



Zimbabwe: Country Report

October 2022 (COI between 1st January 2020 and 31st August 2022)

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A. Explanatory Note

Background

This report presents Country of Origin Information (COI) on Zimbabwe focusing on a range of profiles identified to be of relevance in refugee status determination for Zimbabwean nationals.

The COI presented in this report is illustrative but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided in this report, to enable users to conduct further research and source assessments. Research concentrated on events that took place between 1st January 2020 and 31st August 2022 with the exception of section *VI Humanitarian situation*, where research focused on 2022 to provide the most recent and relevant information available. All sources included in this report were accessed between mid-August and early October 2022.

The following reports, which post-date the cut-off point have been included given that they address issues of relevance for this report:

- Food and Agriculture Organization of the United Nations (FAO) / World Food Programme (WFP, [*Hunger Hotspots, FAO-WFP early warnings on acute food insecurity, October 2022 to January 2023 Outlook*](#), September 2022
- Zimbabwe Human Rights NGO Forum, [*Organized Violence and Torture in Zimbabwe Since 2019*](#), September 2022
- Amnesty International, [*Zimbabwe: Authorities launch crackdown against students protesting high fees*](#), 15 September 2022
- Media Institute of Southern Africa (MiSA) – Zimbabwe, [*AMH journalist Mhlanga acquitted on charges of disorderly conduct*](#), 15 September 2022
- UN Committee on the Elimination of Racial Discrimination, [*Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe*](#), 16 September 2022
- Amnesty International, [*Zimbabwe: Authorities must release opposition MPs unjustly held for 100 days*](#), 21 September 2022
- Amnesty International, [*Zimbabwe: Conviction of author Tsitsi Dangarembga and Barnes for protesting economic hardship a travesty of justice*](#), 30 September 2020
- International Center for Not-For-Profit Law, [*Civic Freedom Monitor: Zimbabwe*](#), Last updated: 10 October 2022

Disclaimer

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. While we strive to be as comprehensive as possible, no amount of research can ever provide an exhaustive picture of the situation. It is therefore important to note that the absence of information should not be taken as evidence that an issue, incident or violation does not exist. **This report is also not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision-making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

B. List of Sources

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About us' tab of a source's website

Databases

[Asylos's Research Notes \[subscription only\]](#)

[Immigration and Refugee Board of Canada – Responses to Information Requests](#)

[EUAA COI Portal](#)

[European Country of Origin Information Network \(ECOI\)](#)

[Relief Web](#)

[UNHCR Refworld](#)

News

[African Arguments \[Zimbabwe\]](#)

[All Africa](#)

[Al Jazeera](#)

[The East African](#)

[The Guardian \[Zimbabwe\]](#)

[Inter Press Service](#)

[Kubatana](#)

[The New Humanitarian \[Zimbabwe\]](#)

[Reuters](#)

[The Zimbabwean](#)

[Zimbabwe Situation](#)

Sources

[76 Crimes \[LGBT\]](#)

[Afro Barometer](#)

[Aidsmap](#)

[AIDSPortal](#)

[Armed Conflict Location & Event Data Project \(ACLED\) \[Zimbabwe\]](#)

[Article 19 \[Freedom of expression and information\]](#)

[African Studies Centre Leiden](#)

[Africa Center for Strategic Studies](#)

[Alliance for Child Protection in Humanitarian Action](#)

[Amnesty International \[Zimbabwe\]](#)

[Anti Trafficking and Labour Exploitation Unit \(ATLEU\)](#)

[Assessment Capacities Project \(ACAPS\) \[Zimbabwe\]](#)

[Association for the Prevention of Torture](#)

[Atlantic Council](#)

[Atlas of Torture](#)

[Be in the KNOW \[HIV/AIDS\]](#)

[Brookings Institution](#)

[Carnegie Endowment for International Peace](#)

[Centre for Strategic and International Studies](#)

[Child Rights International Network \(CRIN\)](#)

[The Christian Post](#)

[Christian Solidarity Worldwide](#)

[CIA World Factbook \[Zimbabwe\]](#)
[Combatting Terrorism Center](#)
[Committee to Protect Journalists \[Zimbabwe\]](#)
[Crisis 24](#)
[Death Penalty Worldwide \(Cornell Law School\)](#)
[Disabled People's International](#)
[Displacement Tracking Matrix \(DTM\) \[Zimbabwe\]](#)
[EASO's List of sources in its report 'Researching the situation of lesbian, gay, and bisexual persons \(LGBT\) in countries of origin'](#)
[Edge Media Network \[LGBT\]](#)
[Eldis](#)
[Equal Rights Trust](#)
[European Council on Foreign Relations \(ECFR\)](#)
[European Network on Statelessness](#)
[Foreign Affairs \(published by Council on Foreign Relations\)](#)
[Freedom House \[Zimbabwe\]](#)
[Frontline Defenders](#)
[Gay Star News](#)
[Global Centre for the Responsibility to Protect](#)
[Global Coalition to Protect Education from Attack](#)
[Global Fund for Peace](#)
[Global Gayz](#)
[GlobalSecurity.org](#)
[Governance Social Development Humanitarian Conflict \(GSDRC\)](#)
[Hands off Cain](#)
[Heidelberg Institute for International Conflict Research](#)
[Henry J. Kaiser Family Foundation \[HIV/AIDS\]](#)
[Hudson Institute](#)
[Humanity & Inclusion](#)
[Human Rights Watch \[Zimbabwe\]](#)
[Inclusion International](#)
[Inclusive Security](#)
[Institute for Human Rights and Development in Africa](#)
[Institute for Economics & Peace – Global Peace Index 2021](#)
[Institute for Security Studies \(ISS\)](#)
[Institute for War and Peace Reporting](#)
[Institute Statelessness and Inclusion](#)
[Internal Displacement Monitoring Centre \(IDMC\) \[Zimbabwe\]](#)
[International Alert](#)
[International Bar Association](#)
[International Centre for Prison Studies](#)
[International Commission of Jurists](#)
[International Committee of the Red Cross \(ICRC\)](#)
[International Crisis Group](#)
[International Disability Alliance](#)
[International Federation for Human Rights \[Africa pages\]](#)
[International Federation of Journalists](#)
[International Freedom of Expression Exchange](#)
[International Gay and Lesbian Human Rights Commission](#)
[International Institute for Strategic Studies](#)
[International Labour Organisation \(ILO\) \[Zimbabwe\]](#)

[International Lesbian, Gay, Bisexual and Trans and Intersex Association \(ILGA\)](#)
[International Organization for Migration \(IOM\) \[Zimbabwe\]](#)
[International Refugee Rights Initiative](#)
[International Rehabilitation Council for Torture Victims](#)
[International Rescue Committee](#)
[IPI Global Observatory](#)
[Jamestown Foundation](#)
[Kaleidoscope Trust \[LGBT\]](#)
[Landmine & Cluster Munition Monitor](#)
[Leonard Cheshire Disability International](#)
[Medecins Sans Frontieres/Doctors Without Borders](#)
[Media Institute of Southern Africa – Zimbabwe chapter](#)
[Minority Rights Group International](#)
[National Aids Council of Zimbabwe](#)
[Oakland Institute](#)
[OECD’s Social Institutions & Gender Index](#)
[Open Society Foundations](#)
[Organization for Refuge, Asylum & Migration \(ORAM\)](#)
[Out Right Action International \[LGBT\]](#)
[Overseas Development Institute \(ODI\)](#)
[Oxfam](#)
[Peace Women](#)
[Penal Reform International](#)
[Physicians for Human Rights](#)
[Pink News \[LGBT\]](#)
[Redress](#)
[Refugees International](#)
[Reporters Without Borders](#)
[Research and Advocacy Unit](#)
[Rights Africa](#)
[Rights for Peace](#)
[Right to Education](#)
[Saferworld](#)
[Save the Children \[Zimbabwe\]](#)
[Sexual Rights Initiative](#)
[Small Arms Survey](#)
[SOGICA Database \[LGBT\]](#)
[Solidarity Peace Trust](#)
[Southern Africa Litigation Centre](#)
[Transparency International](#)
[UK Foreign and Commonwealth Office – \[Human Rights and Democracy Reports\]\(#\)](#)
[United Nations Children’s Fund \(UNICEF\) \[Zimbabwe\]](#)
[United Nations Committee Against Torture](#)
[United Nations Committee on Economic, Social and Cultural Rights](#)
[United Nations Committee on the Elimination of Discrimination Against Women](#)
[United Nations Committee on Enforced Disappearances](#)
[United Nations Committee on the Rights of the Child](#)
[United Nations Committee on the Rights of Persons with Disabilities](#)
[United Nations Development Programme \(UNDP\) \[Zimbabwe\]](#)
[United Nations High Commissioner for Refugees \(UNHCR\)](#)
[United Nations Human Settlements Programme \(UNHABITAT\)](#)

[United Nations News Centre](#)
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\) \[Zimbabwe\]](#)
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\) \[Zimbabwe\]](#)
[United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict](#)
[United Nations Population Fund \(UNPFPA\)](#)
[United Nations Secretary General reports](#)
[United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)
[United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions](#)
[United Nations Special Rapporteur on extreme poverty and human rights](#)
[United Nations Special Rapporteur on freedom of religion or belief](#)
[United Nations Special Rapporteur on the Independence of Judges and Lawyers](#)
[United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#)
[United Nations Special Rapporteur on the right to education](#)
[United Nations Special Rapporteur on the sale of children, child prostitution and child pornography](#)
[United Nations Special Rapporteur on the situation of human rights defenders](#)
[United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)
[United Nations Special Rapporteur on trafficking in persons, especially in women and children](#)
[United Nations Special Rapporteur on unilateral coercive measures](#)
[United Nations Special Rapporteur on violence against women, its causes and consequences](#)
[United Nations Women](#)
[United Nations World Food Programme \(WFP\)](#)
[UN AIDS](#)
[United States Institute of Peace](#)
[United States Congressional Research Service](#)
[United States Department of State \[Annual human rights report; annual religious report; annual child labour report; annual trafficking report; annual terrorism report\]](#)
[Unrepresented Nations and People's Organisation](#)
[Veritas Women](#)
[Veritas Zimbabwe](#)
[World Bank \[Zimbabwe\]](#)
[World Health Organisation \(WHO\) \[Zimbabwe\]](#)
[World Organisation Against Torture \[Zimbabwe\]](#)
[World Prison Brief](#)
[Women News Network \(WNN\)](#)
[Women's Refugee Commission](#)
[Zimbabwe Association of Doctors for Human Rights \(ZADHR\)](#)
[Zimbabwe Electoral Commission](#)
[Zimbabwe Environmental Law Association \(ZELA\)](#)
[Zimbabwean Election Support Network \(ZESN\)](#)
[Zimbabwe Human Rights Commission](#)
[Zimbabwe Human Rights NGO Forum](#)

- Note that this source publishes monthly newsletters, which describe incidents of violence and human rights abuses

[Zimbabwe Lawyers for Human Rights](#)
[Zimbabwe Peace Project \(ZPP\)](#)

- Note that this source publishes 'Monthly Monitoring Reports', which describe incidents of violence and human rights abuses

I. Background Information

a. Geographical Information

i. Map of Zimbabwe

The Geospatial Unit of the United Nations (UN) published the following map of Zimbabwe in December 2017¹:



ii. Ethnic Composition

The CIA's *World Factbook* stated in August 2022 that of the estimated population of 15 121 004, 99.4% were categorised as "African [...] predominantly Shona; Ndebele is the second largest ethnic group), other 0.4%, unspecified 0.2%" according to 2012 estimates.²

II. Political Developments since November 2017

a. Political Developments and Dynamics during 2017

i. Opening of the political landscape

¹ UN Geospatial, [Zimbabwe](#), 1 December 2017

² CIA, [The World Factbook: Zimbabwe](#), Last updated 30 August 2022, *People and Society, Ethnic groups*

The United States Institute of Peace (USIP) summarised the political developments of early November 2017 that led to the ousting of former President Robert Mugabe as follows: “In early November of 2017, Robert Mugabe—who had ruled Zimbabwe as its authoritarian president for nearly four decades—fired his first vice president, Emmerson Mnangagwa, to make way for his wife, Grace Mugabe, as his successor. The backlash came swiftly: within two weeks a military coup forced the ninety-three-year-old Mugabe from office, and Mnangagwa was sworn in as president”.³ To note here, as expressed in USIP’s words: “Mnangagwa was minister of state security during the Gukurahundi massacres—in which as many as twenty thousand civilians were killed by Mugabe’s forces in the early years of his rule—and Mugabe used the military regularly to violently silence dissent”.⁴

Describing the sense of an opening of the political landscape, USIP’s report noted:

The government’s promise of fundamental change has been met with skepticism [sic], however. “The claims of reform are a facade meant to sell a dummy to the international community,” one focus group participant asserted. The president appointed some technocrats with private-sector and international development experience to key cabinet portfolios.¹¹ Human rights groups recorded fewer cases of abuses between November 2017 and July 2018. Whereas the Mugabe regime would openly demonize TAGG movement actors as puppets of the West, the current government initially adopted a relatively conciliatory approach under the mantra “Zimbabwe is open for business.”[...] The government also repealed the onerous Indigenisation and Economic Empowerment Act, which allowed the government to take over foreign-owned businesses and transfer ownership to local Zimbabweans, and replaced it with more investor-friendly regulations. The Constitutional Court ruled that Section 27 of the Public Order and Security Act, under which police permission was required to hold demonstrations and protests, was unconstitutional. TAGG research participants reported a slight opening of civic space in the immediate aftermath of the coup that has been steadily closing since the 2018 general elections.⁵

Reflecting on the ensuing years, USIP highlighted in January 2020:

If Mugabe’s ouster caused some to hope that Zimbabwe would finally undertake long-deferred democratic and anti-corruption reforms, the events of the following two years suggest that the country’s democratic transition remains arrested. Those who had been at Mugabe’s side during his thirty-seven years in office assumed power, and the authoritarian systems and patronage networks that sustained Mugabe remained largely intact. Civil society and social movements that were at the center of pushing back against authoritarian practices during Mugabe’s rule are now having to navigate uncertain transitions and narrow civic space.⁶

According to focus group participants interviewed by USIP for the special report: “Most focus group participants agreed that the coup had less to do with the plight of people than with elite power struggles [...] One participant explained, ‘Removing Mugabe . . . cannot be equated to a transition. The Mugabe system is still intact because these were the same actors that worked with Mugabe and enforced his rule. . . . The events of November 2017 were just an internal fight within [the ruling

³ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 3

⁴ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 4

⁵ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 5

⁶ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 3

party] . . . not a transition of the Zimbabwean state”⁷. To exemplify, “Mnangagwa’s administration has entrenched the military in civilian affairs, as evidenced by retired generals occupying key executive positions [...] Former commander of the Zimbabwe Defense Forces Constantine Chiwenga was appointed vice president under Mnangagwa, and other military elites were assigned key ministerial portfolios [...] One think tank interviewee lamented, ‘We are in a worse-off situation. The military is now in charge and the veneer of a civilian government is gone’”⁸.

The USIP report similarly stated: “President Mnangagwa has largely retained the systems that sustained Mugabe, namely a captured judiciary, biased state media, draconian laws, repression, deep-rooted patronage networks involving traditional leaders, a corrupt political establishment, and a partisan security sector”⁹.

Similarly, Freedom House described in its ‘overview’ the political developments and dynamics since 2017 in its annual report covering 2021:

President Emmerson Mnangagwa took power in 2017 after the military intervened to remove longtime president Robert Mugabe amid factional divisions within the ruling party. However, the new administration has largely retained the legal, administrative, and security architecture inherited from the Mugabe regime, and after an initial period of improvement, stepped up repression to consolidate its authority. Endemic corruption, weak rule of law, and poor protections for workers and land rights remain among Zimbabwe’s critical challenges.¹⁰

b. Major Political Actors

i. ZANU-PF and its leadership

The International Crisis Group noted in December 2020 in relation to ZANU-PF’s divisions:

As Zimbabwe falls further into an economic abyss, fractures are also opening in ZANU-PF power circles. One fault line is between groups loyal to Mnangagwa and those that oppose him, including followers of Constantino Chiwenga, his deputy. Chiwenga is a former army general who led the 2017 coup against Mugabe and is now reportedly positioning himself to challenge for the party leadership ahead of the 2023 elections. The two factions share the common objective of keeping ZANU-PF in office, but the tensions between them are rising.

Evidence of such division is mounting. In July 2020, for example, party spokesman Patrick Chinamasa said ZANU-PF had suspended two politburo members after State Security Minister Owen Ncube reported that posters and fliers praising Chiwenga and calling for Mnangagwa’s removal were found in their homes. Chinamasa also claimed that unnamed external forces were “working with certain individuals in the party’s senior ranks to destabilise internal cohesion”¹¹.

In September 2021, the same source reported that:

⁷ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 4

⁸ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 4

⁹ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 6

¹⁰ Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, Overview

¹¹ International Crisis Group, [How South Africa Can Nudge Zimbabwe toward Stability](#), 17 December 2020, II. Repression and Recession in a Crisis-prone State, C. ZANU-PF Divisions

ZANU-PF district elections 25-26 Sept marred by violent intra-party altercations in several provinces including Manicaland, Mashonaland West and Midlands, as well as in capital Harare's suburb of Epworth; incidents pitted factions aligned to Mnangagwa against those aligned with his deputy, Constantino Chiwenga, as each camp sought to secure key positions likely to determine outcome of ZANU-PF's provincial elections, now scheduled for early 2022.¹²

In October 2021, it was noted:

Infighting continued within ZANU-PF, with President Mnangagwa's legitimacy contested. Notably, rival factions 10 Oct clashed during ZANU-PF meeting in Manicaland province; police next day arrested 20 for alleged involvement in violence. ZANU-PF member Sybeth Musengezi 20 Oct filed application to Bulawayo High Court challenging legality of Nov 2017 election of Mnangagwa as party leader. Meanwhile, MDC-T faction of main opposition party throughout month reiterated call for suspension of 2023 general elections and formation of govt of national unity; notably, MDC-T leader Douglas Mwonozora 8 Oct threatened to boycott elections unless govt implements electoral reforms.¹³

In December 2021, the International Crisis Group's 'CrisisWatch' reported that "Violent outbursts marred ruling party Zanu-PF provincial elections – which will determine delegate composition to 2022 elective congress, where President Mnangagwa's 2023 presidential bid is expected to be endorsed – in Mashonaland West, Mashonaland Central, Manicaland and Midlands provinces. Notably, police 28 Dec fired warning shots following clashes between supporters of Home Affairs Minister Kazeme Kazembe and businessman Tafadzwa Musarara in Centenary town, Mashonaland Central; riot police 29 Dec also intervened in capital Harare to quell violent scuffles between rival Zanu-PF factions over allegations of vote rigging".¹⁴

In January 2022, the International Crisis Group's 'CrisisWatch' reported that "Youth Coalition on Electoral Reforms 21 Jan expressed "concern over the increasing threat of political violence", said "young people being coerced to attend political party meetings against their will".¹⁵

ii. Movement for Democratic Change (MDC) and its leadership

For an overview of the Movement for Democratic Change (MDC), including its organisational structure, leadership, activities and relationship with other political parties between 2017 and May 2019 see the June 2019 [Responses to Information Requests](#) from the Canadian Immigration and Refugee Board of Canada.¹⁶

¹² International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), September 2021 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

¹³ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), October 2021 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

¹⁴ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), December 2021 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

¹⁵ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), January 2022 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

¹⁶ See Immigration and Refugee Board of Canada, Research Directorate, [ZWE106305.E, Zimbabwe: Movement for Democratic Change \(MDC\), including political status, organizational structure, leadership, activities, relationship with other political parties, and membership cards; treatment of MDC members by authorities \(2017-May 2\)](#), 11 June 2019

Freedom House reported that “In March 2020, the Supreme Court ruled that Chamisa was not the legitimate opposition leader, replacing him with MDC-T leader Khupe [...] The opposition has recently been weakened by factional infighting, which ZANU-PF reportedly fostered. By the end of 2020, Douglas Mwonzora had taken over the MDC-T presidency from Khupe and as leader of the opposition, his faction benefits from government funding”.¹⁷

In September 2020, the International Crisis Group’s ‘CrisisWatch’ reported that “MDC leaders Chamisa and Thokozani Khupe continued to vie for control of party. Khupe’s faction (MDC-T) 19 Sept declared itself Zimbabwe’s official opposition party and said it would rename itself MDC Alliance, drawing protest from Chamisa whose faction carries same name; 26 Sept requested that parliament speaker recall six Chamisa-aligned MPs, including VP of Chamisa’s faction Lynette Karenzi-Kore”.¹⁸

In May 2021, the International Crisis Group’s ‘CrisisWatch’ reported that the “rival factions of ruling party ZANU-PF 8 May clashed in Makonde district, Mashonaland West province; police subsequently arrested four, who were granted bail 13 May. Violence next day erupted during meeting of Douglas Mwonzora-led faction of main opposition party Movement for Democratic Change (MDC-T) in capital Harare; MDC-T 10 May said supporters of rival faction, Nelson Chamisa-led MDC-A, had stabbed and injured five MDC-T members, which MDC-A denied”.¹⁹

In September 2021, the International Crisis Group’s ‘CrisisWatch’ reported that:

Nelson Chamisa-led faction (MDC-A) of main opposition party 4 Sept fired 15 councillors for reportedly attending meeting of rival Douglas Mwonzora-led faction (MDC-T) day before. National Prosecuting Authority 1 Sept announced intention to bar Jacob Mafume, prominent MDC-A official who was in Dec 2020 suspended as mayor of capital Harare, from entering Harare city headquarters, citing risk he could interfere with witnesses as he faces two criminal charges; Local Govt Minister July Moyo 14 Sept suspended Mafume as city councillor.²⁰

In December 2021, the International Crisis Group’s ‘CrisisWatch’ reported that “Infighting persisted within opposition ranks. MDC-T party VP Thokozani Khupe mid-Dec filed urgent chamber application at Bulawayo High Court challenging alleged late-Nov decision by party leadership to recall her from parliament”.²¹

In January 2022, the International Crisis Group’s ‘CrisisWatch’ reported that “Main opposition leader Nelson Chamisa 24 Jan announced he had registered new party called Citizens Coalition for Change

¹⁷ Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, A. *Electoral Process* and B. *Political Pluralism and Participation*

¹⁸ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), September 2020 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

¹⁹ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), May 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

²⁰ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), September 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

²¹ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), December 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

(CCC), de facto dropping contested Movement for Democratic Change name and sidestepping factional squabbles and legal disputes”.²²

iii. Citizens Coalition for Change (CCC) and its leadership

The Citizens Coalition for Change (CCC) was founded in January 2022 and is led by Nelson Chamisa.²³ According to “analyst” as reported by The Guardian, “the opposition in Zimbabwe has largely unified around Chamisa, putting an end to the worst of the internecine bickering that undermined its previous efforts to win power”.²⁴ Similarly, African Arguments reported that “Led by Nelson Chamisa, the party was born out of lost court battles and infighting over the leadership of the former main opposition Movement for Democratic Change Alliance (MDC-A). The CCC has replaced the MDC’s red for yellow and swapped its open palm sign for a pointed finger, symbolising that it puts citizens first. Despite being weakened by vicious fighting between MDC factions, the CCC is hoping for big wins in the by-elections that could lay the groundwork for victory in the 2023 polls”.²⁵

In March 2022, the International Crisis Group’s ‘CrisisWatch’ reported that “Nelson Chamisa’s newly established Citizens Coalition for Change (CCC) won 19 National Assembly seats in 26 March by-elections to fill 28 vacant seats following recalls, deaths and dismissals over last two years; ruling ZANU-PF party won remainder, including two seats previously controlled by opposition, and retains two-thirds majority in parliament. CCC also claimed winning 61% of seats in local govt by-elections. Voter turnout low at 35%. Run-up to elections marred by tensions and violence. Police repeatedly blocked CCC rallies, notably in Marondera city 12 March. CCC next day said Zimbabwe Electoral Commission and police biased in favour of ZANU-PF party, noting ruling party rallies have gone unhindered”.²⁶ The report by the Zimbabwe Election Support Network (ZESN) on the 26 March 2022 By-Elections can be viewed [here](#).²⁷

In July 2022, the International Crisis Group’s ‘CrisisWatch’ reported that “Opposition party Citizens Coalition for Change Deputy Chairman Job Sikhala and lawmaker Godfrey Sithole in July remained in detention as courts denied them bail following mid-June arrest on charges of instigating violence. Sikhala around 12 July faced new charges of obstructing or defeating course of justice”.²⁸

c. 2018 election and subsequent violence

As way of background, the U.S. Department of State reported in its annual report covering 2021: “Most international and local independent observers characterized the 2018 presidential, parliamentary, and local elections as largely free of violence but not meeting standards for credible elections. The Southern African Development Community, the African Union, and the Common Market for Southern and Eastern Africa, however, declared the elections free and fair. Political

²² International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), January 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

²³ The Guardian, [Zanu-PF faces threat from Zimbabwe’s new opposition party](#), 31 March 2022

²⁴ The Guardian, [Zanu-PF faces threat from Zimbabwe’s new opposition party](#), 31 March 2022

²⁵ African Arguments, [Zimbabwe elections: A rebranded opposition, same state violence](#), 23 March 2022

²⁶ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), March 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

²⁷ See Zimbabwe Election Support Network (ZESN), [Report On The: 26 March 2022 By-Elections](#), May 2022

²⁸ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), July 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

parties and civil society organizations complained of widespread voter disenfranchisement, including of foreign-born and diaspora voters, and the inability to compete under equal conditions. State media coverage was heavily biased in favor of ZANU-PF and provided almost no access to or positive coverage of the opposition. There were reports of voter intimidation, including the collection of voter registration slips by party and tribal leaders to undermine the secrecy of the vote”.²⁹

i. Government response

in its submission to the UN Human Rights Committee in October 2020, the Carter Center provided the following background:

Despite a few high-profile incidents, including the bombing of a Mnangagwa rally that killed two and injured forty-one, the 2018 pre-election campaign period was notable for being less violent than past elections [...] Yet, the substantially peaceful pre-election and election day period was shattered on August 1st [2018] when Zimbabwean soldiers and anti-riot police fired on demonstrators marching near ZEC’s Election Results Center, killing six and injuring more than a dozen. Security forces then raided the headquarters of the opposition MDC-A, arrested several members, and seized its equipment. This escalation of force has yet to be explained by the government.³⁰

The United States Institute of Peace (USIP) summarised the violence following the July 2018 elections and beyond as follows: “The day after the July 30 elections, six unarmed election protesters were fatally shot by security forces in the capital, Harare. Additionally, respondents expressed concern over the arrest of and assaults on leaders of the Zimbabwe Congress of Trade Unions (ZCTU) for mobilizing a demonstration against the government’s decision, in October 2018, to levy a tax on mobile money transactions”.³¹

ACLED’s analysis of the violence since President Mnangagwa relinquished power noted that:

In the 15 months since Mnangagwa took over, his regime’s restraint has waned. As of January 2019, the state has cracked down on demonstrations at a rate comparable to that of Mugabe in the decade before his ousting [...]

The regime’s willingness to engage in violent repression has demonstrated that for now, Zimbabwe’s democratic moment has been thwarted by yet another suppressive regime.³²

The same source further noted that with regards to Zimbabwe’s military and “chief orchestrator of the November 2017 coup, provides much of the force behind President Mnangagwa’s power. Since the coup, the military has substantially increased its activity across Zimbabwe, particularly its engagement in violence against civilians. The role of the military in the recent suppression of demonstrations indicates a newfound boldness”.³³

ii. Motlanthe Commission of Inquiry

²⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 3., *Recent Elections*

³⁰ The Carter Center, [Zimbabwe, NGO Submission to the U.N. Human Rights Committee](#), October 2020, p. 5/6

³¹ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 5/6

³² Pavlik M. (ACLED), [The Fangs Beneath the Façade: Repression under Zimbabwe’s New Regime](#), 29 January 2019

³³ Pavlik M. (ACLED), [The Fangs Beneath the Façade: Repression under Zimbabwe’s New Regime](#), 29 January 2019

The report of the Commission of Inquiry into the 1st of August 2018 post-election violence [commonly known as the Motlanthe Commission] can be downloaded [here](#).

As way of background, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on his visit to Zimbabwe in September 2019 provided the following overview regarding the findings of the Motlanthe Commission of Inquiry:

The Commission of Inquiry (Motlanthe Commission) appointed by President Mnangagwa to investigate those events concluded that six persons had been killed, several injured and extensive damage and destruction of property caused [...]

Regarding the use of force, the Commission concluded that “the use of live ammunition directed at people especially when they were fleeing was clearly unjustified and disproportionate” [...] and it added that “[t]he use of sjamboks, baton sticks and rifle butts to assault members of the public indiscriminately was also disproportionate” [...]

In its final report, the Commission presented recommendations, such as measures aimed at: compensation for the losses and damage caused, including support and school fees for the children of the deceased; promotion of political tolerance, as well as responsible and accountable leadership and citizenry; adoption of electoral reforms aimed at enhancing transparent and expeditious election results; building the capacity of law enforcement authorities; holding the alleged perpetrators accountable; and nation-building and reconciliation, including an initiative for multi-party dialogue and cooperation.³⁴

The UN Special Rapporteur noted in May 2020 with regards to the measures taken by the Zimbabwean government to implement the Commission’s recommendations:

The Government informed the Special Rapporteur that legislative and administrative measures were being undertaken to ensure that the Commission’s recommendations were implemented and that, in March 2019, an inter-ministerial task force was established to lead political, electoral and legislative reforms [...]

While the Special Rapporteur welcomes the report of the Commission, he wishes to stress that its significance lays in the implementation of its recommendations, particularly in relation to the management of assemblies, holding perpetrators accountable and ensuring justice for the victims and their families.³⁵

The 2020 ‘Human Rights and Democracy’ report published by the UK Foreign, Commonwealth & Development Office summarised that “The Government of Zimbabwe still had not implemented in a meaningful way the Commission of Inquiry’s recommendations [...] following the violence on 1 August 2018, when members of the Zimbabwean security services opened fire on protesters, killing six and injuring many more. This was an important indicator of a lack of political will to hold key state and military officials accountable, either for the events in August 2018 or for the violations committed by security services in the January 2019 crackdown. The latter resulted in the deaths of 17 people, with reports of rape and indiscriminate door-to-door raids by the Zimbabwean security services”.³⁶

³⁴ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 2. The events of August 2018 and January 2019, paras. 45 - 47

³⁵ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 2. The events of August 2018 and January 2019, paras. 48 and 49

³⁶ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

Summarising the developments of the Motlanthe Commission of Inquiry in 2021, Human Rights Watch noted in its annual report:

President Mnangagwa appointed the Motlanthe Commission of Inquiry to investigate the August 2018 post-election violence, which found that six people had died and 35 others were injured because of actions by state security forces. Yet, three years later, the authorities have not implemented the commission's recommendations, including to hold to account members of the security forces responsible for abuses and for compensating the families of those killed or who lost property.³⁷

iii. Accountability and compensation

The U.S. Department of State's annual human rights report covering 2020 noted that "Impunity was a significant problem in the security forces and the civilian authorities who oversee them, including police, military, and intelligence officers. To date [early 2021], no one has answered for disappearances, civilian deaths, rape, abduction, or torture allegations from the 1980s to as recently as November [2020]. Security forces were firmly under the control of the ruling party and were often directed against the political opposition".³⁸

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

Very few government officials implicated in past serious rights violations have faced prosecution. Zimbabwe's long history of impunity for politically motivated crimes by the security forces has worsened the political crisis. Those implicated in crimes in the past have remained free to carry out further violence and other abuses. Police have routinely refused to act against ruling party ZANU-PF supporters and militia implicated in political violence.

Public confidence in the judiciary and police—especially regarding independence and impartiality—has been eroded through constitutional amendments that gave the president powers to appoint senior judges. There have been no investigations into the role of senior government, military, and ruling party officials implicated in mobilizing and instigating militia forces responsible for election-related violence.

The authorities have failed to ensure justice in cases of abductions and torture committed in the last three years [...]

The Zimbabwe government has failed to investigate all cases of politically motivated violence, including the circumstances surrounding the enforced disappearance of human rights defender Itai Dzamara, and ensure that those responsible are brought to justice, as the commission recommended.³⁹

With special reference to the Motlanthe Commission of Inquiry, the same source highlighted:

The Mnangagwa administration has so far failed to implement recommendations of the Motlanthe Commission of Inquiry, established to investigate widespread violence in the aftermath of the August 2018 elections. In its report presented to President Mnangagwa in December 2018, the commission found that 6 people were killed and 35 others injured by state security forces.

³⁷ Human Rights Watch, [World Report 2022, Events of 2021: Zimbabwe](#), 16 December 2021, *Confronting Past Abuses*

³⁸ U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, *Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment*

³⁹ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

It recommended that perpetrators be held accountable and that compensation be paid to families of the deceased and those who lost property.⁴⁰

d. Political Developments and Dynamics since 2019

Covering the year 2020, Freedom House changed Zimbabwe's status as part of its annual 'Freedom in the World' report from "Partly Free [in 2019] to Not Free [2020] due to the authorities' intensifying persecution of opposition figures and civic activists".⁴¹ Another score to do with 'Political Pluralism and Participation' "declined from 2 to 1 due to mass arrests, intimidation, and harassment targeting opposition party officials, as well as the ruling party's alleged efforts to exploit divisions within the opposition by coopting one of the rival factions".⁴²

In its January 2020 special report, the United States Institute of Peace (USIP) summarised the political developments since the 2017 coup as follows: "The November 2017 coup in Zimbabwe that ousted Robert Mugabe was at best a flawed transition. Its complexities included a party-state military conflation and a change of leadership not concomitant with a change of governance culture".⁴³ USIP provided further analysis to the state of internal affairs as of January 2020 by stating: "At the executive level, tensions are reportedly growing in the presidium, pitting President Mnangagwa against Vice President Chiwenga. As the perceived power behind the throne, Chiwenga is believed to be pushing to take over the reins in the next general elections in 2023".⁴⁴

USIP reported further that "Since coming to power in a 2017 military coup and a disputed 2018 election, Mnangagwa has sustained the authoritarian state and violent repression overseen for 37 years by his predecessor, Robert Mugabe. Even before COVID, Zimbabwean civic activists and local and international human rights monitors documented a pattern of renewed repression".⁴⁵ The report specifically highlighted for 2019:

- During nonviolent public protests and strikes in January 2019 against fuel price hikes, police and troops shot and killed protesters and then marauded through residential areas, assaulting hundreds, raping or sexually assaulting women and arresting more than 1,000 people, according to the Zimbabwe Human Rights NGO Forum. The independent Zimbabwe Human Rights Commission documented "systematic torture" by troops and police. The government also shut down the internet and social media for a week.
- Throughout 2019, Zimbabwe suffered a spike in abductions, beatings and torture of government critics by organized, unidentified squads of gunmen, according to the Zimbabwe Peace Project, a coalition of church and civic human rights advocates. Human Rights Watch reported confirming 50 such cases by September [2019] in which those targeted included human rights activists, a comedian and a prominent doctor. In this pattern of abductions and violence, numerous reports cite the gunmen justifying their attacks because of their victims' statements criticizing the government. They note that authorities have shown no signs of seriously investigating or prosecuting the attackers.⁴⁶

⁴⁰ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

⁴¹ Freedom House, [Freedom in the World 2021](#), 31 March 2021, *Status Change*

⁴² Freedom House, [Freedom in the World 2021](#), 31 March 2021, *B. Political Pluralism and Participation*

⁴³ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 1

⁴⁴ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 5

⁴⁵ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe's Civil Society Movement](#), 24 June 2020

⁴⁶ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe's Civil Society Movement](#), 24 June 2020

Similarly, the International Crisis Group noted in December 2020:

Three years after a coup ended Robert Mugabe's rule, the situation in Zimbabwe has gone from bad to worse, as political tensions mount, the economy falls apart and the population faces hunger and COVID-19. Having signalled a desire to stabilise the economy and ease repression, President Emmerson Mnangagwa has disappointed. The state is arresting opponents who protest government corruption and incompetence. Meanwhile, government-allied businessmen are tightening their grip on what is left of the economy, while citizens cope with austerity measures and soaring inflation. Violence and lawlessness are on the rise.⁴⁷

The same organisation further provided the following analysis with regards to the political situation since Mugabe's ouster in 2017:

Three years after Mugabe's ouster, ZANU-PF clings to power under Mnangagwa. Following the 2018 election, contested as fraudulent by the Movement for Democratic Change-Alliance (MDC-A) opposition party, Zimbabwe's government has stepped up repression amid an economic freefall and mounting social problems in a way that could propel the country toward renewed conflict. Beyond arresting its opponents, it accuses them of promoting a violent regime change agenda at the behest of foreign interests. Moreover, despite Mnangagwa's promise of sweeping economic reforms, ZANU-PF elites and some of their military allies have cornered much of the economy, profiting handsomely while ordinary Zimbabweans face public spending cuts, skyrocketing prices and the COVID-19 pandemic. As socio-economic tensions rise, so, too, has violent crime, with street gangs increasingly prevalent, some of them co-opted by rival ZANU-PF factions at a time when ruling-party unity is itself coming under strain.⁴⁸

As way of background, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on his visit to Zimbabwe in September 2019 provided the following overview regarding developments in January 2019:

In January 2019, following the Government's announcement of a 150 per cent increase in fuel prices, the Zimbabwe Congress of Trade Unions, the largest labour organization, together with other civil society organizations, called for a national stay-away from 14 to 16 January 2019 to protest against the harsh measures taken in an already difficult economic situation [...]

Although in some cities the call by the Congress was followed, demonstrations erupted in the country and the situation quickly deteriorated, becoming riotous, particularly in the high-density neighbourhoods of Harare and other main cities, where people gathered to enforce the stay-away by barricading roads using boulders, rocks and vehicles. Around the country, people burned tyres and went on a violent and chaotic rampage through the streets of some cities, where businesses, service stations and police posts were attacked and burned [...]

The Government deployed police and military units in cities and residential areas around the country. According to multiple accounts relayed to the Special Rapporteur, the security forces used excessive force, which included indiscriminate beatings, arrests, torture and other forms of ill-treatment [...]

The Zimbabwe Human Rights Commission issued a monitoring report 16 in the aftermath of the stay-away, in which it concluded that at least eight persons had been killed and many others had sustained multiple injuries as a result of the use of indiscriminate and excessive use of force, including the firing of live ammunition. The Special Rapporteur also received information to indicate that the disproportionate response by the security forces could have resulted in at least 17 killings, including 14 men and 3 women, with more than 300 people treated for serious injuries, including 70 for gunshot wounds. He was also informed that one police officer in Bulawayo had died as a result of the violence during these events [...]

⁴⁷ International Crisis Group, [How South Africa Can Nudge Zimbabwe toward Stability](#), 17 December 2020, *I. Overview*

⁴⁸ International Crisis Group, [How South Africa Can Nudge Zimbabwe toward Stability](#), 17 December 2020, *I. Overview*

The findings of the Zimbabwe Human Rights Commission revealed that armed and uniformed members of the Zimbabwe National Army and the Zimbabwe Republic Police had instigated systematic torture, targeting individuals near areas where barricades had been placed and near areas that had been torched or looted by protestors. The Zimbabwe Human Rights Commission also verified reports of massive door-to-door searches and unlawful entry into private homes, particularly from councillors and Members of Parliament representing the Movement for Democratic Change and the Zimbabwe Congress of Trade Unions, as well as leaders of targeted civil society organizations who were even abducted from or arrested at their homes [...]

The Special Rapporteur also received reports of mass and widespread arbitrary arrests, recording at least 843 detentions in the aftermath of the protests and a total of 1,055 persons being tried by the courts countrywide in charges related to the protests. A large number of those arrested were not involved in the protests, while others were targeted because of their political affiliation or for their dissenting views or activism, including trade union leaders. Also, he received reports that only 48 adults were granted bail, while 995 were denied bail or did not have access to a lawyer [...]

During the stay-away, the Special Rapporteur was dismayed to hear allegations of politically motivated sexual violence through the testimonies of some women who reported having been raped by presumed military and police elements. From the reports received, at least 17 cases have been documented in Harare. The survivors explained that, considering the trauma, the environment of fear and the lack of trust in the police system, they were reluctant to make formal complaints to the police. The Special Rapporteur raised these grave concerns with the authorities who indicated that they were aware of the reports but unable to take action in view of the lack of formal complaints.⁴⁹

In his May 2020 report, the UN Special Rapporteur further noted that:

The Special Rapporteur has not received any information on the prosecution or indictment of any alleged perpetrators of the human rights violations committed during and in the aftermath of these particular protests, including any compensation for the loss of private property of individuals who closed their businesses as a result of the violence on the streets.⁵⁰

By June 2020, USIP noted “This year [2020], Zimbabwe Lawyers for Human Rights documented dozens of arrests of people over anti-government protests in February [2020]. That month, authorities in Mashonaland East province arrested seven women who had submitted a petition to local officials protesting poor education standards. They charged the women with having gathered to promote public violence”.⁵¹

The International Crisis Group noted in December 2020 in relation to the impact of COVID-19 on Zimbabwe’s repression:

The COVID-19 pandemic, beyond exposing the Zimbabwean health system’s endemic failings, has deepened the country’s political and economic crisis. Lockdown measures taken to fight the disease have hurt the economy. The police and military have also been using coronavirus-related restrictions as a pretext to target opposition members and supporters engaging in peaceful protest for arrest.⁵²

Summarising the human rights situation in 2021, Human Rights Watch noted in its annual report:

⁴⁹ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 2. The events of August 2018 and January 2019, paras. 50 - 56

⁵⁰ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 2. The events of August 2018 and January 2019, para. 61

⁵¹ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe’s Civil Society Movement](#), 24 June 2020

⁵² International Crisis Group, [How South Africa Can Nudge Zimbabwe toward Stability](#), 17 December 2020, II. Repression and Recession in a Crisis-prone State, A. Repression and Economic Woes

The administration of President Emmerson Mnangagwa failed to take meaningful steps to uphold human rights and ensure justice for serious abuses primarily committed by security forces in 2021. There has been no accountability for abuses by security forces, including the August 2018 post-election violence, and killings and rape during the January 2019 protests. Abductions, torture, arbitrary arrests, and other abuses against opposition politicians and activists have not been meaningfully investigated. The government has yet to establish an independent complaint system—as provided for in Zimbabwe’s Constitution—to receive and investigate public complaints against the security services. Other human rights concerns include a severe water and sanitation crisis, including during the Covid-19 pandemic, forced evictions, and child marriages.⁵³

The East African reported in February 2022 that “The European Union (EU) has renewed its two-decades-old sanctions against Zimbabwe, citing continued human rights violations and closure of the democratic space. Zimbabwe has been under EU targeted sanctions since 2002 after the late Robert Mugabe won a controversial presidential election”.⁵⁴ The same source noted further that:

The EU on Monday said the situation in Zimbabwe has not changed under President Mnangagwa, hence the move to extend the embargo.

“The situation in terms of respect for human rights has not improved in Zimbabwe,” the bloc said.

“Intimidation of political opposition and other government critics has continued to restrict the democratic and civic space, which is under threat of shrinking further through the Data Protection Act and ongoing legislative processes such as the Private Voluntary Organisations Amendment Bill and the envisaged so-called Patriotic Act. The EU is concerned about these developments.”⁵⁵

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights concluded that:

sanctions, including secondary sanctions, and different forms of overcompliance by foreign banks and companies have had a significant impact on the population and the Government, exacerbating preexisting economic and humanitarian challenges. She recommends lifting unilateral sanctions in line with the principles of international law; avoiding de-risking policies and overcompliance in accordance with the due diligence rule; and engaging in meaningful structured discussions on political reform, the rule of law and human rights.⁵⁶

In March 2022, the International Crisis Group’s ‘CrisisWatch’ reported that “Nelson Chamisa’s newly established Citizens Coalition for Change (CCC) won 19 National Assembly seats in 26 March by-elections to fill 28 vacant seats following recalls, deaths and dismissals over last two years; ruling ZANU-PF party won remainder, including two seats previously controlled by opposition, and retains two-thirds majority in parliament. CCC also claimed winning 61% of seats in local govt by-elections. Voter turnout low at 35%. Run-up to elections marred by tensions and violence. Police repeatedly blocked CCC rallies, notably in Marondera city 12 March. CCC next day said Zimbabwe Electoral Commission and police biased in favour of ZANU-PF party, noting ruling party rallies have gone unhindered”.⁵⁷ The report by the Zimbabwe Election Support Network (ZESN) on the 26 March 2022 By-Elections can be viewed [here](#).⁵⁸

⁵³ Human Rights Watch, *World Report 2022, Events of 2021: Zimbabwe*, 16 December 2021

⁵⁴ The East African, *EU extends sanctions against Zimbabwe over rights violations*, 22 February 2022

⁵⁵ The East African, *EU extends sanctions against Zimbabwe over rights violations*, 22 February 2022

⁵⁶ UN Human Rights Council, Visit to Zimbabwe, *Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan*, 12 August 2022, Summary, p. 1

⁵⁷ International Crisis Group, *CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe*, March 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

⁵⁸ See Zimbabwe Election Support Network (ZESN), *Report On The: 26 March 2022 By-Elections*, May 2022

Earlier in the same month, the ZESN raised its ‘deep concern’ “about the recent spate of inter-party as well as intra-party violence that occurred which taints the credibility of electoral processes. The recent violent clashes have a potential to adversely affect the turnout of citizens on the ongoing voter registration exercise as violence impacts negatively on the participation in electoral processes especially of women and people with disabilities”.⁵⁹

With regards to planned general elections in 2023, the International Crisis Group’s ‘CrisisWatch’ reported that “Head of EU electoral mission in Zimbabwe, Elmar Brok, 20 May called for “genuine” electoral reforms ahead of 2023 poll to level electoral playing field”.⁶⁰ Similarly, the Institute for Security Studies (ISS) noted in its May 2022 analysis:

With 14 months to go before Zimbabweans elect a president, members of parliament and local government representatives, the country is in full election mode. The ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) has ramped up its campaign while a new opposition party has sparked hope of a meaningful democratic contest. But the political and electoral playing field remains deeply uneven and stacked in favour of the ruling party.⁶¹

More recently, in August 2022, the International Crisis Group’s ‘CrisisWatch’ reported that “Political tensions heated up months away from 2023 general elections as nomination fees sparked resistance, while ruling party supporters unleashed violence on political opposition. Zimbabwe Electoral Commission (ZEC) around 19 Aug imposed hefty nomination fees to contesting candidates in 2023 general elections, with presidential candidates called to part with \$20,000 each, up from \$1,000 paid in 2018. ZEC also introduced exorbitant fees to access voters’ roll. Main opposition party Citizens Coalition for Change (CCC) lawmaker, Tendai Biti, 20 Aug accused elections management body of working in cahoots with ruling party Zanu-PF to shut democratic space ahead of elections, called for street protests to demand reversal of exclusionary tariffs”.⁶² In an earlier analysis, the ISS noted on the ZEC:

Zimbabwe’s electoral management body, the Zimbabwe Electoral Commission (ZEC), remains one of the country’s least-trusted institutions. The body is populated by former military officials who aren’t known for their impartiality. Some analysts have noted that the military has positioned itself as the final arbiter in the country’s political power configuration.⁶³

III. Rule of Law / Administration of Justice (since January 2020)

a. Access to Justice

As way of background information, the UN’s ‘Common Country Analysis’ noted that “the country continues to face challenges, including undue delays in the completion of the hearing of cases,

⁵⁹ Zimbabwe Election Support Network, [ZESN Implores Electoral Stakeholders To Foster Peace Ahead of Polls](#), 2 March 2022

⁶⁰ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), May 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

⁶¹ Institute for Security Studies (ISS), [Slim chance that Zimbabwe’s 2023 elections will be competitive](#), 23 May 2022

⁶² International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), August 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

⁶³ Institute for Security Studies (ISS), [Slim chance that Zimbabwe’s 2023 elections will be competitive](#), 23 May 2022

delivery of judgements, and growing perceptions of corruption and patronage, which have a bearing on the independence of the judiciary. Children interacting with the juvenile justice system are faced with specific access and process challenges. These include weak intra-system coordination, limited reach of rehabilitative programmes like pre-trial diversion and weak capacity of court intermediaries who are supposed to work with children through the court processes”.⁶⁴

Further, a policy brief published in November 2020 by the Women and Law in Southern Africa (WLSA) and the Legal Resources Foundation (LRF) with support from UNDP on access to justice for victims of SGBV, harmful practices and violations of sexual and reproductive and health rights in the context of the COVID 19 pandemic, explained the administration of justice system in Zimbabwe as follows:

In Zimbabwe, the geographical coverage for access to legal services is limited. There are two Supreme Courts in Harare and Bulawayo, respectively. There are also four (4) High Courts located in Harare, Bulawayo, Masvingo and Mutare Towns. Notably, most of the formal courts are located in urban or peri-urban areas and yet 67.79% of Zimbabweans and 48% [...] children live in rural areas. Traditional justice systems frequently fill the gap between the [...] needs of the community and the services offered by the formal court system. According to the Rapid Assessment on Legal Aid in Zimbabwe, the traditional courts handled many legal and non-legal issues due to their proximity to rural areas and accessibility. Most rural populace were more attracted to the informal justice system because it was accessible, provided instant remedies and justice, there was no need for legal representation and [...] mediation and conflict resolution mechanisms were available.⁶⁵

The same report stated the following general challenges during the height of the COVID-19 pandemic in relation to accessing justice:

In Zimbabwe, the COVID 19 pandemic resulted in the declaration of a State of [...] Disaster by the President and this was followed by Statutory Instruments (SIs) which were promulgated in terms of the Public Health Act (Chapter 15:17). These SIs made several restrictions including freedom of movement except essential services which however excluded the legal profession and the courts. The resultant effect was that people with urgent legal cases failed to access justice either due to closure of the courts or nonavailability of lawyers / legal aid services. Other related reasons included unavailability of transport and the requirement to have a clearance letter.⁶⁶

With regards to access to justice in informal courts, the policy brief noted:

Informal courts are also attractive in that there are perceptions to the effect that access to justice has been affected by lack of transparency and accountability as well as corruption [...] associated with reporting mechanisms and court processes. However, it was indicated that the Traditional Leaders had very low understanding of women rights and children rights which were often violated as a result of gender and social norms. Though they promoted mediation and conflict resolution mechanisms and remedies for the survivor, their processes were not survivor-centred and rights-based but in the interest of promoting family and community cohesion. In addition, they were unable to properly interpret the constitutional rights and international human rights and regional standards that address

⁶⁴ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 5. Peace, 5.4 Rule of Law and Access and Administration of Justice, p. 39

⁶⁵ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System's Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 3.2 The Role Played by both the Formal and Informal Justice Systems in Zimbabwe in Enhancing Access to Justice in Emergency Situations such as COVID 19 Pandemic, p. 14

⁶⁶ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System's Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 2.0 The Problem Statements, p. 5

SGBV, HP and SRHR. This was also attributed to absence of court rules and standards to adhere to as they handled matters.⁶⁷

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

The Special Rapporteur has been informed of the negative impact of unilateral sanctions and overcompliance on the functioning of public institutions, including the judiciary [...]

The loss of public revenue directly impacted the ability of the judiciary to ensure the regular payment of salaries to judges and staff or to offer competitive remuneration packages. Freezes in court recruitment and the inability to invest in professional development further weakened the quality of justice and the ability to meet the caseload demand [...]

The lack of funding also impaired the building of new courts, the repairing and maintenance of judicial infrastructure, and the provision of adequate equipment and new information technologies. The Special Rapporteur was informed that numerous court buildings required urgent maintenance. The Government has been unable to fund rehabilitation plans or buy buildings that better serve its needs due to impediments in accessing foreign support and generating public revenue. In rural areas, unilateral sanctions also affected the functioning of circuit courts and hampered access to justice.⁶⁸

With regards to the impact COVID-19 has had on access to justice, the Special Rapporteur stated that “The COVID-19 pandemic significantly reduced court operations. The judiciary has been unable to hold virtual hearings or ensure electronic administration of operations, while access to the Internet is limited, especially in rural areas”.⁶⁹

In its concluding observations published on 16 September 2022, the UN Committee on the Elimination of Racial Discrimination noted:

The Committee is concerned about the lack of information on complaints or cases involving racial discrimination, hate crimes or hate speech in the State party, on the number of such cases that have been prosecuted, on decisions rendered by domestic courts or other bodies with regard to such complaints and cases and on any convictions or penalties imposed. The Committee is concerned by reports that “vagrancy laws” are being used to justify racial profiling by police and that at times enforcement of COVID-19 regulations has given rise to police abuse (art. 6).⁷⁰

i. Judicial independence

Additional relevant information may be found under section [V. a. i. Zimbabwe Constitution](#).

⁶⁷ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System's Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 3.2 The Role Played by both the Formal and Informal Justice Systems in Zimbabwe in Enhancing Access to Justice in Emergency Situations such as COVID 19 Pandemic, p. 14 and 15

⁶⁸ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, I. Critical infrastructure, paras. 55 - 57

⁶⁹ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, I. Critical infrastructure, para. 59

⁷⁰ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 43

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “In January [2020], a constitutional amendment was published in the official gazette giving the President powers to hand-pick judges to higher courts and weakening Parliament’s oversight of financial agreements entered into by the government”.⁷¹

The International Bar Association reported that in September 2020 “Zimbabwe held hearings to appoint judges to its Constitutional Court and the Supreme Court. This could be the last time the system of appointments involving the Judicial Services Commission is seen. It is highly likely several important judicial appointments will be made by President Emmerson Mnangagwa, without the checks and balances built into the 2013 Constitution, thus presenting a serious challenge to the independence of the judiciary”.⁷² The same source further quoted Blessing Gorejena, head of the coalition of Zimbabwean Human Rights NGOs:

She believes that the independence of the judiciary is seriously threatened, and cites another clause in the Bill before Parliament, which sees the termination of judges’ appointments when they are 70 years old. It also allows for an extension of five years under certain circumstances. She says there is an effect on judges as they near 70 years old – to ensure their judgments are not seen as controversial for fear of not being able to work past that age.

Gorejena says the public perception is that the courts have been ‘captured’ by political elites and the government. In her own experience the courts have not protected people. There has been a ‘blatant violation of human rights’. She notes that magistrates have also failed to safeguard human rights. There is sufficient evidence that the judiciary is not independent.⁷³

The U.S. Department of State reported in its annual report covering 2021: “The constitution provides for an independent judiciary, but the government intensified executive influence over the courts and executive interference in court decisions. In May [2021] the government amended the constitution to give the president authority to appoint senior justices without public interviews and extend the term of the chief justice beyond the mandatory retirement age stipulated in the original constitution. Prior to the amendment’s passage, Supreme and High Court judges issued an anonymous letter expressing concerns regarding the chief justice’s interference in their judgments. Many viewed the chief justice as biased in favor of the ruling party, citing his ruling against the leading opposition party when it challenged the results of the 2018 general election. In September the Constitutional Court overturned a High Court decision that would have blocked the extension. As a result the chief justice was to remain head of the Supreme and Constitutional Courts for another five years until his 75th birthday, well beyond the general election scheduled for 2023. Although the constitution includes safeguards against changing term limits for incumbents, the Constitutional Court’s decision makes it easier for parliament to pass additional constitutional amendments to extend term limits for other key positions, and the September decision further disempowers lower courts to rule on constitutional matters, setting a precedent that their rulings cannot be enforced until reviewed by the Constitutional Court”.⁷⁴

In May 2021, the International Crisis Group’s ‘CrisisWatch’ reported that the “Following constitutional amendments passed by parliament in April, Mnangagwa 11 May extended term of Chief Justice Luke Malaba, who was scheduled to retire mid-May, by five years. High Court 15 May ruled extension invalid, saying incumbent judges cannot benefit from term extension under Zimbabwe’s constitution. Govt 17 May appealed ruling before Supreme Court, and Malaba 23 May

⁷¹ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe*, p. 403

⁷² International Bar Association (IBA), [Zimbabwe crisis deepens](#), 7 October 2020

⁷³ International Bar Association (IBA), [Zimbabwe crisis deepens](#), 7 October 2020

⁷⁴ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., *E. Denial Of Fair Public Trial*

returned to work, saying appeal suspended High Court order; human rights lawyers 25 May filed High Court application seeking Malaba's arrest on charges of contempt of court".⁷⁵ Reporting on the same event, the Institute for Security Studies (ISS) noted:

Recent events involving Chief Justice Luke Malaba depict a well thought-out plan to weaken vital institutions such as the judiciary and fill the courts with judges beholden to the executive. Malaba's term was supposed to end on his 15 May birthday, as the constitution states that a judge should retire when she or he turns 70. Using its majority of seats in Parliament and with the help of a purged opposition, the ruling party fast-tracked a new constitutional amendment in record time. Among others, it sought to extend Malaba's term past the age limit. But a landmark ruling by three High Court judges that ran through the night and ended in the early hours of Malaba's birthday ruled against extending his term of office.

