facing birth registration issues which curtail the right to access education of children. Section 81(1)(c) of the Constitution provides for every Zimbabwean child's right to a birth certificate. When a child does not have a birth certificate, they essentially become stateless and do not receive the necessary social assistance that the state is required to provide for them. In November 2023, the Zimbabwean Consulate in South Africa carried out mobile consular outreaches to provide birth certificate registration services to Zimbabwean children who may have been born in South Africa and are stateless.

Education

The concerns relating to the right to education of children in Zimbabwe also require full government commitment. The Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) has released a ZIMPULSE report on Universal access to Education, spanning the period from December 2023 to February 2024. The Report indicates that of the selected institutions, 73% do not follow the policy of continuing education for pregnant girls. Additionally, the government has made promises about free basic education at the elementary school level but has not yet implemented them. Children in Zimbabwe were also victims of political violence during the 2023 election season while they were at school.[52] Particularly during the school term, schools were utilized for political rallies and polling places, and children participated in political campaigns. Children's rights, including the freedom from coercion to engage in political activities, the right to an education, and the right to be safe from harm in all its manifestations, are being violated by this.

Child Marriages

Child marriages are outlawed in Zimbabwe.[53] Zimbabwe National Statistics Agency (ZimStat) has highlighted the spike in child pregnancies and marriages.



In 2023 UNICEF reported that

20%

of girls aged 15-19 are currently in a union/ married.

ZimStat has highlighted that Mashonaland Central and Midlands are dealing with continuously high rates of teen pregnancies.[54] In addition, more girls are dropping out of school, particularly at the secondary level due to pregnancy. Among the other causes for the rise in unintended teenage pregnancies was teens' lack of access to contraception. According to Zvandiri, an NGO based in Zimbabwe that links young people living with HIV with peer counselors to promote health, 95% of adolescent pregnancies were unplanned and linked to poverty.

52.On the frontline: Protecting children's rights in Zimbabwe's electoral climate. Mail and Guardian. 20 July 2023. Available at https://mg.co.za/thought-leader/2023-07-20-on-the-frontline-protecting-childrens-rights-in-zimbabwes-electoral-climate/
53. Marriages Act [Chapter 5: 17] (No. 1 of 2022].
54. Buwerimwe, Sharon. "School Girl Dropouts, Pregnancies Persist: ZimStat." NewsDay, www.newsday.co.zw/local-news/article/200021909/school-girl-dropouts-pregnancies-persist-zimstat.

Several NGOs also highlighted how the government turned a blind eye to religious sects' child marriages. An investigation by the Centre for Collaborative Investigative Journalism (CCIJ) cited how only after the Minister of Women's Affairs, Community, Small and Medium Enterprises, looked into the case of a 14-year-old girl who died while giving birth at an Apostolic church shrine in Marange.[55] The Apostolic Sect also has ties with the ruling party ZANU-PF and often endorses ZANU-PF's re-election hence this has given them some sort of immunity regarding child marriage violations.

UNICEF Zimbabwe has also joined campaigns to tackle child marriages using the hashtag #endchildmarriages. Sweden provides funding for the #endchildmarriages and #empowerwomen campaigns.

Sweden and the Zimbabwean government collaborate closely to safeguard children from abuse, exploitation, and violence. However, it is a bit disheartening to see that the formal endorsement against child marriages by the government has not alleviated the problem.

SPECIFIC CASES

In the eastern Zimbabwean town of Nyamadzawo, Tambudzai Moyo* (name changed) was only sixteen when she got married to a 43-year-old Johanne Marange Apostolic Church member. Moyo was his third wife; he previously had two other wives. Of all the theological sects, the Apostolic sect is the largest in Zimbabwe and has some of the highest rates of underage marriage. The government initiative aimed at ending child marriages has not halted the practices of the apostolic sect. Moyo was later helped by the local non-profit group Simukai Child Protection Program and later left her marriage.

In 2023 the Zimbabwean High Court ordered the Registrar-General (RG) to end the statelessness dilemma of two minor children by registering their births and issuing them with birth certificates. One of the minors could not proceed to Form 1 and the other one was also at risk of failing to proceed should they not obtain a birth certificate.[56]

55. Journalism (CCIJ), Brezh Malaba/Center for Collaborative Investigative. "The Ties between the Zimbabwean State and a Church." ZAM, 20 May 2024, www.zammagazine.com/investigations/1807-the-ties-between-the-zimbabwean-state-and-a-church-government-turns-a-blind-eye-to-religious-sect-s-child-marriages. Accessed 27 May 2024.
56. Zimbabwe Lawyers for Human Rights (ZLHR). ZLHR ends Identity Misery and Statelessness Status of Three Minors. 7 February 2023. https://www.zlhr.org.zw/?p=2997

There are widely documented challenges to accessing education by children in Zimbabwean rural areas. To provide their children with a better education, some parents and guardians enroll their children in schools that are distant from home sometimes, sometimes several kilometers away and then rent out apartments in the towns or rural economic centres that are close by.[57] This arrangement negatively impacts the well-being of learners who are far from home and leaves them vulnerable to abuse. These arrangements exist despite the Ministry of Education Director's Circular Number 5 of 2011 on access to education. Circular Number 5 states that learners are not to travel a distance of more than five kilometres to school.

PEOPLE WITH DISABILITIES

In terms of section 22 of the Zimbabwean Constitution, the State and all institutions and agencies of government at every level must recognise the rights of persons with physical or mental disabilities, in particular, their right to be treated with respect and dignity. Section 83 also places a duty on the state to encourage disabled people to be self-reliant, grant them access to special facilities, protect them from abuse, and ensure that they have access to medical, psychological, and functional treatment.

