



Statement to the African Commission on Human and Peoples' Rights at the 56th Ordinary Session of the African Commission on Human and Peoples' Rights under Agenda Item 4e

Statement on the Overall Human Rights Situation in Zimbabwe

Honorable Chairperson; Commissioners; heads of Government delegations; civil society representatives; ladies and Gentlemen.

The general human rights situation in Zimbabwe has been somewhat stable since the 55th session. Although there has been a decline in overt acts of political violence during the extended intersession, this decline also saw a surge of covert forms of violence in the form of threats, intimidation, illegal and unconstitutional property demolitions. Cases of torture perpetrated mostly by members of the Zimbabwe Republic Police remained a common trend.

Honourable Chairperson, it is regrettable that while Zimbabweans were still celebrating the decline in cases of civil and political violations, on 09 March, Itai Dzamara the leader of Occupy Africa Unity Square¹ was abducted as he was coming out of a barbershop, in Glenview, Harare by unidentified men. In Zimbabwe it is not typical for armed criminal elements to abduct citizens. The state should thus have mounted serious investigations unless of course it was involved. Dzamara has remained missing and his whereabouts remain unknown to date, while the motives for the abduction are yet to be established.

Honourable Chairperson, although prisoners' rights are regarded as human rights and the Constitution of Zimbabwe in section 50 and 51 spells out fundamental rights of prisoners which government must protect, prison conditions are inhuman and unfit for human habitation. The state of Zimbabwe's prisons was put on the spotlight on 13 March when close to 900 prisoners rioted against poor living conditions and poor diet at Chikurubi Maximum Prison. At least five prisoners are alleged to have died, while several others including prison officers were injured during the riot. The Zimbabwean government has not adequately accounted for these deaths. Subsequently prisoners who were suspected of masterminding the food riots were reportedly subjected to torture and other forms of inhuman and degrading treatment, such as denial of health care, food and spending the whole day stark naked. Currently seven prisoners are on remand for leading the riots. Although the Zimbabwe Prisons and Correctional Services has set

¹ Since October 2014 Dzamara had been occupying Africa Unity Square in Harare and leading protests demanding that President Mugabe steps down for failing to run the country.

up a five-member board commission of inquiry to investigate circumstances surrounding food riots, there is need for an independent commission of inquiry to investigate what transpired and the exact number of prisoners who died.

Honourable Chairperson, the government has not adequately addressed socio-economic rights, despite Constitutional guarantees for such. While it is appreciated that socio – economic rights are progressively realized, the right to health, education, safe and clean water, work, food, housing and freedom from arbitrary evictions continues to be violated through the government's lack of commitment in investing in the realisation of these rights. The state has not shown evident inclination to improve and sustain the nature and quality of some socio- economic rights where they already exist and are enjoyed.

Although section 77 of the Constitution recognizes the right of every person to safe and clean water, there are persistent and severe water shortages, exacerbated by unlawful and unprocedural disconnection of water services to households and public institutions. Health institutions have not been spared from water shortages that have also resulted in outbreaks of typhoid in areas such as Mabvuku in Harare, which has not had running water for the past 15 years.

The Judicial Services Commission is also subjecting children to inhuman and degrading treatment through the resuscitation of the corporal punishment. A circular communicating that directive has been sent to all the magistrates' courts and corporal punishment is being imposed and administered on child offenders until such a time when the Constitutional Court has provided some alternative sentencing.

Honourable Chairperson, the Government of Zimbabwe has also carried out property demolitions and arbitrary evictions against its citizens, without provision of alternatives or consideration for the welfare of their owners. Most of these demolitions and evictions were illegally carried out without the authority of court orders as set forth in section 74 of the constitution. The demolitions also violated sections 51 and 53 of the constitution, which guarantees protection against cruel, inhuman and degrading treatment and the right to human dignity.

Furthermore, in 2014 President Robert Mugabe's family reportedly evicted about 900 families from Manzou Farm in Mazowe, to pave way for the First Family to establish a private wildlife sanctuary. Some of the victims were reportedly dumped in Rushinga and others along the Harare – Bindura road, violating their health rights, access to shelter, education and associated Constitutionally guaranteed entitlements. Early this year the first family in spite of a High Court Order issued in 2014 protecting the Manzou Farm residents from arbitrary evictions, again arbitrarily demolished homes and set on fire personal belongings of some remaining 200 families in a bid to evict them.

The continued violation of human rights has been worsened by the government's failure to amend old laws with the constitution, the majority of which do not comply with the constitution.

Civil society organisations in Zimbabwe therefore implore the Commission to urge the Government of Zimbabwe;

- To continue working with all stakeholders, including civil society to ensure that all laws are aligned with the Constitution.
- To as a matter of urgency establish the whereabouts of Itai Dzamara; investigate fully the circumstances surrounding his abduction and ensure that those responsible for the abduction are brought to account; and that his family, friends and colleagues are updated of any progress regarding the investigations.
- To commence reforms, both in policy and practice that would ensure that all citizens fully enjoy socio-economic rights and peacefully participate in civic and political affairs of the country.

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