Realising that the court had scuppered the government's plan to extend the chief justice's tenure, Justice Minister Ziyambi Ziyambi spewed vitriol and issued veiled threats against the judges involved. Ziyambi accused the High Court judges of being captured by foreign interests and threatened them with unspecified action.⁷⁶

ii. Legal Representation, including attacks against lawyers

Additional relevant information may be found under section [V. h. iv. Treatment of human rights defenders and activists, including online activists](#).

As way of background information, the UN's 'Common Country Analysis' noted that "the provision of legal aid remains a challenge. Legal aid centres established by the Legal Aid Directorate need to meet minimum standards of service delivery and decentralise services for women, youth, and persons with disabilities to district level".⁷⁷

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee welcomes the decentralization process of the Legal Aid Directorate undertaken by the State party in all provinces in order to provide free legal assistance to individuals. It is, however, concerned by any delegation of the provision of free legal aid to non-governmental organizations and notes that the legal aid centres established thus far by the Directorate need to meet minimum standards of service delivery.⁷⁸

The International Commission of Jurists (ICJ) reported in June 2020 that "at least ten prominent lawyers have been arrested and criminally charged in Zimbabwe. Among them, Advocate Thabani Mpofu (photo), Advocate Choice Damiso, Mr Tapiwa Makanza and Mr Joshua Chirambwe have been arrested and charged with the crime of defeating or obstructing the course of justice. These lawyers are alleged to have falsified information in the papers filed in a legal matter in which they were representing a citizen, who was challenging the legality of President Mnangagwa's decision to appoint Mr Kumbirai Hodzi as the Prosecutor General. Mr Dumisani Dube was arrested on similar charges but his charges arise from a different case. Mr Patrick Tererai was charged with disorderly conduct after he demanded access to his client who had been detained at a police station. The ICJ

⁷⁵ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), May 2021 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

⁷⁶ Institute for Security Studies (ISS), [Mnangagwa regime continues to score own goals](#), 1 June 2021

⁷⁷ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 5. Peace, 5.4 Rule of Law and Access and Administration of Justice, p. 38

⁷⁸ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 15

notes that the criminal charges laid against all the six lawyers are linked to the performance of their duties as legal practitioners”.⁷⁹ The ICJ expressed its concern “that the arrests appear calculated to hinder the members of the profession from undertaking their professional duties. In this context, the ICJ calls upon the Government of Zimbabwe to ensure that the right to fair trial for these lawyers is fully respected and that the criminal charges brought against these lawyers are not abused to subvert the independence of the legal profession”.⁸⁰

A policy brief published in November 2020 by the Women and Law in Southern Africa (WLSA) and the Legal Resources Foundation (LRF) with support from UNDP on access to justice for victims of SGBV, harmful practices and violations of sexual and reproductive and health rights in the context of the COVID 19 pandemic, noted the following with regards to “lawyers’ ability to access clients” during the early years of the pandemic:

The restrictive measures introduced impacted on the lawyers' ability to freely move and have access to clients, for example, those who were in detention facilities. Some lawyers had to work remotely from home. These limitations resulted in inability of lawyers to meet with their clients. During the Lockdown, mobile telephone operators increased tariffs for voice, message and data to surf the internet thereby limiting access to legal information and assistance to that that needed it most. Following the uncertainties and concerns whether the restrictions on the restricted travel, movement and transportation that were [...] applicable to the legal profession, the Chief Justice issued Practice Direction 1 which specifically stated that it was meant to cover gaps in the COVID-19 Regulation. Paragraph 3 of the Practice Direction provided that courts could only handle initial remands, urgent applications and bail applications. However, the legal profession was still not included in the list of the professions authorized to carry out professional duties. This included the Legal Aid Directorate and other law-based institutions/legal aid services providers whose target groups include women, children and persons with disabilities. These groups were disproportionately affected by the Lockdown Regulations due to increased abuse and human rights violations.⁸¹

In September 2021 a joint report by Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights on attacks on human rights lawyers in 2020/21 raised their concern “about the arrests of, and restrictions placed upon, a number of lawyers limiting their freedoms to carry out their profession since the beginning of 2020” and also contains “a set of illustrative case studies” to show “how lawyers in Zimbabwe are currently being barred from representing their clients, have become subjects of arbitrary arrests, and have even being attacked for carrying out their profession. Appendix A referred to in this report includes a non-exhaustive list of lawyers who have been harassed, arrested and arbitrarily detained in Zimbabwe since January 2020”.⁸²

The U.S. Department of State reported in its annual report covering 2021⁸³: “Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees or those with authority to grant access were unavailable. The government also monitored, harassed, intimidated, and arrested human rights

⁷⁹ International Commission of Jurists (ICJ), [Zimbabwe: ICJ calls on government to ensure the independence of lawyers](#), 9 June 2020

⁸⁰ International Commission of Jurists (ICJ), [Zimbabwe: ICJ calls on government to ensure the independence of lawyers](#), 9 June 2020

⁸¹ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System's Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 3.2 The Role Played by both the Formal and Informal Justice Systems in Zimbabwe in Enhancing Access to Justice in Emergency Situations such as COVID 19 Pandemic, p. 15

⁸² Lawyers for Lawyers (L4L) / Zimbabwe Lawyers for Human Rights (ZLHR), [Attacks on Human Rights Lawyers in Zimbabwe 2020/21 Report](#), September 2021, I. Introduction, p. 4

⁸³ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., D. Arbitrary Arrest Or Detention

lawyers when they attempted to gain access to their clients. A destitute detainee may apply to the government for an attorney, but only for capital offenses. Some opposition party members, civil society activists, journalists, and ordinary citizens had limited or no access to their legal counsel”.⁸⁴

The same report further highlighted that “Defendants have the right to a lawyer of their choice, but most defendants in magistrates’ courts did not have legal representation. In criminal cases, a destitute defendant may apply to have the government provide an attorney, but requests were rarely granted except in capital cases in which the government provided an attorney for all defendants unable to afford one [...] The right to adequate time and facilities to prepare a defense is also provided for by law but was often lacking [...] Authorities sometimes denied or significantly delayed attorneys’ access to their clients or falsely claimed the attorneys’ clients were being held at another facility. There were also cases where authorities used COVID-19 regulations to deny attorneys timely access to their clients”.⁸⁵

In March 2022, the Zimbabwe Lawyers for Human Rights (ZLHR) published its analysis on the situation of Zimbabwean human rights defenders between 2018 and 2021 and stated in relation to ‘attacks on human rights lawyers’ that “The state has also increasingly subjected human rights lawyers representing HRDs to intimidation and harassment, judicial harassment and criminal prosecution”.⁸⁶ The report also documented targeted incidents against lawyers such as:

Beatrice Mtetwa

In August 2020, a large number of fully armed anti-riot police sat outside of human rights lawyer Beatrice Mtetwa’s offices in what was suspected to be an act of intimidation as a result of her professional representation in the criminal case against journalist Hopewell Chin’ono. Also in August 2020, the Magistrates Court, in a highly controversial decision, barred her from representing her client, Chin’ono, in his criminal case related to the 31 July protests. The court’s decision was based on comments about Chin’ono’s case posted on a Facebook page that was run, not by her, but by an American filmmaker, who produced a documentary about Mtetwa’s work. The magistrate also referred the case as a disciplinary matter to the Law Society of Zimbabwe. The magistrate’s decision to bar Mtetwa was heavily condemned by regional and international actors [...] Beatrice Mtetwa appealed to the High Court against the ruling and the order to bar her was eventually overturned on 15 December 2020. For four months Mtetwa was unable to represent her client and, conversely, Hopewell Chin’ono was denied the right to legal representation of his choice.

Obey Shava

On 31 July 2020, human rights lawyer Obey Shava had accompanied the MDC trio, Mamombe, Chimbiri and Marova, to Harare Central Police Station to report as part of their bail conditions. Shava and his clients were stopped by soldiers who were manning a roadblock close to the ZANU PF Headquarters. He was arrested and taken to Harare Central Police Station together with his clients. He was released without charge after being detained for close to four hours.

Jeremiah Bamu

Human rights lawyer Jeremiah Bamu was arrested on 22 August 2020 outside Rotten Row Criminal Magistrates Court by the Zimbabwe Republic Police for allegedly “defying an instruction by riot police to disperse”. At the time, he was defending lawyer and MDC legislator for Zengeza West constituency, Job Sikhala, who was scheduled to appear in court on that day. He was arrested, placed in the back of a truck and driven to Harare Central Police Station, despite presenting his practicing certificate and

⁸⁴ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., D. Arbitrary Arrest Or Detention

⁸⁵ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., E. Denial Of Fair Public Trial

⁸⁶ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 4, 4.2 Attacks on Human Rights Lawyers, p. 22

explaining he was lawfully at the court premises in order to represent his client. He was later released on the same day without charge.⁸⁷

As part of its submission to the Universal Periodic Review, the Southern Africa Litigation Centre (SALC) reported in July 2021 that the “Lawyers also face detention and arrest on illegitimate charges. In June 2020, the Law Society of Zimbabwe released a statement of concern about the continued arrest of its members on charges of alleged obstruction of justice. Lawyer Thabani Mpofu was arrested and released on bail for allegedly obstructing justice by filing an affidavit from an allegedly non-existent person in a case challenging the appointment of the Prosecutor General. The author of the affidavit later presented himself to the police, but the case against Mpofu is continuing. In August 2020, human rights lawyer Beatrice Mtweta was barred from representing her client Hopewell Chin’ono. A magistrate recommended her licence be revoked after being falsely accused of managing a Facebook page critical of the justice system”.⁸⁸

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

Access to legal aid was also reported as a key challenge, as legal aid clinics are unable to meet the current demand due to lack of resources, and the delivery of justice entails high costs of litigation and representation. Additionally, lawyers are reportedly reluctant to work pro bono and provide free legal aid given the costs of litigation, resulting in few cases being taken up. Unable to assume the costs, many people in need of justice resort to alternative methods of litigation through “self-help”, representing themselves in magistrates’ court to circumvent the costs. However, their lack of expertise and the requirement of impartiality by the judiciary is correlated to their ability to access justice adequately, including in corruption cases when investigations were not completed due to the insufficiency of resources.⁸⁹

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “At least 10 lawyers were harassed in connection with cases they represented, some of them facing prosecution on trumped-up charges”.⁹⁰ The organisation highlighted two cases in particular:

In June [2020], Thabani Mpofu was arrested and bailed, on allegations of obstructing justice by filing an affidavit from a fictitious person in a case which challenged the appointment of the Prosecutor General. The author of the affidavit later presented himself to the police, but the case against the Thabani Mpofu continued at the end of the year [...]

In August [2020], a magistrate barred Beatrice Mtweta, a human rights lawyer, from representing her client and recommended that her licence be revoked after she was falsely accused of running a Facebook page which criticized the justice system.⁹¹

iii. Criminal Justice System and Access to a Fair Trial

⁸⁷ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 4, 4.2 Attacks on Human Rights Lawyers, p. 23

⁸⁸ Southern Africa Litigation Centre (SALC), [Zimbabwe’s 3rd Universal Periodic Review, 40th Session \(October-November 2021\), Submission by: Southern Africa Litigation Centre](#), 15 July 2021, p. 7/8

⁸⁹ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, I. Critical infrastructure, para. 58

⁹⁰ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, Right to Truth, Justice and Reparation, p. 406

⁹¹ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, Right to Truth, Justice and Reparation, p. 406

Freedom House, covering developments during 2021, reported that “Constitutionally stipulated due process protections are not enforced. Security personnel frequently ignore basic rights regarding detention, searches, seizures, and accused persons are often held and interrogated without legal counsel or explanation of the reason for arrest. Lawyers also face detention and arrest on spurious charges. Perceived opponents of the regime faced arrests and detentions throughout 2021”.⁹²

The U.S. Department of State reported in its annual report covering 2021: “The constitution provides for the right to a fair and public trial, but corruption and executive control over the judiciary increasingly compromised this right. By law defendants enjoy a presumption of innocence, although courts often did not respect this right, with government and ruling party officials using social media to imply guilt ahead of a court ruling in politically charged cases [...] Government officials liberally interpreted state security matters to include trials and hearings for defendants who protested the government or reported on government corruption”.⁹³

As part of its submission to the Universal Periodic Review, the Southern Africa Litigation Centre (SALC) reported in July 2021 that the “Due process protections mandated by the Constitution are not enforced. The police often indiscriminately conduct searches and seizures and detain and interrogate suspects for hours without providing them access to legal counsel or a reason for the arrest”.⁹⁴

Amnesty International, in its annual human rights report covering 2021 - February 2022, reported on the following case as an example of ‘right to a fair trial’: “On 4 June [2021] the Supreme Court acquitted and ordered the immediate release of two MDC-A supporters Last Tamai Maengahama and Tungamirai Madzokere from Chikurubi Maximum Security Prison. They had been sentenced to 20 years in prison in 2016 for the murder of a Zimbabwe Republic Police officer”.⁹⁵

In another case, Amnesty International reported about the “continued arbitrary detention of opposition leader and Member of Parliament Job Sikhala and MP Godfrey Sithole” who have been “arbitrarily detained for 100 days, sometimes without access to lawyers”.⁹⁶

IV. Corruption (since January 2020)

a. Within the judiciary

The U.S. Department of State reported in its annual report covering 2021⁹⁷ with regards to judicial corruption:

⁹² Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, *F. Rule of Law*

⁹³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, *Section 1., E. Denial Of Fair Public Trial*

⁹⁴ Southern Africa Litigation Centre (SALC), [Zimbabwe's 3rd Universal Periodic Review, 40th Session \(October-November 2021\), Submission by: Southern Africa Litigation Centre](#), 15 July 2021, p. 9

⁹⁵ Amnesty International, [Amnesty International Report 2021/22, The State of the World's Human Rights](#), 28 March 2022, *Zimbabwe, Right to a Fair Trial*, p. 414

⁹⁶ Amnesty International, [Zimbabwe: Authorities must release opposition MPs unjustly held for 100 days](#), 21 September 2022

⁹⁷ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, *Section 1., E. Denial Of Fair Public Trial*

Judicial corruption was widespread. NGOs reported senior government officials gave homes, farms, agricultural machinery, and other perks to numerous judges as part of its corrupt Command Agriculture program.

NGOs reported that the president of the High Court often routed cases involving human rights defenders to specific anticorruption magistrates in the lower courts even if the cases were unrelated to corruption. Legal experts claimed defendants in politically sensitive cases were less likely to receive a fair hearing from magistrates, who heard most cases, than from higher courts. In lower courts justices were more likely to make politicized decisions due to the use of threats and intimidation to force magistrates to rule in the government's favor, particularly in rural areas. In politically charged cases, other judicial officers such as prosecutors and private attorneys also faced pressure from high-ranking judges and officials of the ruling party, including harassment and intimidation.⁹⁸

The report also noted that: "Civil judicial procedures allow for an independent and impartial judiciary, but the judiciary was subject to political influence and intimidation, particularly in cases involving high-ranking government officials, politically connected individuals, and individuals and organizations seeking remedies for abuses of human rights".⁹⁹

b. Within the wider government

As way of background information, the UN's 'Common Country Analysis' stated with regards to corruption:

Corruption, both in the public and private sectors, has slowed down development in the country. In March 2007, Zimbabwe ratified the United Nations Convention against Corruption (UNCAC). In 2013, the country underwent the implementation review of the UNCAC. The review acknowledged that Zimbabwe has an elaborate institutional infrastructure to combat corruption including the Office of the Auditor General, the Financial Intelligence Unit (FIU), Zimbabwe Republic Police, Zimbabwe Anti-Corruption Commission (ZACC), National Prosecuting Authority, the Special Anti-Corruption Unit (SACU) in the Office of the President, and the recently established specialised Anti-Corruption Courts. However, corruption remains a very high risk for companies operating in Zimbabwe. The sectors that are more prone to corruption include the natural resource sector, public procurement, customs administration, tax administration, land administration and public services such as licencing, permits and utilities [...]

The legacy of persistent corruption harms the country's institutions and state-society relations. The country's Corruption Perception Index for 2020 was 24/100 and ranked 157 out of 180 countries (Transparency International 2020)

The Afro-barometer and Global Corruption Barometer showed that in 2019, 60% of Zimbabweans reported increased corruption levels in the past 12 months.¹⁰⁰

The United States Institute of Peace (USIP) noted in January 2020 with regards to corruption:

Although Mnangagwa made fighting corruption a key priority of his presidential campaign, respondents doubt his commitment. "There have been some cosmetic moves toward curbing corruption," one said, "yet patronage remains intact and well-known corrupt individuals remain part of the 'new' administration." Individuals accused of corruption continue to serve in government institutions, and those removed from government positions were reassigned to the Zimbabwe African

⁹⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., E. Denial Of Fair Public Trial

⁹⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., E. Denial Of Fair Public Trial

¹⁰⁰ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 5. Peace, 5.6 Corruption, p. 40 and 41

National Union-Patriotic Front (ZANU-PF) party headquarters, where they are wielding significant influence over government policy under what appears to be an attempt to borrow from the Chinese model of governance, characterized by the supremacy of the party over government. So far, those arrested for corruption appear to be political opponents who belonged to the so-called Generation 40 faction, an informal group within the party advocating for younger leadership [...] Even when individuals were charged, most were merely placed on bail [...] Central bank directors suspended on allegations of corruption and collusion with oil companies were subsequently cleared and reinstated”.¹⁰¹

The U.S. Department of State reported in its annual report covering 2021 with regards to state corruption¹⁰²: “The law provides criminal penalties for conviction of corruption; however, the government did not implement the law effectively or impartially. Despite government pronouncements, there were numerous reports of government corruption during the year. Experts described the problem as “catch and release,” where the government arrested some corrupt officials, often those out of favor, without ever convicting them”.¹⁰³ The report further specified: “Corruption in both the public and private sectors persisted and was highly institutionalized. The country continued to experience both petty and grand corruption [...] Although the country had established specialized anticorruption courts in all 10 provinces by December 2020, challenges persisted: perceptions of political interference, delays in concluding high-profile cases, and a low quality of investigations. Additionally, the anticorruption courts often displayed political bias and were assigned cases involving activists, journalists, or opposition leaders even though the cases did not relate to corruption”.¹⁰⁴

i. Revelations of corruption (including Covid-19 funding)

According to Afrobarometer, “The Zimbabwe Anti-Corruption Commission reports that Harare metropolitan province accounted for 93.2% of all corruption cases it received in 2020”.¹⁰⁵ The same article further noted:

The COVID-19 pandemic seems to have exacerbated – or at least highlighted – the problem. A report by Zimbabwe’s auditor general exposed extensive mismanagement and looting of pandemic-related funds and said that allowances destined for vulnerable households had not reached the intended beneficiaries due to duplicate payments and disbursement of funds to people with fictitious names, among other reasons (Dube, 2021).

Zimbabwe’s Minister of Health, Obadiah Moyo, was sacked in June 2020 after allegations that he illegally awarded a multimillion-dollar contract to a shadowy company that sold the government face masks and other materials at inflated prices (Mutsaka, 2020).

The previous year, Tourism Minister Prisca Mupfumira was fired after she was accused of criminal abuse of office during her time as Minister of Public Service, Labor and Social Welfare that resulted in the loss of US\$95 million at the National Social Security Authority (Reuters, 2019). Other high-profile figures arrested in recent years on allegations of corruption and abuse of office include former ministers Ignatius Chombo, Saviour Kasukuwere, Supa Mandiwanzira, Walter Mzembi, Walter

¹⁰¹ United States Institute of Peace (USIP), [The Challenges for Social Movements in Post-Mugabe Zimbabwe](#), January 2020, p. 6

¹⁰² Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 4. Corruption and Lack of Transparency in Government

¹⁰³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 4. Corruption and Lack of Transparency in Government

¹⁰⁴ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 4., Corruption

¹⁰⁵ Afrobarometer, [AD477: Zimbabweans’ fear of retaliation for reporting corruption compounds ‘pandemic within a pandemic’](#), 16 September 2021

Chidhakwa, and Samuel Undenge (Muleya, 2018). Undenge was found guilty, while Mzembi, Kasukuwere, and Mandiwanzira were acquitted. The other cases are yet to be concluded. While the government says its intention is to eradicate corruption (Machivenyika, 2019), others have dismissed the arrests as selective, politically convenient, and in some cases part of a “catch and release” game (Nyamazana, 2020).¹⁰⁶

Freedom House similarly reported that “Corruption featured heavily in the government’s COVID-19 response. In June 2020, Health Minister Obadiah Moyo was arrested after ZACC [Zimbabwe Anti-Corruption Commission] accused him of steering a \$42 million contract to a firm outside the pharmaceutical sector. Moyo was dismissed from his post in July [2020]. In September 2020, ZACC reported that the National Pharmaceutical Company allegedly violated procurement rules when acquiring equipment and chemicals for COVID-19-related work earlier in the year, and Deputy Health Minister John Mangwiro unsuccessfully steered a related tender to a firm that offered inflated prices. Despite calls for Mangwiro to be prosecuted, he has remained in that post through 2021”.¹⁰⁷

The International Crisis Group noted in December 2020 in relation to Zimbabwean’s corruption scandals:

the government appears to be using another anti-corruption institution to target those who have exposed alleged corruption elsewhere. For example, the Special Anti-Corruption Unit, created in 2018 and run by Mnangagwa’s nephew out of the office of the presidency, has reportedly been involved in arrests of individuals who were central to investigations of former Health Minister Obadiah Moyo. He was arrested in June 2020 following ZACC investigations into his alleged award of a contract for supply of COVID-19 personal protection equipment to a United Arab Emirates company, Drax International, without going to tender. In July, prominent journalist Hopewell Chin’ono, who is credited with exposing the Drax deal, was arrested on charges of plotting to promote public violence. Chin’ono alleges that the special unit is behind his arrest. The unit has also arrested police officers involved in the Drax investigation.¹⁰⁸

Additional relevant information may be found under section [V. h. vi. Treatment of protestors and anyone perceived as critical / in opposition to the government.](#)

The U.S. Department of State reported in its annual report covering 2021 with regards to COVID-19 related funding scandals: “The country’s COVID-19 response was marred by corruption. In June 2020 President Mnangagwa fired Health and Child Care Minister Obadiah Moyo for corruptly awarding a multimillion-dollar contract overpaying for COVID-19 equipment. Moyo was released on bail within one day and acquitted by the High Court in October”.¹⁰⁹

ii. The Zimbabwe Anti-Corruption Commission board and its dismissal

Freedom House reported that “In early 2019, President Mnangagwa dismissed the existing Zimbabwe Anti-Corruption Commission (ZACC) board and appointed the wife of a former general, a retired major, former opposition politicians, and civil society leaders to the body. Though ZACC continues to refer corruption cases to prosecutors, opposition leaders have called for it to be

¹⁰⁶ Afrobarometer, [AD477: Zimbabweans’ fear of retaliation for reporting corruption compounds ‘pandemic within a pandemic’](#), 16 September 2021

¹⁰⁷ Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, C. Functioning of Government

¹⁰⁸ International Crisis Group, [How South Africa Can Nudge Zimbabwe toward Stability](#), 17 December 2020, II. Repression and Recession in a Crisis-prone State, D. Corruption Scandals

¹⁰⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 4., Corruption

disbanded, accusing the commission of lacking the independence, capacity, and will to carry out its mandate”.¹¹⁰

The International Crisis Group noted in December 2020 in relation to Zimbabwean’s corruption scandals:

Amid these tensions, numerous corruption scandals have tarnished top officials, revealing the extent of misgovernance and the limits of Zimbabwe’s institutions in dealing with high-level graft. While the Zimbabwe Anti-Corruption Commission (ZACC), which installed its new chairperson in July 2019, has arrested and charged several ministers and senior officials amid the president’s claims that he is taking a “zero tolerance” approach to corruption, prosecutors have yet to deliver a conviction. In turn, critics have argued that, despite the ZACC initiative, the president and his allies in the legal system are more interested in using the probes to keep senior ZANU-PF officials in check than in punishing them. ZACC officials say they choose their targets independently but lack the resources to tackle all the most important cases. Meanwhile, the ZACC has decided not to investigate Kudakwashe Tagwirei, a businessman close to Mnangagwa and Chiwenga, who benefitted from hundreds of millions of dollars in state payouts. Washington has now sanctioned Tagwirei for “public corruption”.¹¹¹

The U.S. Department of State reported in its annual report covering 2021 with regards to independent oversight bodies: “Independent governmental oversight entities were often constrained politically or lacked sufficient funding and staffing to carry out their mandates [...] The constitution mandates the Zimbabwe Anticorruption Commission (ZACC) conduct corruption investigations. In 2019 President Mnangagwa appointed nine new commissioners to the ZACC and gave the commission the power to arrest. ZACC does not, however, have the power to prosecute. Concerns remained that the government’s anticorruption efforts were highly politicized and that ZACC targeted high-profile officials who had fallen out of favor with President Mnangagwa”.¹¹²

V. Human Rights Situation (since January 2020)

a. Relevant Legal Frameworks

In March 2022, the Zimbabwe Lawyers for Human Rights (ZLHR) published its analysis on the situation of Zimbabwean human rights defenders between 2018 and 2021 and reported that the Zimbabwean “State has used and misused various pieces of legislation to criminalise the work of HRDs [human rights defenders]. Many of these pieces of legislation are draconian remnants of Zimbabwe’s oppressive colonial history, which the State has deliberately failed to revise or repeal to bring into compliance with the Constitution as well as its regional and international obligations”.¹¹³ The report further highlights and analyses some of the “most prominent of laws and provisions that the state has essentially ‘weaponised’ into a tool of repression to curtail the work of HRDs and CSOs [civil society organisations] in Zimbabwe”: Maintenance of Peace and Order Act (MOPO), especially chapters 11:23, The Criminal Law Act, especially Sections 22, 31, 33, 36, 37, 38, 41, 177, 184, the Data Protection Act, and the Private Voluntary Organisations (PVO) Amendment Bill.¹¹⁴

¹¹⁰ Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, C. *Functioning of Government*

¹¹¹ International Crisis Group, [How South Africa Can Nudge Zimbabwe toward Stability](#), 17 December 2020, II. *Repression and Recession in a Crisis-prone State*, D. *Corruption Scandals*

¹¹² U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 4., *Corruption*

¹¹³ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 5, p. 29

¹¹⁴ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 5

i. Zimbabwe Constitution

To access the Constitution of Zimbabwe, as amended up to 30th September, 2018, click [here](#).

As way of background, in its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

Zimbabwe's constitution, enacted in May 2013, has an expansive Bill of Rights. During the 2016 UPR process, Zimbabwe accepted recommendations to harmonize all laws with the 2013 Constitution and ensure they are implemented in full accordance with international human rights standards. However, the authorities have yet to align the country's laws to the provisions of the constitution. For instance, the government has yet to establish an independent complaints mechanism for the public regarding conduct of the security forces. An expected legislative framework and new or amended laws to improve human rights in line with the constitution have yet to materialize.¹¹⁵

In May 2021 the "controversial Constitution of Zimbabwe Amendment (No. 2) Bill" was signed and "published as an Act".¹¹⁶ According to Veritas, "[Veritas], the Law Society, other legal organisations, law firms, and individual lawyers have announced they intend to challenge the validity of the Act, one of the grounds being that it was extensively amended during its passage through the National Assembly¹¹⁷ in violation of section 328 of the Constitution".¹¹⁸ Already in September 2017 the Constitution of Zimbabwe Amendment (No. 1) Act was published, whose validity was challenged by members of Parliament in the Constitutional Court.¹¹⁹ However, "instead of declaring the Act to be void the Court gave the Senate six months within which to hold a further vote on the Bill. After some delays which the Court condoned, the Senate duly passed the Bill by the requisite two-thirds majority on the 4th May this year. The Government considers that this vote validated the publication of the Act in September 2017".¹²⁰

Similarly, Amnesty International, in its annual human rights report covering 2021 - February 2022, summarised the enactment of the two constitutional amendments as follows: "The government enacted two constitutional amendments which were heavily criticized for undermining the judiciary's independence. In April [2021], parliament passed Constitution Amendment 1 of 2017 allowing the president to appoint the Chief Justice, Deputy Chief Justice and High Court Judge President without open selection processes. In May [2021], it passed Amendment 2 enabling the president to appoint sitting judges to vacancies in the higher courts, without open selection processes".¹²¹

In January 2020, Veritas had already raised the following concerns regarding the Constitution of Zimbabwe Amendment (No. 2) Bill: "If the Bill is passed by Parliament it will make a large number of wide-ranging amendments to the Constitution, many of them minor but some very important indeed: for example one of them will materially limit Parliament's oversight of foreign agreements

¹¹⁵ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

¹¹⁶ Veritas, [Constitution Watch 2/2021 – Constitution Amendment No. 2 Act Published](#), 8 May 2021

¹¹⁷ See Veritas, [Constitution Watch 1/2021 – Constitution Amendment No. 2 Fast-tracked with Unconstitutional Amendments](#), 20 April 2021

¹¹⁸ Veritas, [Constitution Watch 2/2021 – Constitution Amendment No. 2 Act Published](#), 8 May 2021

¹¹⁹ Veritas, [Constitution Watch 2/2021 – Constitution Amendment No. 2 Act Published](#), 8 May 2021

¹²⁰ Veritas, [Constitution Watch 2/2021 – Constitution Amendment No. 2 Act Published](#), 8 May 2021

¹²¹ Amnesty International, [Amnesty International Report 2021/22, The State of the World's Human Rights](#), 28 March 2022, *Zimbabwe, Background*, p. 412

that impose fiscal obligations on Zimbabwe”.¹²² Veritas further laid out the “amendments which the Bill proposes to make can be grouped under the following main headings:

1. Limitation of Parliament’s power to approve international treaties
2. Abolition of provisions for electing Vice-Presidents
3. Extension of Party-list Members of the National Assembly
4. Delimitation of electoral boundaries
5. Appointment of additional non-parliamentary Ministers
6. Alteration of membership of provincial and metropolitan councils
7. Promotion and tenure of Judges
8. Appointment and removal of Prosecutor-General
9. Change of name of Civil Service
10. Chief Secretary to the President and Cabinet
11. Creation of office Public Protector and transfer of functions from Zimbabwe Human Rights Commission”.¹²³

Critical analysis on each topic has been published in a variety of ‘Constitution Watches’ publications as pulled together by Veritas and which can be viewed [here](#).¹²⁴

The United States Institute of Peace (USIP) reported in June 2020 that “Civil society groups also are concerned at a bill in Parliament that would amend 30 sections of Zimbabwe’s constitution to give Mnangagwa what the Zimbabwe Human Rights NGO Forum called ‘medieval monarch-type’ powers and weaken democratic checks and balances. The government has been pressing the amendments forward by holding public hearings despite COVID and the shutdown of other public activities—an inconsistency protested by labor unions and citizens’ groups”.¹²⁵

Stakeholders providing information to the UN Human Rights Council’s Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022 noted that “whilst it was commendable that the Constitution of Zimbabwe contained a robust bill of rights, the lack of alignment of national laws with the Constitution and ratified international human rights treaties, created a breeding ground for human rights violations”.¹²⁶ They further stated that “when interpreting the bill of rights, the Constitution, under section 46(1)(c), did not expressly provide for courts and other bodies to take into account international law, and ratified conventions.

¹²² Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 1](#), 18 January 2020

¹²³ Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 1](#), 18 January 2020

¹²⁴ Specifically Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 1](#), 18 January 2020; Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 2](#), 26 January 2020; Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 3](#), 28 January 2020; Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 4](#), 28 January 2020; and Veritas, [Constitution Watch 1/2020 – Amending the Constitution – Part 5](#), 22 February 2020

¹²⁵ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe’s Civil Society Movement](#), 24 June 2020

¹²⁶ UN Human Rights Council, [Summary of Stakeholders’ submissions on Zimbabwe](#), 1 November 2021, para. 11

Consequently, international law standards were considered simply as one amongst other aids of interpretation. It was therefore imperative that international obligations be integrated into the Constitution and national law".¹²⁷ Article 19 Eastern Africa and Gender & Media Connect Zimbabwe, two organisations who jointly submitted their concerns to the Universal Periodic Review, stated in July 2021 that Zimbabwe was "currently in a constitutional crisis which is playing out in the courts following the passing of Constitutional Amendment 2. Of note are two challenges: the constitutionality of the extension of the term of the Chief Justice [see also section [III. A. i. Judicial independence](#)], and the constitutionality of the amendment in its totality".¹²⁸

Enforced disappearance

In relation to forcible disappearance, Redress reported that:

In Zimbabwe, neither the Constitution nor criminal laws specifically refer to ED [enforced disappearance] as a crime. However, the Constitution of 2013 has enshrined a number of rights which seek to protect individuals from harmful conduct such as ED. Section 49 of the Constitution enshrines the right to personal liberty, which includes that a person cannot be detained without a trial and cannot be deprived of his/her personal liberty arbitrarily or without just cause.

Additionally, Section 53 of the Constitution prescribes freedom from torture or cruel, inhuman or degrading treatment or punishment, stating that no person may be subjected to physical or psychological torture or cruel, inhuman or degrading treatment or punishment. Further, the legislation on kidnapping, which criminalises the deprivation of freedom of bodily movement, intending to cause such deprivation, or realizing that there is a real risk or possibility that such deprivation may result, provides for a sentence of life imprisonment with the option of a fine in some circumstances.¹²⁹

ii. Zimbabwe Human Rights Commission Act

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee notes with appreciation that A status was conferred upon the Zimbabwe Human Rights Commission in 2016 by the Global Alliance of National Human Rights Institutions. However, it notes with concern the limited independence of the Commission.¹³⁰

This concern continued in 2022 with the UN Committee on the Elimination of Racial Discrimination noting in its concluding observations published on 16 September 2022:

The Committee is concerned that the Human Rights Commission is not fully independent, in particular because prior government approval is required for it to receive donor funding, it is required to submit its reports to parliament through the Executive and it lacks a clear, transparent and participatory selection process.¹³¹

¹²⁷ UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 12

¹²⁸ Article 19 Eastern Africa / Gender & Media Connect Zimbabwe, [Submission to the Universal Periodic Review of Zimbabwe For the Consideration of the 40th Session of the UPR Working Group in January 2022](#), 14 July 2021, para. 5

¹²⁹ Redress, [The forgotten victims: Enforced disappearance in Africa](#), August 2021, 6. *Gaps in the legal and policy framework to prevent and eradicate ED in Africa*, p. 44

¹³⁰ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 21

¹³¹ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 11

b. Violence

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “The authorities used COVID-19 regulations to justify severe restrictions on the rights to freedom of expression and peaceful assembly. They deployed security forces to abduct, assault and torture perceived critics, and opposition members and leaders”.¹³² Specifically the report highlighted:

Security forces frequently used excessive force to prevent or crackdown on peaceful protests and to impose lockdown restrictions, killing at least 10 people. Security forces also arbitrarily arrested and detained protesters and others in the context of enforcing COVID-19 measures [...]

Many were subjected to violence, including a significant number of women. Two sisters, Nokuthula and Ntombizodwa Mpofu, were severely beaten by police on 16 April in Bulawayo when they went out during curfew to buy food for their children.

A joint team comprised of agents of the police, military, the Central Intelligence Organisation, and the Office of the President, known as the “Ferret Team”, terrorized government critics, opposition leaders and activists, and their family members [...]

In the days running up to the July 31 [2020] protests, security forces raided the homes of those suspected of supporting the initiative, in some cases vandalizing property.¹³³

The same source reported in an article published in early April 2020 on the “disproportionate force” used by security personnel to ensure that people comply with lockdown measures:

police officers raided Sakubva vegetable market in Mutare at dawn on 3 April [2020], causing more than 300 vegetable vendors to flee and leave behind their produce. Police carried out the raid despite the agriculture sector being flagged as an essential service during the 21-day lockdown, which meant that the market could continue to service people who needed it to buy food. Police later burnt the vegetables and the vendors are yet to be compensated for their loss.¹³⁴

In May 2020 the International Federation for Human Rights (FIDH) and its member organisation Zimbabwe Human Rights Association (ZimRights) highlighted “recent acts of police violence in Zimbabwe” in particular the “extrajudicial killing of a Bulawayo city resident beaten to death by police” in march 2020 and “policemen’s torture of two women accused of violating lockdown regulations in Cowdray Park in Harare” in April 2020.¹³⁵

The United States Institute of Peace (USIP) reported in June 2020 that “Zimbabwe human rights groups expressed grave concern at Mnangagwa’s use of troops and police to enforce COVID restrictions. In fulfillment of the roles that the military and police historically have played in Zimbabwe—the protection of state power—their personnel have harassed citizens and threatened communities, appearing motivated by a desire to instill fear rather than to protect citizens from the potentially deadly virus”.¹³⁶

¹³² Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, p. 403

¹³³ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, *Excessive Use of Force*, p. 404

¹³⁴ Amnesty International, [Southern Africa: Government intervention required as millions face hunger under COVID-19 lockdown regimes](#), 17 April 2020

¹³⁵ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Condemn Gross Human Rights Violations by Police Including Extrajudicial Killing, Torture and Abductions](#), 25 May 2020

¹³⁶ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe’s Civil Society Movement](#), 24 June 2020

Afrobarometer reported in July 2020 that following the deployment of Zimbabwean army and police to enforce the national lockdown due to COVID-19 related measures “allegations of brutality suggest that some security agents are abusing their authority under the lockdown. Pictures circulated widely on social media of injuries suffered by two sisters who, while in a queue to buy food in Bulawayo, were reportedly handcuffed, verbally abused, and physically assaulted with batons for several hours (Tshili, 2020). Three men are suing the police commissioner general, claiming they suffered a broken arm, hearing problems, and dislocated shoulders during beatings by the police (Ncube, 2020). In response to an urgent chamber application by Zimbabwe Lawyers for Human Rights (ZLHR) and a woman who was bitten by dogs, the country’s High Court has ordered soldiers, police, and other state security agents to respect human rights, dignity, and fundamental freedoms while enforcing the country’s lockdown regulations (Dube, 2020)”.¹³⁷

In September 2020, the International Federation for Human Rights (FIDH) and the Zimbabwe Human Rights Association (ZimRights) noted:

Between 30 March and 9 August [2020], ZimRights documented 820 human rights violations, including 511 arbitrary arrests, 278 assaults by state agents, 20 attacks on journalists, 4 abductions, two gunshot assaults, one dog bite and four suspected extrajudicial killings. Our organisations’ analysis of these cases reveals a trend of human rights violations consisting of acts aiming to morally exhaust, silence, punish, impoverish, sometimes physically injure the targeted individuals, and exposing them to the risk of contracting the virus while arbitrarily detained in prisons.¹³⁸

The U.S. Department of State reported in its annual report covering 2021: “NGOs reported police officers assaulted, raped, and arrested with impunity residents who crossed into the poorly demarcated Marange diamond mines”.¹³⁹

Amnesty International, in its annual human rights report covering 2021 - February 2022, summarised the human rights situation in Zimbabwe as follows: “The human rights situation continued to deteriorate, with the government demonstrating hostility to human rights defenders, protesters, political activists and journalists. They were harassed, arrested, prosecuted and subjected to prolonged pretrial detention; one activist was killed allegedly by supporters of ZANU-PF, the ruling party. The state weaponized Covid-19 lockdowns to restrict political activity. Security forces carried out unlawful killings”.¹⁴⁰

The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests in July 2021 and reported that:

police and security forces have been abducting, arbitrarily arresting and torturing activists, opposition groups, journalists, human rights defenders and anyone that dares speak out against the government [...]
Dozens of activists have reported being threatened and assaulted whilst others have been forced into hiding.¹⁴¹

¹³⁷ Afrobarometer, [AD375: Zimbabweans trust police and military, but not enough to criticize them](#), 21 July 2020

¹³⁸ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissidents](#), 11 September 2020

¹³⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

¹⁴⁰ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, Zimbabwe, p. 412

¹⁴¹ International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

The Zimbabwe Human Rights NGO Forum examined the occurrence of Organised Violence and Torture (OVT) in Zimbabwe between 2019 and 2021 deriving data from the Armed Conflict Local Event Database (ACLED) and data from reports of the Zimbabwe Peace Project (ZPP).¹⁴² and found:

The ACLED data suggests a declining trend in overall violent events, with violence against civilians remaining a steady third or more of the total violent events, declining protests (and peaceful protests), and a rise in riots. Harare is consistently the geographical area where most violent events take place. Much of this evidence suggests a populace becoming more fractious as socio economic hardship rises. Overall, ZPP reported a total of 9, 953 violations over the period 2019 to 2021. In past years the monthly average of violations in non-election years was 365 reported violations as opposed to 706 in election years. The monthly average reported by ZPP is lower than the non-election average reported, around 200 cases per month on average, but this does not suggest that OVT has disappeared since the coup. The ZPP data shows that Harare is the most frequent site of violations, and apart from Harare, a small trend towards increasing rates of violations in Manicaland, Mashonaland East, and West, and the Midlands. These are not dramatic increases, but as pointed out earlier, consonant with the frequently seen pattern of violations increasing towards elections.¹⁴³

The report further concluded:

both sources of data show that human rights violations, including OVT, have not been eradicated since the coup in 2017, despite all the public assurances by the Government. Secondly, there are small trends in both data sources pointing to increasing violations, and not explained by the enforcement of COVID-19 regulations. Thirdly, both sources show Harare as the area with most occurrence of violations. In the past Harare has generally reported higher rates of violations than other towns. Additionally, the numbers of fatalities are low, but not trivial when compared with previous years. For example, the Human Rights NGO Forum documented 224 murders between 2001 and 2008, but 202 of these occurred in 2001, 2002 and 2008, years in which elections were taking place or were about to take place. The Zimbabwe Peace Project recorded a total of 52 murders between 2018 and 2021, 71% of which were allegedly committed by the Zimbabwe Republic Police (ZRP), the Zimbabwe National Army (ZNA), and ZANU-PF supporters, and 46% by ZANU-PF supporters. Furthermore, with the removal of Robert Mugabe and the coming into power of the Mnangagwa administration, and the “New Dispensation”, there has been no change in terms of the observation of human rights.¹⁴⁴

[Note that the [Zimbabwe Peace Project \(ZPP\)](#) publishes useful ‘Monthly Monitoring Reports’, which document incidents of violence and human rights abuses]

c. Unlawful killings

Additional relevant information may be found under section [V. h. Freedom of Expression, Association and Assembly](#), particularly the sub-sections *iv. – ix* on particular at risk profiles.

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “Police and state security agents unlawfully killed at least 10 people. No meaningful investigations were

¹⁴² See Zimbabwe Human Rights NGO Forum, [Organized Violence and Torture in Zimbabwe Since 2019](#), September 2022

¹⁴³ Zimbabwe Human Rights NGO Forum, [Organized Violence and Torture in Zimbabwe Since 2019](#), September 2022, *Executive Summary*, p. 3

¹⁴⁴ Zimbabwe Human Rights NGO Forum, [Organized Violence and Torture in Zimbabwe Since 2019](#), September 2022, *Executive Summary*, p. 3

carried out into these crimes.”.¹⁴⁵ The same organisation highlighted in particular the following incidences:

On 15 March, police went to the home of Bhekani Moyo in Silobela village, in connection with assault allegations, and shot him dead.

On 30 March, Levison Moyo was beaten by police in Bulawayo for allegedly violating lockdown restrictions and died four days later from a brain haemorrhage.

In May, police, travelling in an unmarked vehicle, shot and killed Paul Munakopa in Hillside, Bulawayo. At least two opposition activists were unlawfully killed. In July, Mazwi Ndlovu, from Bulilima, was killed by agents suspected to be affiliated with ZANU-PF after he raised concerns about the way food was distributed to those in need. A man suspected of killing him was later arrested but released without appearing in court or applying for bail.

Also in July, state security agents in Hurungwe abducted, murdered and dumped the naked body of Lavender Chiwaya, an MDC-A councillor, near his home.¹⁴⁶

In May 2020 the International Federation for Human Rights (FIDH) and its member organisation Zimbabwe Human Rights Association (ZimRights) highlighted “recent acts of police violence in Zimbabwe” in particular the “extrajudicial killing of a Bulawayo city resident beaten to death by police” in March 2020 and “policemen’s torture of two women accused of violating lockdown regulations in Cowdray Park in Harare” in April 2020.¹⁴⁷

Amnesty International, in its annual human rights report covering 2021 - February 2022, reported that “On 16 January [2021], six soldiers shot at four villagers on the outskirts of Gweru, killing one and injuring others after the locals confronted them for assaulting villagers during a search for copper cable thieves. The six soldiers were arrested, charged with murder and remanded on bail pending trial”.¹⁴⁸

Covering the year 2021, the U.S. Department of State’s annual human rights report noted that “There were several reports that the government or its agents committed arbitrary or unlawful killings. There were reports of police shooting civilians while enforcing COVID-19 lockdown measures”.¹⁴⁹ Already in its previous human rights report covering 2020 the U.S. Department of State reported that “There were several reports that the government or its agents committed arbitrary or unlawful killings”.¹⁵⁰

d. Torture

Additional relevant information may be found under section [V. h. Freedom of Expression, Association and Assembly](#), particularly the sub-sections iv. – ix on particular at risk profiles.

¹⁴⁵ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Unlawful killings*, p. 404

¹⁴⁶ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Unlawful killings*, p. 404

¹⁴⁷ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Condemn Gross Human Rights Violations by Police Including Extrajudicial Killing, Torture and Abductions](#), 25 May 2020

¹⁴⁸ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Association*, p. 414

¹⁴⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, *Section 1., A. Arbitrary Deprivation Of Life And Other Unlawful Or Politically Motivated Killings*

¹⁵⁰ U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, *Section 1., A. Arbitrary Deprivation Of Life And Other Unlawful Or Politically Motivated Killings*

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “The authorities used COVID-19 regulations to justify severe restrictions on the rights to freedom of expression and peaceful assembly. They deployed security forces to abduct, assault and torture perceived critics, and opposition members and leaders”.¹⁵¹ Specifically the report highlighted:

A joint team comprised of agents of the police, military, the Central Intelligence Organisation, and the Office of the President, known as the “Ferret Team”, terrorized government critics, opposition leaders and activists, and their family members. Many, including several members of the main opposition party, Movement for Democratic Change-Alliance (MDC-A), were abducted from police custody, tortured and dumped far from their homes.¹⁵²

The same organisation further documented the case of “Tawanda Muchehiwa [who] was arrested by police [in July 2020] in a shop in Bulawayo. On the way to the police station, the officers handed him over to the Ferret Team, who tortured him to reveal the whereabouts of his uncle, Mduduzi Mathuthu, the editor of online newspaper ZimLive.com. They released him far from his home four days later”.¹⁵³

In May 2020 the International Federation for Human Rights (FIDH) and its member organisation Zimbabwe Human Rights Association (ZimRights) highlighted “recent acts of police violence in Zimbabwe” in particular the “extrajudicial killing of a Bulawayo city resident beaten to death by police” in March 2020 and “policemen’s torture of two women accused of violating lockdown regulations in Cowdray Park in Harare” in April 2020.¹⁵⁴

Covering the year 2021, the U.S. Department of State’s annual human rights report noted that “The constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that police, civilian intelligence, and military intelligence officers engaged in such practices with impunity. Nongovernmental organizations (NGOs) reported security forces abducted, assaulted, and tortured citizens in custody, including targeted assaults on and torture of civil society activists, labor leaders, opposition members, and other perceived opponents of the government. Throughout the year police used excessive force in apprehending, detaining, and interrogating criminal suspects, including the use of torture while in police custody. Police and military officers used violence to enforce COVID-19 lockdown measures, to disperse peaceful demonstrations, and to disrupt informal trading”.¹⁵⁵ The same source further noted that:

Human rights groups reported government agents perpetrated physical and psychological torture on labor leaders and opposition party members in recent years, including sexual assault; beating victims with sticks, clubs, cables, gun butts, and heavy whips (sjamboks); falanga (beating the soles of the feet); forced consumption of human excrement; oral chemical poisoning; and pouring corrosive substances on exposed skin.¹⁵⁶

¹⁵¹ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, p. 403

¹⁵² Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, Excessive Use of Force, p. 404

¹⁵³ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, Excessive Use of Force, p. 404

¹⁵⁴ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Condemn Gross Human Rights Violations by Police Including Extrajudicial Killing, Torture and Abductions](#), 25 May 2020

¹⁵⁵ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

¹⁵⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

All of the above was already noted in its previous human rights report covering 2020 as issued by the U.S. Department of State.¹⁵⁷

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

Torture and other ill-treatment of detainees by police and members of Zimbabwe's intelligence services remain a serious and systemic human rights problem in the country, despite the government's committing to "cease ungrounded arrests and detentions, as well as the excessive use of force, torture, intimidation and harassment, interference and anti-protest discrimination" during the 2016 UPR. The government has taken no significant action to halt the torture and ill-treatment of individuals, including opposition supporters and civil society activists, in the custody of the police or intelligence services.

Acts of torture that Human Rights Watch has documented include severe beatings that involve victims being punched, kicked, and struck with batons; beatings on the soles of the feet; repeated banging of detainees' heads against walls; and the shackling of detainees in painful positions. In some cases, torture is used as an element of coercive interrogations, while in others it is used as a form of punishment for activists' perceived leanings or intentions. The authorities rarely investigate allegations of torture against police or intelligence officers.

In 2020, unresolved cases of abductions and abuses, including torture, of government critics escalated without the abductors being brought to justice.¹⁵⁸

In November 2021, "Zimbabwe Investment and Development Agency CEO Doug Munatsi died in a house fire. Several media outlets reported that his remains showed signs of torture. Police indicated they would investigate the fire as possible arson. Various newspaper and social media sources, suspecting foul play, called for swift and transparent investigations into the cause of death" reported the U.S. Department of State.¹⁵⁹

Providing also information to the UN Human Rights Council's Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022, the Zimbabwe Human Rights Commission (ZHRC) stated that "the constitutional provision [...] was not instrumental in addressing allegations of torture".¹⁶⁰

In March 2022, Amnesty International reported on the "assault and torture of a supporter of the opposition Citizens Coalition for Change (CCC) by members of the Zimbabwe Republic Police".¹⁶¹ According to the same source "The police claim that Godfrey Karemba, known as Madzibaba Veshanduko, used abusive language against them or tried to deface the statue of Mbuya Nehanda holds no water".¹⁶²

The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests in July 2021 and reported that:

¹⁵⁷ U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

¹⁵⁸ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

¹⁵⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

¹⁶⁰ UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 2

¹⁶¹ Amnesty International, [Zimbabwe: Police attack on opposition supporter raises alarm about partisan policing and torture](#), 18 March 2022

¹⁶² Amnesty International, [Zimbabwe: Police attack on opposition supporter raises alarm about partisan policing and torture](#), 18 March 2022

police and security forces have been abducting, arbitrarily arresting and torturing activists, opposition groups, journalists, human rights defenders and anyone that dares speak out against the government [...]

Dozens of activists have reported being threatened and assaulted whilst others have been forced into hiding.¹⁶³

e. Abductions/forcible Disappearances

Additional relevant information may be found under section [V. h. Freedom of Expression, Association and Assembly](#), particularly the sub-sections iv. – ix on particular at risk profiles.

In Zimbabwe, “there is currently no legislation that outlaws ED [enforced disappearances] specifically, leaving victims with no direct avenues to seek justice and reparation”.¹⁶⁴ For a more detailed analysis of the country’s anti-torture legislative and regulatory framework see Redress’s April 2022 report [Anti-Torture Standards in Common Law Africa: Good Practices and Way Forward](#).

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

In 2020, unresolved cases of abductions and abuses, including torture, of government critics escalated without the abductors being brought to justice. In the last year [2020], over 70 government critics were abducted and later released by unidentified men suspected to be state security agents.¹⁶⁵

According to an August 2021 report by Redress, “official statistics are not available but civil society organizations estimate that, throughout the 1980s, more than 20,000 people were forcibly disappeared as a result of the massacres perpetrated by the Zimbabwe National Army against the Ndebele population. Additionally, there is an underreporting due to fear of reprisals, caused by the widespread context of attacks on victims and human rights defenders who report the crime to the authorities.”¹⁶⁶

The U.S. Department of State’s annual human rights report covering 2020 noted that “As of November [2020] there were a minimum of five reports of short-term abductions and assaults or torture allegedly performed by state security actors. These instances typically occurred at night, although some happened in broad daylight. The abductors forcibly removed persons from their homes, parking lots, and press conferences and assaulted them for hours before abandoning them, usually severely injured and naked, in a remote area”.¹⁶⁷

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “The authorities used COVID-19 regulations to justify severe restrictions on the rights to freedom of

¹⁶³ International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

¹⁶⁴ Redress, [The forgotten victims: Enforced disappearance in Africa](#), August 2021, 7. *The obligation to provide reparations to victims*, p. 56

¹⁶⁵ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

¹⁶⁶ Redress, [The forgotten victims: Enforced disappearance in Africa](#), August 2021, 4. *The context of ED in Africa*, p. 16

¹⁶⁷ U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., C. *Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment*

expression and peaceful assembly. They deployed security forces to abduct, assault and torture perceived critics, and opposition members and leaders”.¹⁶⁸

To exemplify, Redress reported on the following case study of May 2020 involving three female opposition leaders and members of the Movement for Democratic Change:

In Zimbabwe, three female opposition leaders and members of Movement for Democratic Change, Joana Mamombe, Cecilia Chimbiri and Netsai Marova, were arrested on 13 May 2020 for leading a demonstration over the government’s provision of social protection during the Covid-19 lockdown. When they arrived at the police station, they were taken by unidentified individuals in an unmarked vehicle, and their whereabouts remained unknown for 48 hours. During this time, the police denied that the three individuals were being held in custody. On 15 May 2020, the women were found badly injured on a roadside 60 miles away from where they had been taken. The women reported that they had been beaten, tortured and sexually assaulted. Each of the women was hospitalized. However, instead of an investigation being launched, whilst the three women were in hospital, they were charged with gathering with intent to promote public violence and breach of the peace. Following this, they were charged with falsifying their own disappearances. The three women were taken to Chikurubi prison before they were eventually granted a strict bail requiring them to surrender their passports and report to the police three days a week. The trial against the three women commenced in late 2020 and is still ongoing for Cecilia Chimbiri and Netsai Marova (Joana Mamombe was deemed unfit to stand trial). To date [August 2021], the authorities of Zimbabwe have not investigated the disappearance of the three women and the associated violations that they suffered.¹⁶⁹

Amnesty International reported in August 2020 that “Zimbabwean authorities thwarted a nationwide peaceful anti-corruption protest which was planned for 31 July [2020], and launched a witch-hunt against political and human rights activists they suspected of planning it. Several activists and opposition supporters were also arrested, including renowned writer Tsitsi Dangarembga and opposition spokesperson Fadzayi Mahere. Others were abducted by state agents for being suspected of supporting the national protests”.¹⁷⁰

In September 2020, the International Federation for Human Rights (FIDH) and the Zimbabwe Human Rights Association (ZimRights) noted:

Between 30 March and 9 August [2020], ZimRights documented 820 human rights violations, including 511 arbitrary arrests, 278 assaults by state agents, 20 attacks on journalists, 4 abductions, two gunshot assaults, one dog bite and four suspected extrajudicial killings. Our organisations’ analysis of these cases reveals a trend of human rights violations consisting of acts aiming to morally exhaust, silence, punish, impoverish, sometimes physically injure the targeted individuals, and exposing them to the risk of contracting the virus while arbitrarily detained in prisons.¹⁷¹

¹⁶⁸ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, p. 403

¹⁶⁹ Redress, [The forgotten victims: Enforced disappearance in Africa](#), August 2021, 4. The context of ED in Africa, p. 23

¹⁷⁰ Amnesty International, [SADC: Regional leaders must fix the deteriorating human rights situation across the region](#), 14 August 2020

¹⁷¹ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissidents](#), 11 September 2020

Covering the years 2020 and 2021, the U.S. Department of State's respective annual human rights reports noted that "There were no new reports of long-term disappearances by or on behalf of government authorities".¹⁷²

The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests in July 2021 and reported that:

police and security forces have been abducting, arbitrarily arresting and torturing activists, opposition groups, journalists, human rights defenders and anyone that dares speak out against the government. President Mnangagwa vowed to clampdown on activists and political opposition, labelling them "terrorist groupings".¹⁷³

Providing information to the UN Human Rights Council's Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022, the Zimbabwe Human Rights Commission (ZHRC) stated that "during the period under review, incidents of arbitrary arrests, detentions and enforced disappearances continued to be recorded".¹⁷⁴

In May 2020 Citizens Coalition for Change (CCC) activist "Moreblessing Ali was out with her friend in Beatrice on 24 May 2022 when she was allegedly taken by an identified man following an argument. She was missing for three weeks before being found murdered and her body mutilated on 11 June [2021]. Cases of abductions where perpetrators are never held to account are common in Zimbabwe", reported Amnesty International.¹⁷⁵ According to the Zimbabwe Human Rights NGO Forum "On 14 June 2022, violence rocked Chitungwiza's Nyatsime suburb as members of the opposition party, Citizens Coalition for Change (CCC), and the ruling party, Zimbabwe African National Union Patriotic Front (ZANU-PF), clashed over the death of a CCC activist, Moreblessing Ali. The violence resulted in the destruction of homes, business premises, vehicles and other household property. Following the events, the police have been carrying out investigations into the events that transpired resulting in the arrests of, so far, up to 15 suspects whose matters remain pending within the justice system. Worryingly, most of those arrested were victims of destruction of property, who were arrested upon attending to police stations to report this property destruction".¹⁷⁶

f. Arbitrary Arrests and Detention

i. Arbitrary arrests and detention without charge

Additional relevant information may be found under section [V. h. Freedom of Expression, Association and Assembly](#), particularly the sub-sections *iv. – ix* on particular at risk profiles.