Exclusion and Marginalisation

People with disabilities (PWD's) are still discriminated against and marginalised despite Zimbabwe having a National Disability Policy that promotes the employment of all persons without discrimination. The 2021 Zimbabwe National Disability Policy reasserts the right to healthcare and rehabilitation of people with disabilities. These rights are also explicitly stated in the UN Convention of the Rights of Persons with Disabilities, which was ratified by Zimbabwe in 2013. At least 7% of the population have disabilities and they struggle with accessing special medical facilities.[58]

Studies have highlighted the increased need for providing disability-inclusive primary healthcare alongside scaling up disability-specific services.[59] The government must also take part in raising awareness regarding disabilities which are often culturally regarded as curses and punishments. Informational challenges have also been documented, with individuals with disabilities reporting a lack of knowledge and awareness of various health disorders as

57. Masiyiwa , Gamuchirai "For These Zimbabwean Children, a Good Education Means Living on Their Own." Global Press Journal, 3 Oct. 2023, globalpressjournal.com/africa/zimbabwe/zimbabwean-youths-good-education-means-living/. Accessed 27 May 2024.
58. Kuper H, Smythe T, Kujinga T, Chivandire G, Rusakaniko S. Should disability-inclusive health be a priority in low-income countries? A case-study from Zimbabwe. Glob Health Action. 2022 Dec 31;15(1)
59. Ibid.



well as more difficulty comprehending the health information that is being provided. Increasing awareness is still a major problem. Disability must be mainstreamed by the government and other stakeholders into all programs.

Electoral Participation

In the August 2023 elections, the government of Zimbabwe praised the polling agents' officials for their effort in giving preferential treatment to PWDs. However, this was not the same sentiment expressed by most PWDs in Zimbabwe during the August 2023 elections. For example, ZEC has yet to fully incorporate braille so that the visually impaired can go through the voting process on their own. Currently, visually impaired individuals vote through the assisted-voter programme. However, in the Zimbabwean political climate, assisted voting is susceptible to abuse and PWDs may be intimidated in the voting process. Section 56 of the Constitution outlaws discrimination based on the grounds of disability hence the lack of alternative assistance for disabled persons to enable voting inadvertently results in the discrimination of PWDs. The SADC Elections Observer Mission (SEOM) found that 8% of the polling stations observed were not accessible to voters living with disabilities.[60]

Representation in Governance

The limited participation of disabled people impacts who represents them in policy-making functions of government. Currently, there are two senators for people with disabilities. These are Senators Ishmael Zhou and Anna Shiri. Senator Zhou, who has a visual impairment, was first elected in November 2022 and later re-elected in 2023. He is a passionate advocate for disability rights and representation. Senator Anna Shiri, who has a physical disability, is also a strong advocate for disabled persons' rights. Whilst the presence of these two senators shows a step in the right direction,

60. SADC EOM. Zimbabwe Elections Final Report available at https://www.veritaszim.net/sites/veritas_d/files/ZIM%20SEOM%20FINAL%20REPORT%20SUBMISSION.pdf

there is more that can be done to systematically empower disabled persons. Tsepang Nare, a disability activist pointed out how persons with disabilities must be positioned to participate in national political and administrative affairs especially with persons with disabilities being key drivers in the realisation of Sustainable Development Goals.

SPECIFIC CASES

The Zimbabwean Gender Commission (ZGC) noted how people with disabilities often struggle to access services created for those who may suffer abuse. Disability activist Ms Sukulwenkosi Mhlanga claimed that because PWDs often lack access to resources, many incidences of sexual abuse go unreported. Their inherent vulnerability stems from their incapacity to defend themselves when assaulted or violated. Mhlanga further stated that even though PWDs are still being sexually assaulted, the police are not even trained to care for people with disabilities, and none of them can even access the victim-friendly unit.

Senators Shiri and Zhou conveyed their commitment to PWDs, emphasizing the importance of incorporating Sign Language into the national curriculum. This fits into a broader effort to enhance inclusivity and accessibility for Persons with Disabilities, with Sign Language education serving as a pivotal step toward achieving these aims.

LGBTQIA+ COMMUNITY

The Zimbabwean Constitution does not recognise same-sex marriages and the Constitution defines marriage as only occurring between a man and a woman. Same-sex marriage is banned by the Constitution, and no explicit legal protections exist for LGBTIQI+ people. Section 73 of the Criminal Code of Zimbabwe outlaws same-sex sexual activity under *"sodomy"* and *"indecent act"* clauses. Most activists have taken this clause to mean an outright ban on men-to-men relations without the explicit prohibition of lesbian relations.



Harassment and Discrimination

The prevalent hate rhetoric in Zimbabwe is evocative of the words spoken by the late Robert Mugabe who once said,

> *"It's unnatural, and there is no question ever of allowing these people to behave worse than dogs and pigs. If dogs and pigs do not do it, why must human beings? We have our own culture, and we must re-dedicate ourselves to our traditional values that make us human beings."*

This has left the LGBTQIA+ community in Zimbabwe vulnerable, especially in accessing medical services. Churches also campaign against the recognition of the human rights of LGBTQIA+ people. The stigma surrounding the community deters members of the LGBTQIA+ community from seeking testing and treatment for HIV/AIDS.

A US State Department 2023 Zimbabwe Human Rights Report indicates that the police and government agencies have been complicit in the abuse and violence against LGBTQI+ persons. It however observed that there were less frequent state-sanctioned abuses against members of the LGBTQI+ community in 2023 as compared to previous years. Further, LGBTQI+ persons were vulnerable to extortion by police. The US State Department also reported that extortion and *"outing"* were the most rampant forms of repression. There were also stories of LGBTQIA+ refugees who have fled Zimbabwe after years of harassment.

Criminal Sanctions

Homosexuality is regarded as a crime of sexual deviancy in Zimbabwe. Sodomy is prohibited and carries a severe fine or a maximum of a one-year prison sentence. Same sex female relations however were never criminalised. The Criminal Code has given law enforcement and legislators permission to harass, threaten, arrest, and extort LGBTQIA+ individuals, especially gay men and transsexual women. Another problem is when private persons use violence or harass the LGBTQIA+ community and rarely face criminal repercussions for their actions. Two people were taken into custody in Gweru in September 2023 on sodomy-related allegations. They were detained and accused of having sexual relations with each other with consent.[61] In Gokwe in September 2023, a 42-year-old man committed suicide while evading police who were pursuing him for suspected sodomy.[62]

Progressive Developments

In an attempt to further its political objective, the current administration does not actively target LGBTQIA+ individuals. In his 2018 speech, President Mnangagwa addressed the subject and said that while it is not his responsibility to advocate for same-sex marriage, those who want it should be the ones to do it. Whilst legal structures still do not support LGBTQIA+ in Zimbabwe, there has been a shift in how the community is perceived mainly due to social media. One such prominent social media personality is a

61. "Mnangagwa Home Police Arrest Gay Couple." ZimEye, 11 Sept. 2023, www.zimeye.net/2023/09/12/mnangagwa-home-police-arrest-gay-couple/.
62. Magoronga, Michael . "Hanging Shame: Sodomy Suspect Commit Suicide to Avoid Arrest." The Chronicles Zimabbwe, 2023, www.chronicle.co.zw/hanging-shame-sodomy-suspect-commits-suicide-to-avoid-arrest/.

