



Statement on Protection of the Rights of Human Rights Defenders in Zimbabwe

19 August 2020

1. Introduction

Section 232 (b) of the Constitution of Zimbabwe Amendment No. 20 Act, 2013 provides that the Zimbabwe Human Rights Commission (ZHRC) is one of the five Independent Commissions Supporting Democracy. The common objectives of Independent Commissions are provided for in section 233 of the Constitution as follows:

- a) to support and entrench human rights and democracy;
- b) to protect the sovereignty and interests of the people;
- c) to promote constitutionalism;
- d) to promote transparency and accountability in public institutions;
- e) to secure the observance of democratic values and principles by the State and all institutions and agencies of government, and government-controlled entities; and
- f) to ensure that injustices are remedied.

2. The role of the ZHRC in supporting democracy is also in line with provisions of the Universal Declaration on Democracy (1997) and the African Charter on Democracy, Elections and Good Governance (2007). Articles 3 and 6 of the Universal Declaration on Human Rights and Article 4 of the African Charter on Democracy, Elections and Good Governance reiterate the State's obligation to promote democracy, the principle of the rule of law and human rights.

3. Protection of Rights of Human Rights Defenders

As a national human rights institution supporting democracy, the ZHRC is concerned with the infringement of the rights of human rights defenders in Zimbabwe. According to the United Nations Declaration on Human Rights Defenders (1998) and the Marrakech Declaration (2018), human rights defenders are persons who individually or with others, act to promote and protect human rights. They comprise of individual activists, national human rights institutions, lawyers, teachers, journalists, trade unionists, environmentalists, whistle-blowers, religious institutions and residents' associations, among others.

4. Human rights defenders can defend human rights as part of their jobs or in a voluntary capacity by: supporting respect for human rights in their communities and countries, collecting and disseminating information on human rights violations, supporting victims of human rights violations, taking action to secure accountability and end impunity; supporting better governance and government

policies, contributing to the implementation of human rights treaties as well as human rights education and training.

5. It has been noted that violations of rights of human rights defenders can include, among others:
 - a) Smear campaigns
 - b) Surveillance and enforced disappearances
 - c) Harassment
 - d) False charges
 - e) Arbitrary detention
 - f) Restrictions on the exercise of the right to freedoms of expression, assembly and association
 - g) Physical and verbal attacks

6. Recent cases of violation of rights of human rights defenders include the attacks on civil society as well as political and religious groups which are highlighting the diverse human rights abuses taking place in Zimbabwe.
 - a) The Commission therefore wishes to reiterate the inalienability of human rights, including rights of human rights defenders, even during public health emergencies such as the COVID-19 pandemic. The Universal Declaration of Human Rights (1948), highlights that human rights are universal, inalienable, indivisible, interdependent and interrelated, hence the need to ensure that citizens continue to enjoy all their rights, in spite of limitations in the interests of public health. Inalienability means that rights cannot be taken away from rights-holders but only limited through lawful, proportionate and justifiable means as stated in sections 86 and 87 of the Constitution.
 - b) The International Covenant on Civil and Political Rights (1976) also places emphasis on the inalienability of human rights. It states that recognition of the inherent dignity and of the equal and inalienable rights of all is the foundation of freedom, justice and peace. The Covenant affirms that the ideal of free human beings enjoying civil and political freedoms and freedom from fear and want, can only be achieved if conditions are created whereby everyone enjoys his/her civil and political rights as well as economic, social and cultural rights. Since human rights are indivisible, interdependent and interrelated, infringement of civil and political rights also translates to violation of socio-economic rights.
 - c) The ICCPR places an obligation on the State to be guided by the principles in the Charter of the United Nations in the promotion, respect for and observance of, human rights and freedoms.
 - d) The ICCPR also reminds citizens of their duties to other individuals and the communities to which they belong. Citizens are enjoined to also strive for the promotion and observance of human rights and freedoms.

7. Recommendations

In light of the human rights situation in Zimbabwe, the ZHRC therefore recommends the following:

7.1 To: The Government of Zimbabwe

- a) ZHRC calls upon the Government of Zimbabwe to respect, protect, promote and fulfil all the rights enshrined in the Declaration of Rights as provided for by section 44 of the Constitution.
- b) ZHRC calls upon the Government to safeguard and advance human rights as dictated by international human rights law and the obligations imposed by treaties and conventions Zimbabwe is party to.

7.2 To: Political Parties

- a) Political parties are urged to desist from aiding and abetting violations of human rights through incitement and perpetration of violence.
- b) Political parties should promote enjoyment of the rights to peace, human dignity and personal security as enshrined in sections 51 and 52 of the Constitution.

7.3 To: The Regional and International Community

- a) The Regional and International Community is urged to abide by the principles encapsulated in the Charter of the United Nations. Article 2 (1) of the UN Charter reiterates the need to respect the sovereignty of member States, including the Republic of Zimbabwe, by refraining from divisive politics.
- b) The Regional and International Community is urged to support Zimbabwe in coming up with domestic solutions to its political and socio-economic challenges and also facilitate elimination of conflict and hostility between the State and its citizens.

7.4 To: Citizens and Human Rights Defenders

Citizens of Zimbabwe and human rights defenders are urged to exercise their rights responsibly, always taking cognisance of the escalating public health threat being posed by the Covid-19 pandemic by refraining from peddling false news that is divisive and inciteful.

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