Amnesty International, in its annual human rights report covering 2020 - March 2021, reported that "Security forces also arbitrarily arrested and detained protesters and others in the context of enforcing

¹⁷² See U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., B. Disappearance and U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., B. Disappearance

¹⁷³ International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

¹⁷⁴ UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 3

¹⁷⁵ Amnesty International, [Zimbabwe: Authorities must do more to stop culture of abductions and killings](#), 13 June 2022

¹⁷⁶ Zimbabwe Human Rights NGO Forum, [Nyatsime Violence Detainees/ Status Update](#), 25 July 2022

COVID-19 measures. In the first four months of lockdown, 116,000 people were arrested for violating COVID-19 regulations. Many were subjected to violence, including a significant number of women”.¹⁷⁷

Similarly, the United States Institute of Peace (USIP) reported in June 2020 that “Two and a half years after a military coup installed President Emmerson Mnangagwa, his government has used the health crisis to arrest members of the opposition and journalists”.¹⁷⁸ BBC News reported in July 2020 that since March 2020 “More than 105,000 people have been arrested [...] for violating regulations aimed at curbing the spread of coronavirus, police say. Around 1,000 were arrested in the last two days for ‘unnecessary movement’ or for not wearing face masks, they add [...] Critics accuse the government of using the measures to target the opposition and arrest activists, which it denies”.¹⁷⁹

The 2020 ‘Human Rights and Democracy’ report published by the UK Foreign, Commonwealth & Development Office summarised that “The human rights situation in Zimbabwe did not improve in 2020. The human rights monitoring group, Zimbabwe Peace Project, recorded 2,825 human rights violations in 2020 [...], similar to the total in 2019. The majority of violations were due to heavy-handed policing of COVID-19 regulations by the Zimbabwe Republic Police, as well as targeted abductions, arbitrary arrests, and detentions linked to planned protests in July [2020]”.¹⁸⁰ Reporting on a particular incident in May 2020, the same source stated [see also the section [V. h. v. Treatment of Political Opposition](#)]:

Incidents included the self-reported abduction, torture and sexual assault of opposition Movement of Democratic Change Alliance party members Joana Mamombe MP, Cecilia Chimbiri and Netsai Marova, on 13 May. They were arrested after police took them in for questioning over organising a demonstration in violation of COVID-19 regulations. The Government continued to deny involvement in abductions and torture, instead pointing to actions by an unspecified ‘third force’, or attempting to discredit those who reported violations. There was little evidence of sustained and impartial investigations by law enforcement officers.¹⁸¹

The same report further highlighted:

In July [2020], authorities took pre-emptive and heavy-handed action to prevent large-scale protests. These were fuelled by growing frustration following corruption scandals, imploding healthcare provision, and the collapsing economy. The authorities detained opposition politicians and journalists for encouraging participation in such protests, and cases against journalist Hopewell Chin’ono, and opposition politicians Job Sikhala and Jacob Ngarivhume, were continuing at the end of the year. The Government continued to use the legal system to silence critics, suppress opposition and discourage protest.¹⁸²

To exemplify, Amnesty International documented for example the arrest of 13 nurses in July 2020 “t Sally Mugabe Hospital, on allegations that they had contravened section 8(3)(a) of the Public Health (COVID 19 Prevention, Containment & Treatment Regulations). The nurses were planning to have a

¹⁷⁷ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Excessive Use of Force*, p. 404

¹⁷⁸ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe’s Civil Society Movement](#), 24 June 2020

¹⁷⁹ BBC News, [Coronavirus: Zimbabwe arrests 100,000 for ‘violations’ of measures](#), 19 July 2020

¹⁸⁰ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

¹⁸¹ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

¹⁸² UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

feedback meeting on their current labour dispute with their employer over low salaries and poor working conditions. Two of them paid admission of guilt fines whilst 11 were released on \$15 USD bail after they appeared at Mbare Magistrate Court on 7 July and they have been ordered to report to their local police stations once a week. If they are convicted, they face a maximum of one year imprisonment or a fine”.¹⁸³

In September 2020, the International Federation for Human Rights (FIDH) and the Zimbabwe Human Rights Association (ZimRights) noted:

Facing multiple and politically-motivated charges and unjustified delays in his judicial process, Godfrey Kurauone’s case [arbitrary detention of human rights defender Godfrey Kurauone – see also section [V. h. iv. Treatment of human rights defenders and activists, including online activists](#)] is emblematic of the harassment to which many civil society members, journalists, political opponents, human rights activists, and lawyers, are subjected to in Zimbabwe since the country recorded its first Covid-19 case on 20 March, and particularly since 30 March, when President Emerson Mnangagwa declared a state of disaster and decreed a national lockdown. While the government lockdown has been extended indefinitely, human rights violations have steadily increased, suggesting that the government is using Covid-19 as a cover for violating fundamental freedoms and attacking perceived opponents.¹⁸⁴

The same organisations further highlighted:

Between 30 March and 9 August [2020], ZimRights documented 820 human rights violations, including 511 arbitrary arrests, 278 assaults by state agents, 20 attacks on journalists, 4 abductions, two gunshot assaults, one dog bite and four suspected extrajudicial killings. Our organisations’ analysis of these cases reveals a trend of human rights violations consisting of acts aiming to morally exhaust, silence, punish, impoverish, sometimes physically injure the targeted individuals, and exposing them to the risk of contracting the virus while arbitrarily detained in prisons.¹⁸⁵

Similarly, Amnesty International reported in August 2020 that “Zimbabwean authorities thwarted a nationwide peaceful anti-corruption protest which was planned for 31 July [2020], and launched a witch-hunt against political and human rights activists they suspected of planning it. Several activists and opposition supporters were also arrested, including renowned writer Tsitsi Dangarembga and opposition spokesperson Fadzayi Mahere. Others were abducted by state agents for being suspected of supporting the national protests”.¹⁸⁶

In March 2022, the Zimbabwe Lawyers for Human Rights (ZLHR) published its analysis on the situation of Zimbabwean human rights defenders between 2018 and 2021 and found in relation to the 2020 COVID-19 restrictions:

While the measures implemented in Zimbabwe mirrored extreme measures taken all over the world, the government of Zimbabwe applied the measures in a discriminatory manner to unjustifiably and severely restrict civil and political rights in Zimbabwe, with systematic attacks on HRDs [human rights defenders]. The regulations were selectively applied to stifle dissent and persecute political opponents, perceived enemies, and HRDs who would flag human rights violations and corruption

¹⁸³ Amnesty International, [Zimbabwe: Authorities must drop charges against health care workers for demanding better wages](#), 7 July 2020

¹⁸⁴ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissidents](#), 11 September 2020

¹⁸⁵ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissidents](#), 11 September 2020

¹⁸⁶ Amnesty International, [SADC: Regional leaders must fix the deteriorating human rights situation across the region](#), 14 August 2020

during this period. The ZHRC reported that law enforcement agencies excessively enforced the COVID-19 regulations with bias against HRDs. HRDs conducting socially distanced peaceful protests — such as Fadzayi Mahere and Tsitsi Dangarembga in July 2020 [...] — or holding socially distanced press conferences — such as Joanna Mamombe — were unjustifiably arrested and detained in crowded detention conditions. Mahere contracted COVID 19 during her pre-trial detention in January 2021.¹⁸⁷

The U.S. Department of State reported in its annual report covering 2021: “The constitution and law prohibit arbitrary arrest and detention, although other sections of the law effectively weaken these prohibitions. The government’s enforcement of security laws often conflicted with the constitution. Security forces arbitrarily arrested and detained persons, particularly political and civil society activists, labor leaders, street vendors, and journalists perceived as opposing the government. Security forces frequently arrested individuals during and following antigovernment protests through selective enforcement of COVID-19 protocols”.¹⁸⁸ The same source further noted: “The government regularly used arbitrary arrest and detention as tools of intimidation and harassment, especially against political activists, civil society members, journalists, attorneys, and ordinary citizens asserting their rights. The government commonly used COVID-19 lockdown restrictions to arrest individuals perceived as threats against the government”.¹⁸⁹

With regards to political prisoners and detainees, the same source highlighted:

There were reports of individuals arrested for political reasons, including opposition party officials, their supporters, NGO workers, journalists, civil society activists, and labor leaders. Authorities sometimes detained such individuals for one or two days and released them without charge. Political prisoners and detainees did not receive the same standard of treatment as other prisoners or detainees. There were reports police beat and physically abused political activists and journalists while they were in detention.

Unlike normal criminal proceedings, which move from investigation to trial within months, prosecutors regularly took abnormally long to submit cases involving members of the political opposition or civil society critics of the government for trial. Hearings were sometimes scheduled when presiding judges were on vacation. Prosecutors in political cases were often “unprepared to proceed” and received numerous extensions. When authorities granted bail to government opponents, they often did not conclude investigations and set a trial date but chose to “proceed by way of summons.” This left the threat of impending prosecution remaining, with the accused person eventually being called to court, only to be informed of further delays. Magistrates sometimes delayed making case records available to deliberately delay appeals for bail in the High Court.¹⁹⁰

In February 2021 Human Rights Watch reported on the situation of diamond mineworkers in Marange, eastern Zimbabwe, who “for years” have “suffered abuse” by government forces and private security guards”, who have “used arrests and violence to keep artisanal mineworkers away from the lucrative diamond fields in Marange. Mineworkers have been severely injured by gunshots, dog bites and beatings from private security guards. Arrests have continued since the outbreak of Covid-19 last March [2020]”.¹⁹¹

¹⁸⁷ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 3, 3.2 2020 COVID-19 restrictions

¹⁸⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., D. Arbitrary Arrest Or Detention

¹⁸⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., D. Arbitrary Arrest Or Detention

¹⁹⁰ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., E. Denial Of Fair Public Trial

¹⁹¹ Human Rights Watch, [Why Jewellers Need to Vet their Global Supply Chains](#), 1 February 2021

Providing information to the UN Human Rights Council's Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022, the Zimbabwe Human Rights Commission (ZHRC) stated that "during the period under review, incidents of arbitrary arrests, detentions and enforced disappearances continued to be recorded".¹⁹² The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests in July 2021 and reports that:

police and security forces have been abducting, arbitrarily arresting and torturing activists, opposition groups, journalists, human rights defenders and anyone that dares speak out against the government. President Mnangagwa vowed to clampdown on activists and political opposition, labelling them "terrorist groupings".

Dozens of activists have reported being threatened and assaulted whilst others have been forced into hiding.¹⁹³

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted "his concern with the apparent arbitrary arrest, detention and levying of charges against human rights defenders, journalists, student unions leaders and politicians, following their attempts to gather information concerning, to denounce and to organize to oppose human rights violations".¹⁹⁴

ii. Prolonged pre-trial detention

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated "Opposition and civil society members, activists and lawyers accused the authorities of using the judicial system to harass and penalize opponents or perceived critics of the government. Statutory instruments were used to suspend constitutional rights. For example, COVID-19 restrictions led to courts closing early, ostensibly to allow staff to get home before the curfew. Consequently, hearings were repeatedly adjourned, and critics and activists were unable to get bail and were kept in prolonged pre-trial detention. Jacob Ngarivhume, a politician, who was arrested in connection with the July 31 protests, and Hopewell Chin'ono, a journalist who was arrested for exposing allegations of corruption among government officials, spent around six weeks in pre-trial detention, having been denied bail three times. Godfrey Kurauone, an MDC-A councillor in Masvingo, spent over five weeks in jail for 'insulting' the President".¹⁹⁵

The U.S. Department of State reported in its annual report covering 2021¹⁹⁶: "Although the constitution provides for the right to bail for detained suspects, prolonged pretrial detention for government critics, including journalists, ordinary citizens, student activists, and opposition leaders, was common. The government routinely opposed bail for political detainees, and judges generally upheld these motions. Cases involving human rights defenders also involved lengthy pretrial detentions. When judges issued bail rulings, they often delayed announcing their rulings until after the court cashier closed on Fridays to ensure political detainees remained in prison over the weekend. Delays in pretrial procedures were common, however, due to a shortage of magistrates

¹⁹² UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 3

¹⁹³ International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

¹⁹⁴ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, D. Protection and Inclusion of at Risk Groups, para. 73

¹⁹⁵ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, Zimbabwe, Right to Truth, Justice and Reparation, p. 406

¹⁹⁶ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., D. Arbitrary Arrest Or Detention

and court interpreters, poor bureaucratic procedures, and an insufficient number of court officials to hear many cases”.¹⁹⁷

The report also noted that “Detainees who were denied bail were often held in severely overcrowded remand cells for multiple years while awaiting trial”.¹⁹⁸ The same source further reported:

According to the ZPCS [Zimbabwe Prison and Correctional Services], remand prisons were overcrowded. Authorities often held pretrial detainees with convicted prisoners until their bail hearings. Due to fuel shortages, the ZPCS was at times unable to transport pretrial detainees to court hearings, resulting in delayed trials and longer detentions. While an estimated 4,200 prisoners were released under an amnesty program in March and April 2020 to reduce the risk of a COVID-19 outbreak in prisons, NGOs, contacts, and several news outlets reported some remand prisons had 70 persons to a cell in August 2020. In April the ZPCS Harare province commander announced another amnesty release of 400 of an estimated 22,000 prisoners. Inmates at remand prisons were not tested before admittance but instead were tested only when sent to nonremand prisons.¹⁹⁹

iii. Prison conditions

As way of background information, the UN’s ‘Common Country Analysis’ noted that “Overcrowding in prisons and poor prison conditions is also a concern”.²⁰⁰ In March 2020 Nehanda Radio reported that Zimbabwe’s “correctional facilities hold around 22 000 inmates against a maximum holding capacity of 17 000”.²⁰¹ According to The Herald, in March 2022, 20898 prisoners were recorded.²⁰²

Providing information to the UN Human Rights Council’s Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022, the Zimbabwe Human Rights Commission (ZHRC) stated that “there was a lack of adherence to the minimum standards of detention in prisons”.²⁰³

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020: “It is further concerned about reports of the detention of women with young children and of sexual harassment and abuse against women in detention”.²⁰⁴

Following the arrest and imprisonment of journalist Hopewell Chin’ono and Transform Zimbabwe Party leader Jacob Ngarivhume in July 2020, it emerged that “Lawyers from Zimbabwe Lawyers for Human Rights, who are representing Chin’ono and Ngarivhume, told Human Rights Watch that prison officials repeatedly denied them the right to interview their clients in private. They also refused to allow them to give their clients warm clothing and food from outside the prison, even

¹⁹⁷ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., D. Arbitrary Arrest Or Detention

¹⁹⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

¹⁹⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²⁰⁰ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 5. Peace, 5.4 Rule of Law and Access and Administration of Justice, p. 39

²⁰¹ Nehanda Radio, [Thousands of prisoners to be released](#), 4 March 2020

²⁰² World Prison Brief / Institute for Crime & Justice Policy Research (ICPR) / Birkbeck, [Zimbabwe](#), Undated [Last accessed 27 September 2022]

²⁰³ UN Human Rights Council, [Summary of Stakeholders’ submissions on Zimbabwe](#), 1 November 2021, para. 3

²⁰⁴ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 45

though, for medical reasons, the two cannot eat the Sadza (maize meal) provided in prison. As a result, the two men have no access to food and a diet prescribed along with their medication”.²⁰⁵

Upon his release back in October 2020, the previously detained journalist Hopewell Chin’ono described the prison conditions he witnessed and experienced:

jails are inhumane, overcrowded and present a massive coronavirus risk [...] he saw inmates at Chikurubi high security prison assaulted by guards for minor offences.

“Some of the prison officers are very rude, they treat prisoners badly. Prisoners are beaten up for any small misdemeanour. I saw it and it was really bad. Some are beaten up to a point that they cannot even walk,” Chin’ono told the Guardian.

[...] “When you get out in the morning, food is served in the courtyard which has raw sewage flowing. Prisoners will just get their food and eat because there is no other option,” he said. [...]

“Prisoners didn’t have masks, except for a few that had gone to the court. When prisoners fall sick and the diagnosis is Covid-19, there is no medication, they are simply isolated and given hot water to drink,” he said.

Chin’ono said social distancing is impossible in overcrowded cells. “We were living in a cell that was meant for 16 people and we were about 42 people. That is the nature of Chikurubi. It is supposed to house 1,360 prisoners, it houses over 2,000. There is no running water.”

He said he himself had coronavirus symptoms while in prison, but was still made to attend court, despite the risk to other inmates and prison guards. [...]

Before he was taken to the high security prison, Chin’ono was held at Harare central remand prison where he shared a cell with 50 others.

“I was first taken to Harare remand prison and it was a horrible journey because you are given dirty khaki uniforms. The clothes are dirty because when prisoners wear them, they will be passed on to the next prisoner. There is no soap for prisoners to wash their dirty clothes,” he said.

“We were over 50 in that cell. At times it could go up to 100. People sleep like sardines, packed. It was really horrible. It is a haven for diseases. For 17 hours we were sleeping in this cell and there was no running water. There is only one toilet, which is in the corner. People don’t use it because there is no water to flush,” he added.²⁰⁶

The U.S. Department of State reported in its annual report covering 2021²⁰⁷: “Prison conditions were harsh and life-threatening due to overcrowding, food shortages, lack of water, physical mistreatment of prisoners, lack of access to personal protective equipment to mitigate the spread of COVID-19, and inadequate sanitary conditions and medical care. Prison guards occasionally beat and abused prisoners. NGOs reported the use of excessive force but noted prison guards did not employ excessive force systematically”.²⁰⁸ The same report further specified: “Conditions in prisons, jails, and detention centers were harsh. While some prisons operated below capacity, NGOs reported most were overcrowded due to outdated infrastructure and judicial backlogs. The Zimbabwe Prison and Correctional Services (ZPCS), responsible for maintaining prisons, prisoner rehabilitation and reintegration into society, did not provide adequate food, water, sanitary conditions, or personal protective equipment during the global pandemic”.²⁰⁹ Further information provided by the same source included:

²⁰⁵ Human Rights Watch, [End Inhuman Prison Conditions of Activists in Zimbabwe](#), 11 August 2020

²⁰⁶ The Guardian, [Journalist Hopewell Chin’ono speaks out over brutal Zimbabwe prison conditions](#), 2 October 2020

²⁰⁷ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²⁰⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²⁰⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

Detainees depended on family members for essential dietary needs. Those without family or community support were forced to rely on other detainees for survival, although in recent years prisoners identified as malnourished have received additional meals. If available at all, blankets and clothing were often unwashed and soiled. Lice were a common problem. Although detainees could be transported to hospitals for medical treatment, unsanitary conditions and cold winters led to severe and sometimes fatal medical conditions.²¹⁰

With regards to female prisoners, the U.S. Department of State reported: “Authorities held women in separate prison wings and provided female guards. The several dozen children younger than age four living with their incarcerated mothers shared their mothers’ food allocation, rather than receiving their own. Female inmates reported violence and sexual abuse. Despite support from NGOs, prison distribution of menstrual hygiene supplies was limited. Women often lacked access to pre- and postnatal care and emergency obstetric services. Officials did not provide pregnant women and nursing mothers with additional care or food rations out of the ZPCS budget, but the ZPCS solicited and received donations from NGOs and donors for additional provisions”.²¹¹

The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests in July 2021 and reports that:

Human rights organisations are deeply concerned about activists facing prolonged detention in unsanitary and overcrowded facilities without adequate COVID-19 protection.²¹²

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

The spread of the virus in Zimbabwe posed major risks to those in the country’s prisons and detention centers. These facilities remained unsanitary, overcrowded, and with no running water in cells for detainees to comply with recommended hygiene practices to stem the virus’ spread. In March, the government acknowledged that Zimbabwe’s prisons, with a capacity of 17,000, had a population of 22,000.

Between March and June 2021, the government released 4,208 prisoners under a presidential amnesty order. Too many however remained behind bars to allow for social distancing. Although masks are issued at prisons, many inmates and some wardens do not use them, partly due to insufficient understanding about protection against the virus.²¹³

According to the U.S. Department of State “There were reports in September [2021] that prodemocracy activist Makomborero Haruzivishe was repeatedly strangled in his sleep by fellow inmates at Harare Central Prison, although he survived”.²¹⁴

iv. Independent monitoring

The U.S. Department of State reported in its annual report covering 2021²¹⁵: “The ZPCS [Zimbabwe Prison and Correctional Services] inspections and audit unit, charged with assessing prison

²¹⁰ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²¹¹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²¹² International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

²¹³ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

²¹⁴ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

conditions and improving monitoring of prisoners' rights, did not release the results of its assessments. The Zimbabwe Human Rights Commission (ZHRC) conducted monitoring visits when conditions allowed. There was no prison ombudsman. Independent Monitoring: The law provides international human rights monitors the right to visit prisons. Church groups and NGOs seeking to provide humanitarian assistance, including the International Committee of the Red Cross, gained access".²¹⁶

g. Freedom of Religion

i. Treatment of Religious Minorities

With regards to the religious demography in Zimbabwe, the U.S. Department of State's annual report on religious freedom covering 2021 stated that "The U.S. government estimates the total population at 14.8 million (midyear 2021). According to the 2015 nationwide Demographic and Health Survey conducted by the government statistics agency, the most recent such survey, 86 percent of the population is Christian – 37 percent Apostolic, 21 percent Pentecostal, 16 percent other Protestant, 7 percent Roman Catholic, and 5 percent other Christian. According to the survey, 11 percent of the population reports no religious affiliation, less than 2 percent adheres uniquely to traditional beliefs, and less than 1 percent is Muslim".²¹⁷

As way of background, the UN's 'Common Country Analysis' noted with regards to 'women and children with specific religious affiliations':

In some Zimbabwean communities, religious affiliation hinders women and children's access to essential health and basic education. This is in addition to the influence of religious and social beliefs in driving child marriages. These beliefs are also known to prevent access for maternal and new-born healthcare, as well as the high rates of undernutrition.²¹⁸

The U.S. Department of State's annual report on religious freedom covering 2021²¹⁹ noted with regards to religious freedom and monitoring of the government:

Religious and civil society groups continued to report the government monitored public events, prayer rallies, church congregations, and religiously affiliated nongovernmental organizations (NGOs) perceived to be critical of the government. NGOs continued to report that security services targeted some religious officials who engaged in political discourse perceived as negative toward the government. Talent Farai Chiwenga, founder of Apostle T.F. Chiwenga Ministries, remained in hiding. According to Chiwenga, the government targeted him for using his sermons to criticize what he said was the country's culture of impunity for government officials who committed human rights abuses,

²¹⁵ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²¹⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 1., C. Torture And Other Cruel, Inhuman, Or Degrading Treatment Or Punishment

²¹⁷ U.S. Department of State, [2021 Report on International Religious Freedom: Zimbabwe](#), 2 June 2022, Section I. Religious Demography

²¹⁸ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.10 Women and Children in Specific Religious Affiliations, p. 56

²¹⁹ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Report on International Religious Freedom: Zimbabwe](#), 12 May 2021, Executive Summary

including his cousin, Vice President Constantino Chiwenga [...] He further stated government employees who attended his church services were subjected to surveillance.²²⁰

Additional relevant information may be found under section [V. h. vi. Treatment of protestors and anyone perceived as critical / in opposition to the government.](#)

[h. Freedom of Expression, Association and Assembly](#)

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “The authorities used COVID-19 regulations to justify severe restrictions on the rights to freedom of expression and peaceful assembly”.²²¹ The organisation specifically highlighted that “Section 14 of Statutory Instrument 83 of 2020 on Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020 criminalized the ‘spreading of false news’ about COVID-19 and imposed a 20-year prison sentence and/or a hefty fine”.²²²

The 2020 ‘Human Rights and Democracy’ report published by the UK Foreign, Commonwealth & Development Office noted in relation to the Access to Information and Privacy Act (AIPPA): “We welcomed the continued legislative processes to replace the restrictive Access to Information and Protection of Privacy Act and Broadcasting Services Act. However, continued implementation of these laws restricted freedom of expression, with arrests and harassment of media practitioners and citizen journalists for expressing their views on social media. The Media Institute of Southern Africa reported 49 human rights violations against journalists in 2020 [...] The Government claimed it had ended the state monopoly on television broadcasting by granting six television licenses in November [2020]. However, companies which were awarded licenses were closely connected to the state and military”.²²³

Similarly, in its submission to the UN Human Rights Committee in October 2020, the Carter Center reported:

the Public Order and Security Act (POSA) and the Access to Information and Privacy Act (AIPPA), undermine both the constitution and the Electoral Act. The 2013 Constitution calls for freedom of expression and freedom of the press [...] However, these two laws curtail freedom of the press by allowing for the sanction and detainment of journalists. POSA’s mandate grants Zimbabwe Republic Police a wide range of powers, from the power to ban public demonstrations to the power to use force against citizens. The latter was invoked in the aftermath of the 2018 election and culminated in the fatal shooting of protestors. AIPAA, on the other hand, grants citizens and permanent residents’ access to government information, but it has countless exemptions made in the name of national security. Advocates have suggested that these deceptive exemptions undermine access to information. Moreover, the AIPAA law mandated a Media and Information Commission, whose autonomous status is undermined by its close ties to the government and partisan actors. The law also allows for the jailing of journalists whose actions are deemed a threat to national security. This fosters an environment where state media, which favors incumbents, is privileged.

²²⁰ U.S. Department of State, [2021 Report on International Religious Freedom: Zimbabwe](#), 2 June 2022, *Executive Summary* and *Section II. Status of Government Respect for Religious Freedom*

²²¹ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, p. 403

²²² Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, *Freedom of Expression*, p. 405

²²³ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

The Public Order and Security Act (POSA) and the Access to Information and Privacy Act (AIPPA) were not invoked during the campaign period; however, they were invoked during the post-election crisis to justify military deployment.²²⁴

The Spokesperson for the UN High Commissioner for Human Rights stated in July 2020 that “We are concerned at allegations in Zimbabwe, which suggest that the authorities may be using the COVID-19 pandemic as a pretext to clamp down on freedom of expression and freedom of peaceful assembly and association”.²²⁵ Specifically, Article 19 raised its concern in April 2021 “about several prohibitions in the 2020 Public Health Order – the regulation introduced to suppress the spread of COVID-19 in the country. While some elements of the Order include important public health measures, others have no discernible nexus to the COVID-19 pandemic or are otherwise overbroad, thus threatening to severely undermine public health and Zimbabwe’s compliance with its international human rights obligations. These are particularly provisions on prohibitions of ‘false reporting’ and restrictions on protests” and called on the government that “Given the long history of free speech restrictions in the country, we call on the Ministry to urgently reform these provisions”.²²⁶

Article 19 Eastern Africa and Gender & Media Connect Zimbabwe, two organisations who jointly submitted their concerns to the Universal Periodic Review, stated in July 2021 that “Police issued prohibition orders against dozens of planned, nationwide labour and opposition party protests throughout the year, citing reasonable suspicion the protests would result in violence and property damage. Authorities often denied requests by civil society, trade unions, religious groups, or political parties other than ZANU-PF to hold public events if the agenda conflicted with government policy positions”.²²⁷ For further (critical) specific information on the legal framework for freedom of expression and freedom of peaceful assembly see the [submission](#) by Article 19 Eastern Africa and Gender & Media Connect Zimbabwe.

A survey conducted by Afrobarometer amongst 1,200 participants between March and April 2022 found that 29.9% of individuals surveyed felt they were “completely free” to say what they think compared to 33.3% answering “somewhat free”, 18.6% responding “not very free” and 17.6% “not at all free”.²²⁸ With regards to the question “how often [...] do people have to be careful of what they say about politics”, 35.7% and 31.8% responded “always” and “often” respectively.²²⁹

i. Cybersecurity and Data Protection Bill

The Media Institute of Southern Africa (MiSA) – Zimbabwe published in June 2022 a guide to “assist ordinary citizens, data protection advocates, human rights advocates, media organisations and interested individuals in getting a basic understanding and application of the Cyber and Data Protection Act (Act)”, which can be accessed [here](#).²³⁰

²²⁴ The Carter Center, *Zimbabwe, NGO Submission to the U.N. Human Rights Committee*, October 2020, p. 3/4

²²⁵ UN Office of the High Commissioner for Human Rights, *Press briefing on Zimbabwe*, 24 July 2020

²²⁶ Article 19, *Zimbabwe: Public Health Order must not be misused to restrict freedom of expression*, 23 April 2021

²²⁷ Article 19 Eastern Africa / Gender & Media Connect Zimbabwe, *Submission to the Universal Periodic Review of Zimbabwe For the Consideration of the 40th Session of the UPR Working Group in January 2022*, 14 July 2021, para. 63

²²⁸ Afrobarometer, *Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022*, 26 August 2022, *Freedoms*, p. 33

²²⁹ Afrobarometer, *Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022*, 26 August 2022, *Freedoms*, p. 34

²³⁰ See Media Institute of Southern Africa (MiSA) – Zimbabwe, *Guide to the Zimbabwean Cyber & Data Protection Act – 2022*, 16 June 2022

Covering June 2020 – May 2021, Freedom House’s ‘Freedom on the Net’ report found:

Zimbabwe’s total score remained the same during the coverage period, in which the government throttled internet speeds during mass protests in July 2020 and arrested prominent online critics. Journalists, activists, and ordinary internet users face prospective arrest for online activities that criticize President Emmerson Mnangagwa’s government. Authorities seem poised to expand the scope of digital repression in Zimbabwe: Parliament was debating rights-restricting cybersecurity legislation during the coverage period, and there is growing evidence that the government has expanded its surveillance capacity. The unstable economy continues to lower many Zimbabweans’ standard of living and ability to access the internet.²³¹

Specifically, it also highlighted the following key developments:

- During mass antigovernment protests in July 2020, officials throttled internet speeds on the state-owned network TelOne and arrested online organizers, including prominent journalist Hopewell Chin’ono [...]
- Parliament continued to debate the draft Cyber Security and Data Protection Bill, which would impose new criminal penalties on online speech and create new protections for personal data, albeit with concerning broad loopholes [...]
- A technical investigation identified the Zimbabwean government as a likely client of the surveillance technology company Circles [...]
- Sources and leaked documents indicated that security forces had surveilled or planned to surveil the communications of prominent Zimbabweans, including former vice president Kembo Mohadi and high-profile opposition figures [...]
- A court ruled against a police warrant that demanded access to service provider Econet’s mobile money subscriber database, a strong sign for privacy rights.²³²

With regards to the technology company Circles, the Media Institute of Southern Africa (MISA) noted in its report on press freedom that “In 2020, [...] Zimbabwe [was] reported to be customers of Circle, a surveillance firm that reportedly exploits weaknesses in the global mobile phone system to snoop on calls, texts, and the location of phones around the globe”.²³³ The same source further noted: “More recently, from 2020 to date, several indications and attempts at mass surveillance have been noted, pointing to the possibility that journalists have not been spared in such blanket surveillance”.²³⁴

The U.S. Department of State reported in its annual report covering 2021²³⁵: “The government regulated internet and mobile phone communication to curb dissent and increased its share of the information and communications technology market and international gateways. The government regularly monitored and interfered with social media [...] In 2020 the government announced a proposed telecommunications monitoring system with the stated purpose of protecting consumers from abuse by mobile networks operators. Industry professionals stated abuse by the operators was not a problem in the country. They perceived the measure as an attempt to monitor communication

²³¹ Freedom House, [Freedom on the Net 2021, Zimbabwe](#), 14 January 2022, Overview

²³² Freedom House, [Freedom on the Net 2021, Zimbabwe](#), 14 January 2022, Key Developments, June 1, 2020 – May 31, 2021

²³³ Media Institute of Southern Africa (MISA), [The State of Press Freedom in Southern Africa 2020-2021](#), May 2022, p. 13

²³⁴ Media Institute of Southern Africa (MISA), [The State of Press Freedom in Southern Africa 2020-2021](#), May 2022, p. 15

²³⁵ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 2., A. Freedom Of Expression, Including For Members Of The Press And Other Media

for security and political purposes [...] In August [2021] the Senate passed the Cyber and Data Protection Bill which, if signed into law, would criminalize sending messages that incite violence (often used as a charge against individuals calling for peaceful demonstrations) as a national security offense”.²³⁶ Freedom House further noted “In September 2021, Parliament passed the Cyber Security and Data Protection bill, which President Mnangagwa signed into law in December. Several NGOs have criticized the law for infringing on individuals’ rights to freedom of expression online and providing avenues that allow authorities to monitor private communication and target opposition figures”.²³⁷

Amnesty International, in its annual human rights report covering 2021 - February 2022, reported that in August 2021, “the Cybersecurity and Data Protection Bill was reintroduced to parliament after errors were identified in its text. The Bill was substantively different from the gazetted version which had been presented to citizens during public hearings; the government was criticized for disregarding the public consultation process in formulating the legislation”.²³⁸

In November 2021, “Information, Publicity and Broadcasting Services Minister Monica Mutsvangwa has reportedly said the government has set up social media monitoring teams to monitor what people send and receive on social media” reported the Media Institute of Southern Africa (MISA) – Zimbabwe.²³⁹ The Media Institute of Southern Africa (MISA) explained that “From a legislative perspective, the Data Protection Act, enacted in December 2021, amended the Interception of Communications Act, the Zimbabwean law that provides for lawful surveillance. The Data Protection Act established a Cybersecurity and Monitoring of Interceptions of Communications Centre that is housed in the Office of the President and presents a legal basis for the government, and allows the executive branch of government to be monitoring and intercepting communications of targeted persons, who are believed, reasonably or not, to be enemies of the State, especially political opponents”.²⁴⁰

Stakeholders providing information to the UN Human Rights Council’s Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022 noted that “the Cybersecurity and Data Protection Bill permits privacy intrusion, including through the use of digital forensic tools for criminal investigations [...] JS15 [Media Institute of Southern Africa and the Media Alliance of Zimbabwe (Zimbabwe)] stated that this Bill, which provides for surveillance on citizens and the media, has the potential to infringe on media freedoms and freedoms of expression and association. The Patriotic Bill also restricts the enjoyment of media freedoms”.²⁴¹ According to the original submission by the Media Institute of Southern Africa (MISA) and the Media Alliance of Zimbabwe (MAZ), these two organisations were “concerned that laws such as the proposed Cybersecurity and Data Protection Bill had the effect of reversing the gains brought by the Freedom of Information Act. The Cybersecurity and Data Protection Bill criminalises the publishing of falsehoods, which the Constitutional Court had already declared unconstitutional. It also imposes

²³⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., A. Freedom Of Expression, Including For Members Of The Press And Other Media

²³⁷ Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, D. Freedom of Expression and Belief

²³⁸ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, Zimbabwe, Freedom of Expression, p. 413

²³⁹ Media Institute of Southern Africa (MISA), [Arbitrary social media surveillance cause for concern](#), 5 November 2021

²⁴⁰ Media Institute of Southern Africa (MISA), [The State of Press Freedom in Southern Africa 2020-2021](#), May 2022, p. 16

²⁴¹ UN Human Rights Council, [Summary of Stakeholders’ submissions on Zimbabwe](#), 1 November 2021, para. 16

surveillance on citizens and this has the potential to infringe on freedom of expression, association and of the media”.²⁴²

In August 2022 the Inter Press Service (IPS) reported that “Zimbabwe’s press freedom credentials suffered further criticism with the arrest of two journalists from a privately-owned newspaper charged with transmitting “false data messages.” The pair were charged [...] under the contentious Criminal Law (Codification and Reform) Act, as amended through the Cyber and Data Protection Act, which became law in December [2021] despite spirited opposition from press freedom lobbyists and civic society groups. The act has been criticised for giving too many powers to law enforcement authorities and the information ministry, allowing the monitoring of private electronic communication in violation of the country’s constitution”.²⁴³ The same source further highlighted that:

What is significant, however, about the latest arrests of journalists is that while the crackdown on press freedom has for years been driven by the ruling Zanu-PF party against its critics, the two journalists, together with the paper’s attorney, were held for reporting on a private business enterprise believed to be run by politically connected individuals. Senior reporter Desmond Chingarande who wrote the story, and Wisdom Mdzungairi, the Newsday editor-in-chief, were charged under a Cyber and Data Protection Act section which critics say vaguely criminalises the communication or spread of “false data messages.” The two now have the dubious distinction of being the first journalists to be charged under the cybersecurity law.²⁴⁴

ii. Freedom of Expression: Situation of Journalists/Media Workers

Additional relevant information may be found under sections:

- [b. Violence](#),
- [c. Unlawful killings](#),
- [d. Torture](#),
- [e. Abductions/forcible Disappearances](#), and
- [f. Arbitrary Arrests and Detention](#).

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated:

The authorities used COVID-19 restrictions as a pretext to limit civic space and restrict human rights. Section 14 of Statutory Instrument 83 of 2020 on Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020 criminalized the “spreading of false news” about COVID-19 and imposed a 20-year prison sentence and/or a hefty fine” [...]

The authorities used further provisions which criminalized people solely for peacefully exercising their right to freedom of expression, including “undermining the authority of the President” or “insulting” him, to discourage criticism on social media.

In March [2020], the Commander of the Zimbabwe National Army said that social media was proving a threat to national security and that the military would put private electronic communications under surveillance to “guard against subversion”.²⁴⁵

The same organisation further documented in relation to journalists specifically:

²⁴² Media Institute of Southern Africa (MISA), [MISA double-barrelled submission to UPR on Zimbabwe](#), 22 July 2021

²⁴³ Inter Press Service (IPS), [Zimbabwe Makes First Journalist Arrests Under Cybersecurity Law](#), 10 August 2022

²⁴⁴ Inter Press Service (IPS), [Zimbabwe Makes First Journalist Arrests Under Cybersecurity Law](#), 10 August 2022

²⁴⁵ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, Freedom of Expression, p. 405

Police and military officers used the COVID-19 restrictions as a pretext to justify the harassment and intimidation of journalists and other media workers, at least 25 of whom were assaulted and arbitrarily arrested and detained while working, or on their way to and from work. They were accused of violating lockdown restrictions, disorderly conduct or using expired accreditation documents which, under the COVID-19 regulations, should have been considered valid during lockdown. Journalists were frequently ordered to delete their videos or photographs without a valid reason.²⁴⁶

The 2020 'Human Rights and Democracy' report published by the UK Foreign, Commonwealth & Development Office noted: "the continued arrests of media practitioners, opposition figures and citizen journalists for expressing their views. The Media Institute of Southern Africa reported 49 human rights violations against journalists in 2020".²⁴⁷ Similarly, according to the Media Institute of Southern Africa (MISA) and the Media Alliance of Zimbabwe (MAZ), "attacks on journalists" was particularly "high in 2020 at the onset of the COVID-19 pandemic", pointing out that "there is a noticeable sustained culture of violations against journalists and media workers in Zimbabwe [...] In 2020, MISA Zimbabwe recorded 52 cases of violations of journalistic and media freedoms. All these crimes against journalists are committed with impunity".²⁴⁸

In January 2020 the Committee to Protect Journalists (CPJ) reported that "security officers affiliated with the Movement for Democratic Change Alliance, a Zimbabwean opposition group, barred journalist Robert Tapfumaneyi from covering a meeting in the capital, Harare, assaulted him, and broke his camera lens".²⁴⁹

In an article published in May 2020, Amnesty International highlighted already that "journalists and newspaper vendors have been subjected to arrests and intimidation during their work in the context of COVID-19. At least eight journalists have faced interference and harassment in the line of their duties".²⁵⁰

Following the abduction, beating and sexual assault of three women of the Movement for Democratic Change [see also section [V. h. v. Treatment of Political Opposition](#)] in May 2020, the United States Institute of Peace (USIP) reported that "Days later, police arrested two Zimbabwean journalists who visited the hospital where the injured women were being treated".²⁵¹ Reporting specifically on this incident, Reporters Without Borders (RSF) stated that two Zimbabwean journalists were arrested "while investigating violence against three opposition activists [...] When freelancer Frank Chikowore and 263Chat news website reporter Samuel Takawira went to the private Parktown clinic in the capital, Harare, on 22 May to interview the activists, the police arrested them on the grounds that they had violated social distancing rules and a lockdown ban preventing them from entering the hospital. The two journalists, who are due to appear before a Harare court for a bail hearing today, had gone to the clinic to interview three of its patients – a parliamentarian and two women members of the main opposition party, the MDC, who say they

²⁴⁶ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, *Zimbabwe, Journalists*, p. 405

²⁴⁷ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

²⁴⁸ Media Institute of Southern Africa (MISA), [MISA double-barrelled submission to UPR on Zimbabwe](#), 22 July 2021

²⁴⁹ Committee to Protect Journalists (CPJ), [Political party security officials assault Zimbabwean journalist](#), 27 January 2020

²⁵⁰ Amnesty International, [Southern Africa: COVID-19 a pretext for surge in harassment of journalists and weakening of media houses by states](#), 3 May 2020

²⁵¹ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe's Civil Society Movement](#), 24 June 2020

were abducted, tortured and sexually assaulted by suspected members of the security forces on 20 May [2020]”.²⁵²

The 2020 ‘Human Rights and Democracy’ report published by the UK Foreign, Commonwealth & Development Office summarised that “In July [2020], authorities took pre-emptive and heavy-handed action to prevent large-scale protests. These were fuelled by growing frustration following corruption scandals, imploding healthcare provision, and the collapsing economy. The authorities detained opposition politicians and journalists for encouraging participation in such protests, and cases against journalist Hopewell Chin’ono, and opposition politicians Job Sikhala and Jacob Ngarivhume, were continuing at the end of the year. The Government continued to use the legal system to silence critics, suppress opposition and discourage protest.”²⁵³

Comparing the year 2020 with 2021, the Media Institute of Southern Africa (MISA) – Zimbabwe noted in its ‘State of the Media Report’:

In 2021 there was marked reduction in the number of media freedom violations recorded by MISA Zimbabwe. In 2020 Zimbabwe witnessed an upsurge in the number of journalists that were harassed, intimidated, assaulted and detained by members of the police and the army while covering their lawful professional duties. The violations were particularly steep during the first six months of 2020 in the wake of the imposition of the country’s tight Covid-19 lockdown measures. Violations involving a total of 52 media workers including journalists, vendors and media students, were recorded in 2020 compared to 22 in 2021. While the reduction of media violations in 2021 is progressive, journalists still faced challenges while conducting their lawful professional duties”.²⁵⁴

Comparing the 2020 with 2021 and 2022 World Press Freedom Index as compiled by Reporters Without Borders, it shows a decline from 126/180 to 130/180 to 137/180 respectively and provided the following overview for 2021:

The media landscape is exhibiting an encouraging increase in diversity but remains dominated by state-controlled media [...]

The political climate has been more peaceful for Zimbabwean journalists since Emmerson Mnangagwa took over as president, even if the authorities are still tempted to intervene in editorial decisions. In 2021, the head of *Zimpapers* asked editors to publicly support the ruling party ahead of the election. The authorities also influence the selection of members of the board of the media regulator, the Zimbabwe Media Commission [...]

Extremely harsh laws are still in effect and, when new laws have been adopted, their provisions are just as draconian as those they replaced. The amended penal code and Official Secrets Act and the new Cyber Security and Data Protection Act continue to hamstring journalism [...]

Although levels of violence against journalists have declined significantly under the Mnangagwa administration, they remain alarmingly high and self-censorship is routinely practiced to avoid reprisals. The police often use disproportionate force and confiscate equipment. Acts of intimidation, verbal attacks and threats (especially on social media) are all still common practices. Cases of journalists being imprisoned and prosecuted are nonetheless now rarer [...]

Journalists’ phone communications are often subject to surveillance.²⁵⁵

²⁵² Reporters Without Borders (RSF), [Zimbabwe: Two journalists held for violating coronavirus lockdown rules](#), 26 May 2020

²⁵³ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

²⁵⁴ Media Institute of Southern Africa (MISA) - Zimbabwe, [State of the Media Report 2021](#), 9 August 2022, p. 12/13

²⁵⁵ Reporters Without Borders, [2021 World Press Freedom Index: Zimbabwe](#), May 2022

Amnesty International, in its annual human rights report covering 2021 - February 2022, summarised the situation for journalists and media workers as follows: “At least 15 journalists were detained, arrested or assaulted by security forces while carrying out their work”.²⁵⁶

The U.S. Department of State reported in its annual report covering 2021²⁵⁷: “There were restrictions on individuals criticizing the government or discussing matters of public interest. Authorities were sensitive to criticism in general, particularly when directed at President Mnangagwa or his family. Persons accused of insulting the president and his office are charged under a law making undermining the authority of or insulting a president criminal acts [...] Independent newspapers and commercial radio stations were active and expressed a wide variety of views, although with some restrictions. State-sponsored media, however, were more prevalent. The Ministry of Media and Information exercised control over state-run media and some independent media outlets, using the Broadcasting Authority of Zimbabwe and the Zimbabwe Media Commission”.²⁵⁸

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that he had “received reports that journalists have been arrested while pursuing their work, however, including while covering the Zimbabwe Electoral Commission Stakeholders Meeting in September 2021”.²⁵⁹

Non-exhaustive list of reported violence and abuse, harassment, and arbitrary arrests directed against journalists and media workers:

- June 2020: “On June 26, Mtimba, a freelance correspondent for the U.S. Congress-funded Voice of America’s Studio 7 program in Zimbabwe, among other outlets, was reporting on a vehicle chase in which police officers were pursuing opposition youth leaders, the journalist told CPJ. Mtimba said the youth abandoned their car and fled on foot into the high-density Mucheke suburb of Masvingo. He began taking photographs and video of the chase but uniformed police officers questioned him about his press card and then ordered him to leave [...] Mtimba said he received a call the next day from the police to report to the local police station to answer questions about why he had taken photographs of opposition youth leaders talking to residents waiting to board a bus the previous day [...] The police then charged Mtimba [...] with insulting and undermining the authority of President Emmerson Mnangagwa [...] Mtimba, who is also the vice president of the Zimbabwe Union of Journalists, told CPJ that although police appeared to be backtracking, he remained worried about his safety, adding that he had noticed what he described as suspicious vehicles outside his home at night and that people were following him”.²⁶⁰
- June 2020: “Journalists Munashe Chokodza and Leopold Munhende were reportedly assaulted by police in Harare for contravening lockdown regulations despite showing their press cards. The two were returning from work around 6.40pm when they encountered a group of soldiers and police officers who demanded to know where they were coming from. They explained that they were journalists and showed their press cards. They allege that it was at that point that the soldiers said

²⁵⁶ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Expression*, p. 413

²⁵⁷ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 2., A. Freedom Of Expression, Including For Members Of The Press And Other Media

²⁵⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., A. Freedom Of Expression, Including For Members Of The Press And Other Media

²⁵⁹ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 58

²⁶⁰ Committee to Protect Journalists (CPJ), [Freelance reporter charged with insulting Zimbabwe’s president](#), 16 July 2020

journalists thought they were ‘special and needed to be dealt with’. Munhende said they were slapped, tripped to the ground, kicked and assaulted with truncheons and sjamboks. The two journalists were then ordered to get up and run. They were treated for minor abrasions and pain by a local doctor”.²⁶¹

- July 2020: “investigative journalist Hopewell Chin’ono was arrested [...] and charged with inciting public violence, after he tweeted his support for nationwide protests against government corruption and worsening economic conditions”.²⁶² According to the Observatory for the Protection of Human Rights Defenders, he was “denied access” to a lawyer and was “not informed promptly of the charges” he was facing”.²⁶³ Following his release on bail in September 2020²⁶⁴, he was re-arrested in November 2020 on “charges of obstructing justice”²⁶⁵, specified by the Observatory for the Protection of Human Rights Defenders as “allegedly breaking bail conditions in relation with a tweet he published on October 28, 2020 about the intervention of Zimbabwean Chief Justice Luke Malaba to deny him bail in a previous judicial case against him”²⁶⁶. In January 2021 he was arrested again and charged with “publishing or communicating false statements prejudicial to the State’ [...] for a tweet he wrote about the death of a child who had allegedly been bated by the police”²⁶⁷, but in April 2021 Zimbabwe’s High Court “quashed charges of communicating false information levelled against journalist and government critic Hopewell Chin’ono, saying the law used by police to arrest him in January no longer existed”.²⁶⁸
- September 2020: “three journalists were reportedly assaulted by unidentified men at a press conference by the Zimbabwe National Students Union President Takudzwa Ngadziore in Harare. The journalists assaulted were freelancer James Jemwa, VOA Godwin Mangudya and 263Chat Thomas Madhuku. Jemwa sustained injuries on his forehead and wrist and had his camera and mobile phone confiscated by the assailants. Mangudya’s recorder was damaged in the attack”.²⁶⁹
- January 2021: “Michael Magoronga was arrested in Kwekwe for using an expired accreditation card issued by the Zimbabwe Media Commission”.²⁷⁰
- April 2021: “Samuel Takawira of 263Chat online media forum was assaulted [...] by anti-riot police while he was covering the sentencing at the Magistrates Court of Makomborero Haruzivishe, an MDC-A youth activist”.²⁷¹
- May 2021: “On May 14, officers from the Law and Order section of the Central Police Station in Harare, the capital, summoned *Zim Morning Post* editor Elias Mambo and reporter Farai Machamire for questioning [...] Authorities charged both journalists under Section 95 of Zimbabwe’s Criminal Law (Codification and Reform) Act of 2004, relating to criminal insult, and released them after questioning,

²⁶¹ Article 19 Eastern Africa / Gender & Media Connect Zimbabwe, [Submission to the Universal Periodic Review of Zimbabwe For the Consideration of the 40th Session of the UPR Working Group in January 2022](#), 14 July 2021, para. 83

²⁶² UN Office of the High Commissioner for Human Rights, [Press briefing on Zimbabwe](#), 24 July 2020

²⁶³ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Arbitrary arrest of Messrs. Hopewell Chin’ono and Jacob Ngarivhume](#), 22 July 2020

²⁶⁴ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Release on bail of Messrs. Hopewell Chin’ono \(alias Daddy Hope\) and Jacob Ngarivhume](#), 4 September 2020

²⁶⁵ News24, [Zimbabwe court quashes criminal charges against journalist Hopewell Chin’ono](#), 28 April 2021

²⁶⁶ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Arbitrary detention of Mr. Hopewell Chin’ono \(alias Daddy Hope\)](#), 16 November 2020

²⁶⁷ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: New arbitrary detention of Hopewell Chin’ono](#), 15 January 2021

²⁶⁸ News24, [Zimbabwe court quashes criminal charges against journalist Hopewell Chin’ono](#), 28 April 2021

²⁶⁹ Article 19 Eastern Africa / Gender & Media Connect Zimbabwe, [Submission to the Universal Periodic Review of Zimbabwe For the Consideration of the 40th Session of the UPR Working Group in January 2022](#), 14 July 2021, para. 84

²⁷⁰ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Expression*, p. 413

²⁷¹ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Expression*, p. 413

Mambo said. If convicted, they could face up to one year in jail or a fine of 60,000 Zimbabwean dollars (\$186), or both, according to that law and the 2021 standard scale of fines [...] The charges stem from a March 3 complaint filed by Temba Mliswa, an independent member of parliament from the town of Norton, in which he said the outlet had tarnished his image, according to the complaint, which Mliswa posted on Twitter. The complaint referenced a February 1 article published by the Zim Morning Post, written by Machamire, in which a woman who claimed to have been in a relationship with Mliswa said that he wanted to become president and also made comments about his sex life”.²⁷²

- May/June 2021: “Authorities arrested [Jeffery] Moyo in the capital, Harare, on May 26 [2021] and charged him with violating Section 36 of Zimbabwe’s Immigration Act by allegedly helping two New York Times journalists, Christina Goldbaum and Joao Silva, obtain false media accreditations, according to Coltart and a report by the Times [...] Coltart said Moyo was being held in appalling conditions in the overcrowded Bulawayo Central Prison, and said that his wife had been denied prison visits and that Moyo was only able to obtain his own blanket after his lawyers donated one to the prison. He also said that a nurse had slapped Moyo in the face while giving him a test for COVID-19 in detention [...] On May 31, a court in the city of Bulawayo denied Moyo’s bail request, and ordered him to remain in custody until June 10, according to news reports”.²⁷³ He was eventually granted bail in June 2021.²⁷⁴ However, the Committee to Protect Journalists (CPJ) issued a statement in March 2022 stating that “We are disappointed that more than nine months after his arrest, and after 21 days in detention and countless hours in court, journalist Jeffrey Moyo was not acquitted of the spurious charges relating to his work with his colleagues at *The New York Times* [...] The decision to deny the defense’s application to dismiss the case is doubly troubling as Moyo’s co-accused was acquitted in a separate trial last week and simply reinforces perceptions that the case is being used to intimidate the independent press in Zimbabwe”.²⁷⁵
- August 2021: “police arrested and detained journalist Elizabeth Mashiri in Gweru on allegations of disorderly conduct after she captured footage of an incident involving police and informal vendors. She was released and reportedly was to be summoned for trial after the COVID-19 lockdown is lifted”.²⁷⁶
- September 2021: “nine journalists were arrested for covering an MDC-A demonstration at the Zimbabwe Electoral Commission offices. Following legal intervention, they were released without charge”.²⁷⁷
- September 2021: “Gilbert Munetsi [“community newspaper editor”²⁷⁸] was arrested and detained for violating a Covid-19 curfew when he was on his way home from work. He was released the next day after his lawyer intervened”.²⁷⁹
- September 2021: “two journalists were detained when they were covering the MDC-A anniversary commemorations in Bulawayo”.²⁸⁰

²⁷² Committee to Protect Journalists (CPJ), [Zimbabwe journalists charged with criminal insult over interview on politician’s personal life](#), 21 May 2021

²⁷³ Committee to Protect Journalists (CPJ), [Zimbabwe court denies bail to NY Times freelancer Jeffrey Moyo, claiming national security threat](#), 2 June 2021

²⁷⁴ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), June 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

²⁷⁵ Committee to Protect Journalists (CPJ), [Zimbabwe court declines to dismiss case against NY Times freelancer Jeffrey Moyo in immigration case](#), 15 March 2022

²⁷⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., A. Freedom Of Expression, Including For Members Of The Press And Other Media

²⁷⁷ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, Zimbabwe, Freedom of Expression, p. 413

²⁷⁸ New Zimbabwe, [Journalist Arrested For Breaching Covid-19 Curfew](#), 6 September 2021

²⁷⁹ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, Zimbabwe, Freedom of Expression, p. 413

- May 2022: “Alpha Media Holdings journalists Blessed Mhlanga and Chengeto Chidi were [...] granted bail on charges of contravening electoral regulations or alternatively disorderly conduct in polling station [...] Mhlanga and Chidi who appeared at the Chitungwiza Magistrate Courts spent two nights in custody following their arrest on 7 May 2022. They are accused of contravening Section 25 (a) as read with Section 30 of Statutory Instrument 21/2005 of the Electoral Regulations of 2005 “prohibition of taking photographs”. The alternative charge is that of disorderly conduct in polling station as defined in Section 89 (2) of the Electoral Act Chapter 2:13”.²⁸¹ According to the Media Institute of Southern Africa (MiSA) – Zimbabwe, “Blessed Mhlanga was on 15 September 2022 acquitted on charges of disorderly conduct in a polling station as defined in terms of Section 89 of the Electoral Act. This comes after Mhlanga and his colleague Chengeto Chidi were on 29 July 2022 also acquitted on charges of taking photographs within a polling station”.²⁸²
- June 2022: “Zimbabwean police must immediately and thoroughly investigate threats made to journalist Simbarashe Sithole in retaliation for his corruption reporting and hold those responsible to account”.²⁸³
- June 2022: “police in Bulawayo in southwest Zimbabwe detained Mduduzi Mathuthu, editor of privately owned news website ZimLive, and charged him with insulting or undermining the authority of President Emmerson Mnangagwa over a tweet he wrote about the president’s fiscal policies [...] The journalist was released about an hour later and police told him they would later set a date for a court hearing [...] If found guilty, Mathuthu faces one year in jail or a fine of up to 4,800 Zimbabwean dollars (US\$13.26) or both, according to the law”.²⁸⁴
- July 2022: “At about 11 a.m. on Thursday, July 7, police officers assaulted Yotamu while he was filming an altercation between taxi drivers and parking attendants in the central business district of the capital, Harare [...] A group of five officers ordered Yotamu to stop filming, hand over his phone, and give them his password; when he refused, the officers tried to grab his phone, knocking it to the ground and damaging it, and then beat Yotamu with truncheons all over his body, according to those sources. Yotamu told CPJ that he identified himself as a journalist multiple times during the incident, and the attack only stopped when a fellow officer told them not to beat journalists”.²⁸⁵
- August 2022: “On Tuesday, August 2, police summoned Mdzungairi, editor-in-chief of the privately owned media company Alpha Media Holdings, and Chingarande, a senior reporter with the company, to appear for questioning the following day, the journalists told CPJ by phone. On Wednesday morning, Mdzungairi and Chingarande appeared at the Harare Central Police Station where police held them for about three hours and charged them with transmitting ‘false data intending to cause harm,’ [...] Authorities released Mdzungairi and Chingarande only after Bamu [their lawyer] assured the officers that they would be available as needed, the three told CPJ. If convicted of spreading false information, they could each face a fine of 70,000 Zimbabwean dollars (US\$194) and up to five years in prison”.²⁸⁶

²⁸⁰ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Expression*, p. 413

²⁸¹ Media Institute of Southern Africa (MISA), [AMH journalists granted bail on charges of contravening electoral regulations](#), 9 May 2022

²⁸² Media Institute of Southern Africa (MiSA) – Zimbabwe, [AMH journalist Mhlanga acquitted on charges of disorderly conduct](#), 15 September 2022

²⁸³ Committee to Protect Journalists (CPJ), [Zimbabwean journalist threatened with assault after corruption reporting](#), 23 June 2022

²⁸⁴ Committee to Protect Journalists (CPJ), [Police charge ZimLive editor Mduduzi Mathuthu with insulting the president](#), 6 June 2022

²⁸⁵ Committee to Protect Journalists (CPJ), [Zimbabwean journalist Anyway Yotamu charged after assault by police](#), 8 July 2022

²⁸⁶ Committee to Protect Journalists (CPJ), [Zimbabwe police charge 2 journalists with publishing false information](#), 5 August 2022

- August 2020: “Zimbabwean authorities should investigate the brutal assault of four journalists working for private media outlets, bring the perpetrators to justice, and ensure that party supporters do not attack members of the press covering political rallies [...] The reporters assaulted are:
 - Chelsea Mashayaombe, a reporter for online newspaper Zimbabwe Daily
 - Pellagia Mpurwa, a reporter for online magazine Technomag
 - Tongai Mwenje, managing editor of news website SportBrief
 - Toneo Rutsito, editor of Technomag”²⁸⁷

iii. Freedom of Assembly and Association: Situation of Civil Society (General Information)

Additional relevant information may be found under section [V. h. iv. Treatment of human rights defenders and activists, including online activists](#).

