Zimbabwe’s Human Rights Development in the past 30 years

Editorial

Zimbabwe’s Independence did not come easily. The decade that preceded Independence saw the fighting of a highly violent civil war, which cost thousands of lives and caused untold hardship and suffering. While the full number of casualties will never be known, it has been estimated that at least 30,000 people died countrywide, although the actual numbers could be more than double this figure. Thus the historical governance model and culture of violence characterising the nation stems from a background of intolerance dating back to the struggle for Zimbabwean independence. The same culture was adopted by the ZANU PF government and has been the tone of Zimbabwe’s democracy even to this day.

The most visible episodes of man-made human rights calamities can be traced back to the pacification campaign known as the Gukurahundi (the early rain which washes away the chaff before the spring rains). In 1981 government security officials reported having discovered large caches of arms and ammunition on properties owned by PF ZAPU. Joshua Nkomo then leader of ZAPU and his followers were accused of plotting to overthrow Mugabe's government. Nkomo and his closest aides were expelled from the Cabinet. Prime Minister Mugabe responded by deploying the North Korean trained Fifth Brigade to wipe out alleged dissidents in Matebeleland and Midlands provinces. In the process unspeakable affronts on innocent peoples’ rights were committed. Credible reports surfaced of widespread violence and disregard for human rights by the security forces during these operations and the level of political tension rose in the country as a result. To date the actual figures of the violations ranging from loss of life, disability, destruction of homes, livelihoods, and property still remain unrecorded though some put the figure at as many as 20,000 civilian deaths. These violent acts in Matebeleland led to the signing of the Unity Accord in
1987 between ZANU-PF and PF-ZAPU.

Immediately after Independence, the government kept in force a "state of emergency," which was first declared before UDI as a result of the unsettled security situation and the continuing anti-government dissidence. This gave government authorities widespread powers under the Law and Order Maintenance Act of 1965, including the right to detain persons without charge. These powers ended up being abused.

In the 1990’s, there was relative peace and stability in the country until 1998, when sporadic, nationwide disturbances took place over growing shortages of basic commodities. The heavy handedness with which the police force dealt with the rioting masses ushered in a new era of state sponsored political violence. The food riots resulted in 8 deaths, countless injuries and the arrest of thousands of people. This happened despite the fact that Zimbabwe had ratified the following important human rights conventions: the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of all forms of Racism.

This same culture of violence informed the war waged against white farm owners in what became known as the “Third Chimurenga” in 2000. The chaotic nature of the repossession of farms has been one of the major contributors to the economic collapse of Zimbabwe. Violent eviction of white commercial farmers and their farm workers accompanied the land reform exercise resulting in several lives being lost and the massive displacement of farm labourers. The legality and constitutionality of the land reform process has been challenged in the Zimbabwean courts. Although a noble exercise, the process was aggravated by continuous droughts, lack of inputs and finance leading to a sharp decline in agricultural exports, traditionally the country’s leading export producing sector.

In 2002, Zimbabwe was suspended from the Commonwealth of Nations on charges of human rights violations during the land reform process. In addition, the 2002 presidential elections were preceded and followed by a government-sanctioned campaign of violence targeted against perceived opposition. This violence pioneered the role youths, war veterans and trained militia played in perpetrating violence,
intimidation and rape in the name of defending the nation from Western influence thereby planting the seed of political polarization that the country is still grappling with today.

Following the 2005 elections, the Government of Zimbabwe orchestrated "**Operation Murambatsvina**" (Restore order). This was a purported effort to crack down on illegal markets and homes that had seen slums emerge in towns and cities. The police and other security forces once again used excessive force to demolish houses. The operation was carried out in an indiscriminate and unjustified manner, with indifference to human suffering and in repeated cases, with disregard to several provisions of national and international legal instruments. Several key human rights, including the right to life, property and freedom of movement, which are all enshrined in the **Universal Declaration of Human, and People’s Rights**, were violated in the process. **Anna Tibaijuka**, the UN Special Envoy on Human Rights Settlement reported that some 700 000 people had lost their homes, their livelihoods or both, and that a further 2.4 million people had been affected in varying degrees. Children, women and the disabled were the most affected.