Sweden-based transgender Zimbabwean known online as Queen Tatelicious. She does Facebook live broadcasts where she discusses controversial topics, including her sexuality. She has managed to draw in thousands of fans and critics, prompting open discussion. Her *'defiance'* in taking up space has shifted transphobic perceptions amongst Zimbabweans.

The recognition of LGBTQIA+ by Pope Francis in 2023 globally has also received praise amongst some African activists and will likely have a domestic impact on the discourse of local Catholic churches. A few years ago in 2019, Ricky Nathanson, a transgender and native of Bulawayo, was awarded $400,000 in damages by the Bulawayo High Court against the country's police for her unlawful arrest, unfair prosecution, and mental suffering. Nathanson had been arrested and charged with criminal nuisance for using a female toilet. There were no new developments regarding transgender rights in 2023 however, this ruling offers optimism for a future in which Zimbabwe's LGBTQIA+ people's rights will be respected.

SPECIFIC CASES

Most LGBTQIA+ persons are unable to access health care. Admore, a gay man, had uncomfortable dealings with health workers after testing positive for HIV after identifying himself as a gay man to the hospital staff. Partson Munyati, a 64-year-old gay man from Mutare, Zimbabwe who is HIV-positive, said four of his friends had died of AIDS, attributing their deaths to their reluctance to seek medical care.

Due to the limited protections of the LGBTQIA+ community in Zimbabwe, the community experienced worsened intimate partner violence. Lisa*, a lesbian, was severely injured after her lover attacked her with a bottle. The police prevented her from reporting the incident since Lisa was the one who introduced their daughter to lesbianism, according to the perpetrator's relatives.

WOMEN'S RIGHTS

Section 56 of the Constitution states that women have a right to women and men have right to equal treatment, including the right to equal opportunities in political, economic, cultural, and social spheres.

The Constitution, section 17, also promotes the realisation of full gender balance in Zimbabwean society. This includes the promotion of full participation of women on an equal basis with men. The section further states that all cultural and religious practices that infringe the rights of women conferred by the Constitution are void.

The existence of the aforementioned constitutional protections has not protected Zimbabwean women from harmful practices by the state and non-state actors.

Participation in Politics

Women and Law in Southern Africa (WLSA) Zimbabwe called on the government to provide an atmosphere that supports women's right to vote.[63]

Among the eleven male presidential hopefuls for the general election in Zimbabwe in 2023, Elisabeth Valerio was the only woman. Valerio won her appeal against a ZEC decision which prevented her from submitting her nomination papers. Speaking on the success of her appeal, she said:



> *"As the only woman running for the highest office in Zimbabwe, this victory holds even greater significance. It is a historic moment for gender equality and women's representation in leadership roles. This win symbolises the breaking of barriers and paves the way for more women to aspire to and achieve positions of power and influence."*[64]

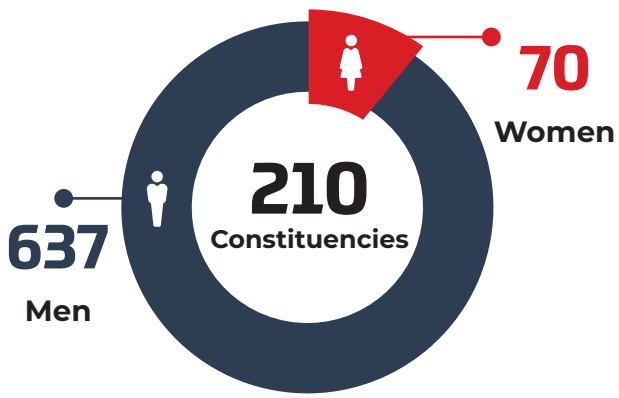
63. "Zimbabwe: NGO Demands Authorities to Respect Women's Right to Participate in Elections." New Zimbabwe, 28 June 2023, allafrica.com/stories/202306280045.html
64. TRTAfrika. "Zimbabwe's Only Female Presidential Candidate Wins Court Case - TRT Afrika." Zimbabwe's Only Female Presidential Candidate Wins Court Case, 2023, trtafrika.com/africa/zimbabwes-only-female-presidential-candidate-wins-court-case-14117894.

Another female presidential hopeful, Linda Masarira, was unable to participate in the 2023 elections due to failure to timeously pay the required nomination fees.[65] The conditions of 2023's elections highlight the need for the government to create an empowering environment for women during elections per section 67 of the Constitution which places a duty on the government to create a safe and enabling environment for women to participate in electoral processes.

Representation in Government

There is limited representation of women in government in Zimbabwe.

A report by the Carter Centre noted that for the National Assembly in 2023, there were 70 women candidates against 637 men in 210 constituencies.[66]



This meant that women were only 11% of the candidates standing for election. The composition of President Mnangagwa's cabinet also entrenched the deeply conservative politics surrounding the place of women in government. Out of the 26 ministers, only six are women even though women constitute 52% of the voting population in Zimbabwe.[67]

The Women's Coalition of Zimbabwe noted how women remain underrepresented in decision-making. Other female politicians also decried the absence of a female vice president with the first and the last female vice president being Joice Mujuru. Human rights attorney Beatrice Mtetwa noted that because of the widespread prejudice against women in politics, Zimbabwean culture is largely patriarchal, and few women receive support from others.

Protection from Gender-Based and Domestic Violence

In Zimbabwe, 1 in 3 women between the ages of 15 and 49 report having been the victim of physical abuse, and 1 in 4 report having been the victim of sexual violence since they were 15. To address this, the Southern African Development Community (SADC) Secretariat and the Ministry of Women Affairs, Community, Small and Medium Enterprise Development jointly launched the National Strategy to Prevent and Address Gender-Based Violence (GBV), which covers the years 2023–2030. Zimbabwe's National Strategy to Prevent and Address Gender-Based Violence 2023 - 2030 prioritises the following areas:

- prevention of GBV;

65. Reporter, Staff. "High Court Throws out Linda Masarira Nomination Challenge." Zimbabwe News Now, 27 July 2023, www.zimlive.com/high-court-throws-out-linda-masarira-nomination-challenge/.
66. Carter Centre. Zimbabwe preliminary election statement 2023. Available at www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/zimbabwe/zimbabwe-preliminary-election-statement-2023.pdf
67. "Zimbabwe's Women Decry Political Underrepresentation – DW – 09/15/2023." Dw.com, 2023, www.dw.com/en/zimbabwes-women-decry-political-underrepresentation/a-66820954.