Additional relevant information may be found under sections:

- o [b. Violence](#),
- o [c. Unlawful killings](#),
- o [d. Torture](#),
- o [e. Abductions/forcible Disappearances](#), and
- o [f. Arbitrary Arrests and Detention](#).

For a detailed outline of the legal framework civil society organisation are operating in see the International Center for Not-For-Profit Law, [Civic Freedom Monitor: Zimbabwe](#), Last updated: 10 October 2022

As way of background, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on his visit to Zimbabwe in September 2019 provided the overall legal framework overview in relation to freedom of association and assembly:

The Constitution contains a declaration of rights, which refers to fundamental human rights and freedoms. It guarantees the freedom of assembly and of association and the right not to assemble or associate with others and the freedom to demonstrate and petition, indicating that every person has the right to demonstrate and to present petitions, but these rights must be exercised peacefully. It also prescribes the limitations to fundamental human rights and freedoms, including during a public emergency. [...]

At the time of the visit, the right to peaceful assembly was governed by the Public Order and Security Act, which was repealed in November 2019 by the Maintenance of Peace and Order Act. The right to freedom of association is mainly regulated by the Private Voluntary Organizations Act and the Deeds Registries Act.²⁸⁸

As part of its submission to the Universal Periodic Review, the Southern Africa Litigation Centre (SALC) reported that the “Maintenance of Peace and Order Act (MOPA), which entered into force in November 2019, contains oppressive assembly restrictions that authorities use to suppress

²⁸⁷ Committee to Protect Journalists (CPJ), [Four Zimbabwean journalists beaten, forced to delete footage by ruling party supporters](#), 25 August 2022

²⁸⁸ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Normative and institutional framework, paras. 22 and 23

demonstrations. The MOPA sets out a lengthy procedure which conveners of protests must follow to obtain permission for their gathering and also permits police officers to use their discretion to disperse protesters verbally and physically in certain circumstances.¹⁸ It also prohibits gatherings near Parliament, the courts and other protected places¹⁹ where political protesters will likely gather”.²⁸⁹

In his May 2020 report, the UN Special Rapporteur further raised his concern “about the application of section 22 (on subverting a constitutional government) of the Criminal Law (Codification and Reform) Act to prosecute human rights defenders, civil society and opposition leaders suspected of having played important roles in protests. This offence is similar to treason and could result in imprisonment for up to 20 years”.²⁹⁰

He further highlighted the “restrictive provisions contained in the legislation” which “do not align with international human rights standards”²⁹¹, and particularly highlighted that:

the newly established legal framework does not address long-underlying concerns and is not conducive to free and unhindered exercise of the right to freedom of peaceful assembly, negatively affecting the exercise of the rights to freedom of association and expression.²⁹²

In particular the “restrictions against those representing dissenting voices, human rights defenders, trade union leaders, students, youth groups, women, and journalists and media workers” were mentioned in the report.²⁹³

With special focus on freedom of association, the UN Special Rapporteur found:

The Special Rapporteur considers that the law [Private Voluntary Organizations Act] provides for an onerous, lengthy and complex registration procedure that requires a significant amount of detailed information about an association and the submission of additional documents at the discretion of the Registrar. Applications are required to include proof of a public notice in national newspapers providing for objections to be made. If an association is denied registration due to their political activities or under vague circumstances there is no system to challenge such a decision [...]

In addition to the requirements under the Private Voluntary Organizations Act, as a matter of practice, domestic associations are also required, based on inconsistent criteria, to sign memorandums of understanding with local authorities in order to operate in the country [...] Additionally, he is concerned about allegations in relation to onerous processes, including payment of additional fees, interference with an organization’s activities and, in some instances, unilateral termination of memorandums of understanding.²⁹⁴

²⁸⁹ Southern Africa Litigation Centre (SALC), [Zimbabwe’s 3rd Universal Periodic Review, 40th Session \(October-November 2021\), Submission by: Southern Africa Litigation Centre](#), 15 July 2021, p. 5/6

²⁹⁰ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 3. Restrictions targeting particular groups, paras. 63 and 64

²⁹¹ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, A. Legal framework, paras. 27 and 28. For a more detailed discussion on these provisions see in particular paragraphs 28 - 36 of the report.

²⁹² UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, A. Legal framework, para. 30

²⁹³ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 3. Restrictions targeting particular groups, para. 63

²⁹⁴ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, IV. The exercise of the right to freedom of association, A. Legal framework, para. 88 and 90

The U.S. Department of State reported in its annual report covering 2021 under 'Freedom of Peaceful Assembly'²⁹⁵: "The government restricted the right to peaceful assembly [...] COVID-19 lockdown regulations were used to deny free peaceful assembly [...] The government demonstrated a pattern of selectively enforcing COVID-19 regulations based on political factors. Rallies in support of the ruling party were generally unimpeded, as were religious assemblies by groups seen as loyal to the ruling party. Meanwhile opposition members, civil society activists, and street vendors often faced arrests, and in some cases police violence, for violating COVID-19 measures [...] Authorities continued to use COVID-19 lockdown restrictions to bar civil society, trade unions, religious groups, and the opposition from holding public events even though the ruling party continued to hold such events".²⁹⁶

With regards to 'Freedom of Association', the same source noted that "The constitution and law provide for freedom of association, but the government restricted this right. The government did not officially restrict the formation of political parties or unions but used proxies to register political parties under the same name as a major opposition contingent. Ruling party supporters, sometimes with direct government support or tacit approval, intimidated and harassed members of organizations perceived to be opposed to the government".²⁹⁷

In relation to the situation of NGOs, the U.S. Department of State reported in its 2021 human rights report²⁹⁸:

Several domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Such groups were subject to government restrictions, interference, monitoring, confiscation of materials and documentation, arrest, and other forms of harassment [...]

The government harassed NGOs it believed would expose abuses by government personnel or oppose government policies. NGOs reported surveillance missions by unidentified individuals visiting and occasionally raiding NGO offices. According to many human rights NGOs, the state viewed NGOs as regime-change agents supported by the West. Government-controlled media as well as government-associated social media handles to disparage and attack human rights groups, especially those believed to communicate with western embassies or governments.²⁹⁹

Freedom House reported that "In clear breach of the Provincial Councils and Administration Act and the Private Voluntary Organisations (PVO) Act, Harare provincial development coordinator Tafadzwa Muguti banned all nongovernmental organizations (NGOs) and PVOs that defied his June [2021] instructions to report directly to his office. The organizations were accused of operating outside their mandates and working in opposition to the current government. This ban was lifted in September after a High Court ruling [...] In November [2021], the government proposed an amendment to the PVO Act, which seeks to expand the definition of PVOs and further limit how NGOs can operate,

²⁹⁵ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 2., B. Freedoms of Peaceful Assembly and Association

²⁹⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., B. Freedoms of Peaceful Assembly and Association

²⁹⁷ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., B. Freedoms of Peaceful Assembly and Association

²⁹⁸ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 5. Governmental Posture Towards International and Nongovernmental Investigation Of Alleged Abuses of Human Rights

²⁹⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 5. Governmental Posture Towards International and Nongovernmental Investigation Of Alleged Abuses of Human Rights

including by prohibiting any political involvement or affiliation and requiring additional governmental oversight for certain types of organizations”.³⁰⁰ Similarly, the Zimbabwe Lawyers For Human Rights published a ‘critical analysis of the Proposed Regulation of Civil Society’ and stated that if enacted, the PVO Act “will criminalise unauthorised private communications with foreign governments, and false statements that impact on the promotion and protection of the national interests of Zimbabwe. Similar to the PVO Bill, the proposed Patriotic legislation will directly impact on CSOs’ international advocacy efforts, and will violate their fundamental rights to freedom of expression and association”.³⁰¹

The Zimbabwe Lawyers For Human Rights organisation also published a position paper in November 2021 in reaction to the amendment of the PVO in order to comply with the recommendations made by the Financial Action Taskforce (FATF) and concluded that:

We reiterate that amending the PVO Act in order to have it aligned to the FATF Recommendations must be done after an extensive risk assessment of the NPO [Not for Profit Organizations] sector has been carried out. To do so without understanding the risks that NPOs are vulnerable to; the type of organisations that are at high risk; and the migratory measures that should be put in place to combat these risks, would be putting the horse before the cart. The sectorial risk assessment will be best placed to inform all the stakeholders on the nature and extent of the proposed amendments to the PVO Act.³⁰²

A clause by clause analysis was also published by the Zimbabwe Lawyers for Human Rights organisation, which can be accessed [here](#).³⁰³

In August 2021, the International Crisis Group’s ‘CrisisWatch’ similarly reported that:

In reference to Harare provincial authorities’ directive, issued in July, requiring NGOs to submit workplans or cease operations, ruling party ZANU-PF Secretary for Administration Obert Mpofu 4 Aug backed “blitz” on NGOs, saying sector aims at “demonising” govt; High Court 13 Aug reserved judgement in case challenging directive. As govt pushes for controversial Patriotic Bill which seeks to criminalise support for U.S. sanctions on Zimbabwe, National Security Minister Owen Ncube mid-Aug said parliament would soon punish “misguided elements who campaign for sanctions and punishment...under the guise of human rights narrative”. Cabinet 31 Aug approved changes to law governing private voluntary organisations, notably prohibiting them from getting involved in politics, citing need to curb money laundering and financing of terrorism.³⁰⁴

Amnesty International, in its annual human rights report covering 2021 - February 2022, reported:

On 30 June [2021], the Provincial Development Coordinator for Harare metropolitan province issued a directive requiring NGOs to submit work plans prior to carrying out activities in Harare. On 3 August, the High Court ruled that the directive was unconstitutional. On 5 November, an amendment to the

³⁰⁰ Freedom House, [Freedom in the World 2022: Zimbabwe](#), 28 February 2022, *Key Developments in 2021 and E. Associational and Organizational Rights*

³⁰¹ Zimbabwe Lawyers for Human Rights (ZLHR), [The Operating Space of Civil Society Organisations in Zimbabwe: A Critical Analysis of the Proposed Regulation of Civil Society](#), July 2022, p. 6

³⁰² Zimbabwe Lawyers for Human Rights, [Position Paper on the amendment of the Private Voluntary Organisations Act \(PVO\) in order to comply with the recommendations made by the Financial Action Taskforce \(FATF\)](#), November 2021, *Conclusion*, p. 7

³⁰³ See Zimbabwe Lawyers for Human Rights, [Analysis of the Private Voluntary Organisations Amendment Bill](#), 2021, Undated [Last accessed: 8 October 2022]

³⁰⁴ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), August 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

Private Voluntary Organizations Act regulations was published in the official gazette, allowing for the closure of organizations suspected of funding of or campaigning for politicians during elections.³⁰⁵

The same source reported on the situation of civil society activist Prosper Tiringindi as follows: “In March [2021], police raided the house of civil society activist Prosper Tiringindi in Masvingo in search of evidence of his involvement in spraying graffiti messages calling for a reversal of the 500% increase in inflation. He was arrested and later released without charge. On 6 April, four armed security agents raided his house again in search of him.”³⁰⁶

The same source further highlighted the treatment in the following three cases against civil society activists:

Nine Masvingo Residents Forum members were arrested on 23 April for protesting about the two-month water shortage affecting Masvingo. They were charged under Section 37 of the Criminal Law Codification with participating in an unlawful gathering with the intent to promote public violence and acquitted on 24 September.

Alice Kuvheya, director of Chitrest, a residents’ trust, was arrested on 14 June and charged with “inciting participation in a gathering with intent to promote public violence” and “incitement to commit public violence”, after she had accused the local authority of colluding with the police to evict informal traders. Shortly before this, she had won a court case which blocked the demolition of premises belonging to informal traders. A court dismissed the charges on 28 June and in November, respectively.

Forty war veterans, arrested on 26 October in Harare for protesting about meagre monthly pensions of less than US\$100, were charged with breaching the peace. They were released on bail four days later.³⁰⁷

The Observatory for the Protection of Human Rights Defenders and Citizens in Action Southern Africa (CIASA) expressed in March 2022 “their deep concern over the negative impact” a discussed amendment of the Private Voluntary Organisation (PVO) Act will have, “seriously threaten[ing] the right to freedom of association”.³⁰⁸ According to the two organisations:

Should it be adopted, the amended law would provide the government with wide powers to interfere in civil society organisations’ governance and activities. First, the PVOs would need the government’s permission for any “material change” in the organisations, including changes to internal management and funding. Moreover, the government would have the power to designate any PVO as “high risk” or “vulnerable” to terrorism abuse. That would allow them to revoke their registration or even to replace their leadership. Additionally, the new bill would include harsh penalties, including imprisonment, for administrative offences related to the registration of PVOs. Finally, the bill contains provisions that allow for the banning of civil society organisations from “engaging in political activities”, a broad and vague concept that could include legitimate human rights activities.³⁰⁹

³⁰⁵ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Association*, p. 414

³⁰⁶ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Arbitrary Arrests and Detentions*, p. 413

³⁰⁷ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Arbitrary Arrests and Detentions*, p. 414

³⁰⁸ Observatory for the Protection of Human Rights Defenders / Citizens in Action Southern Africa (CIASA), [Zimbabwe: Private Voluntary Organisations Amendment Bill poses serious threats to freedom of association](#), 22 March 2022

³⁰⁹ Observatory for the Protection of Human Rights Defenders / Citizens in Action Southern Africa (CIASA), [Zimbabwe: Private Voluntary Organisations Amendment Bill poses serious threats to freedom of association](#), 22 March 2022

The U.S. Department of State's annual report on religious freedom covering 2021 noted that proposed amendments could also have an impact on faith-based organisations:

If passed, members of civil society stated, the amendments would extend the definition of PVO to more NGOs, including faith-based organizations if their charitable activities extended beyond religious work. Faith-based organizations are currently exempt from PVO Act requirements as trusts, but under the proposed amendments, the Minister of Public Service, Labor, and Social Welfare could designate organizations that were exempt during the year. In addition, the Registrar of PVOs, who was also the Director of Social Welfare acting in an interim capacity until an appointment was made, could serve trusts with a notice requiring them to swear they would not collect contributions from the public or outside the country, or to register as PVOs. According to civil society representatives, the amendments would also increase reporting requirements for PVOs, impose vague and potentially arbitrary registration requirements that could limit legitimate human rights work, criminalize work perceived to support or work against any political party or candidate, set civil and criminal penalties for lack of compliance, and allow the government to suspend board members and replace them with government-appointed trustees who could control a PVO's funding and operations, with few limitations. Civil society representatives and the religious community criticized the bill for limiting rights of assembly and expression and potentially limiting or eliminating groups' – including religious groups' – ability to provide much needed assistance to citizens.³¹⁰

With regards to the public hearings held on the amendment of the PVO Act, the two organisations reported that these were “systematically targeted and disrupted by suspected ruling party militants, who verbally abused and in other cases violently assaulted anyone raising concerns about the content of the new law amid the acquiescence of the police forces. On March 1, 2022, in the city of Masvingo, ruling party militants heckled and physically attacked participants raising their voices against the bill. Among those attacked were CIASA members Messrs. Spencer Mutambaneshiri, Alan Moyo and Ms. Priscilla Mafa who were verbally abused, threatened and beaten. Participation in the online hearings taking place at the same time were also obstructed by the increase in the Internet connection prices enacted by the state-controlled provider”.³¹¹

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that “Reports suggest that hate speech, including on the part of government officials, remains common, however [...] Information from several sources suggests those expressing dissenting views—including journalists, members of civil society, those supporting opposition political parties, and human rights defenders—are subjected to prosecutions, surveillance and harassment, however [...] The Special Rapporteur also wish to underscore his concern with the apparent arbitrary arrest, detention and levying of charges against human rights defenders, journalists, student unions leaders and politicians, following their attempts to gather information concerning, to denounce and to organize to oppose human rights violations”.³¹²

With regards to the Private Voluntary Organisation Amendment Bill, Amnesty International reported that “Following public consultations and submissions from various stakeholders, an amended bill was presented in June 2022 which significantly altered the initial bill, disregarded civil society's

³¹⁰ U.S. Department of State, [2021 Report on International Religious Freedom: Zimbabwe](#), 2 June 2022, Section II. Status of Government Respect for Religious Freedom

³¹¹ Observatory for the Protection of Human Rights Defenders / Citizens in Action Southern Africa (CIASA), [Zimbabwe: Private Voluntary Organisations Amendment Bill poses serious threats to freedom of association](#), 22 March 2022

³¹² UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, D. Protection and Inclusion of it Risk Groups, paras. 71-73

concerns and imposed stricter and more repressive clauses”.³¹³ The same organisation further warned that “if passed [the bill] threatens to crack down on civil society and organisations exposing human rights violations and holding the government accountable, criminalise their work and impose punitive measures, including imprisonment”.³¹⁴

The International Center for Not-For-Profit Law reported in October 2022 that:

The gazetting of the Private Voluntary Organisations (PVO) Amendment Bill in November 2021 threatens the continued existence of NGOs. NGOs have continued trying to engage the public and the government on the detrimental effects of the Bill, which quickly passed through the second reading in Parliament in August 2022 because opposition members were not in attendance. They were instead at the bail hearing of Hon. Job Sikhala and Hon. Godfrey Sithole, who have been in prison since June 14, 2022 for allegedly inciting public violence after the death of opposition activist, Moreblessing Ali.³¹⁵

iv. Treatment of human rights defenders and activists, including online activists

Additional relevant information may be found under section [V. h. iii. Freedom of Assembly and Association: Situation of Civil Society \(General Information\)](#).

Additional relevant information may also be found under sections:

- [b. Violence](#),
- [c. Unlawful killings](#),
- [d. Torture](#),
- [e. Abductions/forcible Disappearances](#), and
- [f. Arbitrary Arrests and Detention](#).

As way of background, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on his visit to Zimbabwe in September 2019 provided the following overview regarding the right to freedom of association:

Despite a restrictive operating environment that poses severe constraints on the exercise of freedom of association, civil society actors remain active and find creative ways to carry on their activities. The Special Rapporteur particularly notes that disruptive actions by the Government take place typically during periods of increased political activity and when there is greater demand for humanitarian services [...]

In this regard, the Special Rapporteur is aware that interference may take the form of repeated requests for information or threats to suspend activities when the authorities believe that organizations are operating outside the terms of their registered mandates or they are following different operational guidelines [...]

The Special Rapporteur has noted patterns, which were confirmed during his visit, in relation to the targeting and harassment of certain organizations, which seem to be continuing under the new administration. For example, organizations with dissenting political views, those working on human rights [...] or on sensitive issues, such as advocacy on issues affecting lesbian, gay, bisexual and transgender persons, or promotion of women’s rights, have had their offices raided by the police and, in certain cases, as a form of intimidation, received requests to show proof of registration or provide details of their board members and activities. In addition, the Special Rapporteur is aware of high

³¹³ Amnesty International, [Urgent Action: Draft Law Threatens Existence of NGOs](#), 29 July 2022

³¹⁴ Amnesty International, [Urgent Action: Draft Law Threatens Existence of NGOs](#), 29 July 2022

³¹⁵ International Center for Not-For-Profit Law, [Civic Freedom Monitor: Zimbabwe](#), Last updated: 10 October 2022

levels of harassment, surveillance and threats against their leaders, resulting in considerable levels of pressure that, under certain circumstances, have forced them to flee the country [...]

The Special Rapporteur also detected certain levels of intimidation and acts of harassment directed towards certain organizations working in rural areas whose activities were perceived to be aligned with the opposition party.³¹⁶

The Zimbabwe Lawyers for Human Rights organisation stated that “Sadly, in 2020, Zimbabwe is marking United Nations International Day of the Victims of Enforced Disappearances at a time when the country is recording abductions of human rights defenders with the latest case being that of Tawanda Muchehiwa, a university student and a resident of Bulawayo”.³¹⁷

In January 2020 Human Rights Watch reported that “A Harare magistrates court this week proved unwilling to drop baseless charges against seven activists for seeking to subvert the government of Zimbabwe. Instead, the court extended bail to January 31, when the activists must return for another hearing. The activists are Farirai Gumbonzvanda, Stabile Dewa, Rita Nyampinga, Nyasha Frank Mpahlo, George Makoni, Tatenda Mombeyarara, and Gamuchirai Mukura. Their lawyers told Human Rights Watch that since their arrest in May 2019 at the Robert Mugabe International Airport in Harare, the capital, on their return from a peaceful resistance workshop in the Maldives, all seven have been denied the rights to humane treatment, a prompt trial, and other basic rights. While the activists were released on bail in June, state security agents have yet to return their laptops and mobile phones that were seized during their arrest, despite indicating that they had finished extracting information from the devices”.³¹⁸

The international organisation Front Line Defenders highlighted in its submission to the Universal Periodic Review on Zimbabwe in July 2021, covering the period November 2016 to January 2021, that:

Human rights defenders (HRDs) and those working to denounce corruption and uphold civil and political rights have been targeted and subjected to surveillance, threats and arbitrary detention. There were also reports of raids, break-ins and theft, although these incidents occurred less frequently. Human rights organisations have also been targeted through bans and lawsuits supported by the extensive restrictive legislation currently in force in the country. In the period under review, Front Line Defenders provided support in 80 cases of human rights defenders at risk in Zimbabwe, some of which concerned multiple HRDs or multiple violations. Many of these cases involved judicial harassment. Of concern is the targeting of human rights defenders working on issues related to democracy, good governance and public accountability, LGBTIQ+ rights and labour rights, as well as those working on freedom of speech, documenting human rights abuses, and advocating for transparency. In the period under review, key concerns are the following:

- Independent human rights organisations and human rights defenders operate in a restrictive legal framework;
- Human rights defenders are subjected to police harassment, threats and surveillance, including arbitrary arrest and detention;
- Politically motivated violence against human rights defenders working on corruption, good governance and accountability of state actors.³¹⁹

³¹⁶ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 1. Civil society actors, paras. 95-97 and 99

³¹⁷ Zimbabwe Lawyers for Human Rights, [On International Day of The Victims of Enforced Disappearances, end Pervasive Practice of Abductions and Enforced Disappearances](#), 30 August 2020

³¹⁸ Human Rights Watch, [Travesty of Justice for Seven Zimbabwe Activists](#), 10 January 2020

³¹⁹ Front Line Defenders, [40th Session of UPR Working Group \(January 2022\)](#), 14 July 2021, Introduction, p. 2

Amnesty International, in its annual human rights report covering 2020 - March 2021, documented the case of Lovemore Zvokusekwa, who was arrested in April 2020 “and accused of circulating a fabricated press statement purporting to be from the President, announcing a lockdown extension. Later that month, the President said he should receive a 20-year prison sentence as an ‘example’ to others. On 30 April, he was released from detention on remand although he faced trial pending possible further investigations by the prosecution”.³²⁰

Front Line Defenders documented the following case of harassment, threats and surveillance against three environmental rights activist in April 2020:

On 4 April 2020, three environmental rights defenders in Zimbabwe working for three different organisations, Tatenda Maposa (Girl Child Empowerment of Zimbabwe), Blessing Matasva (Green Institute) and Lavender Chatambalala (Divine Foundation Trust), reported being threatened by unidentified individuals. Since the COVID-19 related shutdown, residents in the town of Chiredzi have been cut off from water and there have been reports of police brutality against women and girls who tried to find alternative water sources at community boreholes. The three defenders wrote two joint letters to local authorities to draw attention to this problem. On the evening of the day these letters were delivered, the defenders received anonymous calls threatening them and accusing them of inciting residents to disregard the shutdown. The callers threatened to take unspecified actions against the defenders. One of the defenders was summoned to the police station for questioning, she was asked if her defense of Chiredzi residents’ rights was politically motivated, and she was asked who is “funding” her. Her cellphone was confiscated, and she was physically assaulted by officers before being released; officers threatened to take actions against the other HRDs who cowrote the letters. The WHRD returned to a safe place and was informed by relatives to not return to her home as they had spotted an unmarked car outside her house. The three HRDs went into hiding as a result of these threats and harassment.³²¹

In May 2020, the Observatory for the Protection of Human Rights Defenders, reported on the “physical assault and arbitrary arrest of Mr. Gamuchirai Mukura, Executive Director of the Community Tolerance Reconciliation and Development (COTRAD), a youth oriented registered non-governmental organisation that addresses conflict transformation, social accountability, participation in electoral processes and civic education”.³²² According to information received by the OMCT, “Mr. Gamuchirai Mukura was arrested in Masvingo for allegedly violating the lockdown rules in relation with the Covid-19 crisis, while possessing an approval letter from the police authorising Mr. Mukura to circulate in Masvingo province to distribute masks, gloves, sanitizer and water in solidarity with people in need to curb the spread of the coronavirus. Mr. Gamuchirai Mukura was violently assaulted by the police officers who pushed and shoved him, grabbed him by the belt while beating him up with sticks. He was handcuffed and taken to the police station where he was detained for about two hours. He was then released after being forced to pay a fine of 200 ZWL. Upon his release, he was suffering from severe injuries on his arm”.³²³

Veritas reported in June 2020 on the arrest of “leading Zimbabwean lawyer, Adv Thabani Mpofu [...] apparently on charges of defeating or obstructing the course of justice arising out of an affidavit he is said to have prepared and filed in court”.³²⁴ The same organisation highlighted that “The Law

³²⁰ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, *Freedom of Expression*, p. 405

³²¹ Front Line Defenders, [40th Session of UPR Working Group \(January 2022\)](#), 14 July 2021, III. *Police Harassment, Threats and Surveillance*, p. 4

³²² Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Physical assault and arbitrary arrest of Mr. Gamuchirai Mukura](#), 5 May 2020

³²³ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Physical assault and arbitrary arrest of Mr. Gamuchirai Mukura](#), 5 May 2020

³²⁴ Veritas, [Constitution Watch 08-2020 – Arrest of Advocate Thabani Mpofu](#), 3 June 2020

Society of Zimbabwe has issued a statement expressing profound concern at Adv Mpofu's arrest and detention, pointing out that the State has an obligation to allow lawyers to perform all their professional functions without intimidation, hindrance, harassment or improper interference" and concluded itself that "Veritas cannot comment on the merits of the State case against Adv Mpofu. But even if the case is completely watertight – and from what the Law Society has said there are doubts on that score – his arrest was unwarranted and his detention excessive. The conduct of the Police gives rise to a suspicion that the State's real objective was to silence a human-rights defender and intimidate other like-minded lawyers".³²⁵

Amnesty International reported in August 2020 that "Zimbabwean authorities thwarted a nationwide peaceful anti-corruption protest which was planned for 31 July [2020], and launched a witch-hunt against political and human rights activists they suspected of planning it. Several activists and opposition supporters were also arrested, including renowned writer Tsitsi Dangarembga and opposition spokesperson Fadzayi Mahere. Others were abducted by state agents for being suspected of supporting the national protests".³²⁶ According to the same source, "A number of activists have gone into hiding after police published a list of names of human rights defenders who are wanted for questioning in connection with the planned protests".³²⁷

To exemplify the above, the Observatory for the Protection of Human Rights further reported on the arbitrary arrest of women's rights defender and writer Tsitsi Dangarembga, who was "arrested on Friday, July 31 [2020] around midday by a group of armed police officers while she was participating in an anti-corruption demonstration in Borrowdale, a suburb of the Zimbabwean capital. Ms. Dangarembga reported her arrest on Twitter. In the days leading up to her arrest, she had been speaking out on social media against the arrest of journalists and other defenders, activists and protesters involved in the organisation of the July 31 nationwide anti-corruption demonstrations, including Messrs. Hopewell "Daddy Hope" Chin'ono and Jacob Ngarivhume" arrests.³²⁸ In August 2020 she was released on bail and accused of "participating in a gathering with the intention to incite public violence".³²⁹ According to Amnesty International, following their release on bail their trial "has been ongoing for over two years until they were convicted on 29 September 2022" for "inciting violence" and "handed a six-month suspended sentence for participating" in the July 2020 protest "against economic hardship, and fined".³³⁰

In September 2020, the International Federation for Human Rights (FIDH) together with the Zimbabwe Human Rights Association (ZimRights) reported on the case of human rights defender Godfrey Kurauone:

The case of Mr. Godfrey Kurauone, human rights activist and elected opposition councillor for Ward 4 in Masvingo (in south-eastern Zimbabwe), who led various community initiatives aimed at increasing citizen participation in governance, is emblematic of this worrying trend.

Yesterday, the Masvingo Magistrate's Court acquitted him of "obstructing free movement of traffic" – a charge brought against him prior to the 31 July protest. Before his release yesterday, Mr.

³²⁵ Veritas, [Constitution Watch 08-2020 – Arrest of Advocate Thabani Mpofu](#), 3 June 2020

³²⁶ Amnesty International, [SADC: Regional leaders must fix the deteriorating human rights situation across the region](#), 14 August 2020

³²⁷ Amnesty International, [Zimbabwe: Authorities thwart anti-corruption protests, launch a witch-hunt against activists](#), 31 July 2020

³²⁸ Observatory for the Protection of Human Rights Defenders, [Arbitrary arrest of Tsitsi Dangarembga: a worrying turn in the systematic repression of civil society in Zimbabwe](#), 3 August 2020

³²⁹ Observatory for the Protection of Human Rights Defenders, [Arbitrary arrest of Tsitsi Dangarembga: a worrying turn in the systematic repression of civil society in Zimbabwe](#), 3 August 2020

³³⁰ Amnesty International, [Zimbabwe: Conviction of author Tsitsi Dangarembga and Barnes for protesting economic hardship a travesty of justice](#), 30 September 2020

Kurauone had been detained since 31 July at Masvingo Remand Prison, where he did not receive adequate medical care, despite his deteriorating health while in custody.

According to reliable sources in touch with our organisations, on 31 July 2020, Mr. Godfrey Kurauone was arrested while at the Masvingo Law and Order police section with an additional charge of “criminal nuisance” (as defined in section 46 (2) (v) of the Criminal Law Act) for singing a protest song. At the time of his arrest, Mr. Kurauone was reporting to the police station as part of his bail conditions following a previous arrest on 15 June for “breaking lockdown rules” while he was distributing food to homeless people in Masvingo.

On 3 August, Mr. Kurauone was brought before the Masvingo Magistrate’s court, where he was denied bail.

On 12 August, he appeared before the Masvingo High Court for a bail hearing which was postponed to the next day; the judge ruled against his bail. The trial date was set for 25 August, which was subsequently postponed to 1 September. While the charge of criminal nuisance was dropped and Mr. Kurauone was finally freed following his acquittal of obstructing free movement of traffic on 10 September, he still faces the charge of undermining the authority of the President, due to defying lockdown rules in order to distribute food in Masvingo.³³¹

The same organisations further noted:

Facing multiple and politically-motivated charges and unjustified delays in his judicial process, Godfrey Kurauone’s case is emblematic of the harassment to which many civil society members, journalists, political opponents, human rights activists, and lawyers, are subjected to in Zimbabwe since the country recorded its first Covid-19 case on 20 March, and particularly since 30 March, when President Emerson Mnangagwa declared a state of disaster and decreed a national lockdown. While the government lockdown has been extended indefinitely, human rights violations have steadily increased, suggesting that the government is using Covid-19 as a cover for violating fundamental freedoms and attacking perceived opponents.³³²

The International Bar Association reported that in September 2020 “Voices of opposition are dealt with brutally, notably lawyers defending victims of human rights abuses. These victims have frequently been journalists focusing on corruption involving senior government officials and their families. All human rights defenders experience delays in bail hearings and a significant amount of physical abuse”.³³³

In October 2020, the International Crisis Group’s ‘CrisisWatch’ reported that “In state of nation address to parliament, President Mnangagwa 22 Oct vowed to crack down on NGOs critical of govt’s human rights record, said parliament would soon discuss bill to “revamp the administration” of NGOs and “correct the current anomalies”. Cabinet 27 Oct approved legislation to criminalise “unsubstantiated claims” of human rights violations, anti-govt protests that could draw international attention and “unauthorised communication or negotiation” with foreign govts”.³³⁴

In March 2021 the International Commission of Jurists (ICJ) published the findings of its research study on the experiences of sexual and gender-based violence and legal challenges faced by women human rights defenders (WHRDs) and found: “WHRDs are at a heightened risk of SGBV in the course of and due to the nature of their work in defence of human rights. The risk is particularly heightened

³³¹ International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissidents](#), 11 September 2020

³³² International Federation for Human Rights (FIDH) / Zimbabwe Human Rights Association (ZimRights), [Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissidents](#), 11 September 2020

³³³ International Bar Association (IBA), [Zimbabwe crisis deepens](#), 7 October 2020

³³⁴ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), October 2020 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

in the case of WHRDs who work on what may be considered as ‘politically sensitive cases or issues’. The threat of SGBV comes not only from male members of the communities within which WHRDs work, but also from State security officials, including the police, as well as from their own family members and, in some cases, the male HRDs with whom WHRDs work”.³³⁵

The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests in July 2021 and reported that:

police and security forces have been abducting, arbitrarily arresting and torturing activists, opposition groups, journalists, human rights defenders and anyone that dares speak out against the government [...]

Dozens of activists have reported being threatened and assaulted whilst others have been forced into hiding [...]

State agents also published an official list of activists who are wanted for questioning, prompting many to go into hiding for their own protection.³³⁶

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights noted with regards to her wish to meet with representatives from civil society:

Although she had the opportunity to meet many representatives of independent civil society organizations and human rights defenders, she notes with regret that a substantial number of non-governmental organizations (NGOs) and some other interlocutors failed to engage with the mandate, due both to various hateful and intimidating messages that appeared in social media and news outlets, and to an alleged fear of losing foreign donations.³³⁷

The Observatory for the Protection of Human Rights Defenders and Citizens in Action Southern Africa (CIASA) expressed “their deep concern over the negative impact” a discussed amendment of the Private Voluntary Organisation (PVO) Act will have, “seriously threaten[ing] the right to freedom of association”.³³⁸ According to the two organisations “On November 24, 2021, human rights defender Mr. Gamuchirai Mukura was physically assaulted and severely injured while participating in a meeting with community members to denounce the consequences of this restrictive legislation in Shonganiso Primary School, in Masvingo”.³³⁹

In March 2022, the Zimbabwe Lawyers for Human Rights (ZLHR) published its analysis on the situation of Zimbabwean human rights defenders between 2018 and 2021 and found:

instead of an opening of civic space, ZLHR has documented thousands of cases of human rights defenders (HRDs) being subjected to gross violations of their rights, including through unlawful killings, torture, beatings, arbitrary arrests and detention, death threats, harassment and defamation.

³³⁵ International Commission of Jurists (ICJ), [Sexual and Gender-Based Violence in Zimbabwe: Women Human Rights Defenders’ Experiences and Legal Challenges](#), March 2021, Executive Summary, p. 5

³³⁶ International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

³³⁷ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, I. Introduction, para. 5

³³⁸ Observatory for the Protection of Human Rights Defenders / Citizens in Action Southern Africa (CIASA), [Zimbabwe: Private Voluntary Organisations Amendment Bill poses serious threats to freedom of association](#), 22 March 2022

³³⁹ Observatory for the Protection of Human Rights Defenders / Citizens in Action Southern Africa (CIASA), [Zimbabwe: Private Voluntary Organisations Amendment Bill poses serious threats to freedom of association](#), 22 March 2022

These acts have been conducted with impunity. When HRDs have reported on these violations they have been faced with retaliation, instead of the effective investigation and prosecution required under domestic and international law. HRDs, notably Joanna Mamombe, Cecilia Chimbiri and Netsai Marova, have been subjected to arbitrary arrests and criminal prosecution for making “false” reports of rights violations. HRDs have also been particularly targeted, and subjected to acts of intimidation and reprisals, for international advocacy on human rights issues,⁷ with state actors accusing HRDs and civil society organisations (CSOs) of conducting “anti-government activities” or with putting the image of Zimbabwe into disrepute before the international community.³⁴⁰

The report further highlighted:

how the criminal justice system is being systematically misused to persecute HRDs, through the application of repressive laws that the state has failed or neglected to align to the Constitution. The state has also introduced new laws, including amendments to the Constitution, that have increased executive control over the judiciary limiting its independence, and new criminal provisions restricting freedom of assembly, association and expression. HRDs are being systematically targeted and subjected to long periods of incarceration in maximum security prisons on false and trumped-up charges, for example, in the trials of Fadzayi Mahere, Makomborero Haruzivishe and Hopewell Chin’ono. As will be seen, the malicious prosecutions have been instigated as a tool of intimidation, with very few HRDs actually being convicted. In these cases, the National Prosecuting Authority has demonstrated a lack of genuine will to prosecute, with multiple postponements of trials, and a failure to present concrete evidence, but the proceedings are drawn out over several years. Just the threat of prosecution, the traumatic experiences of being detained in dehumanising conditions in police and prisons cells, and the lengthy trials and postponements, have severe impacts on HRDs’ health, personal lives, families and their work.³⁴¹

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that he also wanted to underscore “his concern with the arrest of human rights defenders following their calls for demonstrations against corruption and human rights violations”.³⁴²

In the same month, the Sexual Rights Initiative (SRI) provided the following statement: “Contrary to the Special Rapporteur’s recommendations [UN Special Rapporteur on the rights to freedom of peaceful assembly and of association] the NGO registration process in Zimbabwe has not been simplified, as is evidenced by the proposed Public Voluntary Organisations Amendment Bill that mandates onerous NGO registration requirements, a process marked by intense State scrutiny. Additionally, there is a de facto suspension of NGO registration in the form of trusts for an indefinite period, further restricting available organisational models for civil society to continue operating legally in the country”.³⁴³

The UN Committee on the Elimination of Racial Discrimination noted in its concluding observations published on 16 September 2022:

³⁴⁰ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 1, Introduction, p. 1

³⁴¹ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 1, Introduction, p. 2

³⁴² UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 61

³⁴³ Sexual Rights Initiative (SRI), [50th session of the Human Rights Council, Item 3: Interactive dialogue with the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Friday 17 June 2022, Federation for Women and Family Planning](#), 17 June 2022

The Committee is concerned that the private voluntary organizations amendment bill, which is currently before the legislature of the State party, would further affect the ability of human rights defenders and civil society organizations to pursue their activities independently and would increase their risk of facing reprisals, intimidation or interference (art. 5).³⁴⁴

v. Treatment of Political Opposition

Additional relevant information may be found under sections:

- [b. Violence](#),
- [c. Unlawful killings](#),
- [d. Torture](#),
- [e. Abductions/forcible Disappearances](#), and
- [f. Arbitrary Arrests and Detention](#).

The 2020 'Human Rights and Democracy' report published by the UK Foreign, Commonwealth & Development Office summarised that "In July [2020], authorities took pre-emptive and heavy-handed action to prevent large-scale protests. These were fuelled by growing frustration following corruption scandals, imploding healthcare provision, and the collapsing economy. The authorities detained opposition politicians and journalists for encouraging participation in such protests, and cases against journalist Hopewell Chin'ono, and opposition politicians Job Sikhala and Jacob Ngarivhume, were continuing at the end of the year. The Government continued to use the legal system to silence critics, suppress opposition and discourage protest."³⁴⁵

Redress reported on the following case study involving three female opposition leaders and members of the Movement for Democratic Change who were forcibly disappeared in May 2020:

In Zimbabwe, three female opposition leaders and members of Movement for Democratic Change, Joana Mamombe, Cecilia Chimbi and Netsai Marova, were arrested on 13 May 2020 for leading a demonstration over the government's provision of social protection during the Covid-19 lockdown. When they arrived at the police station, they were taken by unidentified individuals in an unmarked vehicle, and their whereabouts remained unknown for 48 hours. During this time, the police denied that the three individuals were being held in custody. On 15 May 2020, the women were found badly injured on a roadside 60 miles away from where they had been taken. The women reported that they had been beaten, tortured and sexually assaulted. Each of the women was hospitalized. However, instead of an investigation being launched, whilst the three women were in hospital, they were charged with gathering with intent to promote public violence and breach of the peace. Following this, they were charged with falsifying their own disappearances. The three women were taken to Chikurubi prison before they were eventually granted a strict bail requiring them to surrender their passports and report to the police three days a week. The trial against the three women commenced in late 2020 and is still ongoing for Cecilia Chimbi and Netsai Marova (Joana Mamombe was deemed unfit to stand trial). To date [August 2021], the authorities of Zimbabwe have not investigated the disappearance of the three women and the associated violations that they suffered.³⁴⁶

Reporting on the same incident, the United States Institute of Peace (USIP) stated that the three women of the Movement for Democratic Change, "one a member of parliament", described having

³⁴⁴ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 15

³⁴⁵ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

³⁴⁶ Redress, [The forgotten victims: Enforced disappearance in Africa](#), August 2021, 4. *The context of ED in Africa*, p. 23

been “abducted, beaten and sexually assaulted by armed men after having joined a protest against the hunger that has spread under the COVID lockdown”.³⁴⁷

Amnesty International reported in August 2020 that “Zimbabwean authorities thwarted a nationwide peaceful anti-corruption protest which was planned for 31 July [2020], and launched a witch-hunt against political and human rights activists they suspected of planning it. Several activists and opposition supporters were also arrested, including renowned writer Tsitsi Dangarembga and opposition spokesperson Fadzayi Mahere. Others were abducted by state agents for being suspected of supporting the national protests”.³⁴⁸

To exemplify the above, the Spokesperson for the UN High Commissioner for Human Rights stated that “Jacob Ngarivhume, an opposition leader who has been calling for the protests on 31 July [2020]” was detained and charged with inciting public violence.³⁴⁹ Reporting on the same incident, the Observatory for the Protection of Human Rights Defenders further noted that he was “denied access” to a lawyer and was “not informed promptly of the charges” he was facing”.³⁵⁰ In September 2020 it was reported that Jacob Ngarivhume was released on bail and “requested to surrender [his] passport, to report to police three times a week and to refrain from posting on social media”.³⁵¹

Amnesty International documented in August 2020 the case of Tamuka Denhere, “member of the MDC-A [who] was taken from his home in Gweru city by unidentified men and tortured over several hours. They then handed him over to Harare Central Police Station. Police also arrested his wife after she reported his abduction”.³⁵² [see also section [V. h. ix. Treatment of family members of above mentioned specific profiles](#)]

Covering the year 2021, the ‘Conflict Barometer’ published by the Heidelberg Institute for International Conflict Research reported:

The violent crisis over the orientation of the political system and national power between the Movement of Democratic Change Alliance (MDC-A) and the ruling party Zimbabwe African National Union - Patriotic Front (ZANU-PF) continued. Throughout the year, police arrested several members of MDC-A and their youth organization. ZANU-PF continuously threatened violence to maintain its power. Violence between members of ZANU-PF and MDC-A was particularly frequent in October [2021] [...] In addition, the police arrested several MDC-A members.³⁵³

Similarly, Amnesty International, in its annual human rights report covering 2021 - February 2022, reported that “After the Covid-19 restrictions were lifted in September [2021], Nelson Chamisa [...] began his meet-the people tour in October. In Masvingo province and other places, ZANU-PF supporters disrupted the tour, damaging vehicles and beating villagers who came out to support

³⁴⁷ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe’s Civil Society Movement](#), 24 June 2020

³⁴⁸ Amnesty International, [SADC: Regional leaders must fix the deteriorating human rights situation across the region](#), 14 August 2020

³⁴⁹ UN Office of the High Commissioner for Human Rights, [Press briefing on Zimbabwe](#), 24 July 2020

³⁵⁰ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Arbitrary arrest of Messrs. Hopewell Chin’ono and Jacob Ngarivhume](#), 22 July 2020

³⁵¹ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Release on bail of Messrs. Hopewell Chin’ono \(alias Daddy Hope\) and Jacob Ngarivhume](#), 4 September 2020

³⁵² Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Excessive Use of Force*, p. 404

³⁵³ Heidelberg Institute for International Conflict Research, [Conflict Barometer 2021](#), March 2022, *Zimbabwe (Opposition)*, p. 102

him. They forced his supporters, including older people, to publicly denounce him. On 20 October, his car was shot at in Manicaland province”.³⁵⁴

The U.S. Department of State reported in its annual report covering 2021: “The constitution and law prohibit arbitrary interference with privacy, family, or home, but local NGOs reported the government did not respect this right. Throughout the year government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF”.³⁵⁵

The following are examples of incidences that occurred in 2021 and up to August 2022 as documented by the International Crisis group’s ‘CrisisWatch’:

- February 2021: “In capital Harare, authorities 1 Feb arrested MP Joana Mamombe, a member of Nelson Chamisa-led faction of main opposition party Movement for Democratic Change (MDC-A), and two female MDC-A youth leaders, Cecilia Chimhiri and Netsai Marova, during anti-govt protest; Mamombe and Chimhiri later charged with “obstructing or hindering police officer performing duty during [COVID-19] lockdown”, while Marova was released without charge; High Court 9 Feb granted Mamombe and Chimhiri bail. High Court 1 Feb granted bail to Job Sikhala, MDC-A vice chairman who was arrested in Jan on charges of “publishing or communicating false statements prejudicial to the state”; 19 Feb granted bail to student activist Allan Moyo, who was arrested in Dec 2020 for allegedly inciting violence. Authorities 20 Feb arrested 12 MDC-A members at gunpoint for allegedly breaching COVID-19 regulations in Chinhoyi city, Mashonaland West province; all 12 released on bail 22 Feb”.³⁵⁶
- March 2021: “In capital Harare, authorities 5 March arrested three female members of Nelson Chamisa-led faction (MDC-A) of main opposition party Movement for Democratic Change (MDC) for third time in less than a year on charges of breaching COVID-19 regulations; one granted bail 10 March. In second largest city Bulawayo, security forces 10 March arrested nine members of opposition Mthwakazi Republic Party who were protesting police raid on home of party leader Mqondiso Moyo previous night. In Raffingora town, authorities 27 March arrested three MDC-A members for allegedly violating COVID-19 regulations; court 29 March granted them bail”.³⁵⁷
- July 2021: “Harare High Court 14 July granted bail to Makomborero Haruzivishe, member of main opposition party faction led by Nelson Chamisa; Haruzivishe was sentenced to 14 months in prison in April for allegedly ‘inciting violence’ and ‘resisting arrest’”.³⁵⁸ Reporting on the same incident, Amnesty International stated:

Makomborero Haruzivishe was arrested on 17 February after plain-clothed men shot at him. He was accused of inciting public violence for blowing a whistle during a protest in February 2020 outside the Zimbabwe Electoral Commission in the capital, Harare. In April, he was sentenced to 36 months in prison of which 16 were suspended. He appealed against the sentence and in July was given bail, which was promptly revoked by a magistrate who ordered that he remain in detention pending other charges against him. After Joanah

³⁵⁴ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Association*, p. 414

³⁵⁵ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, *Section 1., F. Arbitrary Or Unlawful Interference With Privacy, Family, Home, Or Correspondence*

³⁵⁶ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), February 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁵⁷ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), March 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁵⁸ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), July 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

Mamombe and Cecilia Chimbiri addressed a press conference in solidarity with him, they were re-arrested on 6 March. They were arrested at a police station where they had gone as part of their bail reporting conditions and accused of violating Covid-19 regulations. They were denied bail but released on 5 May.³⁵⁹

- October 2021: “MDC-A faction of main opposition party accused supporters of ruling ZANU-PF party of torpedoing MDC-A leader Nelson Chamisa’s countrywide tour. Notably, in Masvingo province, suspected ZANU-PF supporters 11 Oct reportedly attacked Chamisa’s convoy in Charumbira area, leaving at least five injured³⁶⁰, and 14 Oct allegedly beat and kidnapped six MDC-A members in Gutu district on their way back from meeting addressed by Chamisa. In Manicaland province, anti-riot police 19 Oct raided and dispersed MDC-A meeting and suspected ZANU-PF youths later same day shot at MDC-A convoy on outskirts of Mutare city, hitting Chamisa’s vehicle; MDC-A next day denounced “assassination attempt” on Chamisa. In Mashonaland East province, suspected ZANU-PF 24 Oct reportedly attacked MDC-A members in Goromonzi district, injuring four. In Mashonaland West province, MDC-A members 30 Oct reportedly clashed with ZANU-PF members attempting to block Chamisa from addressing villagers in Zvimba district, leaving scores injured”.³⁶¹
- November 2021: “attacks on main opposition party and its leader Nelson Chamisa persisted, as ruling party militants attempted to block Chamisa’s movements during his country tour. Notably, police 11 Nov used teargas in attempt to disrupt Chamisa’s speech at opposition rally in Charumbira communal lands, Masvingo province; ruling party youths later same day reportedly attacked rally”.³⁶²
- November 2021: “MDC-A supporter Nyasha Mawere died [...] after being beaten in Gutu by suspected ZANU-PF supporters in October. His wife and other relatives were charged with defamation after they accused ZANU-PF members of being responsible. No one was arrested for the killing”.³⁶³
- February 2022: “Throughout Feb, main opposition party Citizens Coalition for Change (CCC) and civil society organisations denounced raft of attacks against CCC supporters by ruling party members or police. CCC accused ZANU-PF supporters of beating up CCC members with iron bars during campaign rally of opposition party’s VP Tendai Biti in Harare East constituency 16 Feb; ZANU-PF same day denounced unfounded allegations. Video of policemen allegedly assaulting CCC supporters in Harare 18 Feb surfaced on social media; church leaders same day urged govt institutions to conduct peaceful polls and called on security forces to avoid misconduct. CCC said police 19 Feb detained at least 80 opposition supporters who were campaigning in Masvingo city (Masvingo province). Police 20 Feb mounted roadblocks on major axes in Harare in alleged attempt to disrupt CCC’s star rally; addressing thousands of supporters, opposition leader Nelson Chamisa same day accused electoral commission of attempting to rig by-elections by manipulating electoral roll. Zimbabwe Human Rights NGO Forum 24 Feb denounced increase in politically motivated violence over past month. Suspected ZANU-PF supporters 27 Feb attacked CCC rally in Kwekwe city (Midlands province), reportedly leaving two dead and over 20 wounded; police arrested 16 people suspected of involvement in violence”.³⁶⁴ Reporting on two specific incidents in the same period, February 2022, Amnesty International documented:

³⁵⁹ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Arbitrary Arrests and Detentions*, p. 413

³⁶⁰ See also New Zimbabwe, [Zanu PF Activists Attack Chamisa Convoy In Masvingo](#), 11 October 2021

³⁶¹ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), October 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁶² International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), November 2021 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁶³ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Unlawful Killings*, p. 414

³⁶⁴ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), February 2022 [Note that the following search filters were applied to CrisisWatch’s global conflict tracker: Zimbabwe, January 2020 – October 2022]

On 27 February [2022], a gang appeared at Mbizo 4 shopping centre in Kwekwe, to stop the CCC from holding a political rally. The gang allegedly used not only machetes but also beer bottles, iron bars, spears and bricks to attack supporters while Nelson Chamisa, the leader of the CCC, was giving a speech. At least 1 person died and 17 were injured.