Although the government tried to cover up for its inhuman actions by coming up with **Operation Garikai**, only a few individuals benefited from this operation. The government has repeatedly hindered UN efforts to provide emergency shelter.

Thus for nearly a decade, the Government of Zimbabwe has pursued a campaign of repression aimed at eliminating opposition and silencing dissenting voices. These acts of state-sponsored violence, intimidation, arbitrary arrest, torture, killings and attacks on supporters of the political opposition, human rights defenders and the independent media, are well documented. Over the years, as part of its clampdown on dissent, the government has introduced legislation to severely restrict the rights of the majority of Zimbabweans to freely associate, assemble and express themselves. Restrictive laws like the **Public Order and Security Act (POSA)** and the **Access to Information and Protection of Privacy Act (AIPPA)** were enacted criminalizing the legitimate exercise of fundamental freedoms.

These laws have been used to silence public debate and to shield the government from domestic and international scrutiny. Human rights violations have taken place in a
situation of severe economic decline and acute food shortages, including cases in which the government has manipulated the response to the food crisis for its own political gain and retribution.

In 2008, Zimbabwe experienced the worst humanitarian crisis since Independence. The economy, social infrastructure and democratic processes virtually collapsed. Until the end of the 1990s, Zimbabwe was regarded as the breadbasket of Southern Africa and maintained one of the best educational systems in Africa, along with a vibrant political system, a free press, an independent judiciary and a rapidly growing economy. After 30 years, Zimbabweans are now poorer than they were at Independence. Moreover, Zimbabwe was the first country to hyperinflate in the 21st century.

Following the harmonized elections of March 2008, the government unleashed violence on defenseless citizens in retribution for the March 29 plebiscite that upset ZANU PF’s majority in the House of Assembly for the first time since Independence. The June 2008 Presidential election was basically a militarized election where the Joint Operation Command (JOC) adopted a warlike strategy in order to hold on to the Executive. The militarization of the 27 June election was part of the militarization of the state as a whole that started during land reform. Reports indicate that the 2008 violence resulted in the death of over 200 opposition supporters children included; some went missing, and hundreds were injured, tortured and displaced simply because the ZANU PF party regarded Zimbabwe as exclusively reserved for their rule forever.

Today the nation is still to heal from the inter-party politically motivated violence. Following domestic and international protests of President Mugabe’s inauguration after the June runoff Presidential election, ZANU-PF and the two MDC formations started negotiations to end the political impasse with President Mbeki as lead SADC mediator. On July 21, 2008 the leaders of the two MDC factions and ZANU-PF signed a Memorandum of Understanding (MOU), which set terms for the forthcoming dialogue. On 15 September 2008, the parties signed the Global Political Agreement (GPA), which led to the formation of the Government of National Unity (GNU) in February 2009.
Although there have been slight improvements in the progressive realization of socio-economic rights, a large portion of the population still lives below the poverty datum line and there are still violations of the rights to shelter, food, freedom of movement, freedom of assembly and the protection of the law. There are also assaults on the media, the political opposition, civil society activists and human rights defenders. All these human rights violations have continued with impunity. The bickering among the leaders of the GNU has also had a negative impact on the full implementation of the GPA, which is intended to usher in a new political dispensation in the country.

Despite all this, there is still room for improvement on the human rights record in Zimbabwe. What is needed is political will by the GoZ to fully implement domestic laws and regional and international instruments to which Zimbabwe is a signatory. The principals to the GPA recognized the multiple threats to the well-being of the people of Zimbabwe, the polarization, divisions, conflict and intolerance that characterised the socio-political environment in the past and undertook to take effective measures to stop, remedy and ensure non-recurrence of these violations. The Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights clearly outlines the basic human rights entitled to which every human being is entitled. However, there is no commitment from the government in fully implementing the provisions of these conventions. It also has not yet signed the Convention against Torture or other Cruel, Inhuman, Degrading Treatment or Punishment. Given the commitment and determination shown by the parties to the GPA to reform the human right culture in the country, a first step towards this would be the signing and ratification of this Convention.

Ends//