- GBV response;
- building stakeholder capacity;
- providing adequate GBV response in humanitarian, disaster, and crisis circumstances;
- evidence-based programming and information and data management, knowledge management; and
- enhancing collaboration and alliances at the local, regional, and national levels, and resource mobilisation.[68]

Forced/ Child Marriages

In Zimbabwe, 34% of females are married before turning 18 and 5% are married before turning 15, and 2% of young males get married before turning 18. This indicates a tendency toward a rise in female child marriages.[69] Culture as well as religious practices play a role in enabling child marriages. In Zimbabwe, one of the worst cultural traditions is ubulamu/chiramu, or sexual dalliance. Due to the possibility of adult males fondling, taunting, and making sexually provocative remarks to a female child , ubulamu/ chiramu exposes children to both early marriages and sexual abuse.[70] Some guardians and parents push their daughters into marriage to justify the sexual abuse that would have caused the girl to get pregnant.[71] The cultural practices that are in contradiction with the rights provided in the constitution must be eradicated as they not only impact the right to dignity but other intersecting rights as discussed in the passages above under children's rights.

SPECIFIC CASES

Following a disagreement, Echfel Musaida Gora fatally stabbed his girlfriend, Sharon Mashowo (29), in Marondera, Zimbabwe, in November 2023 with an okapi knife. He left her to bleed to death in his chamber after doing the deadly act. The Okapi knife was found embedded in the back of her head when her lifeless body was found.[72]

Reminiscent of the story of Anne Machaya in July 2021, on 2 January, a 14-year-old girl Delight Masomeke died from related complications soon after giving birth. Delight was married to an older man.

68. "ZIMBABWE LAUNCHES ITS 2023-2030 NATIONAL STRATEGY to PREVENT and ADDRESS GENDER BASED VIOLENCE | SADC." Www.sadc.int, www.sadc.int/document/zimbabwe-launches-its-2023-2030-national-strategy-prevent-and-address-gender-based. Accessed 27 May 2024.
69. "Zimbabwe." Girls Not Brides, www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/zimbabwe/#:~:text=34%25%20of%20girls%20in%20Zimbabwe.
70. Tshugulu, Ansley Nonsikelelo et al (2023) The influence of culture on child rights violations in Zimbabwe: a case study. Social work (Stellenbosch. Online), Stellenbosch , v. 59, n. 3, p. 245-259. Available from <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0037-80542023000300005&lng=en&nrm=iso>. access on 27 May 2024. http://dx.doi.org/10.15270/59-3-1141.
71. Mawodza, Obdiah, The Impact of the Customary Practice of Chiramu (Sexual Dalliance) on the Rights of Girls in Zimbabwe (March 30, 2019). OIDA International Journal of Sustainable Development, Vol. 12, No. 03, pp. 19-26, 2019, Available at SSRN: https://ssrn.com/abstract=3438991
72. ZTNPRIME. "Murder Most Foul: Marondera Searches for Answers." YouTube, 20 Nov. 2023, youtu.be/61jyaVp_3Fs. Accessed 27 May 2024.

CHAPTER 7

ENVIROMENTAL RIGHTS

Section 73 of the Zimbabwean Constitution states that every person has the right to an environment that is not harmful to their health or well-being and that environment must not be degraded by pollution and ecological degradation. The Constitution also states that the environment must also be utilised in a secure ecologically sustainable development and the state must secure ecologically sustainable development and progressively realise the right to a clean and healthy environment for the citizenry.

As evidenced by the poor waste management that has been happening in the city of Harare.

The lithium rush that has occurred in Zimbabwe, Congo, and Namibia has been flagged by environmental activists. Global Witness, an international NGO established in 1993 that works to break the links between natural resource exploitation, conflict, poverty, corruption, and human rights abuses worldwide; released a report on the lithium rush. The report noted that; far from bringing about a "just energy transition," the drive for lithium on the continent runs the risk of escalating corruption and a host of other environmental, social, and governance (ESG) issues.[73]

73. Robertson, Colin. "The Lithium Rush in Africa." Global Witness, 14 Nov. 2023, www.globalwitness.org/en/campaigns/natural-resource-governance/lithium-rush-africa/

Given the historical background of African countries being exploited for their minerals and the rising need for "transition minerals," there is a risk that the mining industry may take advantage of rural communities. The labor rights of those who work in mining are also at risk from this growing threat. There was a reported shooting of an artisanal miner at Sinomine's Bikita project.[74]

The global ecological crisis that is evidenced by climate change has led to the need to create climate-resilient communities.

The Zimbabwean government has created the National Climate Policy in line with General Comment No. 26 on children's rights and the environment which has a special focus on climate change and outlines countermeasures to protect children. This led the Minister of Environment, Climate, and Water to launch the Clean Green Initiative in August 2023 in partnership with UNICEF to provide climate-resilient services to enable children and young people to survive, thrive, and live in a clean and safe environment while leveraging their power as environmental stewards and change agents in communities and schools.[75]

The DownToEarth report on climate adaptation to fulfil environmental rights drafted by a team of researchers from Zimbabwe and the Stockholm Environment Institute at the University of York(UY) provided detailed feedback on the state of environmental rights.