A CCC Candidate Thokozile Dube was surrounded by the ruling ZANU-PF militia who assaulted her and destroyed property for failing to withdraw her candidature in Umzingwane constituency. On 26 February [2022], Zimbabwe's Vice President, Constantino Chiwenga, sent a warning to the CCC, saying the ruling ZANU-PF party would "crush the party like lice".³⁶⁵

- April 2022: "Tensions ran high ahead of several local council by-elections scheduled for 7 May: authorities 16 April reportedly detained 14 CCC activists during rally in Mutare city, Manicaland province; residents of Chitungwiza town's Zengeza West Ward 7 in Harare province mid-month accused ruling party ZANU-PF candidate for by-elections of intimidating electorate during door-to-door campaigns. CCC VP Tendai Biti claimed ZANU-PF representatives 18 April attempted to "kidnap" party activist Makomborero Haruzivishe, denounced President Mnangagwa's "incorrigible regime with no respect of human rights".³⁶⁶
- June 2022: "Main opposition party Citizens Coalition for Change (CCC) 8 June said party member Langelihle Zonda Dube had died following same-day attack by armed gang at his home in Bulawayo city. Body of CCC activist Moreblessing Ali, who had been missing since 24 May, found 11 June on outskirts of capital Harare; CCC supporters in following days denounced political killing, which police denied. Violence between CCC and ruling ZANU-PF party supporters 12-13 June disrupted Moreblessing Ali's funeral in Nyatsime area outside Harare [...] Armed individuals 14 June allegedly killed CCC member Edison Chinembiri in Chitungwiza town. CCC 18 June said suspected ZANU-PF activists previous day attacked CCC VP Tendai Biti, and several other party members in Mashonaland Central province, denounced "assassination attempt".³⁶⁷
- July 2022: "Opposition party Citizens Coalition for Change Deputy Chairman Job Sikhala and lawmaker Godfrey Sithole in July remained in detention as courts denied them bail following mid-June arrest on charges of instigating violence. Sikhala around 12 July faced new charges of obstructing or defeating course of justice".³⁶⁸
- August 2022: "Suspected Zanu-PF supporters around 23-24 Aug unleashed violence on CCC members, reportedly abducting one of them, in Mashonaland East province's Wedza and Seke districts as part of efforts to prevent CCC leader, Nelson Chamisa, from addressing his supporters. Ahead of 27 Aug parliamentary by-election for Gokwe-Kabuyuni parliamentary seat (Midlands province), alleged Zanu-PF supporters 25 Aug attacked CCC team during campaign rally in Gokwe area, wounding 13; also assaulted and seriously injured four journalists covering CCC campaign rally".³⁶⁹

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that he was "concerned

³⁶⁵ Amnesty International, [Zimbabwe: Police attack on opposition supporter raises alarm about partisan policing and torture](#), 18 March 2022

³⁶⁶ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), April 2022 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁶⁷ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), July 2022 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁶⁸ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), July 2022 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁶⁹ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), August 2022 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

that COVID-19 rules have been applied in a discriminatory manner in Zimbabwe, including by being used to prohibit gatherings of oppositional political parties, but not ruling party events”.³⁷⁰ The report further highlighted:

The Special Rapporteur also wishes to reiterate the grave concern expressed by himself and other mandate holders with reports concerning the arbitrary detention, enforced disappearance, torture and ill-treatment of members of the MDC Alliance Youth Assembly in 2020, when they were planning to attend an assembly, an issue addressed in a previous communication. As observed in the communication, those allegations were not isolated, but rather part of a broader pattern. The Special Rapporteur stresses that any such actions must cease, accountability must be ensured and full remedies must be provided to individuals whose rights were violated.³⁷¹

In September 2022, Amnesty International reminded about the “continued arbitrary detention of opposition leader and Member of Parliament Job Sikhala and MP Godfrey Sithole” who have been “arbitrarily detained for 100 days, sometimes without access to lawyers”.³⁷² Reporting on this particular case, Amnesty International noted, “Sikhala and Sithole were arrested on 14 June 2022 after attending the funeral of political activist, Moreblessing Ali, who was missing for three weeks before being found murdered and her body mutilated on 11 June 2022. Zimbabwean authorities have accused the MPs of encouraging their supporters to cause violence in Nyatsime, Chitungwiza, during Ali’s memorial. They are facing charges of inciting violence and were denied bail when they appeared in the magistrates court. Several appeals for bail have since been rejected”.³⁷³

vi. Treatment of protestors and anyone perceived as critical / in opposition to the government

Additional relevant information may be found under sections:

- [b. Violence,](#)
- [c. Unlawful killings,](#)
- [d. Torture,](#)
- [e. Abductions/forcible Disappearances, and](#)
- [f. Arbitrary Arrests and Detention.](#)

in its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

Human rights have continued to decline during Mnangagwa’s presidency. Unidentified assailants, suspected to be state security agents, abducted and tortured more than 70 critics of the government during 2020. Security forces also continued to commit arbitrary arrests, violent assaults, abductions, torture and other abuses against opposition politicians, dissidents and activists.³⁷⁴

³⁷⁰ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 59

³⁷¹ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 60

³⁷² Amnesty International, [Zimbabwe: Authorities must release opposition MPs unjustly held for 100 days](#), 21 September 2022

³⁷³ Amnesty International, [Zimbabwe: Authorities must release opposition MPs unjustly held for 100 days](#), 21 September 2022

³⁷⁴ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

The 2020 'Human Rights and Democracy' report published by the UK Foreign, Commonwealth & Development Office summarised that "In July [2020], authorities took pre-emptive and heavy-handed action to prevent large-scale protests. These were fuelled by growing frustration following corruption scandals, imploding healthcare provision, and the collapsing economy. The authorities detained opposition politicians and journalists for encouraging participation in such protests, and cases against journalist Hopewell Chin'ono, and opposition politicians Job Sikhala and Jacob Ngarivhume, were continuing at the end of the year. The Government continued to use the legal system to silence critics, suppress opposition and discourage protest."³⁷⁵

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated:

The authorities used COVID-19 restrictions as a pretext to limit civic space and restrict human rights [...]

The authorities used Section 14 of Statutory Instrument 83 of 2020 on Public Health to prohibit demonstrations during lockdown. Between March and August [2020], security forces locked down roads to Harare's central business district to prevent protests in support of prominent activists facing trial [...]

Dozens of people were arrested for organizing or participating in peaceful demonstrations, including activists Namatai Kwekweza and Vongai Zimudzi, arrested in June for demonstrating against constitutional amendments.³⁷⁶

The United States Institute of Peace (USIP) reported that by June 2020, "This year [2020], Zimbabwe Lawyers for Human Rights documented dozens of arrests of people over anti-government protests in February [2020]. That month, authorities in Mashonaland East province arrested seven women who had submitted a petition to local officials protesting poor education standards. They charged the women with having gathered to promote public violence".³⁷⁷

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated "Police and state security agents unlawfully killed at least 10 people. No meaningful investigations were carried out into these crimes."³⁷⁸ The same organisation highlighted in particular the case of two opposition activists who were unlawfully killed: "In July [2020], Mazwi Ndlovu, from Bulilima, was killed by agents suspected to be affiliated with ZANU-PF after he raised concerns about the way food was distributed to those in need. A man suspected of killing him was later arrested but released without appearing in court or applying for bail."³⁷⁹ The annual report further documented:

The authorities used further provisions which criminalized people solely for peacefully exercising their right to freedom of expression, including "undermining the authority of the President" or "insulting" him, to discourage criticism on social media.

In March [2020], the Commander of the Zimbabwe National Army said that social media was proving a threat to national security and that the military would put private electronic communications under surveillance to "guard against subversion". Christian Rambur was arrested in Chipingetown in April for distributing a WhatsApp message accusing the President of incompetence. Rujeko Hithi Mpambwa,

³⁷⁵ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

³⁷⁶ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, Zimbabwe, Freedom of Assembly, p. 405

³⁷⁷ United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe's Civil Society Movement](#), 24 June 2020

³⁷⁸ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, Zimbabwe, Unlawful killings, p. 404

³⁷⁹ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, Zimbabwe, Unlawful killings, p. 404

from Kariba, was arrested in August for criticizing on social media the President's address to the nation.³⁸⁰

The Spokesperson for the UN High Commissioner for Human Rights stated in July 2020 that "We are concerned at reports of police using force to disperse and arrest nurses and health workers for infringing lockdown restrictions as they were trying to protest for better salaries and conditions of work".³⁸¹ Similarly, the International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted the anti-corruption protests and reports that:

police and security forces have been abducting, arbitrarily arresting and torturing activists, opposition groups, journalists, human rights defenders and anyone that dares speak out against the government. President Mnangagwa vowed to clampdown on activists and political opposition, labelling them "terrorist groupings".

Dozens of activists have reported being threatened and assaulted whilst others have been forced into hiding. Human rights organisations are deeply concerned about activists facing prolonged detention in unsanitary and overcrowded facilities without adequate COVID-19 protection.³⁸²

Specifically, in July 2020 the International Crisis Group's 'CrisisWatch' reported that "Security forces 31 July locked down Harare, thwarting planned protest, and arrested at least 60 people late July, including opposition and civil society leaders, while a dozen others reportedly went into hiding".³⁸³ Reporting on the same protest, Amnesty International reported:

On 27 July, a ZANU-PF spokesperson called on supporters to use all necessary means to defend themselves ahead of the nationwide July 31 demonstrations. When the protests went ahead, police arrested at least 20 people, who were charged with various offences including "public nuisance", "intention to incite public violence", and breaking COVID-19 regulations. They were later released on bail. On 4 August, the President said the protest supporters were "bad apples" who would be "flushed out".³⁸⁴

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that "The Special Rapporteur has received reports suggesting that Zimbabwe's law on assemblies is selectively applied. Onerous and unjustified conditions have reportedly been applied to assemblies disfavoured by the authorities, while participants in such assemblies have been arrested and charged with public disorder. Members of the Citizens Coalition for Change, for example, were arrested and reportedly assaulted while protesting in Harare in January 2022".³⁸⁵ The same source further noted that "In practice, it appears police forces frequently use excessive force against peaceful protesters".³⁸⁶

³⁸⁰ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, Zimbabwe, *Freedom of Expression*, p. 405

³⁸¹ UN Office of the High Commissioner for Human Rights, [Press briefing on Zimbabwe](#), 24 July 2020

³⁸² International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

³⁸³ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), July 2020 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

³⁸⁴ Amnesty International, [Amnesty International Report 2020/21, The State of the World's Human Rights](#), 7 April 2021, Zimbabwe, *Freedom of Assembly*, p. 406

³⁸⁵ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 55

³⁸⁶ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 56

In August 2020, the Observatory for the Protection of Human Rights Defenders was informed about the “judicial harassment of Ms. Beatrice Mtetwa, human rights lawyer representing Mr. Hopewell Chin’ono (alias Daddy Hope), a freelance investigative journalist and filmmaker arbitrarily detained since July 20, 2020 for having exposed alleged corruption in the procurement of COVID-19 medical supplies”³⁸⁷ [see also section [V. h. ii. Freedom of Expression: Situation of Journalists/Media Workers](#)]. The same source further stated that it “strongly condemns the judicial harassment against Ms. Mtetwa as it seems to be only aimed at punishing her for her legitimate human rights activities in defence of Mr. Chin’ono, who seems to be the other target of this decision which deprives him of his right to a fair trial and his right to be represented by a lawyer of his choice”.³⁸⁸

Amnesty International, in its annual human rights report covering 2021 - February 2022, reported: “The authorities were increasingly hostile towards people who expressed dissenting views. In October [2021], Spenser Chiteera, a police officer in Mount Darwin, underwent disciplinary action for his online endorsing of Nelson Chamisa, president of the opposition Movement for Democratic Change-Alliance

(MDC-A), with the campaign slogan ‘Ngaapinde Hake Mukomana’ (‘let the lad lead’). In the same month, police arrested Maxwell Guvava, also a police officer, for insulting or undermining the president’s authority after he told ZANU-PF supporters that ‘the country is rotten’ (‘nyika yaora’).³⁸⁹

In October 2021 Human Rights Watch Director for Southern Africa reported that “An outspoken street preacher and prominent critic of Zimbabwe’s government, Apostle Talent Chiwenga, has fled his house following heightened surveillance of his church and home in Harare by people in unmarked vehicles [...] Chiwenga told me by phone that he believes the Zimbabwean authorities have dispatched a team of state agents known as the “Ferret team” to kill him for his activism, following several failed attempts over the last two years. Apostle Chiwenga has regularly used street sermons in Harare and social media platforms to openly rebuke Zimbabwe’s government for its gross human rights abuses, including arbitrary arrests, abductions, and torture of activists, rights defenders, and journalists”.³⁹⁰ According to the same source “In June 2020, Zimbabwe’s home affairs minister, Kazembe Kazembe, publicly labeled Chiwenga and others as part of an ‘illegal and subversive bandwagon under the control of certain diplomatic missions.’ On two occasions, Chiwenga was involved in car accidents days after publicly raising concerns about threats to his life by security agents, including a July 2020 accident in Norton, near Harare, and a horrific road accident in June 2019 that killed his wife and two other people”.³⁹¹

A survey conducted by Afrobarometer amongst 1,200 participants between March and April 2022 about their political participation found in relation to the question “how free are you to join any political organization you want” that 20.5% responded “not at all free”, 19% “not very free”, and 25.1% “somewhat free” compared to 34.7% “completely free”.³⁹² To the question “how free are you to choose who to vote for without feeling pressured”, 13.3% replied “not at all free”, 13.6% “not

³⁸⁷ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Judicial harassment of Mr. Hopewell Chin’ono’s lawyer Ms. Beatrice Mtetwa](#), 20 August 2020

³⁸⁸ Observatory for the Protection of Human Rights Defenders, [Zimbabwe: Judicial harassment of Mr. Hopewell Chin’ono’s lawyer Ms. Beatrice Mtetwa](#), 20 August 2020

³⁸⁹ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Freedom of Expression*, p. 412/413

³⁹⁰ Mavhiinga D. (Human Rights Watch), [Critic of Zimbabwe’s Government Fears for His Life](#), 22 October 2021

³⁹¹ Mavhiinga D. (Human Rights Watch), [Critic of Zimbabwe’s Government Fears for His Life](#), 22 October 2021

³⁹² Afrobarometer, [Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022](#), 26 August 2022, *Freedoms*, p. 34

very free”, and 21.5% “somewhat free”, compared to 50.3% “completely free”.³⁹³ Further, of those surveyed 20.8% of individuals felt they “personally feared becoming a victim of political intimidation or violence” during the 2018 election campaign, 12.4% “somewhat, and 22.7% “a little bit”, compared to 43.4% who responded “not at all”.³⁹⁴ The same group of respondents were asked “how often do the police in Zimbabwe: Use excessive force in managing protests or demonstrations?” to which 35.9% responded “often, 23.2% “sometimes” and 10.4% rarely, compared to 6.9% “never”.³⁹⁵

vii. Treatment of students

Additional relevant information may be found under sections:

- [b. Violence](#),
- [c. Unlawful killings](#),
- [d. Torture](#),
- [e. Abductions/forcible Disappearances](#), and
- [f. Arbitrary Arrests and Detention](#).

The Zimbabwe Lawyers for Human Rights organisation stated that “Sadly, in 2020, Zimbabwe is marking United Nations International Day of the Victims of Enforced Disappearances at a time when the country is recording abductions of human rights defenders with the latest case being that of Tawanda Muchehiwa, a university student and a resident of Bulawayo”.³⁹⁶

In March 2022, the Zimbabwe Lawyers for Human Rights (ZLHR) published its analysis on the situation of Zimbabwean human rights defenders between 2018 and 2021 and found in relation to ‘student protests and crackdowns’:

The imposition of COVID-19 lockdowns have particularly impacted students in Zimbabwe, who have been vocal in their criticism of the government’s handling of the pandemic and the economy. State security agents have intensified their crackdowns on student union leaders and student activists asserting their constitutional rights. On 18 September 2020, Zimbabwe National Students Union (ZINASU) leader Takudzwa Ngadziore (22) was attacked, assaulted and arrested while addressing a press conference at the premises of Impala Car Rental, whose vehicle had been allegedly used by suspected state agents to abduct and torture Tawanda Muchehiwa. Nine other students had previously been arrested after turning up at court in Harare in solidarity with Ngadziore. In December 2020, University of Zimbabwe (UZ) student Allan Moyo (23) was arrested after calling for a revolt against President Emmerson Mnangagwa and served more than two months in pre-trial detention. He was denied bail numerous times before he was finally released in February 2021. Moyo had been charged with incitement to commit public violence. In March 2021, Makomberero Haruzivishe was sentenced to 36 months’ imprisonment on charges of public violence and resisting arrest for a whistling protest conducted in February 2020, when police were conducting mass arrests of vendors. He faced numerous other charges for other protests.³⁹⁷

³⁹³ Afrobarometer, [Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022](#), 26 August 2022, *Freedoms*, p. 34

³⁹⁴ Afrobarometer, [Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022](#), 26 August 2022, *Freedoms*, p. 40

³⁹⁵ Afrobarometer, [Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022](#), 26 August 2022, *Freedoms*, p. 73

³⁹⁶ Zimbabwe Lawyers for Human Rights, [On International Day of The Victims of Enforced Disappearances, end Pervasive Practice of Abductions and Enforced Disappearances](#), 30 August 2020

³⁹⁷ Zimbabwe Lawyers for Human Rights (ZLHR), [Zimbabwean Human Rights Defenders Under Threat: An Analysis of the Shrinking Civic Space](#), March 2022, Chapter 3, 3.2.2 Students protests and crackdowns

Covering the second half of 2020 and the year 2021, Scholars at Risk reported “arrests and prosecutions of students in connection with nonviolent expressive activity, including protests over the imprisonment of student leaders. In at least one incident, unidentified individuals attacked a group of student union members”.³⁹⁸ Specifically the report mentioned:

During this reporting period, students protested the abduction of a journalism student, the jailing of student-activists, and university policies relating to the impact of the COVID-19 pandemic. Authorities carried out arrests of students for alleged crimes against public order, in particular for violating Section 37 of the Criminal Law Act (CLA): participating in a gathering with intent to promote public violence, breaches of the peace or bigotry [...]. The arrests and use of force appear to fit a pattern of state actions in Zimbabwe targeting political opponents and other critics of the government.³⁹⁹

Specifically, the report highlighted the following incidents:

- On September 10, 2020, police arrested Takudzwa Ngadziore, president of the Zimbabwe National Students Union (ZINASU), for his role in organizing a protest over the abduction of a journalism student, Tawanda Muchehiwa [...] On September 14, police briefly arrested nine students who protested outside a courthouse in support of Ngadziore [...] On September 18, following Ngadziore’s release, a group of unidentified individuals assaulted Ngadziore, other ZINASU members, and journalists during a press conference held again near the Impala Car rental offices [...] The assailants abducted Ngadziore before bringing him to the police station, where police took Ngadziore back into custody. On October 16, Ngadziore was released on bail and ordered to stay at least 500 meters away from the Impala Car Rental offices, report to the police station every week, and refrain from participating in public gatherings [...]
- On December 7, police arrested nine students at Morgan Zintec Teachers’ College in an apparent effort to restrict a campus gathering [...] Students had gathered on campus to draft a petition protesting a university decision that would require students to repeat the 2019-2020 academic year due to the COVID-19 pandemic. The students were charged under Section 37 and later released on bail [...]
- On February 26, 2021, police arrested six student leaders for their participation in a press conference demanding the release of a jailed student leader named Makomborero Haruzivishe [...] Haruzivishe, a member of the opposition party Movement for Democratic Change Alliance, was arrested on charges of incitement and resisting arrest in connection with his political expression. Following the press conference, police arrested six student leaders in attendance. Three of the students—Liam Kanhenga, Paidamoyo Masaraure, and Pritchard Paradzayi—were charged with not wearing masks, while three others—Tapiwanashe Chiriga, Takudzwa Ngadziore, and Nancy Njenge— were charged with public violence. As of this report, authorities have not provided an evidentiary basis for the charges of public violence. Kanhenga, Masaraure, and Paradzayi were reportedly fined before they were released later that day. Njenge was released on bail the following morning.
- On March 3 [2021], authorities arrested four students and a journalist participating in a protest calling for a fair bail ruling for Chiriga and Ngadziore.⁴⁰⁰ Chiriga and Ngadziore were reportedly scheduled to have a bail hearing on March 1; however, authorities postponed the hearing to March 4. Students held a protest at the Harare Magistrate’s Court in response to the bail postponement and demanded that authorities provide a fair bail hearing. On March 4, following their arrest, the students—Falon Dunga, Pritchard Paradzayi, Glown Magaya, and Allan Chipoyi—were charged with participating in a gathering with intent to cause public violence, according to University World News [...] Authorities did not provide an evidentiary basis for the charges. Authorities released the students two days later.⁴⁰⁰

³⁹⁸ Scholars at Risk, [2021 Free to Think, Academic Freedom Monitoring Project](#), December 2021, p. 98

³⁹⁹ Scholars at Risk, [2021 Free to Think, Academic Freedom Monitoring Project](#), December 2021, p. 98

⁴⁰⁰ Scholars at Risk, [2021 Free to Think, Academic Freedom Monitoring Project](#), December 2021, p. 98/99

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that “The Special Rapporteur also wish to underscore his concern with the apparent arbitrary arrest, detention and levying of charges against [...] student unions leaders [...], following their attempts to gather information concerning, to denounce and to organize to oppose human rights violations”.⁴⁰¹

Amnesty International demanded in September 2020 that “Authorities must drop sinister charges against University of Zimbabwe students who have been peacefully protesting high fees and affirm their right to freedom of assembly and expression”.⁴⁰² Specifically the source highlighted the case of 14 students arrested at the University of Zimbabwe “after they embarked on peaceful #FeesMustFall demonstrations against high tuition fee hikes by the university. While five more students were arrested on 14 September, and taken to Avondale police station and face charges of ‘disorderly conduct’, some of those who were arrested on 12 September appeared in court” on 14th September 2022.⁴⁰³

viii. Treatment of Union members

As way of background, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on his visit to Zimbabwe in September 2019 provided the following overview regarding the situation of trade unions:

The Special Rapporteur is aware of the difficult environment in which labour unions operate. Their ability to safeguard workers’ rights is restricted by a number of factors, which have significantly weakened their ability to exert influence on legal reforms and the formulation of public policies and put their leaders in dangerous positions as a result of State repression [...]

In terms of legislation, of particular concern to the Special Rapporteur are sections 102 and 104 of the Labour Act. Section 102 defines “essential services” and provides wide discretion to the Minister of Labour to declare what constitutes an essential service, whose workers are denied the right to strike. In turn, section 104 provides that workers seeking to go on strike should give 14-day written notice to the regulating authority. Failure to do so renders the strike illegal, and such workers will not enjoy the right to protest [...]

Similarly, the Special Rapporteur considers equally worrying sections 107, 109 and 112 on collective job action, which provide for excessive penalties in case of unlawful collective industrial action [...]

The Special Rapporteur is concerned about the charges brought under the Criminal Law (Codification and Reform) Act and the Public Order and Security Act against workers’ representatives who have been, under certain circumstances, arrested or even abducted for exercising their rights to freedom of peaceful assembly and of association. Equally worrying are the allegations related to State interference in the activities of trade unions and the acts of intimidation and harassment against their leaders, particularly in the context of the call for the national stay-away in January 2019.⁴⁰⁴

The UN Special Rapporteur further noted that:

⁴⁰¹ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, D. Protection and Inclusion of it Risk Groups, para. 73

⁴⁰² Amnesty International, [Zimbabwe: Authorities launch crackdown against students protesting high fees](#), 15 September 2022

⁴⁰³ Amnesty International, [Zimbabwe: Authorities launch crackdown against students protesting high fees](#), 15 September 2022

⁴⁰⁴ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 2. The situation of trade unions, paras. 102-105

The Special Rapporteur acknowledges restrictions against those representing dissenting voices, human rights defenders, trade union leaders, students, youth groups, women, and journalists and media workers [...]

For example, the Special Rapporteur is concerned about the application of section 22 (on subverting a constitutional government) of the Criminal Law (Codification and Reform) Act to prosecute human rights defenders, civil society and opposition leaders suspected of having played important roles in protests. This offence is similar to treason and could result in imprisonment for up to 20 years.⁴⁰⁵

The U.S. Department of State reported in its annual report covering 2021 that “Government interference with trade union activity was common. Police and state intelligence services regularly attended and monitored trade union meetings and other activities. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. Although the law does not require unions to notify police of public gatherings, police demanded such notification”.⁴⁰⁶

In January 2021, Front Line Defenders reported that “sixteen human rights defenders and members of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) were arrested during a protest in Harare, in Zimbabwe. They have been charged with participating in a gathering with intention to promote public violence, bigotry and breaches of peace, as defined in Section 37(1)(a) of the Criminal Law (Codification and Reform) Act. The human rights defenders are currently being detained at the Harare Remand Prison and Chikurubi Prison. A bail application has been lodged today 17 January 2022 and awaiting a court decision”.⁴⁰⁷

In June 2022, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his follow-up to his 2019 country visit to Zimbabwe, noted that “In May 2021, workers attempting to attend a Zimbabwe Congress of Trade Unions event in Chitungwiza were dispersed by the police, in violation of this recommendation and the State’s obligation to respect the right to freedom of peaceful assembly”.⁴⁰⁸ The same report further highlighted:

The Special Rapporteur is concerned with reports of State agents seeking to infiltrate associations’ meetings, and with interference in the form of spot checks and raids. The Zimbabwe Congress of Trade Unions, for instance, has reportedly experienced many cases in which unidentified individuals as well as police officers have sat in their meetings and/or harassed, interfered with or attacked workers attending.⁴⁰⁹

The UN Special Rapporteur also reported on “Both 2021 and 2022 saw members of Zimbabwe’s Amalgamated Rural Teachers Union arrested during the course of strikes”.⁴¹⁰ In one particular

⁴⁰⁵ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), 22 May 2020, B. Good practices and challenges, 3. Restrictions targeting particular groups, paras. 63 and 64

⁴⁰⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 7., A. Freedom Of Association And The Right To Collective Bargaining

⁴⁰⁷ Front Line Defenders, [Arrest Of Sixteen Human Rights Defenders And Members Of The Amalgamated Rural Teachers Union Of Zimbabwe \(Artuz\)](#), 17 January 2022

⁴⁰⁸ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 53

⁴⁰⁹ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, A. Assembly, para. 65

⁴¹⁰ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément](#)

incident, the International Crisis Group's 'CrisisWatch' reported that "Teachers' union President Obert Masaraure, who has led multiple strikes in recent months, arrested 14 June over alleged involvement in 2016 murder; High Court 29 June granted him bail".⁴¹¹

In August 2021, "police arrested 11 teachers following a protest in Wedza to demand increased salaries. The teachers spent two days in police custody and were ordered to present themselves to the court every two weeks. The rural teachers' union's provincial gender and welfare secretary Sheila Chisirimhuru was convicted and sentenced to 10 months in prison for participating in a gathering with the intent of promoting public violence after she participated in a protest demanding improved salaries and working conditions for teachers. The High Court overturned her conviction on September 16 [2021]".⁴¹²

With regards to student union leaders, the UN Special Rapporteur stated: "The Special Rapporteur also wish to underscore his concern with the apparent arbitrary arrest, detention and levying of charges against [...] student unions leaders [...], following their attempts to gather information concerning, to denounce and to organize to oppose human rights violations".⁴¹³

In April 2022 "human rights defender and member of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), Robson Chere, was arbitrarily detained by members of the Central Intelligence Organisation. The human rights defender was conducting a planning workshop at Guruve Growth Point when the officers interrupted the meeting, and arrested the human rights defender without a warrant. Robson Chere was released later the same day after he was dropped off at the Guruve Police Station".⁴¹⁴ Three months later, in July 2022 "Robson Chere, was arrested at the Harare Central Police Station. The human rights defender has been arbitrarily charged with the murder of Roy Issa, a youth activist and member of ARTUZ who died in an accident in 2016 [...] On 15 June 2022, his colleague, human rights defender and president of ARTUZ, Obert Masaraure, was also arrested and charged with the same crime." reported Front Line Defenders".⁴¹⁵ Previously, "Obert Masaraure [...] had gone to the police station as part of the conditions of his remand bail hearing for the case of treason and participating in a lawful teachers protest", but was then "charged with murder, in addition to the previous charges".⁴¹⁶

ix. Treatment of family members of above mentioned specific profiles

Additional relevant information may be found under sections:

- [b. Violence](#),
- [c. Unlawful killings](#),
- [d. Torture](#),
- [e. Abductions/forcible Disappearances](#), and

[Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, C. *Freedom of Peaceful Assembly and of Association at Work*, para. 67

⁴¹¹ International Crisis Group, [CrisisWatch, Tracking Conflict Worldwide, Africa, Zimbabwe](#), June 2022 [Note that the following search filters were applied to CrisisWatch's global conflict tracker: Zimbabwe, January 2020 – October 2022]

⁴¹² U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 7., A. *Freedom Of Association And The Right To Collective Bargaining*

⁴¹³ UN Human Rights Council, [Follow-up to country visits to Tunisia, Armenia, Sri Lanka and Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsosso Voule](#), 15 June 2022, V. Zimbabwe, D. *Protection and Inclusion of it Risk Groups*, para. 73

⁴¹⁴ Front Line Defenders, [Arbitrary Detention Of Human Rights Defender Robson Chere](#), 29 April 2022

⁴¹⁵ Front Line Defenders, [Judicial Harassment Of Human Rights Defender Robson Chere](#), 6 July 2022

⁴¹⁶ Front Line Defenders, [Judicial Harassment Against Human Rights Defender Obert Masaraure](#), 15 June 2022

- [f. Arbitrary Arrests and Detention.](#)

In October 2021 Human Rights Watch Director for Southern Africa reported that “An outspoken street preacher and prominent critic of Zimbabwe’s government, Apostle Talent Chiwenga, has fled his house following heightened surveillance of his church and home in Harare by people in unmarked vehicles [...] Chiwenga told me by phone that he believes the Zimbabwean authorities have dispatched a team of state agents known as the “Ferret team” to kill him for his activism, following several failed attempts over the last two years”.⁴¹⁷ According to the same source “On two occasions, Chiwenga was involved in car accidents days after publicly raising concerns about threats to his life by security agents, including a July 2020 accident in Norton, near Harare, and a horrific road accident in June 2019 that killed his wife and two other people”.⁴¹⁸

Amnesty International, in its annual human rights report covering 2020 - March 2021, documented the case of “Tawanda Muchehiwa [who] was arrested by police [in July 2020] in a shop in Bulawayo. On the way to the police station, the officers handed him over to the Ferret Team, who tortured him to reveal the whereabouts of his uncle, Mduduzi Mathuthu, the editor of online newspaper ZimLive.com. They released him far from his home four days later. The same day, security forces raided Mduduzi Mathuthu’s home, and, when they failed to find him, took away his sister and two of his nephews who were later released after the Media Institute of Southern Africa intervened”.⁴¹⁹

Article 19 Eastern Africa and Gender & Media Connect Zimbabwe, two organisations who jointly submitted their concerns to the Universal Periodic Review, also reported on this particular case as follows:

Security forces sometimes punished family members for offences allegedly committed by their relatives. On 29 July 2020, police searched the Bulawayo home of news site ZimLive.com editor Mduduzi Mathuthu for information on subversive materials linked to protests scheduled for July 31. Mathuthu was not at home when police arrived and remained in hiding as of November.⁶¹ Police detained his sister, Nomagugu Mathuthu, at the Bulawayo Central Police Station, then released her after arresting Mathuthu’s nephew, Tawanda Muchehiwa, on July 30. Muchehiwa reportedly disappeared from police custody and then was left at his residence on August 1, badly beaten by individuals suspected of being state security agents.⁴²⁰

Two further cases involving family members were documented by Amnesty International:

On 12 July [2020], unidentified men tried to abduct the brother and nephew of Peter Mutasa – the leader of the Zimbabwe Congress of Trade Unions – from his home.

On 16 July [2020], a group of men broke into the house of Obert Masaraure, President of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), in the early hours, taking his wife into custody for several hours to try to force her to reveal his whereabouts.⁴²¹

Amnesty International also documented the case of Noxolo Maphosa, who was abducted in August 2020 by four unidentified men and “sexually assaulted to force her to reveal the whereabouts of her

⁴¹⁷ Mavhiinga D. (Human Rights Watch), [Critic of Zimbabwe’s Government Fears for His Life](#), 22 October 2021

⁴¹⁸ Mavhiinga D. (Human Rights Watch), [Critic of Zimbabwe’s Government Fears for His Life](#), 22 October 2021

⁴¹⁹ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Excessive Use of Force*, p. 404

⁴²⁰ Article 19 Eastern Africa / Gender & Media Connect Zimbabwe, [Submission to the Universal Periodic Review of Zimbabwe For the Consideration of the 40th Session of the UPR Working Group in January 2022](#), 14 July 2021, para. 85

⁴²¹ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Freedom of Assembly*, p. 406

uncle, Josphat Ngulube, an MDC-A member who had been accused of distributing face masks bearing the slogan “#ZANUPFMustGo” (referring to the ruling party)”.⁴²² In the same month the wife of Tamuka Denhere, member of MDC-A, was also arrested after she “reported his abduction”.⁴²³

At the end of 2021 the wife and other relatives of MDC-A supporter Nyasha Mawere, who died after being beaten by “suspected ZANU-PF supporters in October [2021] were charged with defamation after they accused ZANU-PF members of being responsible. No one was arrested for the killing”.⁴²⁴

i. Situation of Women

i. Relevant Legal Frameworks

The UN Committee on the Elimination of Discrimination against Women noted its concern with regards to the ‘constitutional, legislative and policy framework’ in its concluding observations published in March 2020:

the Committee is concerned by the long delays in amending legislation subsidiary to the Constitution and by the remaining discriminatory provisions in the legislative framework of the State party, including provisions on marriage and property rights and on the minimum age of marriage [...] the Committee notes with concern the absence of a specific gender equality law enshrining the principle of equality of women and men and containing a definition and prohibition of all forms of discrimination against women, including direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with article 1 of the Convention [...] the Committee remains concerned that the State party has not fully incorporated the Convention into its national law. The Committee also notes that the State party has not ratified the Optional Protocol to the Convention.⁴²⁵

ii. Gender-based Violence

Additional relevant information may be found under section [V. i. ix. Measures by the state to protect women from SGBV](#).

As way of background, Amnesty International reported that in Zimbabwe “gender-based violence was already widespread long before COVID-19, with one in three women aged 15-49 having experienced physical violence, and one in five women having experienced sexual violence since the age of 15, usually by their intimate partner, according to Zimbabwe National Statistics (ZimStats)”.⁴²⁶

⁴²² Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Excessive Use of Force*, p. 404

⁴²³ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Excessive Use of Force*, p. 404

⁴²⁴ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Unlawful Killings*, p. 414

⁴²⁵ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, paras. 9, 11 and 13

⁴²⁶ Amnesty International, [“Treated Like Furniture”, Gender-Based Violence and COVID-19 Response in Southern Africa](#), 9 February 2021, 5. *Gender-Based Violence Increased During COVID-19 Restrictions*, 5.3 *Zimbabwe*, p. 18

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “Within the first 11 days of lockdown, 764 cases of violence against women and girls were recorded, rising to 2,768 by mid-June [2020]”.⁴²⁷

The same organisation interviewed women human rights defenders and representatives of women’s rights organisations that provided services to women and girls victims of gender-based violence between May and July 2020 and found that “local NGOs observed a spike in domestic violence in the first week of the lockdown”.⁴²⁸ Amnesty International reported that “Organisations like Musasa Project reported concerns to the media that women were assaulted for asking for food”.⁴²⁹

The UN Population Fund (UNFPA) noted in its ‘Country programme document for Zimbabwe’ of July 2021:

The CCA [Common Country Analysis] shows that gender-based violence (GBV) is widespread in Zimbabwe. The proportion of girls and women aged 15-49 years experiencing physical violence since age 15 increased from 35 per cent in 2015 to 39.4 per cent in 2019 while 49 per cent of ever-married adolescent girls and women aged 15-49 years have experienced some form of emotional, physical, or sexual violence committed by their current or most recent husband or partner. Child marriages have persistently remained high; the share of women aged 20-24 years married or in a union before age 18 rose from 32.5 per cent in 2015 to 33.7 per cent in 2019. Discriminatory social norms and policies and laws failing to protect women and girls, within the context of widespread poverty, exacerbated by the increasing frequency of floods, droughts and epidemics, are some of the key drivers of GBV and child marriage. During droughts, women and girls in rural areas travel long distances to fetch water or food, exposing them to protection-related risks, including threats to their physical safety and an increased vulnerability to sexual assault. Epidemics and climate change often lead to food insecurity, putting pressure on men’s traditional roles as providers, leading to an increase in negative coping mechanisms, such as abuse of alcohol, resulting in violent conflict with their partners.⁴³⁰

The same source further stated that “The rights of the vulnerable and disadvantaged, such as[...] women [...] victims of sexual discrimination [...] are not fully protected and fulfilled. Access to services by vulnerable groups is poor”.⁴³¹

The 2020 ‘Human Rights and Democracy’ report published by the UK Foreign, Commonwealth & Development Office noted that “Zimbabwe’s already high rates of gender-based violence (GBV) were exacerbated by the COVID-19 response. NGOs received a 60% increase in reported cases of GBV compared to the pre-lockdown period [...] Other challenges in Zimbabwe put women at risk, including water shortages leading to queues at water points overnight and women being exposed to sexual exploitation. There were also several reports of police officers harassing women while enforcing lockdown”.⁴³²

⁴²⁷ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Violence Against Women and Girls*, p. 407

⁴²⁸ Amnesty International, [“Treated Like Furniture”, Gender-Based Violence and COVID-19 Response in Southern Africa](#), 9 February 2021, 3. Introduction, p. 8

⁴²⁹ Amnesty International, [“Treated Like Furniture”, Gender-Based Violence and COVID-19 Response in Southern Africa](#), 9 February 2021, 5. Gender-Based Violence Increased During COVID-19 Restrictions, 5.3 Zimbabwe, p. 18

⁴³⁰ United Nations Population Fund (UNFPA), [Country programme document for Zimbabwe](#), 2 July 2021, para. 9

⁴³¹ United Nations Population Fund (UNFPA), [Country programme document for Zimbabwe](#), 2 July 2021, para. 10

⁴³² UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

Similarly, providing information to the UN Human Rights Council's Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022, the Zimbabwe Human Rights Commission (ZHRC) stated that "here were high incidents of violence against women and girls, which was exacerbated by the coronavirus disease (COVID-19) pandemic".⁴³³

In March 2021 the International Commission of Jurists (ICJ) published the findings of its research study on the experiences of sexual and gender-based violence and legal challenges faced by women human rights defenders (WHRDs) and found: "WHRDs are at a heightened risk of SGBV in the course of and due to the nature of their work in defence of human rights. The risk is particularly heightened in the case of WHRDs who work on what may be considered as 'politically sensitive cases or issues'. The threat of SGBV comes not only from male members of the communities within which WHRDs work, but also from State security officials, including the police, as well as from their own family members and, in some cases, the male HRDs with whom WHRDs work".⁴³⁴

Domestic violence

In relation to 'rape and domestic violence', the U.S. Department of State reported in its 2021 human rights report⁴³⁵:

While the law criminalizes sexual offenses, including rape and spousal rape, these crimes remained widespread. Almost a quarter of married women who had experienced domestic violence reported sexual violence, while approximately 8 percent reported both physical and sexual violence. Women were sexually assaulted while seeking treatment in public hospitals, collecting water from communal boreholes and riding in public transportation. The incidence of gender-based violence increased during the COVID-19 pandemic. An NGO reported an increase from 500-600 cases of gender-based violence per month before the COVID-19 pandemic to 700-800 cases per month during the pandemic.⁴³⁶

According to a youth advocate as reported in an article published by UNICEF in August 2022 "There was [...] an upsurge in cases of domestic violence due to prolonged lockdowns to slowdown the spread of COVID-19 and this affected the mental wellbeing of young people, which pushed them into drug abuse and risky sexual behaviour".⁴³⁷

In its joint submission to the UN Committee on the Elimination of Discrimination Against Women, Pakasipiti Zimbabwe, the Coalition of African Lesbians and the Sexual Rights Initiative noted that "The legal framework in Zimbabwe, especially the Domestic Violence Act (Chapter 5:16), does not guarantee legal redress on cases reported by LGBTQ persons".⁴³⁸

iii. Trafficking

⁴³³ UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 3

⁴³⁴ International Commission of Jurists (ICJ), [Sexual and Gender-Based Violence in Zimbabwe: Women Human Rights Defenders' Experiences and Legal Challenges](#), March 2021, Executive Summary, p. 5

⁴³⁵ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Women, Rape and Domestic Violence

⁴³⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Women, Rape and Domestic Violence

⁴³⁷ UNICEF, [COVID-19 takes its toll on young Zimbabweans' mental health](#), 17 August 2022

⁴³⁸ Pakasipiti Zimbabwe / Coalition of African Lesbians / Sexual Rights Initiative, [Submission to the UN Committee on the Elimination of Discrimination Against Women 75th Session \(10-28 February 2020\)](#), Undated [Last accessed: 19 September 2022], para. 6

Additional relevant information may be found under section [V. i. ix. Measures by the state to protect women from SGBV](#).

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “Zimbabwe is not spared from the scourge of trafficking, having been identified as a source, transit and destination country for men, women and children subjected to sex trafficking and forced labour”.⁴³⁹

1. Sex trafficking

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “Trafficking is also rife within the country, with men, women and children subjected to forced labour in Zimbabwe’s rural areas, sex trafficking in cities and surrounding towns, and domestic servitude in both [...] There are also reports of young girls being trafficked for sex work in the towns of Epworth and Victoria Falls”.⁴⁴⁰

The U.S. Department of State reported with regards to ‘trafficking profile’ that “Traffickers exploit Zimbabwean adults and children in sex trafficking and forced labor, including in cattle herding, domestic service, and mining in gold and diamond sectors [...] Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the border”.⁴⁴¹

2. Forced labour and trafficking

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “Trafficking is also rife within the country, with men, women and children subjected to forced labour in Zimbabwe’s rural areas, sex trafficking in cities and surrounding towns, and domestic servitude in both”.⁴⁴²

The U.S. Department of State reported with regards to ‘trafficking profile’ that “Traffickers exploit Zimbabwean adults and children in sex trafficking and forced labor, including in cattle herding, domestic service, and mining in gold and diamond sectors [...] Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the border”.⁴⁴³

iv. Sex workers

As way of background information on sex workers in Zimbabwe, the UN’s ‘Common Country Analysis’ stated:

⁴³⁹ International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, *Introduction*, p. 2

⁴⁴⁰ International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, *Introduction*, p. 2

⁴⁴¹ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, *Trafficking Profile*

⁴⁴² International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, *Introduction*, p. 2

⁴⁴³ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, *Trafficking Profile*

A 2017 study estimated that there were approximately 44,500 Female Sex Workers (FSW) across Zimbabwe, with 58% living with HIV [...]

The prevailing economic situation characterised by crippling high inflation, unemployment, and shortages of food, medicine and foreign currency has had a huge impact on the entry of women and girls into sex work. In the face of dwindling household incomes, food insecurity and abject urban and rural poverty, sex work has become a livelihood strategy for poor rural and urban women. The legal and social environment continues to criminalize and stigmatize sex work, making it difficult to reach younger and newer sex workers who are at higher risk of HIV infection, or to break the systemic barriers of social stigma. Young people are engaging in sex work for survival and are less likely to access services because they do not identify as sex workers and are less likely to present to sex work-specific clinics. There is limited knowledge of the sex work life cycle – that is understanding when people transition into sex work and at what point a sex worker is most at risk of HIV infection or HIV-related morbidity and how this information can be used to inform programming.⁴⁴⁴

UNAIDS reported in June 2021 that “Sex work for Melody and other Zimbabwean women is a difficult and dangerous industry in which to work. While gender-based violence is a global epidemic, affecting one in three women worldwide, its impacts are exacerbated for sex workers [...] Zimbabwe is one of the 103 countries worldwide in which sex work is criminalized, leaving sex workers unprotected by the law and exposed to a range of human rights violations. Studies show that sex workers often face violence from the police, clients and partners, increasing their risk of acquiring HIV. Prevalence of HIV among sex workers in Zimbabwe is exceptionally high, estimated at 42.2%. Sex workers also face stigma and discrimination or lack of privacy from health-care workers”.⁴⁴⁵

Similarly, the UN Population Fund (UNFPA) noted in its ‘Country programme document for Zimbabwe’ of July 2021 that “The rights of the vulnerable and disadvantaged, such as [...] sex workers [...] are not fully protected and fulfilled. Access to services by vulnerable groups is poor”.⁴⁴⁶

v. FGM

Additional relevant information may be found under section [V. i. ix. Measures by the state to protect women from SGBV](#).

In relation to ‘FGM/C’, the U.S. Department of State reported in its 2021 human rights report⁴⁴⁷: “There were no national statistics available regarding FGM/C, but the practice of labial elongation reportedly occurred”.⁴⁴⁸

vi. Discrimination against women

Additional relevant information may be found under section [V. i. ix. Measures by the state to protect women from SGBV](#).

⁴⁴⁴ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.5 Sexual Minorities and Sex Workers, p. 52

⁴⁴⁵ UNAIDS, [“Even though we are sex workers, we’re still people”: living the harsh reality of sex work in Zimbabwe](#), 2 June 2021

⁴⁴⁶ United Nations Population Fund (UNFPA), [Country programme document for Zimbabwe](#), 2 July 2021, para. 10

⁴⁴⁷ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Women, Female Genital Mutilation/Cutting (FGM/C)

⁴⁴⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Women, Female Genital Mutilation/Cutting (FGM/C)

In its January 2020 submission to the UN Committee on the Elimination of Discrimination against Women, Human Rights Watch highlighted “the vulnerabilities and human rights abuses that widows in Zimbabwe face in relation to their property rights” and specifically noted:

Widows in Zimbabwe are routinely evicted from their homes and land, and their property is stolen by in-laws when their husbands die.

Many widows who decide to pursue legal action described how they face insurmountable obstacles defending their property or taking legal steps to reclaim it. Fending off relatives while mourning their husbands and selling off productive assets, like cattle, to pay lawyer and court fees as well as transportation were just some of the challenges. Once in court, widows said they were at a disadvantage without an official record of their marriage if it was a customary union. Courts typically look to the in-laws – the very people who stand to gain – to confirm the marriage, putting widows at the mercy of their husband’s family.

In 2013, Zimbabwe adopted a new constitution that provides for equal rights for women, including for inheritance and property. In practice, however, existing laws continue to apply only to widows in officially registered marriages. Estimates are that most marriages in Zimbabwe are conducted under customary law and are not registered, so, in effect, these laws afford no protection from property-grabbing relatives.⁴⁴⁹

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

it notes with concern:

- (a) The continuing horizontal and vertical occupational segregation, as well as the persistent gender pay gap and women’s concentration in low-paying jobs, primarily in agriculture and domestic work;
- (b) The low participation of women in the private sector, especially in senior management positions and on the boards of private companies;
- (c) That, in section 5 (2a) of the Labour Act, which provides for equal remuneration of men and women for work of equal value, “work of equal value” is defined as “work that involves similar or substantially similar skills, duties, responsibilities and conditions”, which could unduly restrict the scope of comparison of jobs performed by men and women;
- (d) The concentration of women in the informal economy, where they continue to be excluded from social protection, including maternity leave and pension benefits;
- (e) Reports of a high incidence of sexual harassment of women engaged in the informal economy by municipal police, clients, service providers and male colleagues, as well as the absence of legislation specifically criminalizing sexual harassment in the workplace.⁴⁵⁰

The U.S. Department of State reported in its annual human rights report covering 2021 that⁴⁵¹:

The law recognizes a woman’s right to own property, but very few women owned property due to the customary practice of patriarchal inheritance. Fewer than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and alimony laws were equitable, but many women lacked awareness of their rights. In traditional practice, property reverts to the man in case of divorce or to his family in case of his death. When women are not listed on lease

⁴⁴⁹ Human Rights Watch, [Submission to the Committee on the Elimination of Discrimination against Women on Zimbabwe](#), 17 January 2020, 1. *Property Rights of Widows (article 16)*

⁴⁵⁰ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 37

⁴⁵¹ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., *Women, Discrimination*

agreements, they cannot benefit from most government programs that provide agricultural inputs as a form of economic assistance.

The 2020 Marriage Act affords civil partnerships or common law marriages the same remedies as legal marriages but recognizes only heterosexual civil unions or common law marriages. The new law does not address property rights during marriage or inheritance following the death of a spouse.

Women receive fewer loans and other forms of financial support, even in informal economic sectors where they outnumber men, such as in micro and small-scale enterprises and agricultural production.⁴⁵²

Agence pour les Droits de l'Homme providing information to the UN Human Rights Council's Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022 noted that "although laws on personal status matters, such as marriage and divorce, were generally equitable, customary practices placed women at a disadvantage".⁴⁵³

Rural women

As way of background information, the UN's 'Common Country Analysis' highlighted the situation of rural women and girls:

The rights and wellbeing of rural women and girls have been overlooked or insufficiently addressed in laws, policies, budgets, and investments. Although they comprise majority of the women, rural women suffer disproportionate levels of poverty. Rural women's access to land, especially the right to inherit land, is impeded by harmful cultural practices. In addition, they have limited access to education, health, justice, housing, water, sanitation and to formal credit and loans [...] They lack infrastructure and services, decent work, and social protection, and are left more vulnerable to the effects of climate change.⁴⁵⁴

vii. Cultural / Traditional harmful practices

Additional relevant information may be found under section [V. i. ix. Measures by the state to protect women from SGBV](#).

The U.S. Department of State reported in its annual human rights report covering 2021⁴⁵⁵ that "Virginity testing, although reportedly decreasing, continued to occur in some regions. Also widows, when forced to relocate to rural areas, were sometimes married off to an in-law".⁴⁵⁶

viii. Sexual and reproductive health

The UN Population Fund (UNFPA) noted in its 'Country programme document for Zimbabwe' of July 2021:

⁴⁵² U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Women, Discrimination

⁴⁵³ UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 18

⁴⁵⁴ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.3 Rural Women and Girls, p. 51

⁴⁵⁵ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Women, Other Harmful Traditional Practices

⁴⁵⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Women, Other Harmful Traditional Practices

The CCA [Common Country Analysis] shows that Zimbabwe has made notable progress on several key health indicators over the last decade, though gaps persist. The contraceptive prevalence rate for modern methods increased from 58 per cent in 2010 to 66 per cent in 2015 and is one of the highest in Africa. The unmet need for family planning among all married women has declined from 19 per cent in 1994 to 10 per cent in 2015. In comparison, the unmet need for contraception among adolescents remains relatively high (12.6 per cent). Adolescents have poor access to comprehensive sexual and reproductive health (SRH) and HIV services, partly due to stigma, insufficient support by health care workers, low-risk perception and economic disempowerment or poverty, resulting in high incidence s of HIV and teenage pregnancy. Despite the relatively high contraceptive prevalence rate and a low unmet need, family-planning commodity security is under threat, as procurement and supply-chain management are largely donor-funded. About \$8 million is required annually to ensure universal access to family planning; and condom requirements account for an additional \$8 million needed [...]

The maternal mortality ratio has declined significantly, from 960 maternal deaths per 100,000 live births in 2010 to 462 per 100,000 live births in 2019. Despite this progress, maternal mortality is still unacceptably high. The high maternal mortality occurs within a context of a high level of skilled attendance at birth (86 per cent). The disconnect is due to the poor quality of services and the weak health system: underfunding of the health sector; shortages of medicines and equipment; a weak referral system; poor maintenance of infrastructure; and a skills gap in the public health sector. The provision of emergency obstetric and neonatal care is inadequate.⁴⁵⁷

The U.S. Department of State reported in its annual human rights report covering 2021 that⁴⁵⁸:

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities [...]

Adolescents, rural residents, LGBTQI+ persons, and survivors of gender-based violence lacked consistent access to reproductive health services [...] Barriers affecting access to contraception included supply chain and commodity issues, limited access to health facilities in remote areas, religious skepticism of modern medicine among some groups, and ambiguity on the age of access to contraception. Access to contraception became more difficult due to COVID-19 lockdown measures. Security forces turned back many women traveling to clinics without clearance letters. Many women avoided travel altogether due to of fear of contagion or the consequences of breaking travel restrictions.

Emergency contraceptives were not readily available in the public sector. Women could purchase emergency contraceptives at private pharmacies or obtain them from NGOs, but the cost was prohibitive and availability limited. The law, the policy on sexual abuse and violence, and the creation of one-stop centers for survivors of gender-based violence were designed to provide survivors access to sexual and reproductive health services. Access was constrained by limited state funding to NGOs operating adult rape clinics in Harare and Mutare and limited police capacity to provide victims with the police report needed to access treatment at government health facilities.

The 2019 Multiple Indicator Cluster Survey estimated maternal mortality at 462 deaths per 100,000 live births, down from 651 deaths per 100,000 live births in the 2015 Zimbabwe Demographic and Health Survey. Nonetheless, the rate was high despite high prenatal care coverage (93 percent), high institutional deliveries (86 percent), and the presence of a skilled health worker at delivery (86 percent). Although these rates of maternal mortality were partly explained by the high prevalence of HIV, maternal and neonatal quality of care were areas of concern.

Ministry of Health guidelines provide for post abortion care to rape survivors, including both medical and psychosocial support. These services were not uniform across facilities and not routinely available. Psychosocial support services for women who experienced abortion were largely unavailable.

⁴⁵⁷ United Nations Population Fund (UNFPA), [Country programme document for Zimbabwe](#), 2 July 2021, para. 4 and 5

⁴⁵⁸ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Women, Reproductive Rights

Few families could afford menstrual hygiene products. Some girls failed to attend school when menstruating, while others used unhygienic rags, leading to illness and infections associated with reproductive health.⁴⁵⁹

ix. Measures by the state to protect women from SGBV

In October 2020 the International Commission of Jurists (ICJ) published a briefing paper which critically examined “sexual crimes provided under sections 65-72 in the Zimbabwean Criminal Code” and found “shortcomings in the Criminal Code’s definition of rape resulting in violations of the rights to dignity, equality and non-discrimination, as well as to equality before the law and equal protection of the law, guaranteed in the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (the Constitution)”.⁴⁶⁰ Further specific analysis can be found in chapters 4-10 of the [briefing paper](#).

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee welcomes the measures taken by the State party to combat gender-based violence against women, such as the establishment of the Anti-Domestic Violence Council and of three one-stop centres for victims of violence and the adoption of a national programme on gender-based violence prevention and response for the period 2016–2020 and of the Victim Friendly System, a coordinated response towards sexual abuse and violence. It is concerned, however, about:

- (a) The persistence of high levels of gender-based violence against women and girls committed in all areas of the State party in both the public and private spheres;
- (b) The underreporting of cases of gender-based violence against women, in particular domestic violence, owing to a culture of silence and impunity, despite a recent increase in the number of cases reported to the police;
- (c) The State party’s failure to address gender-based violence in public spaces, including by the military, and politically motivated gender-based violence against women human rights defenders and activists;
- (d) The absence of data, disaggregated by age and relationship between the victim and the perpetrator, on the number of investigations and prosecutions in cases of gender-based violence against women and on the sentences imposed on perpetrators.⁴⁶¹

Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “Within the first 11 days of lockdown, 764 cases of violence against women and girls were recorded, rising to 2,768 by mid-June [2020]. The authorities failed to prioritize services to protect women and girls from such attacks. Meanwhile, victims were denied prompt access to justice”.⁴⁶²

The same organisation interviewed women human rights defenders and representatives of women’s rights organisations that provided services to women and girls victims of gender-based violence between May and July 2020 and found that:

In Zimbabwe, the pandemic disrupted most services to women and girls in need, including victims of gender-based violence. Women activists and human rights defenders were unanimous in their affirmation that referral support services and access to other services had been disrupted. They

⁴⁵⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Women, Reproductive Rights

⁴⁶⁰ International Commission of Jurists (ICJ), [The Case for Reform: Criminal law and Sexual Violence in Zimbabwe](#), October 2020, 1. Executive Summary, p. 3

⁴⁶¹ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 27

⁴⁶² Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, Zimbabwe, Violence Against Women and Girls, p. 407

pointed out that access to support services for survivors of gender-based violence had been constrained due to restrictions on mobility and reduced availability of public transport. The Women's Coalition noted that the few operating buses from Zimbabwe United Passenger Company (ZUPCO) stopped only at designated stations, resulting in people walking longer distances to reach services, while the commuter omnibuses, usually more affordable and with a wider geographical reach, remain suspended in line with the social distancing regulations. The activists also pointed out that shelters for gender-based violence survivors and other services were not designated as essential services. Mobility restrictions impact the survivors' access to shelters – the essential services permit was required to travel to the city to report cases to the police; without this permit, many victims were confined at home. The government has not instituted any hotline to respond to gender-based violence. There is a hotline ran by the Legal Resources Foundation, a private organisation, but its effectiveness was hampered during lockdown because it belonged to mobile phone company Econet Wireless [...]

