

## **Human Rights Situation in Zimbabwe**

Briefing by Vukasin Petrovic, Director for Africa Programs, Freedom House  
Tom Lantos Commission on Human Rights  
October 18, 2012

Thank you for giving me the opportunity to discuss the human rights situation in Zimbabwe.

I want to begin by establishing why Zimbabwe matters. First and foremost, Zimbabwe is the most important political battleground in Southern Africa and potentially in the whole of Sub-Saharan Africa. Dominance of ZANU-PF, arguably the most prominent and influential political party in the region to emerge from a liberation struggle, has been seriously challenged in the last 12 years by a viable political opposition and a vibrant civil society. Furthermore, Zimbabwe with its natural resources, agriculture potential, hard-working and well-educated people, is one of a handful of countries that, at least in theory, has both the economic and political potential to again be the leader of a new Africa- where citizens live in a democratic and just society.

I believe it is also important to establish the benchmark against which we should measure the current political and human rights situation in Zimbabwe. Upon taking office, President Obama committed to supporting strong, open, and accountable governments and sustainable development in Africa. Further, strengthening democratic institutions, including the promotion and protection of human rights in Africa, has been identified as one of four pillars of the new US policy towards Africa. Thus, any assessment of the situation in Zimbabwe and performance of leaders and parties in power must be measured against these principles.

Freedom House, through its flagship publication “Freedom in the World” has been following and reporting since 1972 on exactly this, political rights and civil liberties in all countries around the world including Zimbabwe. For the last 10 years, including the most recent period after the formation of the Government of National Unity (GNU), Zimbabwe was consistently ranked as a “Not Free” country, at one point, even reaching the infamous status as one of Freedom House’s “worst of the worst” countries.

Once an inspiring example for the African continent and led by the fearless independence fighter and –at the time of his succession- internationally admired Robert Mugabe and his Zimbabwe African National Union – Patriotic Front, Zimbabwe has become an epitome of dysfunctional, corrupt, despotic country. The stability of the first years after independence was followed in the 1980’s by violent suppression of the Ndebele ethnic minority, increasing authoritarianism and economic decline in the 1990’s and outright dictatorship in the 2000’s characterized by political violence, fraudulent electoral processes, and the abuse of state resources. Culmination came in 2008 when, after losing elections, Mugabe’s regime, supported by the national security apparatus embarked on a brutal campaign of nullifying electoral results and killing scores of people. The crisis was

stemmed by the creation of the GNU with the opposition party, the Movement for Democratic Change (MDC), led by Morgan Tsvangirai.

However, despite an electoral platform based on the message of change and great expectations from MDC as a participant in the GNU, its participation in the government did not bring about the fundamental change in the respect for democracy and human rights that many expected. Freedom of Expression and Freedom of Association are continuously restricted. The country's draconian legal framework still includes the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act. In general, these laws restrict the ability of civil society, independent media, political parties and public at large to carry out any activities that can be perceived as anti ZANU-PF without fear of prosecution.

Pressure from the executive branch has substantially eroded judicial independence, though the situation has improved somewhat since the GPA. The accused are often denied access to counsel and a fair, timely trial, and the government has repeatedly refused to enforce court orders. It has also replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. Vacancies for scores of magistrate posts have caused a backlog of tens of thousands of cases.

Security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the rising incidence of torture and mistreatment of suspects in custody. Security forces have also taken on major roles in diamond production, crop collection and food distribution, and both the police and the military remain heavily politicized toward ZANU-PF despite the GPA. Meanwhile, ZANU-PF militias operate as de facto enforcers of government policy and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment.

A recent nationwide public opinion poll in Zimbabwe, conducted by Freedom House and Mass Public Opinion Institute indicates that Zimbabweans, despite ongoing food shortages, are much less survival oriented than in years past and are today more concerned about their ability to exercise their political, socio-economic and human rights. Consequently, compared to 2010, they are much more cynical about the GNU and the parties that comprise it. People do not believe any more in the ability of ZANU-PF and MDC to deliver needed political and socio economic reforms. The best indication of this phenomenon is that the MDC has been suffering a steep decline in support- in 2010 a total 52% of Zimbabweans reckoned that the MDC was the main contributor to progress – by 2012 this recognition had collapsed to 15%. The MDC-T is now on par with ZANU-PF whose contribution is set at 16%.

More importantly, the Freedom House poll clearly shows that Zimbabweans have matured politically and are increasingly demanding meaningful change. Our data indicates that most the important issues for citizens are the pursuit of human rights and

effective service delivery. At the same time, survey respondents are significantly less confident in the ability of the GNU to ensure Zimbabweans freedoms to speak about political matters openly; more significantly, 65% of respondents agreed that 'fear of violence and intimidation will make people vote for parties or candidates other than the ones they prefer.