The report highlighted how almost

6000

infants and over

8000

adults die yearly from air pollution in Zimbabwe.[76]

74. "Zimbabwe: Workers and Lawyers Association Accuse Chinese Mining Firms of Gross Human Rights Violations and Exploitation." Business & Human Rights Resource Centre, www.business-humanrights.org/en/latest-news/zimbabwe-workers-and-lawyers-association-accuse-chinese-mining-firms-of-gross-human-rights-violations-and-exploitation/.
75. Gwarisa, Michael. "TUI Junior Academy Project Supports the Clean Green Zimbabwe Initiative to Empower Children as Change Agents on Climate and Environment in Their Communities." HealthTimes, 11 Mar. 2024, healthtimes.co.zw/2024/03/11/tui-junior-academy-project-supports-the-clean-green-zimbabwe-initiative-to-empower-children-as-change-agents-on-climate-and-environment-in-their-communities/#:~:text=The%20Clean%20Green%20Zimbabwe%20Initiative%20will%20propel%20a%20whole%
76. Climate change mitigation in Zimbabwe and links to sustainable development Report. https://www.sciencedirect.com/science/article/pii/S221146452300091X

Air pollution can be decreased by using cleaner energy for cooking, better transportation, and better waste management. The goal of the Zimbabwean government to increase access to electricity for both urban and rural families is also examined in this report.

The majority of homes turn to solar energy, charcoal, and wood fire during the 20-hour power outages that are commonly enforced by the Zimbabwe Electricity Supply Authority (ZESA). Electricity would only be available to households from 4 a.m. until midnight. Although using solar energy is environmentally beneficial, there is a significant increase in air pollution due to the growing use of charcoal. The demand for charcoal encourages deforestation which negatively impacts the ecosystem and leads to the release of amounts of greenhouse gases.

The implementation of environmental rights is severely impacted by the operations of transnational corporations. In 2020, ZELA published a new policy brief mapping China's influence in key Zimbabwean economic sectors, including extractives, utilities, and power. This brief titled, *"No Strings Attached" The Plight of Workers at Chinese Controlled Mines in Zimbabwe The Case of Anjin Diamond Mine,"* highlighted the environmental violations committed at Anjin mine including the loss of biodiversity and the river ecosystem. The pressure applied towards this mine resulted in the rehabilitation of deep gullies and slime dams in Chiadzwa where the mine is located. Two hectares of land had been restored by Anjin. The business has created an action plan for the restoration of slime dams and obtained materials to enclose the pits. In addition, the mining business provided a thorough restoration plan for other locations where its operations caused environmental degradation.[77]

To ensure the adequate protection of environmental rights and mitigate climate change, the government must work with environmental management agencies to ensure that progressive realisation of the constitutional rights. The government must also collaborate with environmental activists instead of persecuting them. Corporate companies, particularly mining firms, have been known to harass, threaten, and victimize Environmental Human Rights Defenders (EHRDs) for reporting environmentally harmful business practices.[78] These activists need to be empowered to be able to protect the environment and they are not victimised.

One of the progressive movements by environmental activists has been their call for the creation of an environmental court in Zimbabwe as a way to effectively enforce and protect environmental rights.

The Matabeleland Institute for Human Rights (MIHR), which promotes environmental awareness, after the January 2023 veld fires, highlighted that the country had to act swiftly

77. "Cornered Anjin Embarks on Environmental Rehabilitation of Slime Dams, Pits." ZimEye, 2 May 2023, www.zimeye.net/2023/05/02/cornered-anjin-embarks-on-environmental-rehabilitation-of-slime-dams-pits/
78. Sibindi, Sharon. "Environmental Rights Activists Face Victimisation." The Zimbabwe Independent, Mar. 2024, www.newsday.co.zw/theindependent/local-news/article/200024311/environmental-rights-activists-face-victimisation

to combat environmental crimes such as veld fires. They propose that the government think about establishing an expert environmental court that will be in charge of prosecuting environmental offenders, such as those who start bush fires.

In addition, the organization promoted longer prison terms as a deterrent to wanton environmental crimes, which lower bio-diversity and degrade the standard of living in impacted areas.[79]

SPECIFIC CASES

Mberengwa residents have concerns over the lithium mining activities of Kuvimba Mining House at Sandawana Mine. The mining activities would result in the relocation of Sandawana Primary School. Concerns were raised by locals regarding the chiefs' advantages being prioritized over community development initiatives. They contend that money ought to be allocated to projects like schools, clinics, infrastructure, and drawing in more capital as opposed to just helping the local leaders.[80] Reports of child labour at the Sandawana mine also emerged. The residents also discussed the chiefs' lack of responsibility over the mining operations. The politically connected Sandawana mine appears to have been spared from the official limitation on unprocessed lithium exports, since thousands of tonnes of ore were trucked out of the nation in 2023.

The Sinomine Resource Group has been accused of spillage in a nearby dam in Bikita. The group's mine was charged with leaking potentially hazardous chemicals into the dam, but it also withheld the specific compounds found in its test results. Mareke, whose livelihood is sustained by the dam, said in October 2023 that the mine had contaminated the water with unidentified hazardous substances. The community made ends meet by fishing, doing laundry, and selling agricultural produce that was irrigated by the dam. However, the mining contaminated the dam, which had an impact on agriculture. Fish and other aquatic creatures also died as a result of it.

79. The Independent,. "Zimbabwean Activists Call for Government to Set up Environmental Courts." The Independent, 12 Jan. 2023, www.independent.co.uk/voices/campaigns/giantsclub/zimbabwean-government-environmental-courts-b2260810.html.
80. "Mberengwa Residents Not Happy with Lithium Miner Kuvimha House, MP Tafanana Zhou." Pindula, Nov. 2023, www.pindula.co.zw/2023/11/23/mberengwa-residents-not-happy-with-lithium-miner-kuvimha-house-mp-tafanana-zhou/.

CHAPTER 8

INDEPENDENT COMMISSIONS AND INSTITUTIONS SUPPORTING DEMOCRACY

Institutions supporting democracy are a creature of the Constitution of Zimbabwe. They are established in terms of Chapter 12 of the Constitution. In addition to their objectives, these institutions collectively have the objective of promoting and protecting human rights in a constitutional democracy. In most cases, they play an oversight function on designated rights and ensure that the state and all its agencies are compliant with their human rights obligations.

These institutions are the:

- Zimbabwe Human Rights Commission (ZHRC),
- Zimbabwe Electoral Commission (ZEC),
- Zimbabwe Gender Commission (ZGC),
- Zimbabwe Media Commission (ZMC)
- National Peace and Reconciliation Commission (NPRC).

These are independent institutions, meaning that they are not subject to the control or interference in their functions by the state. They play an impartial role in the execution of their functions.