Restrictions on mobility left women unable to access sexual and reproductive health services such as emergency contraception, pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP),⁴⁶¹ which tended to exacerbate health risks such as unwanted pregnancies and childbirth complications.⁴⁶² Some victims of rape were unable to access clinical management of rape services.⁴⁶³

The same source further highlighted that “numerous cases of denial of justice to woman and girl victims and survivors of gender-based violence were recorded during the lockdown”.⁴⁶⁴

A policy brief published in November 2020 by the Women and Law in Southern Africa (WLSA) and the Legal Resources Foundation (LRF) with support from UNDP on access to justice for victims of SGBV, harmful practices and violations of sexual and reproductive and health rights in the context of the COVID 19 pandemic found that:

The major findings were that the COVID-19 pandemic caught the justice delivery system unprepared and this has negatively affected access to justice for the general public, especially for vulnerable groups such as women, children and people living with disabilities. It has been difficult for them to report and litigate urgent matters such as domestic violence, GBV, SGBV, HPs, maintenance and custody issues which mainly affect women and children who are the primary caregivers in homes and communities. The formal justice system was inaccessible due to the COVID-19 Regulations which restricted movement of people and barred litigants from prosecuting their cases. The informal courts (primary and community courts as established by Section 10(1) of the Customary Law and Local Courts Act [Chapter 7:05]) which usually complement the formal justice system to adjudicate over [...] limited SGBV cases in rural and hard to reach areas were completely suspended. Thus, survivors were not able to access effective remedies such as protection orders.⁴⁶⁵

With regards to COVID-19 measures, Minority Rights International highlighted that “In some countries, such as Zimbabwe, women's shelters were not recognized as essential services; this meant that survivors struggled to reach them as they could not get the essential services permits necessary for travel to access help. In any case, service providers had to close on account of their being classified as non-essential”.⁴⁶⁶

⁴⁶³ Amnesty International, [“Treated Like Furniture”, Gender-Based Violence and COVID-19 Response in Southern Africa](#), 9 February 2021, 6. *The Impact of Closure of Services on Women and Girls*, 6.3 Zimbabwe, p. 28

⁴⁶⁴ Amnesty International, [“Treated Like Furniture”, Gender-Based Violence and COVID-19 Response in Southern Africa](#), 9 February 2021, 7.2 *Barriers to Justice*, p. 36

⁴⁶⁵ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System's Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 1.0 *Introduction and Background*, p. 4

⁴⁶⁶ Minority Rights International, [Minority and Indigenous Trends 2021, Focus on COVID-19](#), June 2021, p. 52

In relation to ‘rape and domestic violence’, the U.S. Department of State reported in its 2021 human rights report⁴⁶⁷:

Although sexual offenses are punishable by lengthy prison sentences, women’s organizations stated that convictions were rare and sentences were inconsistent. Rape survivors were not consistently afforded protection in court. [...] Social stigma and societal perceptions that rape was a “fact of life” continued to inhibit reporting of rape. Women were less likely to report spousal rape, due to fear of losing economic support or of reprisal, lack of awareness that spousal rape is a crime, police reluctance to engage with domestic disputes, and bureaucratic hurdles. Many rural citizens reported being unfamiliar with laws against domestic violence and sexual offenses. A lack of adequate and widespread services for rape victims also discouraged reporting.⁴⁶⁸

In March 2021 the International Commission of Jurists (ICJ) published the findings of its research study on the experiences of sexual and gender-based violence and legal challenges faced by women human rights defenders (WHRDs) and found: “the legal hurdles faced by WHRDs when seeking redress for SGBV suffered in the course of or due to the nature of their work stem from gaps within the Zimbabwean legal framework on sexual offences. As this report discusses, these gaps arise from the moment SGBV complaints are reported and affect their investigation detrimentally; they also undermine procedural and evidentiary rules and the approach of judicial officers to sexual violence cases. As such, the legal challenges WHRDs face in this context are not unique to them; however, WHRDs are more likely to bear the brunt of such hurdles due to the heightened risk of SGBV they face in the course of and/or because of the nature of their work in defence of human rights. In addition, the present study found that, in cases where the WHRDs are involved in what may be considered as ‘politically sensitive cases or situations’, responsible officials display a general unwillingness to investigate and prosecute offences of SGBV committed against them”.⁴⁶⁹

Anti-trafficking measures

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “To curb the trafficking menace, the Government of Zimbabwe acceded to the Trafficking in Persons Protocol on 13 December 2013 and enacted the Trafficking in Persons (TIP) Act (Chapter 9:25) (No. 4 of 2014), which provides for the prohibition, prevention and prosecution of the crime of trafficking in persons and the protection of VoTs. In addition, the Anti-Trafficking Inter-Ministerial Committee (ATIMC) was established through the TIP Act. The TIP National Plan of Action (NAPLAC) was developed to operationalize the TIP Act”.⁴⁷⁰ For further information on the set-up of the ‘National institutional framework’ see chapter 2.3. (p. 29-31) of the [Training Manual](#).

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee welcomes the efforts of the State party in combating trafficking in persons, in particular women and girls, including through training for law enforcement officials on trafficking and

⁴⁶⁷ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Women, Rape and Domestic Violence

⁴⁶⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Women, Rape and Domestic Violence

⁴⁶⁹ International Commission of Jurists (ICJ), [Sexual and Gender-Based Violence in Zimbabwe: Women Human Rights Defenders’ Experiences and Legal Challenges](#), March 2021, Executive Summary, p. 5/6

⁴⁷⁰ International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, Introduction, p. 2

migration. It notes with concern, however, that many women and girls are trafficked from and within the State party for purposes of domestic servitude, forced labour and sexual exploitation. It is particularly concerned about:

- (a) The insufficient capacity and lack of effective procedures for the early identification of victims of trafficking and for their referral to appropriate services;
- (b) The fact that the definition of trafficking in the Trafficking in Persons Act is not in line with international standards;
- (c) The lack of State shelters for women and girls who are victims of trafficking, with only three in the country, located in Harare, Bulawayo and Manicaland.⁴⁷¹

The U.S. Department of State highlighted in its annual report focusing on anti-trafficking efforts by the Zimbabwean government in 2020 that Zimbabwe “was downgraded to Tier 2 Watch List”⁴⁷² because:

the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government significantly decreased investigations and prosecutions and did not identify a single trafficking victim, while NGOs identified and cared for more than 400 trafficking victims. Official complicity in human trafficking remained prevalent and widely reported, particularly near artisanal mines, but the government did not report any investigations into the allegations. For the second year, draft amendments to the 2014 Trafficking in Persons Act, to bring the law in line with international standards, remained pending. The government did not provide any support to its NGO partners that provided all protective services to victims. Authorities imprisoned for several months three alleged trafficking victims identified in a previous reporting period and deported them instead of referring them to services. While it had a new national action plan, the government’s antitrafficking taskforce did not meet during the reporting period and the government did not allocate sufficient funding for the plan’s implementation.⁴⁷³

Describing the anti-trafficking measures set up by the Zimbabwean government, the IOM reported in its report covering 2021:

The Trafficking in Persons Act (2014) mandates the Ministry of Public Service, Labour and Social Welfare to establish and operate centres for the protection of victims of trafficking (VOTs) in all provinces of Zimbabwe. The Zimbabwean Government, through the Ministry, developed the National Referral Mechanism for Vulnerable Migrants (NRM). The NRM was officially launched in December 2019 and links different stakeholders involved in the identification, referral, assistance, repatriation and monitoring of VOTs. It clearly defines roles for each stakeholder and the standard operating procedures (SOPs) to follow in protecting trafficked persons. The SOPs establish guidance for all actors involved in dealing with VOTs and define the roles and functions of all key players in the referral processes, using a human rights-based approach. Pursuant to these SOPs, the NRM also seeks to maximize the effectiveness and efficiency of local and national measures to address challenges

⁴⁷¹ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 29

⁴⁷² ‘Tier 2 Watch List’ has been defined by the U.S. Department of State as:

Countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or
- there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials”.

U.S. Department of State, [2022 Trafficking in Persons Report](#), 19 July 2022, *A guide to the Tiers*, p. 55

⁴⁷³ U.S. Department of State, [2021 Trafficking in Persons Report: Zimbabwe](#), 6 July 2021

faced by VOTs by preventing duplication of work and promoting interdepartmental and inter-agency cooperation, as well as improving the speed of service provision [...]

Immigration officers joining the Department of Immigration receive basic induction training on migration management, covering an introduction to the legal and policy framework for migration, along with the operating systems and procedures in border control. However, all other training occurs on an ad hoc basis. Comprehensive SOPs aligned with the NRM have been developed. However, they have not been cascaded to officers within the Department.⁴⁷⁴

With regards to shelter provisions for victims of trafficking, the same report informed:

Zimbabwe established the Harare Repatriation Centre and the Domboshava Centres to receive and provide support to VOTs [victims of trafficking] from Kuwait. The Harare Repatriation Centre is an addition to the Beitbridge Reception and Support Centre and the Plumtree Reception and Support Centres, created in 2006 and 2008 respectively, which have provided reception support to return migrants from South Africa and Botswana. Although the Harare Repatriation Centre was originally established to temporarily house VOTs who had been repatriated from Kuwait, the Government has since converted it into a permanent shelter for all VOTs. IOM supported this initiative with renovations at the Centre.⁴⁷⁵

The U.S. Department of State highlighted in its annual report covering 2021 focusing on trafficking that Zimbabwe “remained on Tier 2 Watchlist⁴⁷⁶ for a second consecutive year” because:

the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity. The government did not amend its anti-trafficking law to criminalize all forms of trafficking. The government did not identify any trafficking victims or provide care for victims in its designated shelter. The government did not convict any traffickers.⁴⁷⁷

The report further noted that “The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Observers reported the government did not have a system to investigate and prosecute complicit officials. Reportedly, senior government officials obstructed investigations into allegations of child labor violations on farms in Mazowe district. For the fourth consecutive year, the government did not investigate serious, credible claims that complicit magistrates, judges, and senior government officials undermined judicial independence, including by bribing judges with farms and homes. Military officers patrolling the Beitbridge border post received bribes to facilitate unauthorized crossings, including in past years from organized criminal groups likely transporting victims of human trafficking”.⁴⁷⁸

⁴⁷⁴ International Organization for Migration (IOM), [Migration Governance Indicators, Republic of Zimbabwe](#), Profile 2021, 21 April 2022, p. 26 and 27

⁴⁷⁵ International Organization for Migration (IOM), [Migration Governance Indicators, Republic of Zimbabwe](#), Profile 2021, 21 April 2022, p. 26

⁴⁷⁶ ‘Tier 2 Watch List’ has been defined by the U.S. Department of State as:

Countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or
- there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials”.

U.S. Department of State, [2022 Trafficking in Persons Report](#), 19 July 2022, *A guide to the Tiers*, p. 55

⁴⁷⁷ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022

⁴⁷⁸ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, *Prosecution*

As to ‘protection’, the U.S. Department of State reported that “The government demonstrated negligible victim identification and protection efforts. For the second consecutive year, the government did not report identifying any trafficking victims” and also “While the government had one operational shelter that could accommodate 30 GBV and trafficking victims and 24 vulnerable children’s homes, these shelters did not report providing care for any trafficking victims during the reporting period”.⁴⁷⁹

j. Situation of Children

As way of background information, UNICEF stated in its ‘Annual Report 2021’ that “61 per cent of children live in multidimensional poverty - worse in rural areas, high-density peri-urban informal settlements, and for those with disabilities”.⁴⁸⁰

i. Child marriage

Additional relevant information may be found under section [V. j. ii. Sexual violence](#) and [V. j. viii. Measures by the state to protect children from violence and abuse](#).

With regards to the legal framework, a June 2022 joint study on child marriage in Chiredzi District by Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company summarised it as follows:

Zimbabwe is a signatory to various international frameworks that prevent and protect children and adolescents from child marriage, including the Committee on the Elimination of the Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC); the African Charter on the Rights and Welfare of the Child (ACRWC), including Article 21, which calls for the elimination of all harmful practices, including CEFM; and the Protocol to the African Charter on Human and People’s Rights (ACHPR), on the Rights Of Women in Africa or “Maputo Protocol,” including Article 6, which sets the minimum age for marriage as 18 (GNB, 2022). [...]

In 2014, Zimbabwe petitioned for a specific Human Rights Council (HRC) resolution on child marriage, and then in 2017 co-sponsored the HRC resolution on CEFM in humanitarian settings – again emphasizing the government’s mission to prioritise the elimination of child marriage across the country and globally. In 2016, as part of Zimbabwe’s Sustainable Development Goal (SDG) commitment to eliminating CEFM by 2030, the age of marriage was raised to 18 years for both sexes by the Constitutional Court. Today, the major challenge in addressing child marriage in Zimbabwe remains the outstanding alignment of marriage laws with the Constitution. In response, the National Action Plan and Communication Strategy on Ending Child Marriage (2019–2021) was launched. It is a coordinated, multi-sectoral approach led by the Ministry of Women Affairs, in partnership with civil society organisations, religious and traditional leaders, and the private sector to address the inconsistent legal framework; namely, the legislative and policy frameworks that “still provide for and protect the right to enter into marriage for persons under the age of 18” (National Action Plan and Communication Strategy on Ending Child Marriage, 2019–2021). In addition to strengthening the legal framework, the goal of the NAP is to prioritise prevention and response to child marriage and meet SDG target 5.3 on the elimination of all harmful practices by 2030 (Zimbabwe Ministry for Women, 2019).⁴⁸¹

⁴⁷⁹ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, *Protection*

⁴⁸⁰ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 4

⁴⁸¹ Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 10

The same source further provided the following overview on ‘child marriage in Zimbabwe’:

There are over 1 million girls today who were married as children in Zimbabwe; with more than 1 in 3 (34%) young women aged 20–24 years having been married before age 18, and 5 percent married before the age of 15. Adolescent boys in Zimbabwe also marry before they are 18 years old, and 2 percent of young men aged 20–24 years reported being married as children (UNICEF, 2022b). Child marriage rates differ by province, ranging from 11–70 percent prevalence. The child marriage rate in Masvingo Province, where the study was conducted, ranges between 41 and 50 percent of girls married by 18 years (UNICEF, 2022b). Prevalence of child marriage in Zimbabwe is higher in rural areas compared to urban areas, and a clear correlation exists between girls in the poorest quintile, with those with no or little education being distinctly more vulnerable to child marriage than girls from higher wealth quintiles and education levels (UNICEF, 2022b). Girls in rural areas are twice as likely to be married before 18 (44%) compared to girls in urban areas (21%) (ZimSTAT, 2019). Further, almost 100 percent of girls who were married before 18 years gave birth before they reached 20, with over 60 percent doing so before they reached 18. Child marriage rates in Zimbabwe have in fact slightly worsened over the last 25 years (UNICEF, 2022b). Moreover, given that many child marriages are underreported or unregistered, especially in rural areas, the true prevalence of child marriage is likely to be underestimated (Sabbe et al., 2013).⁴⁸²

And noted on the main drivers of child marriage in Zimbabwe:

In addition to poverty, available literature indicates three key drivers of child marriage in Zimbabwe – lack of policy enforcement, religion, and cultural and forced marriage practices. Although child marriage is prohibited by Zimbabwe’s constitution, enforcement of the law is weak, enabling child marriage to continue without fear of legal or penal repercussions (Hallfors et al., 2016) [...]

Affiliation with apostolic sects, notably the Apostolic Church of Johane Marange, has been associated with increasing girls’ risk of child marriage (Chamisa et al., 2019). These groups force adolescent girls to marry older men whom church leaders claim to be directed by the “Holy Spirit” (Hallfors et al., 2016). [...]

Study findings were collected just over a year after the COVID-19 pandemic containment measures began. They suggest that COVID-19 exacerbated existing drivers of child marriage, including increasing poverty and food insecurity; girls’ education further undermined; violence against children within the home; lack of safe spaces for adolescents; and weakened protective structures. While KII data suggest that COVID-19 increased child marriage cases in Chiredzi, the study did not collect child marriage prevalence, nor was it designed to do so. KIIs discussed that COVID-19 negatively impacted both boys and girls; however, girls were disproportionately impacted given the existing unequal power dynamics and gender norms.⁴⁸³

Summarising the “key drivers of child marriage among food-insecure communities in Chiredzi”, the report identified:

- 1 poverty and lack of basic needs including access to food;
- 2 low value placed on girls’ education, their lack of access to it, school dropout, and lack of alternative opportunities for girls
- 3 male dominance over adolescent girls’ decision-making and sexuality;

⁴⁸² Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 9

⁴⁸³ Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 9 and 45

- 4 sexual violence against adolescent girls;
- 5 adolescent pregnancy;
- 6 girls' misconceptions about marriage; and
- 7 harmful cultural practices [...]

The study also demonstrated that COVID-19 exacerbated drivers of child marriage.⁴⁸⁴

Apart from “cyclical poverty” and “intimate partner violence”, “abuse from in-laws”, “school dropout” and “adverse health and wellbeing outcomes” were found as being direct consequences of child marriage by the study.⁴⁸⁵

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee, recalling its previous concluding observations (CEDAW/C/ZWE/CO/2-5, para. 21), reiterates its concern about the persistence of discriminatory gender stereotypes and harmful practices, including child marriage, polygamy and virginity testing.⁴⁸⁶

The same Committee further stated, “The Committee notes with concern that, despite the awareness-raising efforts of the State party, most marriages are still conducted under customary law and are not registered, and that child marriage is a prevalent harmful practice in the State party, where one third of girls are married before they reach the age of 18 years. It is also concerned that discriminatory customary laws and practices continue to regulate marriage and family relations in the State party, allowing for harmful practices such as child marriage and polygamy”.⁴⁸⁷

In its annual human rights report covering 2021 - February 2022, Amnesty International reported: “In March [2021], the government announced that in the first two months of the year, 4,959 girls had become pregnant, and that at least 1,774 girls got married before they reached 18”.⁴⁸⁸

Summarising the situation in 2021, Human Rights Watch noted in its annual report:

A 14-year-old girl who had been forced into marriage died during childbirth in July, [2021] at a Marange Apostolic church, in Manicaland province, highlighting the high price girls pay for the practice of child marriage, which remains rampant in Zimbabwe. The practice is prevalent among Indigenous apostolic churches, an evangelical group that mixes Christian religious beliefs with traditional cultures and has millions of followers across the country.⁴⁸⁹

ii. Sexual violence

Additional relevant information may be found under section [V. j. i. Child marriage](#) and [V. j. viii. Measures by the state to protect children from violence and abuse](#).

⁴⁸⁴ Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 67 and 81

⁴⁸⁵ Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 31 and 32

⁴⁸⁶ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 25

⁴⁸⁷ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 49

⁴⁸⁸ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Women’s and Girls’ Rights*, p. 415

⁴⁸⁹ Human Rights Watch, [World Report 2022, Events of 2021: Zimbabwe](#), 16 December 2021, *Children’s Rights*

A June 2022 joint study on child marriage in Chiredzi District by Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company noted with regards to sexual violence, including sexual exploitation of adolescents:

Sexual violence, including sexual exploitation, against adolescents, particularly girls, was a dominant concern raised by participants across methods. Child abuse, including emotional abuse, was often discussed together with sexual violence.

Seven KIs across national and regional level reported that adolescent girls living with disabilities, particularly cognitive disabilities, face heightened sexual violence risks. However, when asked whether

sexual violence and unplanned pregnancies among girls living with disabilities lead to child marriage, and whether adolescent girls with disabilities experience heightened risks of child marriage, KIs unanimously responded "no" [...]

Some KIs and SenseMaker stories illuminated that sexual violence against girls is sometimes perpetrated by relatives. Moreover, the data suggests that the home environment for many adolescent girls living in Chiredzi was often unsafe due to sexual violence as well as other forms of violence, such as economic and emotional abuse [...]

Two KIs revealed that adolescent boys in Chiredzi also face sexual violence, although to a lesser extent than girls. It was mentioned how sexual violence among adolescent boys is likely to go unreported even more so than girls, and that adolescent boys who work in other people's homesteads as herd boys or in the fields may face sexual violence from the women of the house [...]

Sexual exploitation in the context of selling or exchanging sex were other forms of sexual violence against adolescents revealed in the data. Four KIs noted sex work and sexual exploitation as a key concern facing adolescent girls, with some informants suggesting that adolescent girls in Chiredzi Urban were more at risk of sexual exploitation due to being recruited for prostitution or even child trafficking, especially girls who migrate from the rural areas.⁴⁹⁰

iii. Child abuse

Additional relevant information may be found under section [V. j. viii. Measures by the state to protect children from violence and abuse](#).

An article by UNICEF in August 2022 noted that during the COVID-19 pandemic "There was [...] a rise in cases of physical and sexual abuse in homes, which affected the mental wellbeing of young people".⁴⁹¹

The U.S. Department of State reported in its annual report covering 2021⁴⁹²: "Child abuse, including incest, infanticide, child abandonment, and rape, continued to be a serious problem. In 2018 the NGO Childline received more than 15,000 reports of child abuse via its national helpline and managed more than 10,000 in-person cases at its drop-in facilities across the country. Approximately 26 percent of all reported cases of abuse involved sexual abuse; 28 percent involved physical or

⁴⁹⁰ Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 27 and 28

⁴⁹¹ UNICEF, [COVID-19 takes its toll on young Zimbabweans' mental health](#), 17 August 2022

⁴⁹² Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Children, Child Abuse

emotional abuse; 18 percent involved neglect; and 7 percent forced marriage. Of the 25,000 total cases, 93 percent involved girls”.⁴⁹³

iv. Child labour

Additional relevant information may be found under section [V. j. viii. Measures by the state to protect children from violence and abuse](#).

In its January 2020 submission to the UN Committee on the Elimination of Discrimination against Women, Human Rights Watch highlighted “hazardous child labor and other serious human rights problems concerning girls and boys on tobacco farms in Zimbabwe” and specifically noted:

One of the most serious health risks in tobacco farming is acute nicotine poisoning, or Green Tobacco Sickness, caused by absorbing nicotine through the skin from tobacco plants. Many child and adult workers reported that they had experienced at least one symptom consistent with acute nicotine poisoning – nausea, vomiting, headaches, or dizziness – while handling tobacco. Yet almost no one interviewed had ever heard of acute nicotine poisoning or received information about how to protect themselves.

Zimbabwean law sets 16 as the minimum age for employment and prohibits children under 18 from performing hazardous work, but does not specifically ban children from handling tobacco.

Children and adults interviewed by Human Rights Watch, including girls and women, also handled toxic pesticides, often without proper protective equipment. Others were exposed to pesticides while someone else applied them nearby [...]

Pesticide exposure has been associated with long-term and chronic health effects, including reproductive health problems. Prenatal exposure to pesticides can lead to serious problems in brain development, so preventing exposure among pregnant workers is particularly important.

In early 2018, there were no agriculture-specific health and safety protections in Zimbabwean law or regulations, though the government was working with trade unions and other groups to develop occupational safety and health regulations for agriculture.⁴⁹⁴

UNICEF stated in its ‘Annual Report 2021’ that “35% of children [were] affected by child labour”.⁴⁹⁵

The U.S. Department of State reported in its annual report on human rights covering 2021⁴⁹⁶: “The lack of free basic education for children increased the prevalence of child labor. Children are required to attend school only up to age 12, which made children ages 12 through 15 particularly vulnerable to exploitation since they are not required to attend school. School fees were often prohibitively expensive and limited access to education, leading some to leave school and enter the workforce at a young age”.⁴⁹⁷ With regards to the type of work involved, the same source explained that “Children participated in hazardous activities or other forms of child labor in subsistence agriculture, growing sugarcane and tobacco (the latter cited by NGOs as posing adverse health effects for child workers), domestic service, street begging, informal trading, artisanal gold mining, and sex work. The Vendors Initiative for Social and Economic Transformation estimated more than

⁴⁹³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Children, Child Abuse*

⁴⁹⁴ Human Rights Watch, [Submission to the Committee on the Elimination of Discrimination against Women on Zimbabwe](#), 17 January 2020, 4. *Hazardous Work in Tobacco Farming (article 11)*

⁴⁹⁵ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 42

⁴⁹⁶ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 7., *C. Prohibition Of Child Labor And Minimum Age For Employment*

⁴⁹⁷ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 7., *C. Prohibition Of Child Labor And Minimum Age For Employment*

20,000 children had turned to street vending since the start of the pandemic”.⁴⁹⁸ The U.S. Department’s report also exposed that “NGOs reported some children were kidnapped and sold into forced labor in mines because of their size (to access narrow spaces)”.⁴⁹⁹

With regards to its annual report on child labour, the U.S. Department of Labor summarised the situation in Zimbabwe in 2021 as follows:

In 2021, Zimbabwe made minimal advancement in efforts to eliminate the worst forms of child labor [...] Zimbabwe is assessed as having made only minimal advancement because it implemented a practice that delays advancement to eliminate child labor. Evidenced by a pattern of threats and intimidation of worker organizations and trade unionists, high-level officials within the Government of Zimbabwe and the ruling political party interfered with a delegation representing worker and civil society organizations to investigate concerns of child labor occurring at a commercial farm, sending party activists to the farm to threaten and intimidate the delegation. Children in Zimbabwe are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and forced labor in mines and on farms. Children also engage in child labor in agriculture, including in the harvesting of sugarcane and tobacco. The government did not publicly release information on its labor and criminal law enforcement efforts for inclusion in this report, and law enforcement agencies lack resources to enforce child labor laws. In addition, gaps remain in the country’s legal framework against child labor, including the prohibition of commercial sexual exploitation of children.⁵⁰⁰

In its 2020 assessment the U.S. Department of Labor described Zimbabwe’s advancement in efforts to eliminate child labor as “moderate”, however also highlighted that “law enforcement agencies lack resources to enforce child labor laws. In addition, gaps remain in the country’s legal framework against child labor, including the prohibition of commercial sexual exploitation of children”.⁵⁰¹

In February 2021 Human Rights Watch reported on the situation of diamond mineworkers in Marange, eastern Zimbabwe and found that “a recent survey by a nongovernmental group also observed an influx of children doing dangerous mining work in the Marange diamond fields because of school closures and families’ economic struggles”.⁵⁰² The original report by the NGO, Zimbabwe Environmental Law Association (ZELA), can be found [here](#).⁵⁰³

v. Child trafficking

Additional relevant information may be found under section [V. j. viii. Measures by the state to protect children from violence and abuse](#).

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “Zimbabwe is not spared from the scourge of trafficking, having been

⁴⁹⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 7., C. Prohibition Of Child Labor And Minimum Age For Employment

⁴⁹⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Children, Child Abuse

⁵⁰⁰ c, p. 1

⁵⁰¹ Most of it was also already documented in the 2020 annual report: U.S. Department of Labor, [2020 Findings on the Worst Forms of Child Labor](#), 29 September 2021, Zimbabwe, p. 1339

⁵⁰² Human Rights Watch, [Why Jewellers Need to Vet their Global Supply Chains](#), 1 February 2021

⁵⁰³ See Zimbabwe Environmental Law Association (ZELA), [Impact of COVID-19 response mechanisms on children in selected gold and diamond mining communities in Zimbabwe](#), 16 October 2020

identified as a source, transit and destination country for men, women and children subjected to sex trafficking and forced labour”.⁵⁰⁴

1. Sex trafficking

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “Trafficking is also rife within the country, with men, women and children subjected to forced labour in Zimbabwe’s rural areas, sex trafficking in cities and surrounding towns, and domestic servitude in both [...] There are also reports of young girls being trafficked for sex work in the towns of Epworth and Victoria Falls”.⁵⁰⁵

The U.S. Department of State reported in its annual report covering 2021 that⁵⁰⁶: “Girls from towns bordering South Africa, Zambia, and Mozambique were forced into commercial sexual exploitation in brothels that catered to long-distance truck drivers. Increasing economic hardships contributed to higher rates of child sex trafficking”.⁵⁰⁷

With regards to its annual report on child labour, the U.S. Department of Labor summarised the situation in Zimbabwe in 2021⁵⁰⁸ as follows:

In 2021, Zimbabwe made minimal advancement in efforts to eliminate the worst forms of child labor [...] Children in Zimbabwe are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and forced labor in mines and on farms.⁵⁰⁹

The U.S. Department of State reported with regards to ‘trafficking profile’ that “Traffickers exploit Zimbabwean adults and children in sex trafficking and forced labor, including in cattle herding, domestic service, and mining in gold and diamond sectors [...] Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the border”.⁵¹⁰

2. Forced labour and trafficking

In its Training Manual on ‘Caring for trafficked Persons’, specifically developed for the Zimbabwean context, IOM stated that “Trafficking is also rife within the country, with men, women and children subjected to forced labour in Zimbabwe’s rural areas, sex trafficking in cities and surrounding towns, and domestic servitude in both. Families in rural areas send their children and other members to work in cities, where they are often subjected to domestic servitude or other forms of forced labour

⁵⁰⁴ International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, *Introduction*, p. 2

⁵⁰⁵ International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, *Introduction*, p. 2

⁵⁰⁶ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, *Section 6., Children, Sexual Exploitation of Children*

⁵⁰⁷ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, *Section 6., Children, Sexual Exploitation of Children*

⁵⁰⁸ Most of it was also already documented in the 2020 annual report: U.S. Department of Labor, [2020 Findings on the Worst Forms of Child Labor](#), 29 September 2021, *Zimbabwe*, p. 1339

⁵⁰⁹ U.S. Department of Labor, [2021 Findings on the Worst Forms of Child Labor: Zimbabwe](#), September 2022, p. 1

⁵¹⁰ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, *Trafficking Profile*

[...] Children are subjected to forced labour in the agricultural and mining sectors or forced to carry out illegal activities, including drug smuggling”.⁵¹¹

With regards to its annual report on child labour, the U.S. Department of Labor summarised the situation in Zimbabwe in 2021⁵¹² as follows:

In 2021, Zimbabwe made minimal advancement in efforts to eliminate the worst forms of child labor [...] in Zimbabwe are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and forced labor in mines and on farms. Children also engage in child labor in agriculture, including in the harvesting of sugarcane and tobacco.⁵¹³

Similarly, the U.S. Department of State reported with regards to ‘trafficking profile’ that:

- Traffickers exploit Zimbabwean adults and children in [...] forced labor, including in cattle herding, domestic service, and mining in gold and diamond sectors [...]
- More than 71 percent of child labor occurs in the agriculture sector, including on tobacco, sugarcane, and cotton farms, as well as in forestry and fishing sectors, where children weed, spray, harvest, and pack goods. Some of these children are victims of forced labor, including some who work on small, unregulated farms [...]
- Children ages 9 to 14 work as nannies, housemaids, and gardeners in urban areas and mining communities; some employers force children to work by withholding wages, denying them access to school, and subjecting them to GBV.
- Several traditional practices rendered young girls vulnerable to forced labor and sex trafficking, including the practice of trading daughters for food or money, using them as “replacement” brides for a deceased family member, and for ngozi, a reconciliation process where a family gives a family member to another family to make amends for a murdered relative.
- Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the border.
- Traffickers exploit child laborers working as gold-panners and ore couriers by providing inadequate compensation, stealing their income, exacerbating food insecurity, and forcing them to take drugs to perform strenuous tasks.⁵¹⁴

vi. Cultural / Traditional harmful practices

Additional relevant information may be found under section [V. j. viii. Measures by the state to protect children from violence and abuse](#).

The U.S. Department of State reported in its annual report covering 2021⁵¹⁵: “In some cases children were kidnapped and killed to sell their body parts for ritual practices within the country or in South

⁵¹¹ International Organization for Migration (IOM), [Training Manual on Caring for Trafficked Persons](#), 1 October 2020, *Introduction*, p. 2

⁵¹² Most of it was also already documented in the 2020 annual report: U.S. Department of Labor, [2020 Findings on the Worst Forms of Child Labor](#), 29 September 2021, *Zimbabwe*, p. 1339

⁵¹³ U.S. Department of Labor, [2021 Findings on the Worst Forms of Child Labor: Zimbabwe](#), September 2022, p. 1

⁵¹⁴ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, *Trafficking Profile*

⁵¹⁵ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, *Section 6., Children, Child Abuse*

Africa. NGOs report an increase in these cases based on anecdotal evidence”.⁵¹⁶ The same report further highlighted that: “Families gave girls or young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or to provide economic protection for the family. Some families sold their daughters as brides in exchange for food, and sometimes if a wife died her family offered a younger daughter as a “replacement” bride to the widower”.⁵¹⁷ For a more detailed analysis of the practice of *lobola* [‘bride-price’] in modern Zimbabwe see the report by Rumbidzai Dube as published by the Research and Advocacy Unit (RAU), [Sold to the highest bidder – the role of lobola in modern Zimbabwe](#), 17 June 2022.

Child marriage

The U.S. Department of State reported in its annual report covering 2021 that: “Families gave girls or young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or to provide economic protection for the family. Some families sold their daughters as brides in exchange for food, and sometimes if a wife died her family offered a younger daughter as a “replacement” bride to the widower”.⁵¹⁸

In their June 2022 joint study on child marriage in Chiredzi District, Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company noted the following traditional marriage practices involving children:

Harmful marriage practices, such as kutizira (unplanned pregnancy marriages, where the girl is expected to elope to the house of her boyfriend or the person responsible for pregnancy to protect family honour), kuripa ngozi (virgin pledging, where girls are married to appease an evil spirit), and kuzvarira (transactional marriages, where girls are married off at younger ages in exchange for cows, money, or grain) continue to be used to justify forced marriages of adolescent girls (Chitakure, 2016). Khomba (initiation) is another cultural practice that has been associated with driving child marriage among Shangaani communities in Zimbabwe (Naidu, 2019) [...]

Social norms and cultural practices such as Khomba have been cited in literature as a unique driver of child marriage among Shangaan communities in Zimbabwe (Chikunda, Marabire, and Makoni, 2006). Khomba is a Shangaan initiation ceremony for both girls and boys as they progress from childhood to adulthood. The practice is highly respected in the Shangaan community; a person who has not been initiated commands less respect within the community than an initiated person, which can result in exclusion from some community activities (Naudi and Muchono, 2019). Although the practice is elusive,

available evidence suggests that Khomba includes education and training on Shangaan social values and norms, such as spousal responsibilities, including on women sexually satisfying their husbands, and family care and household duties, such as home building, warming water for bathing for the husband and children, and preparing meals (Chikunda, Marabire, and Makoni, 2006; Naudi and Muchono, 2019). Adolescents are sent to a secluded place to participate in Khomba activities for approximately two to three months (Naudi and Muchono, 2019). Upon graduation, adolescent girls are considered ready and available for marriage, while adolescent boys tend to seek sexual experiences with less expectation and societal pressure to marry young (ibid.).⁵¹⁹

⁵¹⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Children, Child Abuse

⁵¹⁷ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Children, Child, Early, and Forced Marriage

⁵¹⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Children, Child, Early, and Forced Marriage

⁵¹⁹ Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 10

vii. Access to education

As way of background information, the UN's 'Common Country Analysis' summarised the situation as follows:

Zimbabwe has one of the highest literacy rates on the continent. The country spends about 11% of its GDP on education, placing it among the top in Africa [...] The country's net enrolment and completion rates for both primary and secondary schools, are among the best on the continent. However, its tertiary gross enrolment rate, remains lower than regional leaders such as South Africa.⁵²⁰

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

It notes with concern, however:

- (a) The high school dropout rate among girls owing to child marriage and/or early pregnancy, or financial difficulties;
- (b) The fact that the needs of girls are not sufficiently taken into account into school infrastructure, with a lack of adequate and separate sanitation facilities for girls and boys;
- (c) The reports of sexual abuse and harassment of girls in and on the way to and from school and the impunity for the perpetrators of such acts;
- (d) The disproportionately low enrolment rate among women and girls in studies in the fields of science, technology, engineering and mathematics.⁵²¹

The U.S. Department of State reported in its annual report covering 2021⁵²²: "Basic education is not free or universal [...] According to the 2012 population census, 87 percent of all children attended primary school, but enrollment [sic] declined after age 14. Primary school attendance was only slightly higher in urban than in rural areas [...] In August [2021] many government schools increased fees by 33 percent, reportedly due to an extension in the duration of the semester from 60 to 80 days. This sparked protests from some students. In addition, frequent COVID-19 lockdowns further restricted children's access to education. Online and remote learning was not possible for many residents. As a result many students dropped out of school and sought work in the informal sector".⁵²³

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

One of the Zimbabwe government's few positive steps on human rights was the amendment of the Education Act in March 2020. The amendment prohibits corporal punishment and the exclusion of pregnant girls from school in accordance with the right to education under the constitution and human rights law. Prior to this amendment, many students had suffered corporal punishment in Zimbabwe's schools. In a significant step for disability rights, the law mandates every school to provide suitable infrastructure for students with disabilities and requires authorities to ensure that schools protect the rights of students with disabilities.⁵²⁴

⁵²⁰ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 2. People, 2.5 Quality Education, p. 12

⁵²¹ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 35

⁵²² Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Children, Education

⁵²³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Children, Education

⁵²⁴ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

The loss of State revenue and the cumulative impact of overcompliance measures have directly impacted the delivery of quality education. Numerous testimonies explained the challenges faced by teachers and school staff related to reporting to work, due to transportation and accommodation costs, which contribute to the high vacancy rates in the sector [...] Lack of funding and various impediments to buying school material, uniforms, computers and other technology due to zero-risk policies by companies have also impeded the achievement of Sustainable Development Goal 4, on quality education.⁵²⁵

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

Schools were closed at the end of March 2020 for at least six months as a public health measure during the Covid-19 pandemic. The closure affected about four million children across the country. The school calendar was further disrupted in June 2021, owing to a surge in Covid-19 cases.⁵²⁶

According to a household survey conducted in July 2020, September 2020 and March 2021, “With the easing of lockdown and reopening of schools since October 2020, most of the children were in school. In the third round survey, 91 percent of schoolage children were attending school. However, the COVID-19 pandemic continued to play a negative role in keeping children out of school. The main reason for not attending school was that teachers were not yet teaching as reported for 40 percent of those who were out of school, whilst those who feared getting infected constituted 8 percent. Almost 40 percent of children were engaged in some form of remote learning”.⁵²⁷

UNICEF stated in its ‘Annual Report 2021’ that “While there is high enrolment in primary school (93.6 per cent), too many children are not actually attending. More girls than boys complete primary education but then many drop out by Form 4 due to pregnancy, early marriage and school-related GBV. Barriers to accessing education include household poverty, abuse, remoteness, poor infrastructure, and sociocultural norms such as child marriage. Insufficient capacity and attrition for teachers jeopardize learning quality and continuity. Access to learning opportunities for out-of-school children is also limited. Harmful social norms, including religious beliefs and practices that exclude women and girls, persist”.⁵²⁸

The UN Committee on the Elimination of Racial Discrimination stated in its concluding observations published on 16 September 2022:

While noting that all 16 official languages of the State party are taught in schools, the Committee is concerned by reports that children from some minority communities cannot receive an education in their language, in practice. The Committee is also concerned about the lack of information on how the issues of racial discrimination and ethnic diversity are taught in schools (art. 5).⁵²⁹

⁵²⁵ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, F. Access to education, para. 38

⁵²⁶ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

⁵²⁷ Zimbabwe National Statistics Agency, Zimref, Unicef, World Bank Group, [Monitoring COVID-19 Impact on Households in Zimbabwe](#), 30 June 2021, p. 4

⁵²⁸ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 5

⁵²⁹ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 27

viii. Measures by the state to protect children from violence and abuse

Child protection measures

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee notes the national action plan and communication strategy on ending child marriage and the criminalization of harmful practices through the Domestic Violence Act. It is concerned, however, that the Act contains a narrow definition of perpetrators of domestic violence. The Committee, recalling its previous concluding observations (CEDAW/C/ZWE/CO/2-5, para. 21), reiterates its concern about the persistence of discriminatory gender stereotypes and harmful practices, including child marriage, polygamy and virginity testing. It is particularly concerned about the widespread impunity for such harmful practices and the absence of convictions in cases of child marriage.⁵³⁰

UNICEF stated in its 'Annual Report 2021' that "The social welfare workforce is depleted, however, and there is still an insufficient National budget for child justice, social welfare and limited implementation of legislation".⁵³¹ Similarly, the U.S. Department of State noted in its annual report covering 2021: "Government efforts to combat child abuse were inadequate".⁵³²

In their June 2022 joint study on child marriage in Chiredzi District, Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company found in relation to child protection and gender based violence referral mechanisms: "Although KIs reported availability of child

protection services, such as telephone helplines, community child protection committees, police, victim-friendly units (VFUs), and a coordinated case management system, among other services, KIs and SenseMaker data demonstrate major gaps and weaknesses in the child protection and GBV referral pathways and specialised care. KIs expressed that the reporting mechanisms are neither confidential nor adolescent-friendly and that adolescents may face harassment when they report cases of violence in clinics and hospitals. Further KI data suggested that many incidents fail to be reported at all because community members do not have the confidence that the justice system will hold the perpetrators accountable".⁵³³

Protection framework against child marriage

Summarising the situation in 2021, Human Rights Watch noted in its annual report:

During 2021, the authorities failed to fully enforce the ban on child marriages, exposing millions of underage girls to abuse. A landmark 2016 Constitutional Court decision declared child marriages unconstitutional and set 18 as the minimum marriage age for girls and boys, without exceptions.⁵³⁴

⁵³⁰ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 25

⁵³¹ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 5

⁵³² U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Children, Child Abuse

⁵³³ Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 64

⁵³⁴ Human Rights Watch, [World Report 2022, Events of 2021: Zimbabwe](#), 16 December 2021, Children's Rights

In their June 2022 joint study on child marriage in Chiredzi District, Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company stated that "Although child marriage is prohibited by Zimbabwe's constitution, enforcement of the law is weak, enabling child marriage to continue without fear of legal or penal repercussions (Hallfors et al., 2016)".⁵³⁵ The same report further highlighted that

KIs explained that COVID-19 weakened existing child protection structures in Chiredzi; therefore, adolescent girls lacked support to mitigate some of the risks that they were facing. They were unable to seek help since community child care workers (CCWs) and child protection committees (CPCs) were disrupted because of curtailed movements [...]

KIs shared that restrictions on freedom of movement combined with school closures, lack of safe spaces, and disrupted, overburdened social support systems, meant that adolescent girls faced a heightened risk of various forms of violence and abuse including child marriage.⁵³⁶

In its annual human rights report covering 2021 - February 2022, Amnesty International reported: "In July [2021], a 14-year-old girl died after she gave birth at a church shrine in Manicaland province. Following a public outcry, her husband and father were arrested and charged with rape and obstructing justice, respectively".⁵³⁷

Protection framework against child trafficking

For the general legal and protection framework in place see sections [V. i. iii. Trafficking](#) and [V. i. ix. Measures by the state to protect women from SGBV](#).

With regards to 'prevention', the U.S. Department of State reported that "The government continued to lack the political will to address child and forced labor, particularly in agriculture".⁵³⁸

Protection framework against child labour

With regards to its annual report on child labour, the U.S. Department of Labor summarised the situation in Zimbabwe in 2021⁵³⁹ as follows:

In 2021, Zimbabwe made minimal advancement in efforts to eliminate the worst forms of child labor [...] The government did not publicly release information on its labor and criminal law enforcement efforts for inclusion in this report, and law enforcement agencies lack resources to enforce child labor laws. In addition, gaps remain in the country's legal framework against child labor, including the prohibition of commercial sexual exploitation of children.⁵⁴⁰

⁵³⁵ Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 9

⁵³⁶ Plan International, the Women's Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 48

⁵³⁷ Amnesty International, [Amnesty International Report 2021/22, The State of the World's Human Rights](#), 28 March 2022, Zimbabwe, Women's and Girls' Rights, p. 415

⁵³⁸ U.S. Department of State, [2022 Trafficking in Persons Report: Zimbabwe](#), 19 July 2022, Prevention

⁵³⁹ Most of it was also already documented in the 2020 annual report: U.S. Department of Labor, [2020 Findings on the Worst Forms of Child Labor](#), 29 September 2021, Zimbabwe, p. 1339

⁵⁴⁰ U.S. Department of Labor, [2021 Findings on the Worst Forms of Child Labor: Zimbabwe](#), September 2022, p.

k. Situation of persons with disabilities

As way of background information, the UN's 'Common Country Analysis' stated with regards to persons with disabilities:

The country's disability prevalence is 9%, and it is higher among females (10%) than males (8%). Manicaland and Mashonaland Central provinces have the highest prevalence of 13% while Matabeleland North and Matabeleland South have the lowest rates (4%) [...]

Throughout the country, children with disabilities, especially those with intellectual or psychosocial impairments, are subjected to more significant abuse, violence, stigma, and exclusion, particularly in rural areas. Early diagnosis of the impairment and support is difficult to obtain, particularly for children from low-income families. The experience of overlapping and intersecting inequalities – such as disability, being a woman or a girl, living in a rural area and belonging to a low-income family – can heighten the chances of being 'left behind' [...]

Analysis of development indicators in Zimbabwe, particularly poverty indicators show that persons with disabilities, particularly females in rural areas from disadvantaged households, have the highest levels of malnutrition, the fewest years of schooling, often excluded from opportunities to participate fully in their communities, have fewer employment opportunities, are more vulnerable to violence and abuse, and have very limited access to justice and SRHR services.

Harmful cultural and religious norms remain persistent [...] resulting in stigmatisation and exclusion of persons with disabilities from all spheres of participation and basic services. In situations of disaster, persons with disabilities remain excluded from first aid, recovery, and reconstruction programmes as well as the disaster risk reduction system. They have limited access to inclusive education and well-trained teachers, school infrastructure, curriculum, and programmes.⁵⁴¹

The U.S. Department of State reported in its annual report covering 2021 that⁵⁴²: "Persons with disabilities living in rural settings faced even greater challenges. For example they faced discrimination based on a belief they were bewitched. In extreme cases families hid children with disabilities from visitors. Mothers of children with disabilities in rural settings were often viewed negatively and discriminated against".⁵⁴³ Moreover, the report highlighted that "Persons with disabilities were often unable to access food assistance distribution sites and were unaware of services available to them. NGOs noted an increase in the number of persons with disabilities turning to begging during the COVID-19 pandemic. Women with disabilities faced compounded discrimination, resulting in limited access to services, reduced opportunities for civic and economic participation, and increased vulnerability to violence. Persons with mental disabilities also experienced inadequate medical care".⁵⁴⁴

The UN Population Fund (UNFPA) noted in its 'Country programme document for Zimbabwe' of July 2021 that "The rights of the vulnerable and disadvantaged, such as persons with disabilities [...] are not fully protected and fulfilled. Access to services by vulnerable groups is poor".⁵⁴⁵

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

⁵⁴¹ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.2 Persons with disabilities, p. 49 and 50

⁵⁴² Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Persons With Disabilities

⁵⁴³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Persons With Disabilities

⁵⁴⁴ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Persons With Disabilities

⁵⁴⁵ United Nations Population Fund (UNFPA), [Country programme document for Zimbabwe](#), 2 July 2021, para.

One of the Zimbabwe government's few positive steps on human rights was the amendment of the Education Act in March 2020. [...]

In a significant step for disability rights, the law mandates every school to provide suitable infrastructure for students with disabilities and requires authorities to ensure that schools protect the rights of students with disabilities.⁵⁴⁶

Women with disabilities

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020L “The Committee notes with concern the stigmatization and increasing risk of violence, exploitation and abuse for women and girls with disabilities”.⁵⁴⁷

Children with disabilities

As way of background information, the UN's ‘Common Country Analysis’ summarised the situation of access to education for children with disabilities as follows:

Children with disabilities had lower school completion rates. Reasons for this range from limited teacher capacity to respond to the needs of children with disabilities to a misalignment between the learning modalities available and the needs of children with disabilities, and limited mechanisms and facilities to integrate learners with disabilities. The ICT divide contributes to the widening disparity in the education sector with a disproportionate impact on the most vulnerable children.⁵⁴⁸

A policy brief published in November 2020 by the Women and Law in Southern Africa (WLSA) and the Legal Resources Foundation (LRF) with support from UNDP on access to justice for victims of SGBV, harmful practices and violations of sexual and reproductive and health rights in the context of the COVID 19 pandemic, noted the following with regards to “lawyers’ ability to access clients” during the early years of the pandemic:

The major findings were that the COVID-19 pandemic caught the justice delivery system unprepared and this has negatively affected access to justice for the general public, especially for vulnerable groups such as women, children and people living with disabilities [...]

Paragraph 3 of the Practice Direction provided that courts could only handle initial remands, urgent applications and bail applications. However, the legal profession was still not included in the list of the professions authorized to carry out professional duties. This included the Legal Aid Directorate and other law-based institutions/legal aid services providers whose target groups include women, children and persons with disabilities. These groups were disproportionately affected by the Lockdown Regulations due to increased abuse and human rights violations.⁵⁴⁹

UNICEF stated in its ‘Annual Report 2021’ that “76% of children with disabilities live in poverty”.⁵⁵⁰

⁵⁴⁶ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

⁵⁴⁷ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 45

⁵⁴⁸ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 2. People, 2.5 Quality Education, p. 13

⁵⁴⁹ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System's Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 1.0 Introduction and Background, p. 4; 3.2 The Role Played by both the Formal and Informal Justice Systems in Zimbabwe in Enhancing Access to Justice in Emergency Situations such as COVID 19 Pandemic, p. 15

⁵⁵⁰ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 42

The U.S. Department of State reported in its annual report covering 2021 that⁵⁵¹: “There were very few government-sponsored schools for persons with disabilities, thus necessitating the need for NGOs to compensate for this in their communities [...] Essential accommodations such as sign language interpreters, braille materials, and ramps were commonly unavailable, which prevented children with disabilities from attending school. Many urban children with disabilities obtained informal education through private institutions, but these options were generally unavailable for children with disabilities in rural areas. Government programs intended to benefit children with disabilities, such as the Basic Education Assistance Module, only provided for rudimentary instruction”.⁵⁵²

A June 2022 joint study on child marriage in Chiredzi District by Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company noted with regards to sexual violence, including sexual exploitation of adolescents:

Seven KIs across national and regional level reported that adolescent girls living with disabilities, particularly cognitive disabilities, face heightened sexual violence risks. However, when asked whether sexual violence and unplanned pregnancies among girls living with disabilities lead to child marriage, and whether adolescent girls with disabilities experience heightened risks of child marriage, KIs unanimously responded “no”.⁵⁵³

I. Situation of persons with Albinism

In June 2020, the Associated Press reported on the plight of persons with Albinism who are fighting against “deeply rooted myths and prejudices [...] where they are often ostracized, laughed at and pejoratively referred to as ‘white people’ among other names”.⁵⁵⁴ According to the same article: “No [...] killings have been reported in Zimbabwe, which has about 70,000 people with albinism out of a population of about 15 million. But prejudices remain deep-rooted. Some people stare, whistle or verbally abuse those with albinism when they walk along the streets. Some believe sleeping with them can cure HIV. Many others treat albinism as a curse”.⁵⁵⁵

m. Situation of Individuals of Diverse Sexual Orientations or Gender Identities (SOGI)

i. Relevant Legal Frameworks

A joint civil society report on LGBTI rights submitted to the UN Human Rights Committee in October 2020 noted:

The Zimbabwean Constitution signed into law by President Mugabe in May 2013, prohibits gay marriage. it [sic] states that ‘Persons of the same sex are prohibited from marrying each other’. specifically prohibits same-sex marriages, this prevents gay men and lesbians from fully expressing

⁵⁵¹ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., *Persons With Disabilities*

⁵⁵² U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Persons With Disabilities*

⁵⁵³ Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 27

⁵⁵⁴ Associate Press, [In Zimbabwe, people with albinism struggle against prejudice](#), 13 June 2020

⁵⁵⁵ Associate Press, [In Zimbabwe, people with albinism struggle against prejudice](#), 13 June 2020

their sexual orientation. However, at the same time, the Constitution guarantees rights to non-discrimination, privacy, and freedom of expression.⁵⁵⁶

In particular, “Same-sex sexual relations between men (referred to as sodomy in Zimbabwe) are criminalised under Section 73 of the Criminal Law Act of 2006. The Criminal Law Act criminalises all sexual acts between men with a maximum penalty of one-year imprisonment and the possibility of a fine. which states that “Any male person who, with the consent of another male person, knowingly performs with that other person anal sexual intercourse, or any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act, shall be guilty of sodomy and liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding one year or both. ‘(2) Subject to subsection (3), both parties to the performance of an act referred to in subsection (1) may be charged with and convicted of sodomy. ‘(3) For the avoidance of doubt it is declared that the competent charge against a male person who performs anal sexual intercourse with or commits an indecent act upon a young male person – ‘(a) who is below the age of twelve years, shall be aggravated indecent assault or indecent assault, as the case may be”.⁵⁵⁷

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) described the situation as follows: “Article 73(1) of the Criminal Law (Codification and Reform) Act (Act No. 23) (2004) criminalises anal intercourse between males as well as ‘any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act’. These conducts are punished with imprisonment for up to a year and/or a fine”.⁵⁵⁸

In its joint submission to the UN Committee on the Elimination of Discrimination Against Women for its session in February 2020, Pakasipiti Zimbabwe, the Coalition of African Lesbians and the Sexual Rights Initiative reported on what the framework meant for LGBTQ women:

Though the current legislative framework does not criminalize LGBTQ women, women often find themselves arrested and detained by police for acts they label as ‘indecent’. These matters rarely reach the courts; they often end with these arbitrary arrests and unlawful detentions designed to act as a deterrent to ‘homosexuality’. The impacts of these violations are multiple and complex and include consequences such as physical, emotional, and mental trauma; lack of access to basic socio-economic rights such as food, shelter, work, education and health that goes beyond the access issues that the population in general are faced with; social exclusion and isolation.⁵⁵⁹

GALZ (The Association of LGBTI People in Zimbabwe) Harare (Zimbabwe) and Stockholm Human Rights Lab, Stockholm (Sweden), providing information to the UN Human Rights Council’s Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022 specifically noted that “the existence of laws that discriminated against persons based on their real or imputed sexual orientation, including Section 78 of the Constitution, which restricts marriage

⁵⁵⁶ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. Contribution to the List of Issues Before Reporting (LOIPR), p. 5/6

⁵⁵⁷ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. Contribution to the List of Issues Before Reporting (LOIPR), p. 5

⁵⁵⁸ ILGA World, Kellyn Botha, [Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#) (Geneva: ILGA, December 2021), December 2021, p. 121

⁵⁵⁹ Pakasipiti Zimbabwe / Coalition of African Lesbians / Sexual Rights Initiative, [Submission to the UN Committee on the Elimination of Discrimination Against Women 75th Session \(10-28 February 2020\)](#), Undated [Last accessed: 19 September 2022], para. 2

rights to heterosexual relationships, Section 73 of the Criminal Law (Codification and Reform) Act, which criminalises consensual same-sex sexual relations regardless of the age of the persons, and Section 14(1)(f) of the Immigration Act, which classifies “homosexuals” as prohibited persons. In addition, other laws which although were prima facie neutral, have been weaponised by law enforcement officials, including Section 41 of the Criminal Law (Codification and Reform) Act, on disorderly conduct and Section 46 of this Act on criminal nuisance. JS7 [GALZ and Stockholm Human Rights Lab] stated that the criminalization of consensual same-sex relations lay at the heart of the human rights violations perpetrated against LGBTI persons”.⁵⁶⁰

Transgender persons

In the ‘Trans Legal Mapping Report’ covering 2019, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) described the situation as follows: “Zimbabwean law does not directly criminalise transgender and gender diverse people. However, in practice transgender and gender diverse people are indirectly criminalised (de facto criminalisation) [...] The criminalisation of adult consensual same-sex sex, soliciting for the purpose of sex work, fraud, and public order laws are used to subject transgender and gender diverse people to harassment and arbitrary arrest and detention [...] Individuals are often arrested, detained and subsequently released without charge”.⁵⁶¹

ii. Violence and harassment against individuals of diverse SOGI

The U.S. Department of State reported in its annual report covering 2021 that⁵⁶²: “LGBTQI+ organizations reported several arrests as well as severe mental health consequences because of criminalization, including depression, anxiety, substance abuse, and suicidal ideation. Leading NGOs noted harassment and discrimination against LGBTQI+ persons seeking employment, housing, and health services. Trans Smart, an active LGBTQI+ group, reported their members believed they were unsafe and unwelcome in churches due to deeply held religious and social stigmas in society”.⁵⁶³

