

SIMBABWE

Republic of Zimbabwe

Head of state and government: Emmerson Dambudzo Mnangagwa (replaced Robert Gabriel Mugabe in November) Activists and human rights defenders continued to mobilize to hold the government to account through protests on the streets and via social media. The state continued to use the law to crack down on dissenting voices. The authorities continued with forced evictions despite constitutional provisions prohibiting the practice. Independence of the judiciary remained under threat following amendments to the Constitution.

BACKGROUND

The economic situation worsened with no solution to the liquidity crisis in sight. In October, the Ministry of Cyber Security, Threat Detection and Mitigation was established in response to social media activism. Factionalism and succession battles within the ruling Zimbabwe African National Union–Patriotic Front (ZANU-PF) party intensified; President Mugabe dismissed the then First Vice-President Emmerson Mnangagwa on 6 November, for allegedly plotting against the government and exhibiting “disloyalty, deceitfulness, disrespect and unreliability”. On 14 November, the military took power and after public support for the military action, and Parliament’s impeachment process, Robert Mugabe resigned on 21 November. Emmerson Mnangagwa was sworn in as President on 24 November.

FREEDOMS OF ASSOCIATION AND ASSEMBLY

The police dispersed meetings or peaceful protests using excessive force.

On 26 June, police arrested Pastor Evan Mawarire in the capital, Harare, after he held prayers with University of Zimbabwe medical students during a protest against fee increases. He was held in Harare Central Police Station for two days before being released on bail on charges of inciting public violence and disorderly conduct. He was acquitted on 29 September, although separate charges remained against him relating to a different arrest (see below “Freedom of expression”).

In July, Darlington Madzonga and Edmund Musvubi were arrested by police during a peaceful protest in Harare, held by the opposition Movement for Democratic Change youth against the Zimbabwe Electoral Commission’s failure to implement reforms.

They were charged with killing a police officer during the protest and they remained in detention in Harare at the end of the year while their case was pending in court.

On 10 November, the police disrupted a meeting in Marange Village, in the east, of 22 activists from Latin American and Southern African countries to commemorate the ninth anniversary of the killing of 200 people by the military. The 200 had been killed after they took control of the diamond fields in protest at government plans to hand over diamond mines to Chinese businesses. The 22 activists were arrested and charged with entering a protected area without a government permit. They were released on 11 November after pleading guilty and were each fined USD100.

FREEDOM OF EXPRESSION

The state restricted the right to freedom of expression particularly of human rights defenders and other activists. On 16 January, Pastor Philip Mugadza was arrested by police in Harare and charged with criminal nuisance after he said that President Mugabe would die on 17 October. He was released on bail on 10 March. His case was pending in the Constitutional Court at the end of the year. If convicted, he faces a jail sentence of up to six months.

Pastor Evan Mawarire was targeted for various public statements he made criticizing the government. He had fled the country in July 2016, but was arrested by police in Harare, upon his return on 31 January, on charges of subversion and insulting the national flag. He was released on bail on 8 February. On 24 September, Pastor Mawarire was arrested again and charged with subverting a constitutionally elected government after he published a video on 23 September in which he complained about fuel shortages and

rising prices. He was released from the Harare Central Police Station on 26 September. On 29 November, the Harare High Court acquitted him of all the charges.

On 10 August, Energy Mutodi, a businessman and supporter of Emmerson Mnangagwa, was arrested in Harare by police officers of the Criminal Investigation Department for suggesting on Facebook that a coup was likely if President Mugabe did not choose his successor carefully. He was charged with undermining the President's authority and causing disaffection among the police and defence forces. On 23 August, he was released from Harare Remand Prison on bail but his case was ongoing at the end of the year.

Victor Matemadanda, an executive member of the National Liberation War Veterans' Association, was detained by police at Harare Central Police Station in August on charges of undermining the office of the President and causing disaffection among the police and defence forces. He had called on President Mugabe to step down. He was released on bail after several days but his case remained pending at the end of the year.

On 2 October, journalist Kenneth Nyangani was arrested by police in the city of Mutare for reporting that the President's wife donated clothing, including used underwear, to ZANU-PF supporters in Mutare. He was bailed on 4 October and was awaiting trial until 13 December when the state failed to bring him to trial.

On 3 November, journalist Martha O'Donovan, a US national, was arrested at home by the Harare Police and charged with insulting the President and attempting to subvert a constitutionally elected government. She was alleged to have insulted Robert Mugabe on Twitter. She was released on bail from Chikurubi Maximum Security Prison on 10 November; she had not been brought to trial by the end of the year.

ARBITRARY ARRESTS AND DETENTIONS

The military police arrested a number of suspects on charges of fraud and corruption.

Those arrested included senior state officials, implicated in corruption, whose rights were denied on arrest, including by being denied access to lawyers.

During the military takeover in November, army personnel detained several members of a ZANU-PF faction who were alleged to support Emmerson Mnangagwa's dismissal.

They were held for more than the constitutionally permitted 48 hours before being brought to court. Former Finance Minister Ignatius Chombo, ZANU-PF Youth League Commissar Innocent Hamandishe, and ZANU-PF Youth League secretary Kudzanayi Chipanga, were arrested and detained by military police on 14 November.

During their detention they were denied access to their lawyers and were not taken to court until 25 November. Ignatius Chombo was charged with corruption and criminal abuse of office; Kudzanayi Chipanga and Innocent Hamandishe were charged with publishing or communicating falsehoods after they claimed at a press conference that Army Commander General Chiwenga stole money from the sale of Marange diamonds.

FORCED EVICTIONS

In April, police used excessive force to evict around 15 families from Manzou Farm in the Mashonaland Central Province which consists of several small farms. The evictions contravened a High Court order on 24 March which directed the government to end the practice of arbitrary evictions and home demolitions without providing compensation or alternative land to those evicted. The residents had lived on the farmland since 2000; the forced evictions from Manzou have left over 200 families homeless and without compensation.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

In August, Parliament passed a bill amending section 180 of the 2013 Constitution. MP Jessie Majome challenged the bill in court on the basis that the vote did not meet the required two-thirds majority and threatened judicial independence. The bill gives the President power to unilaterally appoint the most senior judicial positions.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic instability, drought, high poverty levels and unemployment put obstacles in

the way of access to education, health and adequate food. In July, Zimbabwe reported to the Voluntary National Review of Sustainable Development Goals for the UN High Level Political Forum that over 76% of children in Zimbabwe lived in consumption poverty, and a quarter lived in extreme poverty. Difficulties in paying basic school fees were widespread; the national Food and Nutrition Council found that at least 63% of school-age children were turned away from school for non-payment of fees. An estimated 4.1 million people in rural areas were reported to be food insecure. The right to health was increasingly threatened as allocation of budget to health decreased to only 8.2% of the national budget. The Auditor General's June report highlighted a crisis in health service delivery, and noted shortages of essential medicines and equipment, unavailability of water and specialized personnel.

SEXUAL AND REPRODUCTIVE RIGHTS

In October, UNICEF reported that 34% of girls and women were married by the age of 18. The government was yet to amend the Marriage Act or related legislation to comply with the Constitutional Court's 2016 judgment under which marriage under 18 was unconstitutional. NGOs and girls and women giving birth reported that those who had babies in public health facilities were not allowed to leave until their fees were paid. Despite the Ministry of Health policy guidance that maternal health services should be provided for free, local authorities continued to be charged fees for such services in public health facilities. Marginalized women and girls experienced severe delays in accessing maternal health services or received no care at all.