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Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders
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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998. In 2018 Front Line Defenders was awarded the United Nations Prize in the Field of Human Rights.

This submission concerns the situation for human rights defenders in Zimbabwe and covers developments from November 2016 to January 2021. The research in this submission is based on research carried out by Front Line Defenders and information received from human rights defenders.

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INTRODUCTION

This submission focuses on the situation for human rights defenders in Zimbabwe and covers developments in the years 2015-2021.

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.

I. DEVELOPMENTS SINCE THE LAST UPR

1. In the last UPR cycle (November 2016), Zimbabwe supported sixteen recommendations specifically related to human rights defenders – most notably the recommendation calling for Zimbabwe to “cease ungrounded arrests and detentions, as well as the excessive use of force, torture, intimidation and harassment, interference and anti-protest discrimination”.
2. Most of the recommendations addressed judicial harassment against HRDs and restrictions to their rights of freedom of expression, assembly and association.
3. Several other recommendations called for the repeal or revision of the restrictive legislation that has directly affected HRDs, particularly the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA) and the Private Voluntary Organisation Act (PVOA). The recommendations regarding POSA and AIPPA were accepted, while the recommendations regarding PVOA were noted.
4. Four years on and despite the positive measures such as the repeal of the AIPPA and POSA, the impact of the restrictive legislative framework remains unaltered as POSA was repealed and replaced with the Maintenance of Peace and Order Act (MPOA) which legal experts argue is just POSA by another name. According to Zimbabwean legal experts at the Zimbabwe Human Rights NGO Forum, MPOA is still not in line with the Zimbabwean Constitution.

II. GENERAL ASSESSMENT AND LEGAL ENVIRONMENT

5. During the period under review, there was often abuse of sections of the Criminal Law (Codification and Reform) Act, notably section 22(2)(a)(iii) “subverting constitutional government”, section 37 “participating in gathering with intent to promote public violence, breaches of the peace or bigotry”, and section 31 (a)(ii), “incitement to commit public violence”. These provisions were used as the bases for trumped up charges against HRDs for doing their peaceful work as members of the civil society.

6. On 27 May 2019, seven HRDs were arrested as they were returning from attending a civil society workshop. The workshop was a training on civil engagement with a focus on effective advocacy and communication strategies, organised by the Centre for Applied Nonviolent Action and Strategies (CANVAS). The HRDs were arrested and released on bail after being charged with ‘subverting constitutional government’ as defined in section 22(2)(a)(iii) of the Criminal Law Act. The defenders arrested were from various backgrounds and worked on different issues, from local governance to corruption, citizen participation, peace building , girls’ rights, women’s rights, and the rights of female prisoners. The seven HRDs were in and out of court for a year before being removed from remand, though the case is still open.

7. On 20 July 2020, a human rights defender and journalist, Hopewell Chin'ono was arbitrarily arrested at his home in Harare and charged with ‘incitement to commit public violence’ as defined under section 31 (a)(ii) of the Criminal Law Act. The defender is an investigative journalist and human rights defender, his work primarily focuses on investigating and exposing corruption and the mismanagement of the economic crisis in Zimbabwe. The charges against the HRD are in relation to posts he made on social media, calling on citizens to participate in the anti-corruption demonstrations that took place on 31 July around the country. Authorities and the investigating officer on the case claimed that the posts incited people to participate in gatherings that would promote a breach of the peace, and that the aim of these demonstrations was to overthrow the Government of Zimbabwe. The aim of the protests however, was to denounce corruption, mismanagement of the economic crisis and the lack of reforms by the government. On 19 May 2021, Zimbabwe's High Court quashed charges of communicating false information levelled against the journalist and human rights defender.

8. On 15 December 2018, a number of HRDs belonging to the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) defending the right to education in rural areas of Zimbabwe and labour rights, saw the start of a long series of harassment from the government. The Union advances the interests of teachers in rural schools. Four HRDs belonging to this trade union were arrested in 2019 during a meeting held ARTUZ. The defenders were charged with “participating in gathering with intent to promote public violence, breaches of the peace or bigotry”, punishable under Section 37 of the Criminal Law Act.