Spartacus published in March 2021 its ‘Gay Travel Index 2021’, which “measures the legal situation and living conditions for members of the queer community” for those who “visit or live” in it.⁵⁶⁴ For the year 2021 Zimbabwe was ranked as 176 out of 202 countries based on results from the following categories where “A zero rating as lowest rating is only awarded if a country is lacking in important but not elementary categories such as LGBT marketing or anti-discrimination legislation”⁵⁶⁵: “Anti-Discrimination Legislation” (0), “Marriage/Civil Partnership” (-1), “Adoption Allowed” (0), “Transgender Rights” (-1), “Intersex / 3rd Option” (-1), “Equal Age of Consent” (0), “Conversion Therapy” (-1), “Religious Influence” (-1), “Anti-Gay Laws” (-1), “Homosexuality Illegal” (-1), “Pride Banned” (0), “Locals Hostile” (-2), “Prosecution” (-1), “murders” (-2) and “Death Sentences” (0).⁵⁶⁶

⁵⁶⁰ UN Human Rights Council, [Summary of Stakeholders’ submissions on Zimbabwe](#), 1 November 2021, para. 19

⁵⁶¹ ILGA World, Zhan Chiam, Sandra Duffy, Matilda González Gil, Lara Goodwin, and Nigel Timothy Mpemba Patel, [Trans Legal Mapping Report 2019: Recognition before the law](#) (Geneva: ILGA World, 2020), September 2020, p. 68

⁵⁶² Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity

⁵⁶³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity

⁵⁶⁴ Spartacus, [Gay Travel Index 2021](#), 31 March 2021, p. 1

⁵⁶⁵ Spartacus, [Gay Travel Index 2021](#), 31 March 2021, p. 1

⁵⁶⁶ Spartacus, [Gay Travel Index 2021](#), 31 March 2021, p. 5

In an article published by UNAIDS in May 2021, the organisation Gays and Lesbians of Zimbabwe (GALZ) noted: “GALZ maintains that the hatred and fear caused by the late president’s [Robert Mugabe] particular brand of homophobia, ‘is still being felt in Zimbabwe today.’ While being at GALZ makes him happy, as soon as Mr Manyati [a 60 year-old gay] ventures out beyond the gates of the premises, he must be guarded and vigilant. Beyond the insults, the threat of jail is real, as Zimbabwe punishes same-sex sexual relationships with up to 14 years imprisonment. Beyond jail, there is the everyday lived experience of discrimination, violence and hate crimes with which LGBTI people must contend”.⁵⁶⁷ Yet, GALZ reportedly told UNAIDS that “things are slowly getting better for LGBTI people in Zimbabwe” but that even with such “progress, the lingering stigma and discrimination that the LGBTI community faces in Zimbabwe has resulted in Mr Manyati and people of his generation leading an isolated life”.⁵⁶⁸

1. By the state

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reported on the enforcement of the law as follows: “Between 2010 and 2021 ILGA World has noted five examples of criminal enforcement and State-backed targeting of SOGIESC individuals and human rights defenders, a seemingly low number given the history of officials in Zimbabwe displaying notably antagonistic rhetoric and behaviour”.⁵⁶⁹ As to the overall trend and hope of change under President Mnangagwa, ILGA stated:

Some in local activist circles appear to have been hopeful that Emmerson Mnangagwa, who took over as President in 2017, would mean change for their communities, but while the hostile rhetoric from the Office of the President seems to have declined, the legal and social realities for people of diverse sexual orientations and gender identities and expressions in Zimbabwe remain largely unchanged.⁵⁷⁰

According to the same report, “Intimidation and violence against LGBT individuals and human rights defenders appears to be more common than formal prosecution [...] but the threat of criminal enforcement and social backlash ensures a climate of fear in the country, regardless”.⁵⁷¹

In March 2021 “It was reported [...] that a woman was assaulted by police when they could not find her husband. They were searching for the husband on the basis of allegations that he was gay”, reported ILGA.⁵⁷²

In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021: “The Zimbabwe authorities continue to violate the rights of lesbian, gay, bisexual and transgender (LGBT)

⁵⁶⁷ UNAIDS, [#NotYetUhuru: 60-year-old Patson Manyati reflects on being gay in Zimbabwe*](#), 17 May 2021

⁵⁶⁸ UNAIDS, [#NotYetUhuru: 60-year-old Patson Manyati reflects on being gay in Zimbabwe*](#), 17 May 2021

⁵⁶⁹ ILGA World, Kellyn Botha, [Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#) (Geneva: ILGA, December 2021), December 2021, p. 121

⁵⁷⁰ ILGA World, Kellyn Botha, [Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#) (Geneva: ILGA, December 2021), December 2021, p. 121

⁵⁷¹ ILGA World, Kellyn Botha, [Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#) (Geneva: ILGA, December 2021), December 2021, p. 122

⁵⁷² ILGA World, Kellyn Botha, [Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#) (Geneva: ILGA, December 2021), December 2021, p. 122

people that are guaranteed in the 2013 constitution and protected under international law. The harassment by state agents of LGBT people continues to drive many underground”.⁵⁷³

LBTQ women

In its joint submission to the UN Committee on the Elimination of Discrimination Against Women, Pakasipiti Zimbabwe, the Coalition of African Lesbians and the Sexual Rights Initiative reported:

Though the current legislative framework does not criminalize LBTQ women, women often find themselves arrested and detained by police for acts they label as ‘indecent’. These matters rarely reach the courts; they often end with these arbitrary arrests and unlawful detentions designed to act as a deterrent to ‘homosexuality’. The impacts of these violations are multiple and complex and include consequences such as physical, emotional, and mental trauma; lack of access to basic socio-economic rights such as food, shelter, work, education and health that goes beyond the access issues that the population in general are faced with; social exclusion and isolation.⁵⁷⁴

Transgender persons

In the ‘Trans Legal Mapping Report’ covering 2019, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) noted that “transgender and gender diverse people were arbitrarily searched, arrested and detained without being given any reasons at all”.⁵⁷⁵

The U.S. Department of State reported in its annual report covering 2021 that: “There is no legal option to change the gender designation on state identity cards, creating identification and travel difficulties. The mismatch between gender presentation and the designated gender can lead state officials, police, and potential employers to believe the individual is committing identity fraud, sometimes leading to criminal arrest”.⁵⁷⁶

2. By society, community and wider family

The U.S. Department of State reported in its annual report covering 2021 that⁵⁷⁷: “LGBTQI+ persons were vulnerable to blackmail because of the criminalization of and stigma against same-sex activity. LGBTQI+ advocacy organizations reported blackmail and being “outed” as two of the most common forms of repression of LGBTQI+ persons. It was common for blackmailers to threaten to reveal a victim’s sexual identity to police, the church, employers, or family if the victim refused to pay. NGOs reported hate crimes against LGBTQI+ persons. LGBTQI+ persons often left school at an early age

⁵⁷³ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

⁵⁷⁴ Pakasipiti Zimbabwe / Coalition of African Lesbians / Sexual Rights Initiative, [Submission to the UN Committee on the Elimination of Discrimination Against Women 75th Session \(10-28 February 2020\)](#), Undated [Last accessed: 19 September 2022], para. 2

⁵⁷⁵ ILGA World, Zhan Chiam, Sandra Duffy, Matilda González Gil, Lara Goodwin, and Nigel Timothy Mpemba Patel, [Trans Legal Mapping Report 2019: Recognition before the law](#) (Geneva: ILGA World, 2020), September 2020, p. 16

⁵⁷⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity

⁵⁷⁷ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity

due to discrimination. Higher education institutions reportedly threatened to expel students based on their sexual orientation”.⁵⁷⁸

Intersex persons

In its joint submission to the UN Committee on the Elimination of Discrimination Against Women, five Zimbabwean NGOs provided the following summary with regards to the experience of Intersex persons in Zimbabwe:

Intersex women and girls in Zimbabwe live hidden lives. There have been cases of infanticide, children being confined within the home, and children being abandoned and disowned. Many do not have identity documents or access to schooling, and therefore struggle to integrate into society and find employment. When they are open about being intersex, or if it is discovered or suspected that they are intersex, they suffer from discrimination and hate speech. As a solution to the issues faced by young intersex girls and women, at least two state hospitals offer ‘corrective’ genital surgery and medical treatments to intersex children. These treatments include non-emergency genital surgeries and medical procedures to adjust sex characteristics at an age that these young girls and women are unable to provide prior, free, and fully informed consent themselves.⁵⁷⁹

Transgender persons

The U.S. Department of State reported in its annual report covering 2021 that “Some parents treated their children’s identity as an intellectual disability and forced transgender youth into mental health institutions”.⁵⁸⁰

iii. Discrimination against people of diverse SOGI

As way of background information, the UN’s ‘Common Country Analysis’ described the situation of sexual minorities as follows:

LGBTI persons in Zimbabwe experience a climate of intimidation, stigma and discrimination, which may exclude them from society, affect their access to public services and job opportunities. Public attitudes towards LGBTI persons are generally intolerant, thus LGBTI persons generally do not openly express their sexuality or gender identity in their workplaces, or within their families. Criminalization of same sex relations creates a hostile environment for LGBTI people and has a hampering effect on national initiatives for the realisation of health-related development goals for the nation. This factor coupled with religious leaders’ rhetoric, which singles out and targets LGBTI communities specifically, further exacerbates this. In addition, criminalisation of same sex relations has a severe negative effect on the mental health of the LGBTI community, which often results in depression, anxiety, substance

⁵⁷⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity

⁵⁷⁹ Intersex Community of Zimbabwe (ICOZ) / Zimbabwe Intersex Movement (ZIM) / Intersex Advocate Trust in Zimbabwe (IAZ) / Rise Above, Women’s Organization (RAWO) / NNID Foundation, [NGO submission for the 75th session of the Committee on the Elimination of Discrimination Against Women, Country Review of the Republic of Zimbabwe](#), January 2020, Executive Summary, p. 1

⁵⁸⁰ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity

abuse and suicidal ideation. Laws and policies, which are not LGBTI inclusive, further alienate them from full and active citizenry.⁵⁸¹

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020: “It also notes with concern reports of hate speech, stigma and discrimination against lesbian, bisexual and transgender women and intersex persons in the fields of education, health, employment and justice”.⁵⁸²

Summarising the situation for LGBT people in 2021, Human Rights Watch noted in its annual report:

Restrictive legislation, section 73 of the Criminal Law (Codification and Reform) Act, 2004, which punishes consensual same-sex conduct between men with up to one year in prison or a fine or both, contributes to stigma and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.⁵⁸³

The U.S. Department of State reported in its annual report covering 2021 that: “LGBTQI+ organizations reported several arrests as well as severe mental health consequences because of criminalization, including depression, anxiety, substance abuse, and suicidal ideation. Leading NGOs noted harassment and discrimination against LGBTQI+ persons seeking employment, housing, and health services. Trans Smart, an active LGBTQI+ group, reported their members believed they were unsafe and unwelcome in churches due to deeply held religious and social stigmas in society”.⁵⁸⁴ The same source further noted: “LGBTQI+ persons also had higher rates of unemployment and homelessness”.⁵⁸⁵

1. By the state

Following former President Mugabe’s resignation, Candice Chikura-Mtwazi, a Human Trafficking & sexual Exploitation Training & Development worker and an associate lecturer in law at the University of Kent, noted in February 2018 that “his [former President Robert Mugabe] ouster is unlikely to change the lives of LGBT Zimbabweans, for two main and interlinked reasons. The first is that this group of people remains marginalised and excluded from health policies, particularly around testing and treatment of HIV. The second is that Zimbabwe’s law frames LGBT people as criminals or ‘would-be’ criminals – a constant threat to ‘normal’ (that is, heterosexual) people’s health”.⁵⁸⁶

A joint civil society report on LGBTI rights submitted to the UN Human Rights Committee in October 2020, including findings from focus group discussions with community members and civil society organisations, noted with regards to discrimination against LGBTI persons:

LGBTI persons in Zimbabwe experience a climate of intimidation, stigma and discrimination which may exclude them from society, public services and job opportunities. Numerous LGBTI persons have

⁵⁸¹ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. *Populations furthest behind in development progress*, 7.5 *Sexual Minorities and Sex Workers*, p. 52

⁵⁸² UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 45

⁵⁸³ Human Rights Watch, [World Report 2022, Events of 2021: Zimbabwe](#), 16 December 2021

⁵⁸⁴ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity*

⁵⁸⁵ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity*

⁵⁸⁶ Erasing 76 Crimes, [LGBT in Zimbabwe: A glimmer of hope](#), 21 February 2018

lost their jobs, been expelled from education or been evicted once their sexual orientation has been revealed. During the discussions held with members of the LGBTI community in preparation of this report in July 2020, stigma and discrimination were highlighted as major issues of concern. [...] The authorities are also reported to commonly harass LGBTI persons on the grounds of indecency and public order offences.⁵⁸⁷

The U.S. Department of State reported in its annual report covering 2021 that “LGBTQI+ persons [...] were also less likely to seek medical care for sexually transmitted diseases or other health problems due to fear that health-care providers would shun them or report them to authorities. Health care workers commonly discriminated and refused service to LGBTQI+ persons”.⁵⁸⁸

In March 2022 LGBTQ entrepreneurs called for “economic and structural injustices [...] to be addressed before the LGBTIQ+ community can be empowered”.⁵⁸⁹

LBTQ women

In its joint submission to the UN Committee on the Elimination of Discrimination Against Women, Pakasipiti Zimbabwe, the Coalition of African Lesbians and the Sexual Rights Initiative reported:

Due to the economic crisis in Zimbabwe access to basic health services has become a challenge and with the existence of stigma and discrimination for LBTQ persons in health service facilities, most of the community members shy away from trying to access the services and resort to other methods like self-medicating. LBTQ women need basic health services, recognition of their humanity, freedom to found a family, privacy among many other rights. But in reality, their rights, including access to health services, are denied on the basis of sexual orientation and gender identity. A lack of data and research around health issues affecting LBTQ women prevents them from accessing key and essential sexual, reproductive health services.⁵⁹⁰

Transgender persons

A joint civil society report on LGBTI rights submitted to the UN Human Rights Committee in October 2020, including findings from focus group discussions with community members and civil society organisations, highlighted with regards to transgender persons access to health care:

Transgender persons have fear when it comes to health access, the study has proven that 79.4% of Transgender people fear accessing health care services in government facilities and even private institutes. Access to health care services has been a major obstacle for LGBTI identifying persons in Zimbabwe due to unsensitised health care workers [...] The high level of stigma and discrimination in public health care facilities has seen health care workers publicly humiliating patients by sharing their health care issues with colleagues, for instance, during the focus group discussion, a participant raised the fact that a healthcare worker invited their colleague to come and witness a gay man with an anal lesion resulting from a sexually transmitted infection [...]

⁵⁸⁷ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. *Contribution to the List of Issues Before Reporting (LOIPR)*, p. 4

⁵⁸⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity*

⁵⁸⁹ Erasing 76 Crimes, [LGBTQ entrepreneurs in Zimbabwe call for more business support](#), 4 March 2022

⁵⁹⁰ Pakasipiti Zimbabwe / Coalition of African Lesbians / Sexual Rights Initiative, [Submission to the UN Committee on the Elimination of Discrimination Against Women 75th Session \(10-28 February 2020\)](#), Undated [Last accessed: 19 September 2022], para. 8

However, in other instances, healthcare workers have asked insensitive questions with regards to the identity documentation of the patient not matching with their looks of transgender individuals. Because the law is silent on transgender rights, there is no provision for trans people to change their gender marker on their birth certificates, leaving them open to accusations of having same-sex relationships. Such a hostile environment has resulted in members of the LGBTI to shun away from public health care facilities. This result in members of the LGBTI community not seeking medical care when required to do so.⁵⁹¹

The same report further reported:

The stigma and discrimination have also been exacerbated by the current governmental COVID 19 lockdown regulations which have seen the mounting of roadblocks on major roads to the CBD at which citizens are asked to produce their identity documents. In such incidents, transgender individuals have faced massive homophobic slurs and attacks when their identity documents do not match their physical looks. This information was captured on the National Focus Group discussion. Members of the Trans community highlighted this issue from their experiences.⁵⁹²

With regards to the issue of gender markers, the discussions with the focus group revealed:

The issue of Gender makers [sic] continues to be an issue for the transgender community. For as long as gender markers are disregarded, the transgender and intersex community continue to be sidelined and made to feel like they have no place in society, which contributes to the existing stigma and discrimination they already face. which explains the high level of stigma and discrimination faced. There is currently no legislation regarding gender identity and transgender people are not legally acknowledged.⁵⁹³

2. By society, community and wider family

A joint civil society report on LGBTI rights submitted to the UN Human Rights Committee in October 2020, including findings from focus group discussions with community members and civil society organisations noted with regards to discrimination against LGBTI persons:

LGBTI persons in Zimbabwe experience a climate of intimidation, stigma and discrimination which may exclude them from society, public services and job opportunities. Numerous LGBTI persons have lost their jobs, been expelled from education or been evicted once their sexual orientation has been revealed. During the discussions held with members of the LGBTI community in preparation of this report in July 2020, stigma and discrimination were highlighted as major issues of concern. Public attitudes towards LGBTI persons are generally intolerant, thus LGBTI persons generally do not openly express their sexuality or gender identity in their workplaces, or within their families.⁵⁹⁴

⁵⁹¹ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. Contribution to the List of Issues Before Reporting (LOIPR), p. 4

⁵⁹² Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. Contribution to the List of Issues Before Reporting (LOIPR), p. 5

⁵⁹³ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. Contribution to the List of Issues Before Reporting (LOIPR), p. 6

⁵⁹⁴ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, II. Contribution to the List of Issues Before Reporting (LOIPR), p. 4

A survey conducted by Afrobarometer amongst 1,200 participants between March and April 2022 found that 69.9% of individuals surveyed would “strongly dislike” having “homosexuals” as their neighbours, compared to 16.5% who “would not care”.⁵⁹⁵

Transgender persons

A joint civil society report on LGBTI rights submitted to the UN Human Rights Committee in October 2020, including findings from focus group discussions with community members and civil society organisations, highlighted with regards to transgender persons access to health care:

Transgender persons have fear when it comes to health access, the study has proven that 79.4% of Transgender people fear accessing health care services in government facilities and even private institutes. Access to health care services has been a major obstacle for LGBTI identifying persons in Zimbabwe due to unsensitised health care workers.⁵⁹⁶

Discussions with the focus group further revealed:

Trans and intersex individuals are currently lacking identity documentation aligned to their preferred gender, trans-diverse persons experience extreme discrimination at school, at church, and in other social settings at the hands of their peers who are ignorant of and uncomfortable with their gender identity . Transgender persons also face discrimination from family and church leaders. Many transgender persons have reported being sexually abused by family members. Trans diverse people are also disadvantaged when seeking work due to the societal stigma associated with being trans. A significant minority of the few that do manage to secure work, are likely to experience sexual harassment at work, this information was captured from the National Focus Group discussion in drafting this report.⁵⁹⁷

African Arguments reported in March 2020 that “In the absence of legal protections, transgender Zimbabweans are looking abroad or to risky alternatives for gender-affirming services [...] According to a 2019 report from Zimbabwe’s National AIDS Council, trans individuals are often denied gender-affirming interventions, such as hormones and surgeries, under the belief that these are ‘cosmetic, medically unnecessary or even the expression of a mental disorder.’ Where interventions are offered, the report goes on to say, ‘such services are prohibitively expensive and are often not covered under national or private health insurance schemes.’”⁵⁹⁸

Intersex persons

Tatenda Ngwaru, a Zimbabwean intersex and trans activist who sought asylum in the U.S., was reported as stating in November 2018 that intersex people “experience discrimination due to ignorance on intersex issues” and further noted on her own experience that “Growing up in Zimbabwe was really hard as an intersex child because in Zimbabwe it is called a taboo. Some people

⁵⁹⁵ Afrobarometer, [Summary of results, Afrobarometer Round 9 survey in Zimbabwe, 2022](#), 26 August 2022, *Freedoms*, p. 70

⁵⁹⁶ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, *II. Contribution to the List of Issues Before Reporting (LOIPR)*, p. 4

⁵⁹⁷ Trans* Research Education, Advocacy & Training (TREAT) [and 12 joining organisations, as well as 3 supporting organisations], [Zimbabwe, Civil Society Report on LGBTI Rights](#), October 2020, *II. Contribution to the List of Issues Before Reporting (LOIPR)*, p. 6

⁵⁹⁸ African Arguments, [Trans Zimbabweans turn to black market for health care](#), 25 March 2022

are even ignorant enough to say you are the one that caused us not to have rain because you are an abomination to the culture”.⁵⁹⁹

iv. Treatment of LGBTQI+ organisations by the government

As way of background, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on his visit to Zimbabwe in September 2019 provided the following overview regarding the right to freedom of association for LGBTQI+ organisations:

Despite a restrictive operating environment that poses severe constraints on the exercise of freedom of association, civil society actors remain active and find creative ways to carry on their activities. The Special Rapporteur particularly notes that disruptive actions by the Government take place typically during periods of increased political activity and when there is greater demand for humanitarian services [...]

In this regard, the Special Rapporteur is aware that interference may take the form of repeated requests for information or threats to suspend activities when the authorities believe that organizations are operating outside the terms of their registered mandates or they are following different operational guidelines [...]

The Special Rapporteur has noted patterns, which were confirmed during his visit, in relation to the targeting and harassment of certain organizations, which seem to be continuing under the new administration. For example, organizations with dissenting political views, those working on human rights [...] or on sensitive issues, such as advocacy on issues affecting lesbian, gay, bisexual and transgender persons, or promotion of women’s rights, have had their offices raided by the police and, in certain cases, as a form of intimidation, received requests to show proof of registration or provide details of their board members and activities. In addition, the Special Rapporteur is aware of high levels of harassment, surveillance and threats against their leaders, resulting in considerable levels of pressure that, under certain circumstances, have forced them to flee the country.⁶⁰⁰

In an article published by UNAIDS in May 2021, the organisation Gays and Lesbians of Zimbabwe (GALZ) noted: “In 2017, GALZ was included as an official participant in the funding proposal developed for the Global Fund to Fight AIDS, Tuberculosis and Malaria. This helped to secure US\$ 2 million for programmes that serve gay men and other men who have sex with men, the largest investment ever in an HIV and sexual and reproductive health response for the community. The funding resulted in the three GALZ drop-in centres. The National AIDS Council (NAC) of Zimbabwe has a key populations forum, supported by UNAIDS, and of which GALZ is a member. The NAC is visibly working to improve the health and well-being of key populations even while their activities remain criminalized”.⁶⁰¹

v. Political participation

Freedom House in its report covering 2021 reported that “LGBT+ advocacy groups exist, but severe discrimination limits their ability to advance their interests in the political sphere”.⁶⁰²

The U.S. Department of State reported in its annual report covering 2021 that “Transgender individuals continued to face challenges when seeking government services [...] transgender persons

⁵⁹⁹ Erasing 76 Crimes, *Being intersex is normal, says Zimbabwean activist*, 6 November 2018

⁶⁰⁰ UN Human Rights Council, *Visit to Zimbabwe, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, 22 May 2020, B. *Good practices and challenges*, 1. *Civil society actors*, paras. 95-97

⁶⁰¹ UNAIDS, *#NotYetUhuru: 60-year-old Patson Manyati reflects on being gay in Zimbabwe**, 17 May 2021

⁶⁰² Freedom House, *Freedom in the World 2022: Zimbabwe*, 28 February 2022, B. *Political Pluralism and Participation*

often encountered difficulties when registering to vote because of changes in their appearance, disenfranchising them from the political process”.⁶⁰³

n. Treatment of Ethnic Minorities

The U.S. Department of State reported in its annual human rights report covering 2021 that⁶⁰⁴:

The constitution includes progressive and strong language to protect members of racial and ethnic minorities from violence and discrimination. Implementation, however, was less strong, with some serious gaps in access to personal identity documents for certain ethnic minority groups, and consequent impacts on access to services and statelessness. In practice discrimination based on race and tribe continued to exist.⁶⁰⁵

With regards to anti-discrimination legislation, the UN Committee on the Elimination of Racial Discrimination noted in its concluding observations published on 16 September 2022:

The Committee is concerned that the anti-discrimination legislation in the State party does not encompass indirect discrimination and does not establish liability for acts of racial discrimination in all areas of public life. The Committee is also concerned that the definitions of racial discrimination in the Constitution and the Prevention of Discrimination Act do not contain the grounds of descent in line with article 1 of the Convention (arts. 1–2).⁶⁰⁶

With regards to racist hate crimes and hate speech the Committee raised its concern as follows:

The Committee is concerned that section 42 (2) of the Criminal Law (Codification and Reform) Act places conditions on the prohibition of racist statements, namely, that the offender should have intended to cause offence, or realized that there was a real risk or possibility of doing so, and that the impugned offences should also have been committed publicly. Recalling its previous concluding observations, [...]

the Committee is concerned that section 6 (1) of the Prevention of Discrimination Act also places a condition on the prohibition of racist statements and thereby weakens the text. The Committee is also concerned that racist motives do not constitute an aggravating circumstance for criminal acts (art. 4).⁶⁰⁷

1. Persons of Ndebele minority

The UN Committee on the Elimination of Racial Discrimination stated in its concluding observations published on 16 September 2022:

The Committee is concerned by reports that the lack of representation of Ndebelespeakers in positions of power in the government has contributed to decades of marginalization with respect to

⁶⁰³ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity*

⁶⁰⁴ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 6., *Systemic Racial Or Ethnic Violence And Discrimination*

⁶⁰⁵ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *Systemic Racial Or Ethnic Violence And Discrimination*

⁶⁰⁶ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 7

⁶⁰⁷ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 13

social and economic development assistance in regions traditionally associated with Ndebele-speakers (art. 5).⁶⁰⁸

a. Tension between Shona and Ndebele groups

The U.S. Department of State reported in its annual human rights report covering 2021 that:

According to government statistics, the Shona ethnic group made up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic and racial groups 3 percent. Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government. During the year senior political leaders refrained from attacking each other along ethnic lines. Observers expressed concern over Mnangagwa's perceived favoritism towards his own Shona subclan, the Karanga, in senior government appointments, saying the appointments came at the expense of other Shona subgroups and the Ndebele.⁶⁰⁹

2. Other ethnic minorities

As way of background information, the UN's 'Common Country Analysis' stated with regards to indigenous people:

The Doma people in the north-central region, and the Tshwa (also known as the San), in the western part of the country are examples of marginalised indigenous groups, consistently associated with more significant deprivation. In Zimbabwe, the population of the San is around 2,500 [...]

The existence of many San is precarious, as San households face chronic poverty and perennial hunger. Although the Government recognises their exclusion, it does not consider them indigenous peoples as all Zimbabwean tribes are seen as indigenous peoples and thus, the San are neither recognised in the Constitution nor reflected in the Zimbabwe census [...]

The Doma people have remained largely unintegrated and out of the socio-economic system, in their enclave despite Government efforts since independence. With their nomadic lifestyle curtailed by settlements around them including the development of national parks, the Doma rely on handouts and subsistence farming on the Zambezi floodplains where their crops are threatened by wildlife.

Indigenous groups like the San and Doma are invisible in national data and statistics, making it harder to understand their socio-demographic profiles. The majority are impoverished with limited access to essential services [...]

The majority of indigenous groups live on communal land and, therefore, do not have legal rights to the land they occupy. The lack of recognition of their collective rights increasingly create a fertile ground for disenfranchisement, loss of territories and natural resources resulting in complex forms of poverty, deprivation, conflict, including violent extremism. The survival of their way of life depends on access and rights to their traditional lands and the natural resources.⁶¹⁰

The UN Committee on the Elimination of Racial Discrimination stated in its 'List of themes in relation to the combined fifth to eleventh reports of Zimbabwe' published in June 2022, that the government of Zimbabwe should provide "information on measures to address discrimination of members of the Doma and Tshwa San tribes; and information on reports of harassment of the white minority living in the country".⁶¹¹

⁶⁰⁸ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 21

⁶⁰⁹ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., Systemic Racial Or Ethnic Violence And Discrimination

⁶¹⁰ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.1 Indigenous People, p. 49

⁶¹¹ UN Committee on the Elimination of Racial Discrimination, [List of themes in relation to the combined fifth to eleventh reports of Zimbabwe](#), 23 June 2022, para. 14

The same Committee raised its concern in its concluding observations published in September 2022:

While welcoming the information that over 360,000 Zimbabwean families have benefitted from the land reform programme carried out in the State party, the Committee is concerned that, due to the lack of statistical data, disaggregated by race and ethnolinguistic group, it remains difficult to assess whether the programme has been carried out in a nondiscriminatory and fair manner. The Committee is also concerned by the possible disadvantages faced by indigenous and “coloured” (“mixed race”) persons with regard to land distribution (art. 5).⁶¹²

With regards to indigenous peoples, the Committee found:

While noting the assistance provided to minority groups by the State party, the Committee is concerned by reports that indigenous communities are nonetheless affected by high levels of poverty and a lack of access to social services. The Committee is also concerned by reports that the livelihoods of indigenous peoples and the traditional lifestyle of their communities are under threat due to hunting bans and seizures of lands traditionally used by them. The Committee is further concerned by the lack of information on measures to preserve indigenous languages that are at risk of extinction and by discriminatory stereotypes that exist of certain indigenous communities. The Committee regrets that, despite the State party’s formal endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, it has not yet recognized the status and the rights of indigenous peoples on its territory and is not a party to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO) (art. 5).⁶¹³

The San community

Minority Rights International highlighted in its ‘Minority and Indigenous Trends 2022’ report the situation and treatment of the San community in Zimbabwe and provided firstly the following background information:

While the San peoples in Botswana, Namibia and South Africa have been able to organize and make their voices heard, the situation facing the small San community in Zimbabwe is less publicized. Estimated at around 2,500, the majority are located in Tsholotsho district in Matabeleland North and smaller numbers in Bulilima district in Matabeleland South. The San were moved to their current location in Tsholotsho, away from the Hwange National Park, during the colonial era [...]

With no assets or wealth-derived social power, the San are easily dominated by their Kalanga and Ndebele neighbours, who exploit them as cheap labour. The challenges are especially acute for San women, who typically work in the fields planting, weeding and harvesting the crops of the dominant Ndebele and Kalanga tribes in exchange for food items such as maize, sorghum and millet. They are rarely paid in cash.⁶¹⁴

According to the same report:

To date, the San community remain amongst the poorest and most marginalized people in Zimbabwe, deprived of basic social, cultural and political rights and fundamental freedoms, including rights to their lands, territories and natural resources. Poverty levels among San have also been aggravated by

⁶¹² UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 23

⁶¹³ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 25

⁶¹⁴ Minority Rights International, [Minority and Indigenous Trends 2022, Focus on work](#), 15 June 2022, *Zimbabwe: The disconnection of the San community from the modern economy* (Keith Phiri), p. 204

prejudice and negative stereotypes on the part of larger dominant ethnic groups like the Ndebele and the Kalanga [...]

This discrimination, built on socially constructed perceptions of the San's inferior status by neighbouring ethnic communities, leads to them being denied socio-economic opportunities and so entrenches the community's state of destitution. Their plight was exacerbated in the wake of Covid-19,

when many San contracted the virus through interacting with other communities in search of food, particularly during the harvesting of mopane worms — an important source of protein among the poor.

Some became seriously sick and even died as a result. When cases escalated, the dominant Ndebele and Kalanga tribes refused to take them in as labourers on their fields. Consequently, many were pushed into food insecurity and struggled to access adequate health care.⁶¹⁵

o. Economic, Social and Cultural Rights

i. Access to a livelihood

The World Bank reported in June 2021 that “In 2020, the pandemic and its impacts disrupted livelihoods, especially in urban areas, and added 1.3 million Zimbabweans to the extreme poor. Estimates suggest the number of extreme poor reached 7.9 million—almost 49 percent of the population. Surveys conducted in 2020 indicate that nearly 500,000 Zimbabwean households have at least one member who lost her or his job, causing many households to fall into poverty and worsening the plight of the existing poor [...] Wage earners in urban areas were also disproportionately affected by the pandemic, as their pay was cut, or no pay was received at all. Rural households who rely less on wage employment and depend on farm business were less impacted”.⁶¹⁶

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

As a result of the designation of government cabinet members and entities owned or controlled by foreign banks and companies, as well as other senior government members or persons considered “politically exposed”, such banks and companies are unwilling to engage with the public sector as a whole. The lack of competitive public sector salaries has led to high unemployment and the loss of qualified personnel – including medical doctors and health professionals, engineers, teachers, judges, and members of the police and security forces – with vacancy rates reported at 30 to 50 per cent. Additionally, this has made it challenging for government authorities to rely on resources to develop, maintain and rehabilitate infrastructure, and to buy equipment, spare parts, reagents and other technology across all public sectors. Both the public and private sectors have had to rely on the use of mediating companies and banks, resulting in higher costs of goods and transactions, lower levels of accountability and transparency, and an increased risk of corruption and money laundering.⁶¹⁷

According to a household survey conducted in July 2020, September 2020 and March 2021, “Almost half the population was in extreme poverty in 2020 due to the combined effects of increases in the

⁶¹⁵ Minority Rights International, [Minority and Indigenous Trends 2022, Focus on work](#), 15 June 2022, *Zimbabwe: The disconnection of the San community from the modern economy* (Keith Phiri), p. 205 and 206

⁶¹⁶ The World Bank, [Zimbabwe Economic Update, Overcoming Economic Challenges, Natural Disasters, and the Pandemic: Social and Economic Impacts](#), June 2021, p. ix

⁶¹⁷ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, *H. Employment*, para. 46

price of basic necessities, economic contraction caused by the COVID-19 pandemic, and poor harvests”.⁶¹⁸

The UN Population Fund (UNFPA) noted in its ‘Country programme document for Zimbabwe’ of July 2021:

Zimbabwe’s economic growth has seen a mixed performance over the past four decades, with its strongest performance recorded in the first two decades after independence (1980- 1999). Between 2000 and 2008, the economy sustained a cumulative decline of nearly 50 per cent, with a high level of inflation peaking at 231 per cent in July 2008, before recovering again (2009-2012). Zimbabwe’s real gross domestic product (GDP) was estimated to have shrunk by 6 per cent in 2019 and to further contract by 4 per cent in 2020 due to GDP the continued impact of climate shocks, including cyclone Idai and recurrent droughts, and the disruptive effects of the COVID-19 pandemic. The Government projects the economy to grow in 2021 by 7.4 per cent, thanks to comparatively successful containment of the COVID-19 pandemic, a bountiful harvest of crops, and the deepening commodity value chains. It projects at least 5 per cent annual real GDP growth through 2025. However, the economic and business environment remains depressed and fragile, which has also led to a decline in social indicators. The COVID-19 pandemic has disrupted livelihoods, especially in urban areas, increasing the number of the extreme poor by 1.3 million. The extreme poor are now estimated at 7.9 million, almost 49 per cent of the population. A 2020 survey showed that employment levels in urban areas dropped by at least 18 per cent due to business closures caused by the pandemic. The Common Country Analysis (CCA) shows that the COVID-19 pandemic has exacerbated social assistance needs, as Zimbabwean citizens returning from neighbouring countries often returned without savings or assets and required transitory social protection support as they settled and recovered from the shock.⁶¹⁹

Similarly, according to the World Food Programme (WFP), in 2021 “80 percent of Zimbabwe’s urban population lives hand-to-mouth working multiple jobs in the informal sector. During the COVID-19 pandemic millions were unable to provide for themselves and their families”.⁶²⁰

A policy brief published in November 2020 by the Women and Law in Southern Africa (WLSA) and the Legal Resources Foundation (LRF) with support from UNDP on access to justice for victims of SGBV, harmful practices and violations of sexual and reproductive and health rights in the context of the COVID 19 pandemic, explained the following general challenges during the height of the COVID-19 pandemic in relation to accessing employment:

The pandemic also affected the economy and people lost their jobs as a result of company closures. Most of those who were self-employed in the informal sector had their businesses closed to curb the spread of the virus while others were forced to go on unpaid leave. Women who constitute the majority of vendors just found themselves without a source of income.⁶²¹

ii. Right to housing

⁶¹⁸ Zimbabwe National Statistics Agency, Zimref, Unicef, World Bank Group, [Monitoring COVID-19 Impact on Households in Zimbabwe](#), 30 June 2021, p. 1

⁶¹⁹ United Nations Population Fund (UNFPA), [Country programme document for Zimbabwe](#), 2 July 2021, para. 2

⁶²⁰ World Food Programme (WFP), [World Food Programme / Zimbabwe, Highlights – 2021 Annual Country Report](#), 26 April 2022, p. 4

⁶²¹ Women and Law in Southern Africa (WLSA) & Legal Resources Foundation (LRF), [Policy brief on COVID-19 and the Justice System’s Responses in Emergency Situations in Zimbabwe \(November 2020\)](#), 26 March 2021, 2.0 The Problem Statements, p. 5

As way of background information, the UN's 'Common Country Analysis' summarised the housing situation in Zimbabwe as follows:

Post independent Zimbabwe has experienced an influx of people migrating from the rural to urban areas to improve their livelihoods, thereby putting significant pressure not only on the existing services and infrastructure, but also on housing. The Fast-Track Land Reform Programme (FTLRP) added to this pressure as it resulted in thousands of farm workers migrating to the urban areas, eventually settling in informal settlements of the urban areas [...] To keep pace with the growing need for housing in the urban areas particularly among the urban poor, Government employed a variety of instruments to encourage alternative housing supply. This was however, done without revising some of the applicable municipal by-laws thereby creating confusion and conflict, which was further complicated by the persistent economic challenges facing the country and poverty growth and corruption [...] Consequently, informal settlements have been developed on wetlands or land reserved for other purposes such as clinics, schools, cemeteries and roads and very often are not serviced with the requisite infrastructure and services (such as connection to water supply and sewage systems). This development has severe implications for public health and safety as well as the environment.

Central Government and local authorities in urban and peri-urban areas have engaged in evictions and demolition exercises targeted at 'illegal' informal housing settlements and business structures that were built in violation of planning and environmental bylaws. While there may be justification for such action by authorities, the manner in which the evictions and demolitions are often conducted results in possible violation of a wide range of human rights beyond the right to housing and property to the right to human dignity, personal security, health, education, privacy etc.⁶²²

Moreover, in March 2020 Amnesty International highlighted that a year following Cyclone Idai ["Cyclone Idai hit Malawi, Zimbabwe and Mozambique between 14 and 16 March 2019. The cyclone, which was one of the southern hemisphere's worst ever natural disasters, killed more than 1,000 people and left 3 million more without food, water, shelter and critical infrastructure"⁶²³] "many affected people are still living in makeshift tents in camps set up by the UN Refugee Agency" in Zimbabwe, the "second hardest hit country" of the region.⁶²⁴

Summarising the situation in 2021, Human Rights Watch noted in its annual report:

On February 26, 2021, the local government, urban and rural development minister, July Moyo, published a legal notice ordering thousands of people to either acquire fresh rights of use or occupation or immediately vacate approximately 12,940 hectares of Chilonga communal land in Chiredzi, southeastern Zimbabwe. The legal notice, Statutory Instrument 50 of 2021, which the government later repealed and replaced, said the land was being set aside for lucerne grass production—farming grass for stockfeed. Chilonga community members went to court, which ordered the arbitrary evictions to be stopped until the government provides alternative land, compensation, and shelter.

Other Indigenous communities also faced evictions to make way for mining and commercial farming projects in 2021. This included the Dinde community in Hwange as well as communities in Mutoko, Chipinge and Chivhu. Hundreds of Dinde villagers are fighting against threats of eviction from their ancestral land to pave way for a planned coal-mining project by a Chinese company. In Mutoko, hundreds of villagers have been living in fear of imminent eviction from their ancestral land to make way for granite rock mining operations by another Chinese company. In Chivhu, hundreds of villager's

⁶²² United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 2. People, 2.8 Housing, p. 15 and 16

⁶²³ Amnesty International, [One year after Cyclone Idai, tens of thousands of people still homeless](#), 13 March 2020

⁶²⁴ Amnesty International, [One year after Cyclone Idai, tens of thousands of people still homeless](#), 13 March 2020

face eviction from their ancestral land to pave way for a 12,000-hectare iron and steel mining project by a third Chinese company.⁶²⁵

Amnesty International, in its annual human rights report covering 2021 - February 2022, similarly reported that “Thousands were made homeless as a result of the authorities’ demolitions of homes built on what the government termed ‘illegal settlements’. In rural areas many communities were threatened with forced eviction or evicted for resisting ‘economic investment’ initiatives”.⁶²⁶ Specifically Amnesty International reported on the situation in Manicaland and Masvingo provinces respectively:

thousands of villagers were driven off their land in Chisumbanje in Manicaland province and their crops destroyed to make way for a fuel company to expand its sugar cane plantation.

In March [2021, the government published Statutory Instrument 72A of 2021, withdrawing its plans for the imminent evictions of 12,000 residents from their land in Chilonga [Chiredzi district – Masvingo province] to make way for a company to produce lucerne grass (alfalfa). It was introduced one day before the High Court was due to hear the community’s challenge to the evictions. The government submitted opposing papers to the court acknowledging it had not properly consulted with the community and that it would not carry out evictions until it had found ways to compensate them and provide them with alternative land.⁶²⁷

iii. Public healthcare

As way of background information, Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “In September [2020], the UN Office for the Coordination of Humanitarian

Affairs reported a decrease in access to essential health care facilities as a consequence of COVID-19 infection among health workers and a lack of PPE, among other things. Calls from front-line health workers for adequate PPE and essential drugs went unheeded, and in April [2021] the Zimbabwe Association of Doctors for Human Rights took a case to the High Court which ordered the government to, among other things, provide PPE to front-line health workers”.⁶²⁸

In its annual human rights report covering 2021 - February 2022, the same source reported: “the authorities implemented a home-based care policy arguing that the majority of people with Covid-19 did not require hospitalization. Consequently, public hospitals turned away people with Covid-19 symptoms and treatment was increasingly privatized. Private hospitals charged between US\$2,000 and US\$5,000 for necessary care, an average of US\$3,500 for each admission, far above the average monthly income of US\$130-US\$300. By August, 78 health workers had died after contracting Covid-19. In September, the government instituted a “Jobs for Jobs” policy. A month later, it issued a circular

barring unvaccinated government workers from reporting to their place of work. They could face disciplinary action and no pay if they flouted the directive”.⁶²⁹

⁶²⁵ Human Rights Watch, [World Report 2022, Events of 2021: Zimbabwe](#), 16 December 2021, *Forced Evictions*

⁶²⁶ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Right to Housing*, p. 414

⁶²⁷ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Right to Housing*, p. 414/415

⁶²⁸ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Right to Health*, p. 4067

⁶²⁹ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Right to Health*, p. 415

UNICEF stated in its 'Annual Report 2021' that "Health service coverage, particularly in remote and urban poor areas, remains low due to weak and underfunded health systems, insufficient human resources and weak governance".⁶³⁰ As part of its submission to the Universal Periodic Review, the Southern Africa Litigation Centre (SALC) reported in July 2021 that "There are also deep-rooted issues with the country's health care system. The main state hospitals, like Harare Central Hospital, face challenges of medicine shortages, inadequate or obsolete equipment, poor infrastructure and critical shortages of nursing staff. The COVID-19 pandemic has overwhelmed the already collapsing healthcare system. Hospitals are past capacity with COVID-19 patients and are suffering from shortages of personal protective equipment, oxygen and ventilators".⁶³¹

Similarly, following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

In general, the provision of primary health care is delegated to municipal councils through polyclinics and rural health centres, which focus on maternal, neonatal and child health. Prior to sanctions, these facilities were, to some extent, supplied with medicines, ambulances and qualified personnel. In the 1990s, it was estimated that 85 per cent of the population had access to health care [...]

The structural economic and social challenges inherited from the late 1990s were aggravated by unilateral sanctions and the isolation of the country, especially during the first decade under sanctions, exacerbated by the consequences of overcompliance. As a result, the public health system collapsed [...]

Vacancy rates in the health sector were consistently high throughout the period under sanctions, reaching 69 per cent for doctors; 61 per cent for environmental health technicians; over 80 per cent for midwives; 62 per cent for nursing tutors; over 63 per cent for medical school teachers; and over 50 per cent for other health personnel, including pharmacy, radiology and laboratory services [...] Recent data on vacancy rates indicate figures as high as 89 per cent for midwives, 64 per cent for government medical officers and 49 per cent for nursing tutors. Most provinces have less than 10 health professionals per 10,000 people [...]

Official data evidenced a steady decline in the country's main health indicators combined with periods of stagnation. Demographic health surveys showed trends in child morbidity and mortality rates generally declining since 1995, especially with regard to infants and children under 5 years of age [...].⁶³²

The International Rehabilitation Council for Torture Victims (IRCT) specifically highlighted in July 2021:

The situation of political repression occurs in the backdrop of COVID-19, which has tipped the country's health system into crisis. People are being denied health care due to hospitals being ill-equipped. Medical staff, including senior doctors went on strike due to dire compensation and inadequate protective equipment.⁶³³

⁶³⁰ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 4

⁶³¹ Southern Africa Litigation Centre (SALC), [Zimbabwe's 3rd Universal Periodic Review, 40th Session \(October-November 2021\), Submission by: Southern Africa Litigation Centre](#), 15 July 2021, p. 3/4

⁶³² UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, E. Access to health, paras. 31 - 33

⁶³³ International Rehabilitation Council for Torture Victims (IRCT), [Zimbabwe: IRCT gravely concerned by government attacks on human rights defenders](#), 13 August 2020

Similarly, the World Bank reported in June 2021 that “supply-side challenges facing the health system—following a prolonged period of doctor strikes, reduced working hours for nurses, and limited and slow access to personal protective equipment—initially contributed to a decline in the coverage and quality of essential health services. The number of institutional maternal deaths increased by 29 percent in 2020 compared to 2018 , while deliveries at home increased by 30 percent. Decreases in the frequency and timing of antenatal care visits may have also caused further deterioration in maternal and infant mortality indicators. These results will only become evident over time”.⁶³⁴

In June 2022 Bloomberg reported that “Nurses at Zimbabwe’s state-run hospitals started a strike for higher pay and improved working conditions”, as well as complaining about “lack of medication to treat patients at the country’s hospitals”.⁶³⁵

Women’s health

As way of background information, Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “Between March and June [2020], a total of 106 maternal deaths were recorded, largely as a result of movement restrictions which prevented many pregnant women from accessing services. In July, a woman from Chitungwiza was forced to pay a bribe to get through a police roadblock to reach hospital when she was in labour”.⁶³⁶

The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in March 2020:

The Committee welcomes the reduction of the maternal mortality ratio from 651 per 100,000 live births in 2015 to 462 per 100,000 live births in 2019 in the State party, as announced during the dialogue. It nevertheless notes with concern:

- (a) The increasing costs of health care beyond what citizens can afford and the fact that 90 per cent of the population has no access to medical care; the shortage of drugs in public hospitals and supplies in maternity clinics and the reliance on the purchasing by patients of their own drugs and supplies; the shortage of trained health professionals in public hospitals and of midwives; and the persistently high maternal mortality rate;
- (b) The high prevalence of HIV in the State party, which is the third highest in southern Africa and disproportionately affects women and girls;
- (c) The limited access for women and girls to information on sexual and reproductive health and rights;
- (d) The criminalization of abortion, except in cases of rape, incest, threats to the life of the pregnant woman or permanent impairment of the physical health of the pregnant woman, or in cases of severe fetal impairment under the Termination of Pregnancy Act, and the limited access for women to safe abortion services.⁶³⁷

In its annual human rights report covering 2021 - February 2022, Amnesty International reported: “Pregnant women and girls remained at risk of life-changing childbirth-related injuries, including obstetric fistula, as many avoided public healthcare facilities in favour of home deliveries, due to

⁶³⁴ The World Bank, [Zimbabwe Economic Update, Overcoming Economic Challenges, Natural Disasters, and the Pandemic: Social and Economic Impacts](#), June 2021, p. x

⁶³⁵ Bloomberg, [Nurses at Zimbabwe’s Government Hospitals Start Strike Over Pay](#), 20 June 2022

⁶³⁶ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe, Right to Health*, p. 406

⁶³⁷ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the sixth periodic report of Zimbabwe](#), 10 March 2020, para. 39

inadequate health infrastructure, cultural practices and high hospital costs”.⁶³⁸ Amnesty International’s report focusing on obstetric fistula in Zimbabwe, published in May 2021 found:

Amidst an ever-worsening economic situation in Zimbabwe, as well as the country’s consistently low healthcare budget allocation, Amnesty International found that the government of Zimbabwe has failed to assign sufficient resources to the health sector, and despite declaring a policy of free maternal services, has not funded or operationalised relevant initiatives. The lack of ambulances and high fuel prices, further compounds delays that women and girls experience reaching and receiving care at health facilities. The situation is urgent as the country weathers the impact of the COVID-19 crisis and barriers to maternal health services are increasing.

Amnesty International also found that various economic and cultural challenges undermined women’s agency to make decisions on where to give birth. A preference for home births was influenced by traditional practices and/or the costs associated with giving birth in health facilities, limiting women’s access to quality intra-partum care. However, in some cases, home births were found to expose pregnant women and girls to dangerous health complications and violence. This report documents serious abuse that may amount to torture and ill-treatment of women and girls committed by private individuals, during labour at home. Women and girls were left with life changing injuries and often hospitalised for weeks or months and faced astronomical bills as a result. [...]

The report further indicates that the lack of information about the causes and treatment of obstetric fistula increased women’s risk of discrimination and abuse within their families and communities. Most women had lived for years with obstetric fistula, or undiagnosed conditions of incontinence related to childbirth, with many thinking they were the only person with the condition. The fear of stigma and discrimination because of their health status led most women to try and keep their condition hidden and they all faced isolation and enormous barriers to health information and treatment for obstetric fistula.⁶³⁹

Mental health

African Arguments reported on the challenges facing access to mental health services: “The WHO estimates that in 2020, there were 18 psychiatrists — 94% of whom worked in Harare — six psychologists and 917 psychiatric nurses serving a country with a population of 15 million at the time”.⁶⁴⁰

1. Access to HIV treatment and services

Figures

UNICEF stated in its ‘Annual Report 2021’ that “Adult HIV prevalence is at 12.9 per cent; adolescent and young people (15-24 years) account for one third of all new infections, and further, adolescent girls and young women are thrice as likely to contract HIV than males”.⁶⁴¹

⁶³⁸ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Women’s and Girls’ Rights*, p. 415

⁶³⁹ Amnesty International, [“I never thought I could get healed from this”, Barriers to treatment and human rights abuses against women and girls with obstetric fistula in Zimbabwe](#), 20 May 2021, 1. Executive Summary, p. 8

⁶⁴⁰ African Arguments, [Zimbabwe struggles to provide mental health support amid rising demand](#), 17 August 2022

⁶⁴¹ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 5

UNAIDS reported in March 2022: “Zimbabwe has made great progress in the response to HIV over the past decade. It is estimated that 1.2 million of the 1.3 million people living with HIV in the country are now on life-saving medicines. AIDS-related deaths have decreased by 63% since 2010, with new HIV infections down by 66% over the same period”.⁶⁴²

Already in April 2021, The Herald reported, based on the National Aids Council (NAC) that “Zimbabwe has achieved the 90 – 90 – 90 target [“a concept introduced by the UN programme on HIV/AIDS in 2013 as an idea that by 2020, 90 percent of people who are HIV infected will be diagnosed, 90 percent of people who are diagnosed will be on antiretroviral treatment and 90 percent of those who receive antiretrovirals will be virally suppressed”] on HIV prevention and is now working on the 95 – 95 – 95 target for 2025, while the mortality significantly declined by almost 72 percent in the 10 years between 2010 and 2020”.⁶⁴³

Criminalisation of HIV transmission

UNAIDS congratulated Zimbabwe’s parliament in March 2022 “for repealing section 79 of the Criminal Law Code, which criminalizes HIV transmission” as the previous Criminal Law Code’s criminalisation of HIV transmission was “ineffective, discriminatory and undermines efforts to reduce new HIV infections”.⁶⁴⁴

HIV-related stigma

UNICEF stated in its ‘Annual Report 2021’ that “Stigma and health workers’ negative attitude towards adolescents accessing HIV and sexual and reproductive health services persist. Adolescents have limited access to youth-friendly health services, nor can they meaningfully participate in decision-making”.⁶⁴⁵

Nyasha Bhobo, a freelance reporter in Zimbabwe, and an independent HIV data privacy advocate, reported in February 2021 on the practice of “underpaid nurses or hospital clinicians [...] leaking patients’ names to their WhatsApp groups, pub-drinking friends, or church friends” either for “mischief” or for a “small tip”.⁶⁴⁶ The same source further highlighted that such data “is often resold to scandalous online and print tabloids or groups on Facebook or WhatsApp. There are often consequences for victims of such data violation. Such improperly disclosed HIV privacy data can be used to blemish victims and undermine them in political contests or employment competitions”.⁶⁴⁷

The U.S. Department of State reported in its annual report covering 2021 that: “societal discrimination against persons with HIV remained a problem. Local NGOs reported persons affected by HIV faced discrimination in employment, health services, and education. Although there was an

⁶⁴² UNAIDS, [UNAIDS welcomes parliament’s decision to repeal the law that criminalizes HIV transmission in Zimbabwe](#), 18 March 2022

⁶⁴³ The Herald, [Zim achieves HIV prevention target](#), 5 April 2021

⁶⁴⁴ UNAIDS, [UNAIDS welcomes parliament’s decision to repeal the law that criminalizes HIV transmission in Zimbabwe](#), 18 March 2022

⁶⁴⁵ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 5

⁶⁴⁶ Bhobo, N., [Some Zimbabwean Health Care Workers Are Violating the Privacy of People with HIV](#), 24 February 2021

⁶⁴⁷ Bhobo, N., [Some Zimbabwean Health Care Workers Are Violating the Privacy of People with HIV](#), 24 February 2021

active information campaign to destigmatize HIV – organized by international and local NGOs, the Ministry of Health, and the National AIDS Council – ostracism and discrimination continued”.⁶⁴⁸

Be in the KNOW, a “digital brand offering trusted, evidence-based content on sex and sexual health” noted in March 2022 that “HIV-related stigma remains an issue in Zimbabwe, as one in five people are estimated to hold discriminatory attitudes towards people with HIV”.⁶⁴⁹

VI. Humanitarian Situation (with focus on 2022)

As way of background, Amnesty International, in its annual human rights report covering 2020 - March 2021, stated “The pandemic exacerbated the economic crisis and the authorities were unable to provide social security to vulnerable people. According to the UN, 7 million people were in need of humanitarian assistance and 4.3million people were severely food insecure”.⁶⁵⁰ Covering the year 2021, the same organisation reported: “The cost of living increased and the government failed to meet its target to provide 1 million people with social protection and discontinued its Covid-19 social welfare package during the third wave from June to August [2021]”.⁶⁵¹

In early 2021 the International Rescue Committee (IRC) reported on the “devastation following Cyclone Eloise” and the “containment of soaring COVID-19 cases” in Zimbabwe:

As Zimbabwe battles surging cases and deaths from COVID-19 and fears of a new variant, tropical Cyclone Eloise has devastated COVID-19 mitigation and containment measures. In past weeks the triple threat of COVID-19 cases, the arrival of the new variant and the storm which caused the people of Zimbabwe to lose their homes, their lives, their livestock and their crops resulting in temporary displacement to places such as cramped evacuation camps and crowded resettlement in what is left of their homes.⁶⁵²

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights concluded that:

Unilateral sanctions decimated the economic performance of the country, thereby aggravating the humanitarian situation and consequently adversely impacting access to basic rights, including to life, food, water and sanitation, health and education, and the rights of Zimbabwean residents, migrants and refugees [...]