ZIMBABWE HUMAN RIGHTS COMMISSION

During 2023, the Commission played a significant role in ensuring that the elections were held peacefully. The Commission received a total of eight hundred and fifteen (815) human rights violations complaints from January 2023 to December 2023. The Commission also conducted human rights awareness initiatives across the country throughout the year.[81] In addition to other key areas, the Commission monitored

81. Zimbabwe Human Rights Commission. 2023. Annual Report. Available at https://www.veritaszim.net/sites/veritas_d/files/ZHRC%20Annual%20Report%202023.pdf

elections and produced and published its own report. The election reports by the commission were adjudged to be objective. For example, the Commission reported that the delays in the delivery of ballot papers in some constituencies resulted in the disenfranchisement of some voters.

The Commission was not able to discharge its duties fully due to budgetary constraints. The Commission suffered 9 resignations due to low salaries. It also had a total of 105 vacancies. This demonstrates that the Commission is under funded and understaffed thereby impacting on its work. The Commission's budget was hugely affected by inflation in the year 2023.

THE ZIMBABWE ELECTORAL COMMISSION

ZIMBABWE ELECTORAL COMMISSION

ZEC is the elections management body. In 2023 it was tasked with running the harmonized elections in the country. In addition to administering the election, the ZEC is also responsible for the delimitation of constituency boundaries. There is a constitutional obligation on ZEC to deliver elections that are free, fair, and credible. A significant number of Election Observer reports indicate that ZEC's conduct during the election fell short of regional and international standards. Several election reports highlighted ZEC's lack of transparency regarding several aspects of the election including but not limited to the voter's roll, printing of ballot papers, and the associated logistics. The Zimbabwe Human Rights Commission reported that ZEC failed to display presidential and parliamentary results at the polling stations as required by law.

ZIMBABWE GENDER COMMISSION

Zimbabwe Gender Commission

The ZGC was established to protect and promote gender equality through Public Education, Research, Investigation, and Monitoring in Zimbabwe. In the year 2023, the Commission pushed for the enactment of a Sexual Harassment Act in the country. Under this, the Commission, in partnership with the International Labour Organisation (ILO), also launched a training manual meant to address gender-based violence (GBV) and sexual harassment in the workplace.

ZIMBABWE MEDIA COMMISSION

The Zimbabwe Media Commission was established to promote and protect freedom of expression and the media; and to promote accountable governance through facilitating public access to information held by public entities for transparency, accountability, and protection of human rights. During 2023, there were several reports of state media bias against the opposition. Journalists were harassed and assaulted with little to no protection from the Commission.

NATIONAL PEACE AND RECONCILIATION COMMISSION

The National Peace and Reconciliation Commission was established to unite all Zimbabweans for sustainable peace by resolving past, present, and future potential conflicts. It was established in 2013 and had a 10-year mandate which was set to expire in 2023. The Commission plays a crucial role in ensuring that the country is not polarized.

In 2023 the Commission worked with various stakeholders including the Zimbabwe Electoral Commission, international organisations, churches, traditional leaders, political parties and civil society among others to formulate mechanisms and implement programs and intervention strategies to prevent conflict in 2023. The Commission received 105 cases to investigate in various provinces. When the Commission was established, there were hopes that it would institute work to bring closure to the issue of the Gukurahundi. The NPRC has been criticised for failing to discharge this mandate. A key informant interviewed by Minority Africa notes that:

> *"If we may ask what really has been achieved by the NPRC, virtually nothing in so much as bringing closure to victims who include the over 20,000 Gukurahundi victims, those who suffered inter-party brutalities mostly at the hands of the ruling party and their militia, the atrocious land reform, to name a few."*[82]

82. Peace and reconciliation remain "a pipe dream" for genocide survivors in Zimbabwe. Minority Africa. 18 August 2023. Available at https://minorityafrica.org/peace-and-reconciliation-remain-a-pipe-dream-for-genocide-survivors-in-zimbabwe/

CHAPTER 9

CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

Civil society and human rights defenders played a crucial role in the promotion and protection of human rights in Zimbabwe during 2023. Zimbabwe has had a long-standing history of repression and attacks on civil society and human rights activists. The work of human rights defenders is particularly viewed as challenging the status quo hence the clashes with state institutions. The state has therefore taken legislative measures aimed at restricting the work of civil society. In 2021 the government gazetted the Private Voluntary Organisations Bill (PVO). On 1 February 2023, the Senate voted in favor of the Bill, which needed to be ratified by the president before passing into law. The Bill eventually lapsed at the end of the previous Parliament's term. However, a new Bill has now been gazetted as of 2024.

If this Bill comes into effect, it will see over regulation and interference of internal activities of civil society organisations by the state. As a result of this impending Bill, there has been widespread donor funding cuts and outright withdrawal which severely constrained the work of civil society during 2023. The government accused non-governmental organisations of *"directing money to favored political parties"* and using NGOs as *"a cover for theft, embezzlement, tax evasion, money laundering or partisan political activities."*[83]

In 2023 various civil society organizations (CSOs) advocated for the protection and promotion of human rights through

83. Zimbabwe approves 'draconian' law targeting civil society. Africanews20 February 2023. Available at https://www.africanews.com/2023/02/02/zimbabwe-approves-draconian-law-targeting-civil-society//



various forms of lobbying and campaigning. They engaged with the government, policymakers, and international bodies to push for legislative and policy changes that enhance human rights protections. For instance, they lobbied for reforms in areas such as freedom of expression, electoral integrity, and anti-corruption measures. Various workshops, petitions, and other mobilisation activities were done around the PVO Bill.

In addition to the PVO Bill, the Patriotic Act also impacted the work of civil society particularly on the right to freedom of expression. According to some CSOs, these restrictive legislation resulted in self-censuring. *"Civic organisations are whispering because none can issue a bold statement anymore because they are not sure what would happen to them if they continue to push a narrative that could potentially be in contravention of the Patriotic Act,"* reported one CSO leader.[84]

CSOs involved in the monitoring of human rights abuses were instrumental in documenting violations and document violations. They produced reports that highlight instances of abuse, such as unlawful detentions, torture, and restrictions on freedom of assembly and speech. These reports provide reliable sources of data used to hold the government accountable and to inform international human rights bodies, such as the United Nations and the African Commission on Human and Peoples' Rights.