III. POLICE HARASSMENT, THREATS AND SURVEILLANCE

9. In the period under review, harassment, threats and surveillance of human rights defenders persisted. The negligence of law enforcement in pursuing cases of harassment against defenders, and in some cases law enforcement's harassment of defenders, creates a hostile

environment for human rights defenders. Physical and online surveillance contributed to silencing and often resulted in HRDs relocating for the sake of their safety.

10. 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 co-wrote 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.

11. On Friday, 26 June 2020, a group of human rights defenders visited a HRD who was being held at a Masvingo police station in an act of solidarity. After the stop at the police station, they proceeded to attend a stakeholder meeting hosted by a partner organisation. Upon departure from the meeting, the vehicle they were traveling in was blocked by a car without registration plates, with armed men demanding to know what they were discussing. Realising danger, the defenders sped around the city centre hoping to seek refuge at any easily accessible safe place. Realising that there were now two vehicles in pursuit and that they were running out of fuel, the HRDs headed to a residential location in hope to find safe haven with a colleague. After having their path blocked by the vehicles pursuing them, the HRDs fled their car and, with help from citizens, managed to escape.

12. On 7 May 2021, WHRD, Paidamoyo Masaraure was arrested for wearing a Zimbabwe National Students Union (ZINASU) shirt. ZINASU is a non-partisan organisation that advocates for academic freedoms and student rights in Zimbabwe. After her release, she found herself under surveillance as she noticed unmarked vehicles following her. As a result, she started an online campaign #iwearmyzinasutshirt which is aimed at encouraging students to organize and promote democracy. The defender has also received several anonymous calls threatening her to stop her work. Due to the risks to her safety, she has been forced to go into hiding.

13. On 14 June 2021, a WHRD Alice Kuvheya was arrested at St Mary's Police Station in Chitungwiza upon presenting herself in the presence of a lawyer. The police had been looking for her at her home for a week and she had gone into hiding to allow the situation to deescalate. The arrest comes only four days after the WHRD, on behalf of Chitungwiza Residents Trust, had obtained a court order stopping the local and central governments from

demolishing informal trade structures and homes in Chitungwiza and Harare.

IV. HUMAN RIGHTS DEFENDERS WORKING ON ELECTIONS

14. The continued portrayal of human rights defenders working on elections, good governance and citizen participation as members or agents of the political opposition presents clear roadblocks to their peaceful and legitimate work as HRDs. The repercussions for expressing criticism of the government limits the freedom of speech of HRDs. Additionally, there is a pattern of charging HRDs with trumped up charges of “incitement to public violence”.

16. In August 2018, **Makomborero Haruzivishe** was forced into hiding after denouncing the violations committed by the national army following the 31 July 2018 elections. The HRD works for an organisation promoting citizen participation, especially of young people, towards a democratic society. His name was added to a list of people wanted by the police/army after denouncing post-electoral violence and killings. In April 2021, the defender was convicted for “inciting public violence and resisting arrest”, he was sentenced to 14 months in jail.

17. Journalist and pro-democracy activist, Itai Dzamara, remains forcibly disappeared almost seven years after his abduction on 9 March 2015 by five unidentified men from a barber shop in Harare’s suburb of Glenview. The police have failed to fully comply with orders from the High Court to investigate the disappearance of the HRD, and the authorities deny any involvement in his disappearance.

V. RECOMMENDATIONS

Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Zimbabwean authorities to prioritise the protection of human rights defenders and in doing so to:

- a) Guarantee in all circumstances that all human rights defenders in Zimbabwe are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment, and ensure full respect for the UN Declaration on Human Rights Defenders;
- b) Publicly recognise the positive and legitimate role played by human rights defenders in Zimbabwe;
- c) Accept and fully implement the UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels;

- d) Take measures to strengthen the independence of the judiciary and ensure that the judicial system is not used to restrict the legitimate and peaceful work of human rights defenders;
- e) Take urgent measures to put an end to the arrest and detention as well as judicial harassment against human rights defenders;
- f) Combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims;
- g) Review the Private Voluntary Organisations Act (PVOA) to ensure its compliance with international standards on freedom of association and ensure the free and independent establishment and operation of civil society organisations;
- h) Take all necessary measures to establish the fate and whereabouts of journalist and pro-democracy activist, Mr Itai Dzamara; including the formation of an independent commission of inquiry focusing on his case.