Poverty has increased sharply as a result, undermining efforts to achieve Sustainable Development Goal 1, on ending poverty in all its forms everywhere. With the coronavirus disease (COVID-19) adding to the problem, a survey by the Zimbabwe National Statistics Agency and the United Nations Children’s Fund showed that almost half of the population was in extreme poverty in 2020.⁶⁵³

⁶⁴⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 6., *HIV And AIDS Social Stigma*

⁶⁴⁹ Be in the KNOW, [At a glance: HIV in Zimbabwe](#), Last updated: 17 March 2022

⁶⁵⁰ Amnesty International, [Amnesty International Report 2020/21, The State of the World’s Human Rights](#), 7 April 2021, *Zimbabwe*, p. 403

⁶⁵¹ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Background*, p. 412

⁶⁵² International Rescue Committee (IRC), [Devastation following Cyclone Eloise may cause disruptions to containment of soaring COVID-19 cases in Zimbabwe, warns IRC](#), 1 February 2021

⁶⁵³ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, B. *Humanitarian Impact*, paras. 21 and 22

a. Water and sanitation crisis

As way of background information, the UN's 'Common Country Analysis' summarised the situation of water, sanitation and hygiene as follows:

The right to safe, clean, and potable water is enshrined in the Zimbabwean Constitution [...] The country has also progressively increased its public investment allocation to enhance WASH outcomes after years of deterioration. Government spending on WASH increased from 1.2% in 2016 to 4.3% in 2020. However, there remains stark urban-rural disparities in WASH, with rural communities having limited access to basic drinking water services [...] In 2019, 77.1% households had access to improved sources of drinking water with a wide rural (67.9%) to urban (97.3%) divide. Rural areas have seen very low levels of investment, receiving the lowest allocation of public funds for the WASH sector. Consequently, women bear the burden of fetching water for drinking and cooking and diverting their time and attention from productive work. Women and girls in rural areas travel long distances to access water with adverse implications on school attendance and increasing their exposure to protection-related risks including threats to their physical safety and exposing them to the risk of contracting COVID-19 due to overcrowding at most water points. The situation is particularly difficult for women and girls with disabilities who may not be able to easily move around in search for water. Meanwhile, in the urban and peri-urban areas, rising urbanisation and the expansion of informal settlements have given rise to informal, un-sanitary and un-hygienic conditions that increase the risk of diarrheal diseases and contamination of water sources.⁶⁵⁴

Summarising the situation pre-COVID-19 and up to September 2021, Afrobarometer reported:

Zimbabwe's water and sanitation crisis predates COVID-19 by decades. But it appears to be worsening, and bringing additional dangers during the pandemic.

Access to clean water has long been declining, especially in urban areas. Human Rights Watch (2020) reports that while 84% of Zimbabweans had access to safe drinking water in 1988, that proportion had shrunk to 72% by 2000 and to 64% by 2017. More than 2 million people in the greater Harare metropolitan area have no household access to safe water for drinking. [...]

The COVID-19 pandemic, which had killed 4,503 people in Zimbabwe as of 8 September 2021 (World Health Organization, 2021), has exacerbated the situation. Citizens are encouraged to wash their hands frequently, maintain social distance, and avoid unnecessary movement. But facing persistent water shortages as well as pandemic-related restrictions, citizens find themselves in a quandary, risking contracting the deadly virus as they join crowds at boreholes to access water before curfew (Mavhunga, 2020).

Recent Afrobarometer survey findings show that a growing number of Zimbabweans report going without clean water, and most citizens are dissatisfied with the way the government has handled the provision of water and sanitation services. During the pandemic, addressing the water shortage is one of the immediate actions that government can take to help reduce the spread of the deadly virus.⁶⁵⁵

Human Rights Watch, following interviews with affected people in October 2019 and July and August 2021 in "five densely populated, or high-density, areas (Budiro, Glenview, Highfields, Mabvuku, and Mbare)" found that "Residents of Zimbabwe's capital, Harare, face a potable water crisis three years after a deadly cholera outbreak [...] The water situation in Harare is largely the same as in 2008, when Zimbabwe experienced the most devastating cholera outbreak in Africa in 15 years. The outbreak killed 4,200 people and infected at least 100,000. Human Rights Watch found that the city's perennial water crisis, which is linked to the cholera outbreak, is the result of the city's obsolete water infrastructure, a ballooning population, severe droughts, and pervasive government corruption and mismanagement. Poor governance and disputes between the central government

⁶⁵⁴ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 2. People, 2.7 Water, Sanitation and Hygiene, p. 14 and 15

⁶⁵⁵ Afrobarometer, [AD475: Zimbabweans grapple with water shortage amidst COVID-19 pandemic](#), 10 September 2021

and the Harare City Council have hindered efforts to address the problems”.⁶⁵⁶ In its submission to the Universal Periodic Review, Human Rights Watch reported in July 2021:

Zimbabwe’s longstanding severe water and sanitation crisis was worsened by the coronavirus pandemic and the government’s imposition on March 30 of a nationwide lockdown to slow the spread of the virus. Over two million people in the capital, Harare, and the greater metropolitan area incorporating Chitungwiza, Epworth, Ruwa and Norton, have no access to safe drinking water or adequate waste and wastewater disposal services. Thousands of women and school-age children spend long hours at crowded boreholes or narrow water wells to get safe, clean water.⁶⁵⁷

Similarly, following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights concluded that:

Unilateral sanctions also contribute to the deterioration of the water and sanitation infrastructure, resulting in the reduced accessibility of clean water and sanitation services for the majority of the population, in addition to a reduction of effective sewage systems and disposal, waste management and fire services. This has accelerated disease epidemics, such as cholera and typhoid (notably in 2008 and 2018) with an estimated combined death toll of over 3,000 people, and has placed more than 100,000 people at risk. Significant challenges in maintaining and upgrading water and sewage treatment plants, and obstacles in the procurement of reagents and water chemicals and other equipment were reported [...]

The Special Rapporteur was informed that for the vast majority of the population, clean drinking water, sanitation and related hygiene remained inaccessible. Reports indicate that the majority of local councils are only able to supply clean drinking water for eight hours a day, compared with 24 hours a day before the imposition of sanctions. Although public spending on water and sanitation has increased over time, it is estimated that less than half of the population currently has access to safe drinking water and sanitation services. Only 29.5 per cent of the population was able to access safe drinking water in 2020, compared with 33.2 per cent in 2002.⁶⁵⁸

UNICEF stated in its ‘Annual Report 2021’ that “Over the last 22 years, households have experienced an ongoing, declining access to basic drinking water (only two thirds have it) and sanitation (just over a third). Challenges include weak institutional coordination and capacity, especially for maintaining WASH infrastructure. Water supplies are also insufficient. Increasingly, extreme climate induced events impact WASH services and lower community resilience. COVID-19 also exacerbated ongoing economic challenges which further undermined the capacity of communities and the Government to operate water supply systems”.⁶⁵⁹

Summarising the situation in 2021, Human Rights Watch noted in its annual report:

During 2021, hundreds of thousands of residents of Zimbabwe’s capital, Harare, including nearby municipalities of Chitungwiza and Epworth, continued to face a potable water crisis three years after a deadly cholera outbreak. The authorities in central and Harare city have failed to ensure clean water. Several factors have contributed to the city’s severe water problems, including economic decay; perennial droughts affecting Lake Chivero, which is dammed to supply Harare with water; the lack of maintenance of the old water infrastructure; the inability to procure the necessary chemicals

⁶⁵⁶ Human Rights Watch, [Zimbabwe: Dire Lack of Clean Water in Capital](#), 22 September 2021

⁶⁵⁷ Human Rights Watch, [UPR Submission, Zimbabwe 2021](#), 15 July 2021

⁶⁵⁸ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, D. Access to water and sanitation, paras. 28 and 29

⁶⁵⁹ UNICEF, [Zimbabwe, Annual Report 2021](#), 1 April 2022, p. 5

to treat water sources; political struggles between the central government under the ruling party and the opposition-controlled city council; and corruption.

The water crisis has affected Harare residents' rights to water and sanitation as well as other related rights, including the rights to life, food, and health. Many common water sources, namely shallow wells, taps, and boreholes—deep, narrow wells—are often contaminated. However, despite the known risk of contaminated water, there is no specific official information on which water sources are safe, leaving residents to take their chances.⁶⁶⁰

According to the Assessment Capacities Project (ACAPS) in March 2022 “The prolonged dry spell, poor rainfall, and high temperatures have increased needs for water. In Chiredzi district (Masvingo province), one of the areas affected by the dry spell, rehabilitation of water boreholes is required to reduce the distance people need to walk to access safe drinking water”.⁶⁶¹

b. Food security

As way of background information, the UN's ‘Common Country Analysis’ summarised the situation as follows:

Hunger has increased in Zimbabwe rising from 16.5 in 2014 to 44.4 in 2019 [...] as measured by the Global Hunger Index (GHI). This is mainly on account of recurring droughts leading to a decline in agricultural performance [...] The 2020 Zimbabwe Humanitarian Response Plan (HRP) indicated that 7 million people urgently needed humanitarian assistance in 2020, up from 5.5 million in 2019. More than 4.3 million people were acutely food insecure in rural areas, while 2.2 million in urban areas, were equally cereal food insecure. The right to sufficient food is guaranteed under the Constitution [...] but Zimbabwe is counted among the four highest food insecure countries in the world [...] Poverty, disease, economic hardships and low agricultural productivity have collectively impeded the availability of and access to adequate supplies of food. The agricultural sector, which provides a source of livelihood for 70% of the population continues to face challenges relating to low production and productivity, limited access to markets and market information, problematic land rights and insecure land tenure, poor land management practices, limited access to finance and credit by communal farmers, climate change-induced disruptions and weak extension support systems. This is mostly characterized by underfunding, which in turn impacts farmers' ability to adopt innovative and sustainable agricultural practices.⁶⁶²

Similarly, the UN Special Rapporteur on the right to food found, following her official visit to Zimbabwe in November 2019: “despite the constitutional protection of the right to food and a sophisticated set of human rights-based national laws and policies, man-made starvation is slowly making its way in the country, with more than 60 per cent of the population now considered to be food-insecure owing to extreme poverty, high inflation and poor agricultural productivity, among other causes”.⁶⁶³ She also highlighted the partisan distribution of food:

The Special Rapporteur received allegations about partisan distribution of food aid, favouring those who support the ruling party, the Zimbabwe African National Union Patriotic Front. Individuals or communities perceived as belonging to the opposition or deemed insufficiently loyal to the ruling

⁶⁶⁰ Human Rights Watch, [World Report 2022, Events of 2021: Zimbabwe](#), 16 December 2021, *Right to Water and Sanitation*

⁶⁶¹ Assessment Capacities Project (ACAPS), [Zimbabwe, Key Priorities](#), 31 March 2022, WASH

⁶⁶² United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 2. People, 2.2 Hunger, p. 7 and 8

⁶⁶³ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the right to food](#), 27 March 2020, *Summary*, p. 1

party, are reportedly being deprived of their right to food, including in the regions most affected by the food crisis.⁶⁶⁴

The UN Special Rapporteur further found that “some groups or individuals, including farm workers, women and children, faced severe discrimination and obstacles to their enjoyment of the right to food that required a special focus”.⁶⁶⁵

The World Food Programme (WFP) stated the following on Zimbabwe as part of its 2020 annual report:

Zimbabwe is a land-locked, low-income, food-deficit country with a population of 15.6 million. Over the last decade, it has experienced several economic and environmental shocks that have contributed to high food insecurity and high malnutrition. At least 16 percent of its population live in extreme poverty [...]

Access to food for most households in Zimbabwe is constrained by poverty, poor economic growth, high prices, liquidity challenges, low productivity, limited employment opportunities, and recurring climate shocks — all of which have been compounded by the COVID-19 pandemic and restrictive measures implemented to curb the spread of the virus. In 2019, Zimbabwe was ranked 109th out of 117 countries on the Global Hunger Index (GHI), while the 2020 GHI provisionally classified the hunger situation in Zimbabwe as ‘serious’[2] on the back of data collection challenges experienced in the context of COVID-19.⁶⁶⁶

The same report further noted, specifically with regards to 2020 and food insecurity:

At the start of its five-year Country Strategic Plan (CSP) in 2017, WFP Zimbabwe envisioned reduced emergency programming towards the last two years of the CSP. 2020, however, posed unprecedented risks and challenges, making it increasingly difficult to realise that vision. In the face of a prolonged drought — which ignited the worst hunger crisis in a decade — and the COVID-19 pandemic, WFP scaled up and expanded its various activities, integrating humanitarian and resilience-building initiatives to ensure sustainable progress towards the attainment of zero hunger. In the beginning of 2020, Zimbabwe was confronted with severe food insecurity and worsening malnutrition, followed by an equally dire 2020/2021 lean season. The Zimbabwe Vulnerability Assessment Committee (ZimVAC) projected that by the first quarter of 2020, an estimated 7.7 million people (5.5 million in the rural areas and 2.2 million in the urban areas) would be food insecure. The impact of drought in the last four consecutive years, growing economic uncertainty, and the COVID-19 pandemic deteriorated food security outcomes for the rural population and the steadily increasing food-insecure urban population, leading to loss of incomes and significant disruption to livelihoods.⁶⁶⁷

According to WFP, “The 2020/2021 agricultural season yielded the highest production in 20 years, with cereal production exceeding the national requirement, resulting in a decline in the number of food insecure people”, which resulted in the “downscaling of WFP’s humanitarian response following cyclone Idai and several years of drought”.⁶⁶⁸ In its annual report covering 2021, WFP noted: “The first quarter of the year recorded high levels of food insecurity due to a drought in the 2019/2020 agricultural season. WFP supported 1.5 million people of the planned 3.5 million in rural

⁶⁶⁴ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the right to food](#), 27 March 2020, *C. Partisan distribution of food*, para. 102

⁶⁶⁵ UN Human Rights Council, [Visit to Zimbabwe, Report of the Special Rapporteur on the right to food](#), 27 March 2020, *VI. Population groups requiring special attention*, para. 105

⁶⁶⁶ World Food Programme (WFP), [Zimbabwe Annual Country Report 2020, Country Strategic Plan 2017 – 2021](#), Undated [Last accessed: 14 September 2022], *Context and operations & COVID-19 response*, p. 7

⁶⁶⁷ World Food Programme (WFP), [Zimbabwe Annual Country Report 2020, Country Strategic Plan 2017 – 2021](#), Undated [Last accessed: 14 September 2022], *2020 Overview*, p. 3

⁶⁶⁸ World Food Programme (WFP), [World Food Programme / Zimbabwe, Highlights – 2021 Annual Country Report](#), 26 April 2022, p. 1 and 4

areas through its lean season response. This resulted in the actual volume of food distributed being much lower than the plan [...] COVID-19 continued to impact livelihoods [...] The urban poor experienced considerable hardship as a result of economic challenges compounded by COVID-19 restrictions”.⁶⁶⁹

The World Bank reported in June 2021 that “rural households access to food was more constrained [in 2020] amid persistent drought and closure of some key trade channels. As food prices rose and disposable incomes shrank, the share of rural households reporting that they went without food for a whole day reached 37 percent by July 2020. More than 41 percent of the rural population reported that they sought maize meal but were unable to buy it [...] These percentages are lower in urban areas, suggesting that the inability to purchase food particularly affected rural areas where poverty is higher. Food insecurity was also exacerbated by inadequate reach/ coverage of relevant social protection programs—less than a quarter of the increased number of extreme poor households received food aid in June 2020 and this share dropped to 3 percent of rural households in September 2020”.⁶⁷⁰

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights concluded that:

Food insecurity has remained a key concern since 2001, both in terms of accessibility and affordability. The proportion of food insecure people increased from 29 per cent in 1995 to 58 per cent in 2003, 21 and measured 42 per cent in 2016, according to government estimates. It worsened further, to 8.6 million people or more than 60 per cent of the population, at the end of 2020. The estimated undernourishment of the population was 42.2 per cent in 2005, which increased to 51.3 per cent in 2017, resulting in the worst malnutrition rate for 15 years, with 30 per cent of the rural population requiring food assistance. In 2020, the food insecure population increased to 2.4 million people, up from 2.2 million in 2019, with global acute malnutrition levels increasing from 3.6 per cent in 2019 to 4.5 per cent in 2020.²² In children under 5 years of age, stunting and severe wasting increased. In the period from 2000 to 2019, the prevalence of anaemia in pregnant women averaged 33.2 per cent.⁶⁷¹

Summarising the situation in 2021, a joint study on child marriage in Chiredzi District by Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika and the Cynefin Company stated that:

The severity of Zimbabwe’s food security situation is classified by the 2021 Global Hunger Index as “serious” (von Grebmer et al., 2021). The rating is premised on a range of factors, including the economic instability and recurrent climate induced shocks, such as erratic rainfall and changing rainfall patterns, increased temperatures, frequent droughts, and prolonged heat waves.

As a result, the WFP estimates that around 5.3 million people in Zimbabwe are food insecure as a result of climate change and protracted economic instability and the resulting humanitarian crisis, with at least 49 percent of the population living in extreme poverty (WFP, 2022). The COVID-19 pandemic exacerbated the food crisis, adding 1.3 million people experiencing extreme poverty (World Bank, 2021). Further, UNICEF projects that 4.3 million people, including 2.2 million children, will be in urgent need of humanitarian assistance due to the complex humanitarian crisis, including more than 21,000 children with severe acute malnutrition in need of medical treatment (UNICEF, 2022a). The more frequent droughts, erratic rainfall, and soaring temperatures compromise crop and livestock

⁶⁶⁹ World Food Programme (WFP), [Zimbabwe, Annual Country Report 2021](#), Undated [Last accessed: 14 September 2022], *Overview*, p. 3

⁶⁷⁰ The World Bank, [Zimbabwe Economic Update, Overcoming Economic Challenges, Natural Disasters, and the Pandemic: Social and Economic Impacts](#), June 2021, p. ix

⁶⁷¹ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, C. Access to food, para. 24

production. Climate change, together with job losses and food price increases, has worsened the humanitarian crisis. Food insecurity was also exacerbated by inadequate coverage of essential social protection programmes, with less than a quarter of people in extremely poor households receiving food aid in June 2020, dropping to 3 percent of rural households in September 2020 (ZIMSTAT, 2020).⁶⁷²

According to a household survey conducted in July 2020, September 2020 and March 2021, “The proportion of households facing severe food insecurity fell in the third round. Nevertheless, the food insecurity level remained high, with 61 percent of the total population and 71 percent of the rural population in severe or moderate food insecurity”.⁶⁷³

According to the Assessment Capacities Project (ACAPS) “As at September 2021, an estimated 5.7 million people across Zimbabwe were facing food shortages”.⁶⁷⁴ In March 2022 the same source further highlighted:

Adding to the already high inflation rates, the disruption of fuel and food imports resulting from the conflict in Ukraine has led to a rise in petrol and diesel prices (by 16 and 17 USD cents per litre respectively as at 9 March [2022]). Wheat prices have increased by 15% during the first week of March [2022]. Prices of other basic commodities have also increased. The impact of the deteriorating economy and constant increase in prices has been raising peoples’ discontent in Zimbabwe, leading to recurrent nationwide strikes and protests.⁶⁷⁵

The same source further noted: “Food shortages are expected to increase because of poor rainfall and a prolonged dry spell”.⁶⁷⁶

The Famine Early Warning Systems Network (FEWS NET) *Food Security Outlook* for February to September 2022 warned that “Most typical livelihood strategies are expected at below normal levels throughout the outlook period, mainly due to the poor agricultural season and a volatile macroeconomic environment. These include crop sales, casual labor, livestock sales, informal cross border trade, and vegetable production and sale, among others. The cost of living is expected to continue rising, especially as parallel market exchange rates result in above normal price increases of goods and services. Ongoing ZWL cash shortages will likely continue to erode purchasing power as mobile and electronic money transfers are charged premium rates”.⁶⁷⁷ The same source provided the following maps to illustrate projected food security outcomes, both for February to May 2020 and June to September 2022:

⁶⁷² Plan International, the Women’s Refugee Commission, Dr. Abel Blessing Matsika, Cynefin Company, [Our Voices, Our Future, Understanding child marriage in food-insecure communities in Chiredzi District, Zimbabwe](#), June 2022, p. 7

⁶⁷³ Zimbabwe National Statistics Agency, Zimref, Unicef, World Bank Group, [Monitoring COVID-19 Impact on Households in Zimbabwe](#), 30 June 2021, p. 1

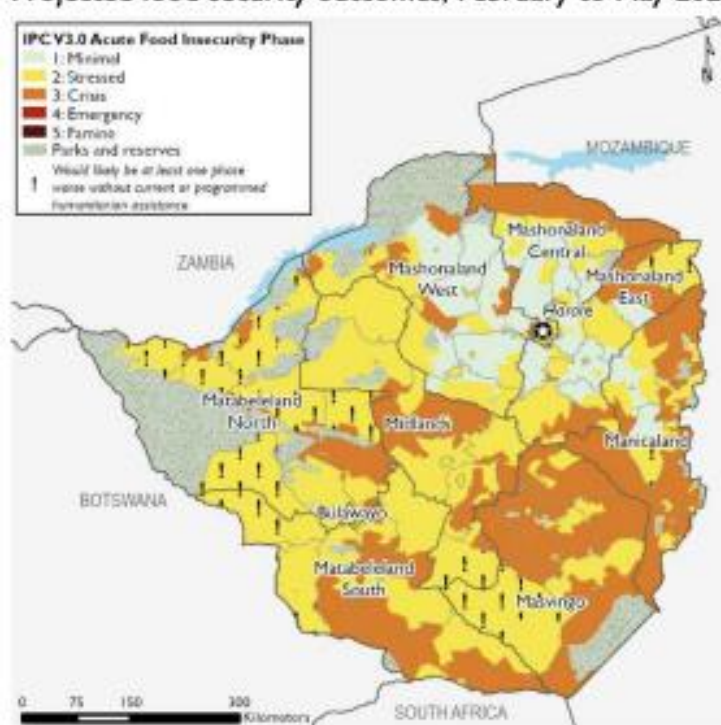
⁶⁷⁴ Assessment Capacities Project (ACAPS), [Zimbabwe, Overview](#), 29 March 2022

⁶⁷⁵ Assessment Capacities Project (ACAPS), [Zimbabwe, Overview](#), 29 March 2022

⁶⁷⁶ Assessment Capacities Project (ACAPS), [Zimbabwe, Key Priorities](#), 31 March 2022, *Food*

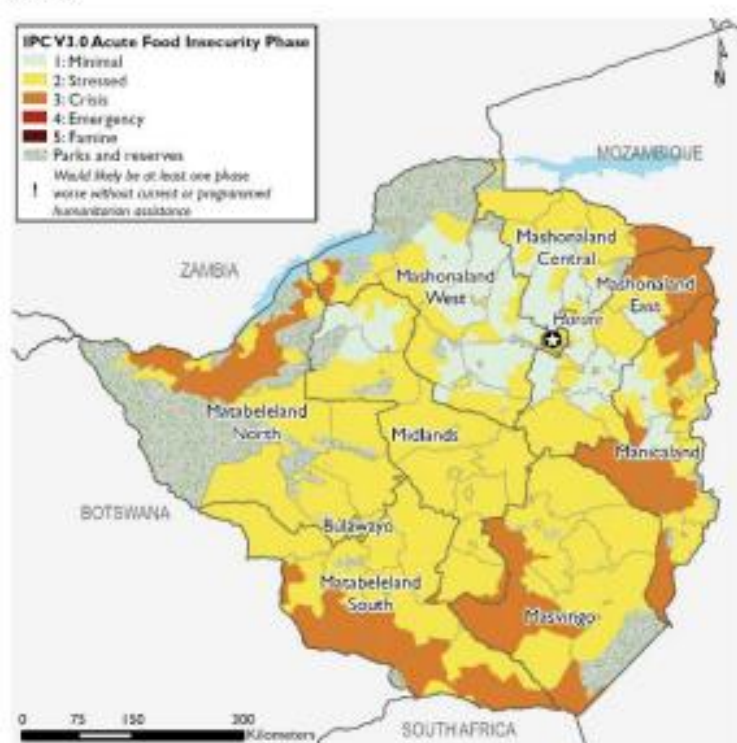
⁶⁷⁷ Famine Early Warning Systems Network (FEWS NET), [Zimbabwe Food Security Outlook February to September 2022](#), February 2022, *Key Messages*, p. 1

Projected food security outcomes, February to May 2022



Source: FEWS NET

Projected food security outcomes, June to September 2022



Source: FEWS NET

FEWS NET classification is IPC-compatible. IPC-compatible analysis follows key IPC protocols but does not necessarily reflect the consensus of national food security partners.

The report further highlighted two particular areas of concern, Masvingo Manicaland Middleveld Smallholder Communal Livelihood Zone with focus on Mutare District and Northern Zambezi Valley Communal Livelihood Zone with focus on Mt. Darwin District.⁶⁷⁹

The Food and Agriculture Organization of the United Nations (FAO) together with the World Food Programme (WFP) noted in its report on ‘early warnings on acute food insecurity’ that Zimbabwe remained a “hunger hotspot”.⁶⁸⁰ In its projections for October 2022 to January 2023 the report stated:

Persistent economic challenges, high food and fuel prices, and the impact of localized dry conditions on 2022 crop production are expected to worsen acute food insecurity conditions during the outlook period [...]

During the upcoming peak lean season (January–March 2023), an estimated 3.8 million people are projected to face acute food insecurity, based on the government’s assessment – a deterioration of 29.8 percent compared to last year.⁶⁸¹ This figure is likely to rise further, due to the abrupt decrease in the value of the national currency and persistent macroeconomic challenges.⁶⁸¹

c. Access to humanitarian assistance

The United States Institute of Peace (USIP) reported in June 2020 that “Two and a half years after a military coup installed President Emmerson Mnangagwa, his government has used the health crisis to [...] divert humanitarian aid to ruling party supporters”.⁶⁸² Similarly, Amnesty International raised their concern in May 2020 about the “partisan distribution of food aid” that “affected those groups in the most vulnerable and marginalized situation including older persons, child headed families, pregnant women and those with disabilities”.⁶⁸³ The same source further noted that “Some report only having one meal a day to keep going, according to civil society monitors. Community members in Sakubva, Mutare, have alleged that government food aid distribution in the area was conducted on a partisan basis”.⁶⁸⁴

The 2020 ‘Human Rights and Democracy’ report published by the UK Foreign, Commonwealth & Development Office noted that “The Zimbabwean Government claimed to support 736,000 households. However, there were frequent reports that this assistance was irregular, and often distributed in ways designed to boost support for the ruling party”.⁶⁸⁵

The U.S. Department of State reported in its annual report covering 2021: “Local leaders including traditional chiefs and government officials often distributed food aid based on perceived political

[September 2022](#), February 2022, *National Overview*, p. 2

⁶⁷⁹ See Famine Early Warning Systems Network (FEWS NET), [Zimbabwe Food Security Outlook February to September 2022](#), February 2022, *Areas of Concern*, pages 8 - 11

⁶⁸⁰ Food and Agriculture Organization of the United Nations (FAO) / World Food Programme (WFP, [Hunger Hotspots, FAO-WFP early warnings on acute food insecurity, October 2022 to January 2023 Outlook](#), September 2022, *Executive summary*, p. viii

⁶⁸¹ Food and Agriculture Organization of the United Nations (FAO) / World Food Programme (WFP, [Hunger Hotspots, FAO-WFP early warnings on acute food insecurity, October 2022 to January 2023 Outlook](#), September 2022, *The Republic of Zimbabwe*, p. 34

⁶⁸² United States Institute of Peace (USIP), [COVID Raises the Stakes for Zimbabwe’s Civil Society Movement](#), 24 June 2020

⁶⁸³ Amnesty International, [Southern Africa: Governments must move beyond politics in distribution of COVID-19 food aid](#), 6 May 2020

⁶⁸⁴ Amnesty International, [Southern Africa: Governments must move beyond politics in distribution of COVID-19 food aid](#), 6 May 2020

⁶⁸⁵ UK Foreign, Commonwealth & Development Office, [Human Rights and Democracy: 2020 Foreign, Commonwealth & Development Office report](#), 8 July 2021

affiliation, according to local NGOs. Through politicized food distribution, the government punished communities that elected opposition councilors by denying them assistance while rewarding communities that voted for ZANU-PF [...] The government also used food distribution events to cajole citizens into joining ZANU-PF. In April ruling party activists Fani Moyo and Lameck Tshuma told citizens in Tsholotsho they needed to join the party to receive food aid. There were similar reports in Binga, Redcliff, Silobela, and Zhombe. In June ruling party representatives in Kwekwe informed residents they were collecting names to join the ruling party and the same list would be used for future food distribution programs. NGOs noted similar discrimination in government programs to distribute agricultural inputs nationwide. In August, Village Head Mabvepi Chihota stated ZANU-PF oversaw distributing assistance from the Pfumvudza Agricultural Inputs Scheme, noting community members who wished to benefit must join political cell structures”.⁶⁸⁶

In March 2021 the Zimbabwe Human Rights NGO Forum together with the Zimbabwe Peace Project published a detailed analysis of the distribution of food aid in Zimbabwe and in chapter 4 provided a useful table listing key actors and/or institutions involved in the food aid distribution.⁶⁸⁷ The two organisation found that “The reality however, is far different from the idealistic technocratic image. In reality, politics plays a significant role in determining who gets to receive food aid. Various media and civil society reports show that distribution of food aid is often politicised. There have been numerous reports of allegations that known and perceived supporters of opposition political parties are discriminated from receiving food aid in rural areas, even if they meet the set vulnerability criteria. Hence, opposition supporters, mainly from the Movement of Democratic Change formations, are at greater risk of their rights to food being undermined”.⁶⁸⁸ The report usefully documents incidents to illustrate these findings – too many to list them all here but which can be found on p. 16-22 of the report.⁶⁸⁹

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

The Special Rapporteur notes that international funding support and credit lines have been generally limited to critical humanitarian concerns, such as health epidemics or weather related disasters, while development projects are generally given lesser consideration. Twelve development projects that were approved for implementation via United Nations institutions during the period 2016–2021 have reportedly been cancelled because of the impossibility of attracting donor support due to the fear of sanctions [...]

The Special Rapporteur has also been advised that the delivery of international aid has been generally channelled through civil society and United Nations agencies. At the same time, she was informed about the tendency of donors to make support contingent upon engaging in political issues instead of core humanitarian work. During the visit, the Special Rapporteur was informed that many NGOs

⁶⁸⁶ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 3., *Recent Elections*

⁶⁸⁷ See Zimbabwe Human Rights NGO Forum / Zimbabwe Peace Project, [The Politics of Food: A Contextual Analysis of the Distribution of Food Aid in Zimbabwe](#), March 2021, p. 13 and 14

⁶⁸⁸ Zimbabwe Human Rights NGO Forum / Zimbabwe Peace Project, [The Politics of Food: A Contextual Analysis of the Distribution of Food Aid in Zimbabwe](#), March 2021, p. 15

⁶⁸⁹ Zimbabwe Human Rights NGO Forum / Zimbabwe Peace Project, [The Politics of Food: A Contextual Analysis of the Distribution of Food Aid in Zimbabwe](#), March 2021, p. 16-22

operating in Zimbabwe refused to engage with her or attend stakeholder consultations that she convened, owing to fear of reprisals by their donors.⁶⁹⁰

According to the Assessment Capacities Project (ACAPS) *Overview* of March 2022, “An estimated seven million people are in need of humanitarian assistance in Zimbabwe because of the economic crisis that started in 2008, characterised by hyperinflation and increased poverty levels, and an unstable political situation following the Zimbabwean army’s removal of President Robert Mugabe in November 2017”.⁶⁹¹

VII. Refugees and Internally Displaced Persons (since January 2020)

General information on refugees and asylum seekers in Zimbabwe

According to the World Food Programme (WFP), in 2021 “Zimbabwe is host to 22,000 refugees and asylum seekers from southern and eastern Africa, 14,000 of whom reside at Tongogara refugee camp”.⁶⁹² UNHCR Zimbabwe reported that it “provides protection and assistance to around 22,400 refugees and asylum-seekers and the communities hosting them. Most of the refugees reside in Tongogara Refugee Camp, in Manicaland province, southeastern Zimbabwe, while few of them live in urban areas, mainly in Harare. Approximately, 74% of the refugees and asylum-seekers registered by UNHCR are from the Democratic Republic of the Congo, while 11% come from Mozambique, 6% from Burundi, 5% from Rwanda, and 4% other nationalities”.⁶⁹³

Similarly, the UN’s ‘Common Country Analysis’ explained further:

The majority of refugees and asylum seekers (79%) are from the Democratic Republic of Congo, fleeing conflict, sexual violence, and other indiscriminate attacks, while smaller proportions are from countries including Burundi, Rwanda, and Angola. Refugees and asylum seekers in Zimbabwe need international protection and multi-sectoral life-saving assistance to enable them to live in safety and dignity.⁶⁹⁴

According to reporting by IOM, “Through the Department of Social Welfare and the Office of the Commissioner for Refugees, the Ministry of Public Service, Labour and Social Welfare provides leadership and coordination with other government ministries and agencies, including through running the transit centre reception facilities, warehouses, social services and amenities, as well as providing documentation for refugees, asylum seekers and people with undetermined nationality in Zimbabwe. The Refugees Act (1978) provides for family reunification for refugees. For instance, the Act allows for family members of a recognized refugee to enter and remain in Zimbabwe and be issued with identity documents. Dissolution of marriage with a recognized refugee through either divorce, separation or death does not revoke one’s refugee status”.⁶⁹⁵ However, the same report

⁶⁹⁰ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, IV. *International cooperation and humanitarian aid*, paras. 63 and 64

⁶⁹¹ Assessment Capacities Project (ACAPS), [Zimbabwe, Overview](#), 29 March 2022

⁶⁹² World Food Programme (WFP), [World Food Programme / Zimbabwe, Highlights – 2021 Annual Country Report](#), 26 April 2022, p. 4

⁶⁹³ UNHCR, [Zimbabwe](#), Undated [Last accessed: 6 October 2022]

⁶⁹⁴ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. *Populations furthest behind in development progress*, 7.6 *Refugees and Stateless Persons*, p. 53

⁶⁹⁵ International Organization for Migration (IOM), [Migration Governance Indicators, Republic of Zimbabwe](#), Profile 2021, 21 April 2022, p. 22

also noted that “the country has not made the legislative provisions for the domestication and implementation of the Convention [Kampala Convention ratified in 2013 for the protection of internally displaced persons], and there is no specific legislation governing the protection and assistance of internally displaced persons”.⁶⁹⁶

The UN Committee on the Elimination of Racial Discrimination stated in its ‘List of themes in relation to the combined fifth to eleventh reports of Zimbabwe’ published in June 2022, that the government of Zimbabwe should provide “Information on allegations that refugees are often compelled to work in the informal sector, often working under duress or in jobs presenting special hazards or risks, since they do not have access to the formal labour market. Measures taken to ensure that the principle of non-refoulement is implemented without exception, in particular in view of the reported forcible return of refugees from the Democratic Republic of the Congo”.⁶⁹⁷

In its concluding observations published on 16 September 2022, the same Committee noted:

In the light of its previous concluding observations, [...] the Committee regrets the lack of information on the situation of refugees, migrants and other non-nationals residing in the State party. The Committee is concerned by reports that:

(a) Foreign nationals are targeted in the course of evictions and slum clearances and that migrant farm workers face particular obstacles to enjoying economic and social rights;

(b) Undocumented migrant women and girls face discrimination based on race, gender and immigration status, including sexual violence and harassment by government authorities in detention facilities and other locations;

(c) Undocumented migrants, including minors, are placed in detention facilities with convicted criminals, often for prolonged periods of time and in poor living conditions (art. 5).⁶⁹⁸

The Committee further raised its concern with regards to refugees as follows:

The Committee is concerned that the State party forcibly removed refugees from the Democratic Republic of the Congo in 2021. The Committee is also concerned that refugees are denied the right to work, that they are not permitted to leave the Tongogara refugee camp unless authorized by an officer of the camp in writing and that they cannot become citizens of Zimbabwe. The Committee is further concerned by the practice of the State party to deport refugees and asylum-seekers when they are convicted of a crime (art. 5).⁶⁹⁹

General information on IDPs in Zimbabwe

According to IOM’s Displacement Tracking Matrix (DTM) as of May 2021 the IDP population was 41,535.⁷⁰⁰

⁶⁹⁶ International Organization for Migration (IOM), [Migration Governance Indicators, Republic of Zimbabwe](#), Profile 2021, 21 April 2022, p. 28

⁶⁹⁷ UN Committee on the Elimination of Racial Discrimination, [List of themes in relation to the combined fifth to eleventh reports of Zimbabwe](#), 23 June 2022, para. 20

⁶⁹⁸ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 35

⁶⁹⁹ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 41

⁷⁰⁰ International Organization for Migration (IOM), [Displacement Tracking Matrix \(DTM\) Zimbabwe](#), Undated [Last accessed: 6 October 2022]

a. Living conditions of IDPs

Additional relevant information may be found in section [V. o. Economic, Social and Cultural Rights](#) and [VI. Humanitarian Situation \(with focus on 2022\)](#).

The U.S. Department of State reported in its annual report covering 2021⁷⁰¹: “International organizations estimated there were more than 20,000 internally displaced persons (IDPs) as of January [2021]. The government evicted an unknown number of persons who built homes on contested lands, leading to their displacement. In 2019 Cyclone Idai displaced thousands of persons in Chimanimani and Chipinge. The Cyclone Idai IDP camps remained in place during the year [2021]. Urban evictions displaced persons, but the precise numbers were unknown. Many IDPs from earlier emergencies continued to live in dire conditions, lacking basic sanitation. IDPs were among those at greatest risk of food insecurity”.⁷⁰²

b. Violence and abuse against IDPs

No relevant information was found amongst the sources consulted within the research timeframe for this report. It is important to note that the absence of information should not be taken as evidence that an issue, incident or violation does not exist.

VIII. Statelessness (since January 2020)

For detailed background information, an outline of the existing framework, as well as current analysis as of April 2021, see Amnesty International’s [special report on statelessness in Zimbabwe](#), focusing on “migrants and descendants of victims of Gukurahundi”.⁷⁰³

Access to identification documentation, including birth registrations

As way of background, the UN’s ‘Common Country Analysis’ explained with regards to documentation problems:

Although Mozambican asylum-seekers are profiled in the country’s humanitarian response, an estimated 6,546 living among Zimbabwean host communities in Manicaland province are yet to get biometric registration [...] Children born in Zimbabwe to parents of indeterminate nationality are often denied the right to have their birth registered and to acquire Zimbabwean nationality, which impedes their access to health care, education, and other social services [...].⁷⁰⁴

In its annual human rights report covering 2021 - February 2022, Amnesty International reported: “Hundreds of thousands of Zimbabweans were at risk of becoming stateless. They waited months to receive national registration documents from the Registrar General’s Office, due to a huge backlog

⁷⁰¹ Most of it was also already documented in the 2020 annual report: U.S. Department of State, [2020 Country Reports on Human Rights Practices: Zimbabwe](#), 30 March 2021, Section 2., E. Status and Treatment Of Internally Displaced Persons

⁷⁰² U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., E. Status and Treatment Of Internally Displaced Persons

⁷⁰³ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021

⁷⁰⁴ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.6 Refugees and Stateless Persons, p. 53

of applications”.⁷⁰⁵ In its report on statelessness in Zimbabwe, Amnesty International described in April 2021 the administrative barriers to obtain Zimbabwean citizenship: “Those lacking identity documents in Zimbabwe face challenging problems. They are necessary to access services, for personal and professional development, and to claim one’s rights. Birth certificates serve as the primary form of identification for all citizens [...] Numerous administrative hurdles frustrate people’s efforts to obtain Zimbabwean citizenship. Many marginalized descendants of migrant farm workers are still required to renounce citizenship of their country of origin because of the non-existence of enabling legislation related to the current Zimbabwean Constitution which allows for dual citizenship. In February 2019, the Zimbabwean cabinet approved amendments to the Zimbabwe Citizenship Act to allow dual citizenship in order to align it with the 2013 Constitution. However, as of the time of writing, these were still to be tabled in parliament”.⁷⁰⁶ Specifically it identified these hurdles:

- Birth registration at the heart of identity
- Prohibitive distance to registration offices
- Treatment at registration offices
- Bureaucratic failures lead[ing] to denial of citizenship.⁷⁰⁷

The U.S. Department of State reported in its annual report covering 2021: “Marginalized ethnic groups that lived along the country’s borders, such as the Doma and Kanyemba, were perceived to be from neighboring countries and thus unable to obtain documentation on either side of the border”.⁷⁰⁸

Following her visit to Zimbabwe in October 2021, the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights highlighted that:

Access to identification documents was also a challenge. The Government reported a backlog of approximately 500,000 identification documents because of the inability to secure the right equipment and because of supply-chain disruptions due to the refusal of companies to cooperate with governmental institutions, citing sanctions. Challenges in procuring passports certified by the International Civil Aviation Organization were also reported, owing to overcompliance, as 90 per cent are exported from third countries. The lack of access to identification documents has a direct impact on the delivery of social and health services, as well as the management of crime. The smuggling of passports is also increasingly being reported, as cross-border migration flows intensify the demand for passports.⁷⁰⁹

In its concluding observations published on 16 September 2022, the UN Committee on the Elimination of Racial Discrimination noted:

The Committee is concerned by reports that, despite the simplified registration process introduced by the State party, survivors and descendants of victims of the atrocities perpetrated by government forces in the 1980s are often unable to apply for birth certificates and national identity documents

⁷⁰⁵ Amnesty International, [Amnesty International Report 2021/22, The State of the World’s Human Rights](#), 28 March 2022, *Zimbabwe, Right to a nationality*, p. 415

⁷⁰⁶ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 6. *Administrative Barriers*, p. 17-21

⁷⁰⁷ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 6. *Administrative Barriers*, p. 17

⁷⁰⁸ U.S. Department of State, [2021 Country Reports on Human Rights Practices: Zimbabwe](#), 12 April 2022, Section 2., G. *Stateless Persons*

⁷⁰⁹ UN Human Rights Council, Visit to Zimbabwe, [Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#), 12 August 2022, I. *Critical infrastructure*, para. 53

because they cannot produce the birth certificates or other identity documents of their deceased parents. The Committee is also concerned by reports that members of ethnolinguistic minority groups face particular difficulties in obtaining civil registration documents, due to high illiteracy and poverty levels, language barriers, lack of awareness of the importance of registration and a high rate of home births among such groups, as well as the long distances and costs of travel to the general offices of the Department of the Registrar. The Committee is further concerned that persons without identification documents are prevented from realizing their rights under article 5 of the Convention, including with respect to access to education, maternal and other health care and the government coronavirus disease (COVID-19) vaccination programme (art. 5).⁷¹⁰

UNHCR's report of December 2020 on citizenship and statelessness noted that "there are still people affected by the Gukurahundi conflict of the early 1980s in Matabeleland, Zimbabwe, who are unable to obtain identity documents because their family members were killed and documents destroyed at that time [...] Natural disasters may also cause problems. The hearings conducted by the Zimbabwe Human Rights Commission during 2019 found that large numbers of citizens were left without any form of identification after tropical Cyclone Idai ravaged eastern parts of Manicaland province earlier that year [...] Without these documents statelessness becomes a risk, if records are not sufficient to re-establish identity, and additional requirements for proof of identity are imposed upon those whose nationality is caused into question".⁷¹¹

a. Legal framework on nationality

For detailed background information, an outline of the existing framework, as well as current analysis as of April 2021, see Amnesty International's [special report on statelessness in Zimbabwe](#), focusing on "migrants and descendants of victims of Gukurahundi".⁷¹²

Stakeholders providing information to the UN Human Rights Council's Working Group on the Universal Periodic Review on Zimbabwe scheduled for January/February 2022 noted that Zimbabwe "was yet to ratify [...] the 1961 Convention on the Reduction of Statelessness".⁷¹³ However, UNHCR's report of December 2020 noted that "The constitutions of [...] Zimbabwe provides an absolute prohibition on deprivation of nationality if the person would become stateless".⁷¹⁴

The UN's 'Common Country Analysis' explained with regards to statelessness:

While Chapter 3 of the Constitution of Zimbabwe safeguards refugees against statelessness, there are some glaring gaps in granting Zimbabwe nationality status to children who are born to stateless parents. There is an absence of legislative provisions to guarantee that children born stateless in Zimbabwe acquire a nationality.⁷¹⁵

UNHCR's report of December 2020 on citizenship and statelessness noted that Zimbabwe is one of the states of the Southern African Development Community (SADC) "with the weakest legal

⁷¹⁰ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 39

⁷¹¹ UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 95

⁷¹² Amnesty International, [We are like "stray animals", Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021

⁷¹³ UN Human Rights Council, [Summary of Stakeholders' submissions on Zimbabwe](#), 1 November 2021, para. 8

⁷¹⁴ UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 51

⁷¹⁵ United Nations Zimbabwe, [The United Nations Common Country Analysis Zimbabwe 2021](#), 1 September 2021, 7. Populations furthest behind in development progress, 7.6 Refugees and Stateless Persons, p. 53

protections against statelessness for children born in their territory who cannot obtain recognition of the nationality of one of their parents”.⁷¹⁶ Specifically Amnesty International found that:

According to the Births and Deaths Registration Act (see “Birth registration at the heart of identity” above), it shall be the duty of the father or mother to give notice and register the birth of child [...] If both parents are deceased or unable to give notice of birth, then it shall be the responsibility of the owner of the house where the child was born, the headman of a village where the child was born or responsible adult who witnessed the birth of the child to give notice of birth [...] In practice, however, registry offices prevent fathers from registering the birth of their children in their name without the mother’s identity documents. Women can register their children in their name without the father’s documents. This is a discriminatory practice which has put many children at risk of being stateless, especially in cases where the mother is unable to give notice of birth due to lack of identity documents.⁷¹⁷

In its report on statelessness in Zimbabwe of April 2021, Amnesty International summarised the legal framework with regards to nationality law as follows:

At independence in 1980, full citizenship was accorded to everyone born in Zimbabwe (formerly Southern Rhodesia). Dual or multiple citizenship was permissible and many people qualified who were from other Southern African countries and lived in Zimbabwe. In 1983, the right to dual citizenship was removed from the Lancaster House Constitution and Zimbabweans with dual citizenship were required to renounce their foreign citizenship if they wanted to remain citizens of Zimbabwe. Many descendants of Malawian, Zambian and Mozambican migrants were affected as they could no longer claim citizenship both of Zimbabwe and of their country of descent. Thus, if they chose to retain their foreign citizenship, they ceased to be Zimbabwean nationals and vice versa. From around 2000 the Registrar General’s Office, which is responsible for civil registration, identity documents (IDs), citizenship and the voters’ roll, began to refuse Zimbabwean citizenship to people who had the potential right to another citizenship, even if they had never sought to claim that right. A number of court cases successfully challenged these provisions, albeit with no effect on the general practice of arbitrarily refusing citizenship. As a result, people were faced with insurmountable barriers when they tried to access social services such as health care and education.⁷¹⁸

[A detailed analysis of the national legal framework can be found in [Chapters 3.4 and 9 of the report](#)]

It further highlighted:

The Zimbabwean authorities have passed discriminatory legislation over the years that has effectively excluded, marginalized and disenfranchised specific groups of people. For example, the Citizenship of Zimbabwe Act 23/1984 was used to arbitrarily deprive persons of foreign origin of their right to a Zimbabwean nationality even though most of them were entitled to citizenship. While states have a right to determine their citizenship laws, these laws must be in conformity with International Human Rights Law. As such, domestic law and practices must not be discriminatory and must conform to obligations to not render anyone stateless. Migrant workers located on mines and farms lost Zimbabwean nationality by operation of the law in 2001. While many were still considered Zimbabwean at the time of the 2001 amendment, the law required them to renounce their ancestral nationality within six months of the law entering into force. Many were unable to do so because they did not hold identity documents showing they were nationals of those other countries.⁷¹⁹

⁷¹⁶ UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 3

⁷¹⁷ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 7. *Children at risk of statelessness*, p. 23

⁷¹⁸ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. *Executive Summary*, p. 6

⁷¹⁹ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. *Executive Summary*, p. 6

In its concluding observations published on 16 September 2022, the UN Committee on the Elimination of Racial Discrimination noted:

Noting that descendants of migrants from States of the Southern African Development Community born in the State party qualify for Zimbabwean citizenship by birth under article 43 (2) (a) of the Constitution and that mobile teams have been dispatched to support their registration, the Committee is concerned by reports that many such people remain at risk of statelessness. While also noting that the legislation in the State party must be interpreted in the light of the Constitution, the Committee is nonetheless concerned that the Citizenship of Zimbabwe Act and the Immigration Act have not yet been aligned with the rights on citizenship guaranteed under the Constitution (art. 5).⁷²⁰

b. Situation and treatment of persons fearing statelessness or being stateless

For detailed background information, an outline of the existing framework, as well as current analysis as of April 2021, see Amnesty International's [special report on statelessness in Zimbabwe](#), focusing on "migrants and descendants of victims of Gukurahundi".⁷²¹

In its report on statelessness in Zimbabwe, Amnesty International noted in April 2021, that "approximately 300,000 people are currently at risk of statelessness, according to the UNHCR", but that "Lack of official data means that the exact number of people affected by statelessness is unknown".⁷²² The main groups affected by statelessness in Zimbabwe are:

Hundreds of thousands of migrant workers from neighbouring countries who were brought in by colonial authorities to work on farms and mines around the country from Malawi, Mozambique and Zambia, and their descendants who settled or were born in Zimbabwe before independence in 1980 face barriers to acquiring citizenship in the country and have effectively been rendered stateless. In addition, generations of ethnic Ndebele people, and largely settled in the Matabeleland and Midlands provinces, whose families were killed or disappeared during the Gukurahundi massacres, in early to mid-1980's, are also affected by statelessness. During Gukurahundi and its aftermath, many thousands died, lost family members and were forced to flee their homes in the affected areas in Matabeleland and the Midlands.

Many inevitably lost their identity documents. As a result, those born in the ensuing months and years were unable to be registered because they could not provide the death certificates of their parents required to prove Zimbabwean nationality, thereby rendering them stateless.⁷²³

The same report further highlights that the deprivation for "decades of their rights as citizens", "Denied the documentation enabling them access to education, work, health care and other basic rights" have resulted in "hundreds of thousands of people have been rendered stateless, stripped of any legal status in the country where they have raised families and which they regard as home. The government's failure over many years to remove the administrative obstacles to the enjoyment of these rights, particularly to descendants of migrants who migrated to Zimbabwe before independence and to victims of Gukurahundi and their descendants, has forced people into daily struggles to live freely. As a consequence, these two groups of the population have been pushed to

⁷²⁰ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifth to eleventh periodic reports of Zimbabwe](#), 16 September 2022, para. 37

⁷²¹ Amnesty International, [We are like "stray animals", Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021

⁷²² Amnesty International, [We are like "stray animals", Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. Executive Summary, p. 5

⁷²³ Amnesty International, [We are like "stray animals", Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. Executive Summary, p. 5

the margins of society”.⁷²⁴ The same source further found that: “Stateless people are restricted from participating in the economy, accessing jobs, opening a bank account, buying a house, opening their own businesses or entering into legally recognizable marriages or family unions. They are also poor, marginalized, discriminated against, disenfranchised and politically excluded”.⁷²⁵

According to reporting by IOM, “The country adopted the Devolution and Decentralisation Policy in 2020. While Zimbabwe has made significant strides in decentralizing birth registration and identity and travel document services, those living along the border experience difficulties in establishing their nationality, as there are no physical border demarcations. Due to non-availability of accessible services such as health facilities, most women either give birth at home or travel to health facilities in neighbouring countries, resulting in further difficulties when acquiring birth confirmation records. As a result, when women cross the border to access birth facilities, their children may end up as undocumented minors in Zimbabwe and therefore remain invisible in national records”.⁷²⁶

UNHCR’s report of December 2020 on citizenship and statelessness noted that “The children of the Zimbabwean diaspora without Zimbabwean identity documents are at high risk of statelessness, because their parents lack the documents needed to access birth registration either in the country of birth or in Zimbabwe. Even if the Zimbabwean citizenship of a parent is later confirmed, the children born outside the country will, in the absence of such documentation, need assistance to establish their own right to citizenship”.⁷²⁷ Moreover the report found:

During 2019 the Zimbabwe Human Rights Commission (ZHRC) held hearings throughout the country about problems in accessing documentation [...] Its findings highlighted concerns about discrimination based on gender and marital status in relation to registration of births and that “children born to parents of indeterminate nationality have been denied the right to be registered at birth in Zimbabwe.” [...] The Commission found that lack of birth registration and other identity documents resulted in denial of numerous rights enumerated in the constitution. Among the rights impacted were the rights to citizenship; to freedom of movement; to vote; to access social welfare, or education; to practice a trade or profession; to hold property; to a fair trial and freedom from arbitrary arrest and detention; to freedom of association; to administrative justice; to equality and non-discrimination; to marry and to be protected against child marriage; and to human dignity. The report stated that “affected people suffer low self-esteem and loss of dignity. They lack a sense of their belonging to Zimbabwe and to their local communities. They feel that they are not equal human beings.” [...] The Zimbabwe Parliament has also heard reports about the ways in which lack of access to primary documents deprived citizens of education beyond primary school.⁷²⁸

The UN Committee on the Elimination of Racial Discrimination stated in its ‘List of themes in relation to the combined fifth to eleventh reports of Zimbabwe’ published in June 2022, that the government of Zimbabwe should provide “Information on steps taken to remove discriminatory provisions in the legislation on citizenship. Measures taken to prevent and reduce statelessness, including on steps to identify and register all stateless persons in the State party. Measures taken to remove barriers to acquiring citizenship faced by ethnic Ndebele whose families were killed or disappeared during the Gukurahundi massacres [...] Measures taken to ensure that all children born in the State party have

⁷²⁴ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. Executive Summary, p. 5

⁷²⁵ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. Executive Summary, p. 5

⁷²⁶ International Organization for Migration (IOM), [Migration Governance Indicators, Republic of Zimbabwe](#), Profile 2021, 21 April 2022, p. 15

⁷²⁷ UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 93

⁷²⁸ UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 102

access to birth registration immediately after birth, regardless of the residence status or citizenship of their parents or any other reason”.⁷²⁹

According to UNHCR’s #I Belong Campaign, the Zimbabwean National Statistics Agency announced that “questions on access to documentation and citizenship will be included in the 2022 census to improve data on statelessness. This is an important step as there is currently no official data on the number of people who are stateless or at risk of statelessness in the country”.⁷³⁰

c. Former farm workers

UNHCR’s report of December 2020 on citizenship and statelessness noted that “In southern Africa, the risks of statelessness created at independence apply especially to the descendants of those hundreds of thousands of Africans who moved from a territory of origin, often under duress, as a result of the political and economic changes brought by colonisation. The best-known situations relate to [...] those who came to Zimbabwe (what was then Rhodesia) from Mozambique, Zambia or Malawi to work on farms or mines owned and operated by white Rhodesians”.⁷³¹

The author of the report explained in more detail:

Although the context is in some ways very different, there are some similarities in the profile of those who came to Zimbabwe as migrant workers during the period of white minority rule, and who have faced difficulties in asserting Zimbabwean citizenship since 2000. Until the new Zimbabwean constitution came into effect in 2013, dual citizenship was not permitted for adults. During the first decade of the new century many people born in Zimbabwe of parents with origins in neighbouring countries found themselves unable to claim either Zimbabwean citizenship or the citizenship of a foreign parent, even though they might theoretically have the right to the citizenship of both states. The Zimbabwean Registrar General would require a person to prove renunciation of the citizenship of, for example, Malawi, before issuing an identity document; while the Malawian embassy would say that there was no evidence showing that the person was Malawian, so citizenship could not be renounced or alternatively that the person must first renounce Zimbabwean citizenship to claim Malawian citizenship. The absence of paperwork would leave the person deemed by both states to be a citizen of the other, but by neither to be their own [...] The provisions in the 2013 Constitution permitting dual citizenship for those who are citizens by birth, and that a person born in Zimbabwe before the new constitution came into force became a citizen by birth if one or both parents was a citizens of a SADC Member State should have resolved the situation for most of those in this situation. However, the provision on acquisition at birth was conditioned on the person being ordinarily resident in Zimbabwe on the date the constitution came into force [...] Given the large number of people who had left Zimbabwe over the previous decade, their status remains uncertain.⁷³²

In its report on statelessness in Zimbabwe, Amnesty International acknowledged in April 2021 that “thousands of white commercial farmers” have been “affected by statelessness”.⁷³³

⁷²⁹ UN Committee on the Elimination of Racial Discrimination, [List of themes in relation to the combined fifth to eleventh reports of Zimbabwe](#), 23 June 2022, paras. 21 and 22

⁷³⁰ UN High Commissioner for Refugees (UNHCR), [#IBelong Campaign Update, July – September 2021](#), 20 October 2021, p. 8

⁷³¹ UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 90

⁷³² UN High Commissioner for Refugees (UNHCR), [Citizenship and Statelessness in the Member States of the Southern African Development Community](#), December 2020, p. 91

⁷³³ Amnesty International, [We are like “stray animals”, Thousands living on the margins due to statelessness in Zimbabwe](#), 16 April 2021, 1. Executive Summary, p. 5