Several organizations provided legal assistance to victims of human rights abuses. They offered legal representation in courts, helped with the filing of complaints, and provided advice on legal rights and remedies. This support was vital in 2023 when access to justice was severely limited. Furthermore, civil society groups conducted educational campaigns to raise awareness about human rights for the general population and fellow activists.

84. ACTSA. 2023. Voices from the frontline: repression and shrinking space for civil society organisations in Zimbabwe available at https://actsa.org/wp-content/uploads/dlm_uploads/2023/09/Voices-Zimbabwe-August-2023-FINAL-PUBLIC-1.pdf

These campaigns included workshops, seminars, public lectures, and media programs designed to educate citizens about their rights and how to protect them. By increasing public awareness, these efforts aimed to empower individuals and communities to advocate for their rights.

The Zimbabwe Human NGO Forum commenced a monitoring, documentation, and information dissemination exercise of pre-election related violence cases and was able to establish how the human rights landscape in Zimbabwe during the pre-electoral phase was characterised by large-scale organised violence and torture (OVT). The Forum also identified a high level of post-election retributive violence as reported in its OVT Report.[85]

It is important to also note that members of the civil society suffered arrests and victimization at the hands of the state during the year 2023. On the 23rd of August 2023, employees and volunteers of the Zimbabwe Elections Resource Centre (ERC) and Zimbabwe Elections Support Network [ZESN] were arrested while carrying out their duties of observing the elections. These were duly accredited observers but were arrested, detained, and had their property confiscated on suspicion of conducting a parallel tally of election results. Parallel tallying of results is not prohibited under Zimbabwean law.

ZimRights reports indicate that the detainees were denied access to their lawyers in violation of their constitutional rights.

> ***"Civil society organizations engaged with the government, policymakers, and international bodies to push for legislative and policy changes that enhance human rights protections."***

85. ZimNGOForum 2023A Consolidated Report on Pre and Post Organised Violence and Torture during the 2023 Harmonised Elections in Zimbabwe. Available at https://researchandadvocacyunit.org/report/a-consolidated-report-on-pre-and-post-organised-violence-and-torture-during-the-2023-harmonised-elections-in-zimbabwe/

PART 3

WHERE TO FROM HERE? THE FUTURE OF HUMAN RIGHTS IN ZIMBABWE: PROSPECTS AND RECOMMENDATIONS

03

CHAPTER 10

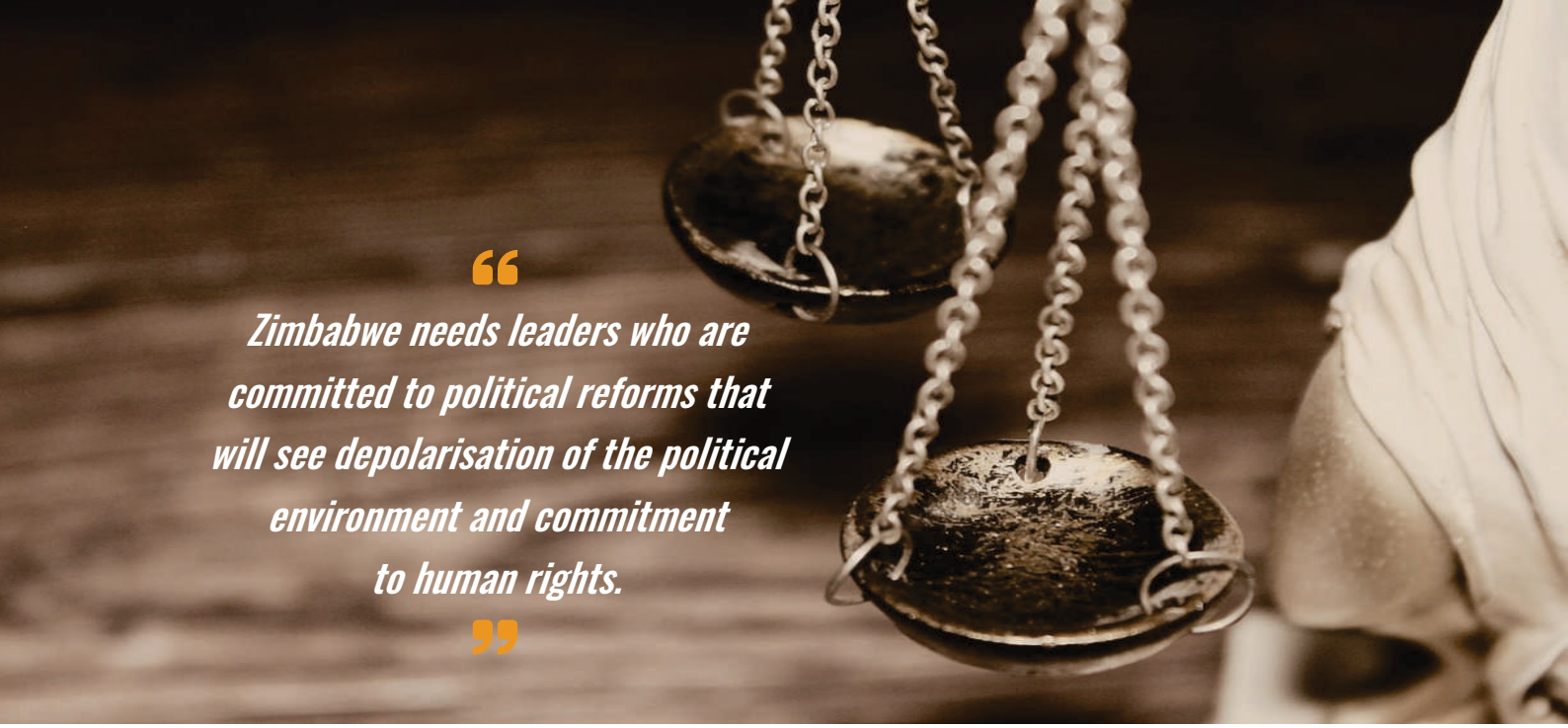
PROSPECTS AND CHALLENGES FOR THE PROTECTION OF HUMAN RIGHTS BEYOND 2023

POLITICAL REFORMS

The people of Zimbabwe have for over 3 decades yearned for democratic and human rights progress. As each election cycle passes, the people are left either hopeless or dejected. In all this, a glimmer of hope continues to shine as time passes. Zimbabwe has several challenges as well as prospects for democratic and human rights progression. This Report has shown that there is a need for political reform and the emergence of human rights-oriented leadership. Zimbabwe needs leaders who are committed to political reforms that will see depolarisation of the political environment and commitment to human rights. A new leadership style and human rights orientation might bring reforms aimed at enhancing socio-economic rights, civil liberties, judicial independence, and electoral integrity. With renewed leadership and political tolerance Zimbabwe will stand a chance to improve its international standing by committing to human rights treaties and cooperating with international human rights bodies.