Consequently, even if we do not witness an increase in political violence in the run up to the anticipated constitutional referendum and new elections, Zimbabweans are not free of fear, and their participation in political processes is likely to be impeded by anxiety about ZANU-PF retaliation. With vivid memories of 2008 post election terror, and the lost of trust in MDC to deliver meaningful change, the question is whether citizens of Zimbabwe will dare to vote against ZANU-PF.

It is under these unfortunate circumstances that we are entering arguably the most important period in the history of Zimbabwe, with the constitutional referendum and general elections taking place within next six to nine months. However, there are still many unknowns: people could endorse current the draft constitution. MDC could once again win a nationwide election and yet again endorse a GNU for the sake of "stability." ZANU-PF could, again, attempt to hijack the elections but is likely to back off when faced with hostility from the international community and the Southern Africa Development Community. The security sector could kill and torture scores of opponents and attempt an armed coup to topple Zimbabwe's ostensibly civilian government.

Building democracy and respect for human rights in Zimbabwe is not entirely dependent on a good constitution alone, but also the political will to implement that constitution to its letter and spirit. Pieces of legislation such as the electoral bill do not mean anything in practice when Patrick Chinamasa, the Justice Minister, publicly states that MDCs victory will not be accepted by ZANU-PF and the security apparatus.

In a similar fashion, the general elections could be free of violence and the repression, but the question remains as to whether the future president, executive and the parliament will be willing to conduct necessary reforms in a genuine fashion that would systematically change the way the state of Zimbabwe operates.

Even if Zimbabweans defeat their fear, cynicism and repression and do vote their conscience in the forthcoming constitutional referendum and general elections, the reforms that would guarantee promotion and defense of human rights, and the building of democratic institutions remain uncertain because it appears there is just no political will for true change within current political elite.

ZANU-PF is a perfect reflection of its longtime leader - old, resigned, chronically ill, rigid and authoritarian, politically unable to do much more than preach the liberation gospel and obsessed with staying in power at any cost in order to continue to feast on diamond profits. To make things undeniably worse, ZANU-PF is preoccupied with ensuring unity of the party and motivated by fear of prosecution for all past crimes.

ZANU-PF has everything to lose but little to gain, thus it is very unlikely for it to be the source of any progressive policies or actions

At the same time MDC turned out to be just another timid political party that is quick to express its disagreement but overwhelmingly and demonstrably terrified of winning any significant political battles. The MDC and its leadership are at times openly resentful of its support base, including human rights groups and civil society writ large. The party's actions so far—or perhaps more appropriately, its inactions—have revealed a disquieting truth: it seems perfectly content to abandon the founding principles for the sake of securing participation in power.

Therefore, in order to secure this systematic change, which will not come overnight but over the next few decades, focus must be shifted from addressing the consequences of lack of political will to mitigating its causes. Imperfect constitution and laws, flawed elections and abuse of human rights are the direct consequences of the lack of political will, but the overall lack of accountability of political elites to their own people is the fundamental cause of the crisis in Zimbabwe.

First and foremost, civil society is the only organized alternative to current political elites, and as such needs to be continuously supported and encouraged by the international community and US, to be principled, non-partisan and to also take the responsibility for its actions. It also needs to be supported to continue its advocacy for reforms and promotion of human rights regardless of the operating environment and encouraged and capacitated to engage with other stakeholders at the equal level.

Citizens, through civil society, must be empowered to overcome their fear and, based on their own preference, to pressure the government of the day as well as all other stakeholders to adhere to the constitution, be accountable and proceed with the legal and institutional reforms. Likewise, a matured electorate needs to be inspired to demand maturity from the political elites to abandon the liberation and anti oppression narratives and create political discourse that offers genuinely competitive policies aimed at ensuring the political and economic progress of Zimbabwe.

The international community and the US must take a harder stance towards the Zimbabwean political elite, regardless of which political party they came from. It must clearly insist on accountability, transparency and the respect for human rights and rule of law of all stakeholders and call for prosecution and sanctions against those who misbehave. The international community must also find the mechanism that will allow it to attach additional conditions to any benefits, including developmental aid, preferential trade status and direct investments.

Ultimately, creating and supporting leaders, within civil society and other sectors, that are principled, accountable and capable of leading people through hard times is necessary. Building strong democratic institutions that would promote respect for human rights without leaders that would defend them is not a sustainable strategy.

A democratic and just Zimbabwe is not possible without a continuous long term shift of the state of mind of political elites that do or pretend to govern, citizens free of fear of retaliation and genuine will on behalf of all involved stakeholders including the regional and international community, for Zimbabwe to succeed in its pursuit of a brighter future.