LEGAL REFORMS

There is a serious need for the strengthening of the independence of the judiciary and other legal reforms to ensure that constitutionalism is entrenched in the country. For example, several laws that do not pass constitutional muster need to be tested by an independent and impartial judiciary. It would also be necessary to revise the legal framework to



> *Zimbabwe needs leaders who are committed to political reforms that will see depolarisation of the political environment and commitment to human rights.*

better protect human rights. Laws such as the Maintenance of Public Order Act (MOPO) and Cyber Security Act unreasonably restrict the rights to freedom of expression and the right to assembly.

STRENGTHENING INDEPENDENT INSTITUTIONS

Strengthening the independence and capacity of institutions such as ZEC, ZMC, and ZHRC is imperative for advancing democracy, safeguarding human rights, and fostering public trust in Zimbabwe. These institutions play a critical role in ensuring free and fair elections, promoting freedom of expression, and protecting human rights.

Enhancing their independence will help create a more transparent, accountable, and inclusive governance framework in Zimbabwe.

The main source of political instability in Zimbabwe has been the contested election results. There is therefore a need to strengthen ZEC's impartiality, transparency, and accountability as an independent institution that is capable of delivering a free, fair, and credible election in the country.

An independent ZEC can enhance the transparency of the electoral process, from voter registration to the announcement of results. This can go a long way in avoiding election-related conflict in the country. In addition, a robust ZEC can hold candidates and parties accountable for any electoral malpractices, thereby improving the overall integrity of the electoral process. During the 2023 elections, several political parties flouted electoral laws with no consequence from ZEC.

Strengthening the independence of ZEC can build public confidence in the electoral process, increasing voter turnout and engagement and also reducing electoral violence. By ensuring fair play and addressing grievances promptly, an independent ZEC can reduce the potential for electoral violence and unrest in the country.

Furthermore, the ZEC is implored to align its processes with international standards and enhance the country's democratic progress. It is also imperative that the Zimbabwe ZEC work effectively with international election observers, this will help in further validating the electoral process. The ZEC should be open to accepting observer mission reports that support or criticise its conduct and use recommendations in future elections.

During 2023, the Zimbabwe Media Commission (ZMC) also played an instrumental role in the election. The ZMC needs to actively promote freedom of expression in the country. It can only achieve this objective if it is truly independent. This report has shown that the media coverage of elections in 2023 was significantly biased against the opposition. All this happened under the watch of ZMC. An independent commission would ensure that the media operates independently and free from government control or censorship. The ZMC should promote a diverse media landscape where different viewpoints are represented and heard. It is unfortunate that during the year 2023 journalists were assaulted and victimised and received little to no protection at all from the ZMC. It is therefore necessary to strengthen the Commission so that it can freely advocate for the protection of journalists from harassment, intimidation, and violence.

The Zimbabwe Human Rights Commission (ZHRC) played a vital role in promoting and protecting human rights within the country. Strengthening its independence and capacity is imperative for ensuring justice, accountability, and awareness. This report outlines that a robust ZHRC can make significant contributions in monitoring and reporting human rights abuses, promoting human rights awareness, and providing remedies and redress for victims.

> ***"ZEC, ZMC, and ZHRC play a critical role in ensuring free and fair elections, promoting freedom of expression, and protecting human rights."***

A strengthened ZHRC is essential for conducting impartial investigations into human rights abuses. Independence from governmental and political influence ensures that investigations are fair and unbiased, thereby establishing the credibility of the Commission's findings. By holding perpetrators accountable regardless of their position or status, the ZHRC can foster a culture of accountability and justice. This not only deters future abuses but also builds public confidence in the institution's ability to safeguard their rights.

An independent ZHRC is crucial for effective human rights education and awareness. Public education on human rights empowers citizens to understand and assert their rights, creating a more informed and engaged populace. These campaigns can demystify complex human rights issues, making them accessible and relevant to everyday life. Furthermore, the ZHRC can engage in policy

advocacy, pushing for the adoption and implementation of laws that enhance human rights protections. By advocating for necessary reforms, the ZHRC can influence the legislative and policy landscape to better safeguard human rights.

A strong and independent ZHRC is better equipped to support victims of human rights abuses. This support includes providing legal assistance to navigate the justice system and psychological support to help victims recover from their trauma. By offering these services, the ZHRC can ensure that victims are not left without recourse or support. Additionally, the Commission can make informed recommendations to the government for legal and policy reforms. These recommendations, grounded in thorough investigations and research, can lead to systemic changes that prevent future abuses and strengthen human rights protections overall.

ECONOMIC REFORMS

Socio-economic rights are particularly affected by the prevailing economic instability in the country. The year 2023 did not see much economic growth in the country. Economic growth and stability can result in more attention being given to the provision of services such as health, education, and housing. Economic growth may also reduce social tensions and create an environment where human rights are more likely to be respected. Currently, the country has non-existent social services for the elderly, disabled, or homeless people. Pensioners lost their savings to recurring inflation and unsustainable monetary policies. This has left multitudes of pensioners vulnerable and dependent on donor aid.

STRENGTHENING THE CIVIL SOCIETY

The civil society in Zimbabwe must be strengthened through continued support from international donors and organizations. This can enhance the capacity of local CSOs to monitor and advocate for human rights. Civil society also needs to be capacitated on the use of technology and social media which has the potential to amplify the voices of human rights advocates and facilitate greater transparency and accountability in the country.

CONCLUSION

The prospects for human rights protection in Zimbabwe post-2023 are a mix of opportunities and significant challenges.

While there is hope for positive change through political reform, strengthened civil society, and economic development, persistent issues such as political repression, economic hardships, weak institutions, and limited civil society space pose serious obstacles. The future of human rights in Zimbabwe will depend largely on the interplay between these factors and the commitment of both national and international actors to supporting human rights initiatives.

Zimbabwe
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