

# Zimbabwe

Between a rock and a hard place –

women human rights defenders at risk



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First published in 2007 by:  
Amnesty International  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom  
[www.amnesty.org](http://www.amnesty.org)

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Copies of this report are available to download at: [www.amnesty.org](http://www.amnesty.org)

AI Index: AFR 46/017/2007  
July 2007

Original language: English

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*Methodology:* Information in this report reflects research conducted in February and March 2007 in Zimbabwe. In Zimbabwe, Amnesty International's representatives interviewed women human rights defenders and other leaders of civil society organizations.

*Cover image:* Riot police arrest woman protester, Zimbabwe 2002. © AP

*Back image, top:* Women from Mbare Msika, Harare, Zimbabwe.

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*Back image, bottom:* Women of Zimbabwe Arise Valentine's Day protest, Harare, Zimbabwe, 14 February 2007. © Women of Zimbabwe Arise





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## Zimbabwe

### Between a rock and a hard place - women human rights defenders at risk

25 July 2007

Summary

AI Index: AFR 46/017/2007

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The human rights situation in Zimbabwe has been rapidly deteriorating since 2000. Human rights violations are taking place in a context characterised by a fast shrinking economy, accelerated by the government's policies. These policies, particularly the fast-track land reform programme which began in 2000, and the 2005 mass forced evictions, have driven many women deeper into poverty. The forced evictions drove the poorest people not only from their homes but also from their market stalls, depriving informal traders of their means of earning a living. Women were disproportionately affected by this policy, particularly as they form the majority of informal market traders and often bear the primary role for providing for their own children and also for other children orphaned by the AIDS pandemic.

As a response to the violation of economic and social rights, Zimbabwean women are organising themselves peacefully to demand respect and protection of their own human rights, and the rights of members of their communities. In particular, women human rights defenders are demanding equal access to food, healthcare and education for their children. They are campaigning for access to treatment for people living with HIV/AIDS, as well as opposing government policies that have created food insecurity and eroded their livelihoods.

Instead of addressing the genuine concerns raised by women human rights defenders, the government of Zimbabwe has become increasingly intolerant of critics of its policies. Since 2005, hundreds of women human rights defenders have been arbitrarily arrested and unlawfully detained after attempting to engage in or engaging in peaceful protest. Detained women human rights defenders have been subjected to sexist verbal attacks, and denied access to food, medical care and access to lawyers. Some have been severely beaten while in police custody, in some instances amounting to torture. In rural areas local ruling party officials have denied women human rights defenders access to maize distributed by the government-owned Grain Marketing Board, as a punishment for criticising the government.

However, in the face of this increasing government clampdown, Zimbabwean women human rights defenders have demonstrated incredible resilience, bravery and determination to end human rights violations.

Amnesty International stresses that the international community must publicly condemn violations of human rights by the government of Zimbabwe, including organised violence by state actors, torture and ill-treatment, and more broadly the denial of human rights (including

the right to be free from hunger) of women human rights defenders. In particular, the African Union and the Southern Africa Development Community should use their position of influence as important regional actors to send a clear and unequivocal signal to the government of Zimbabwe of their disapproval of state-sponsored attacks and other violations of the rights of women human rights defenders and their male counterparts.

The government of Zimbabwe should recognize the positive aspects of the work of women human rights defenders as enshrined in the UN Declaration on the Rights of Human Rights Defenders, and should create an environment which is conducive to women human rights defenders going about their work without fear of arrest and discrimination. The government must refrain from violating women's human rights as defenders of human rights, and must prevent, investigate and punish any instances of human rights violations against them.

This report looks at the factors that are motivating women in Zimbabwe to become human rights defenders and the ways in which the government is denying women their right to promote and protect human rights. It proposes specific recommendations to the government of Zimbabwe and to President Thabo Mbeki of South Africa in his capacity as the Southern Africa Development Community facilitator on talks between the government of Zimbabwe and the main opposition party, the Movement for Democratic Change. It also calls on the international community to support women human rights defenders in Zimbabwe.

This report summarizes a 42 page document (13,866 words): *Zimbabwe, Between a rock and a hard place - women human rights defenders at risk* – (AI Index: AFR 46/017/2007) issued by Amnesty International on 25 July 2007. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at [www.amnesty.org](http://www.amnesty.org) and Amnesty International news releases can be received by email:

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# Zimbabwe

## Between a rock and a hard place – women human rights defenders at risk

### Introduction

The human rights situation in Zimbabwe has been deteriorating rapidly since 2000. Human rights violations are taking place in a context characterised by a fast-shrinking economy that is being accelerated by government policies. Those policies, particularly on land reform and forced evictions, have contributed significantly to reducing the entire population's capacity to obtain access to their rights to food,<sup>1</sup> health, education and housing.

Zimbabwean women, who are active in dedicated women's rights organizations and in other human rights organizations, are mobilising to confront the government in response to the violation of economic and social rights. They are demanding respect for and protection of their own human rights and the rights of members of their communities.

After the government of Zimbabwe's programme of mass forced evictions in 2005 an estimated 700,000 people lost their homes or livelihoods or both.<sup>2</sup> The forced evictions drove people not only from their homes, but also from their market stalls, depriving informal traders of their means of earning a living. Women were disproportionately affected by this policy since they constitute the majority of informal market traders and are often the primary providers, not only for their own children but also for other children orphaned by the AIDS pandemic.<sup>3</sup> Many women, from both urban and rural areas, are finding it increasingly difficult to buy food, pay for medical care and earn a living.

As economic and social conditions have worsened, the government of Zimbabwe has become increasingly intolerant of critics of its policies. Since 2000, the government has condoned the widespread use by the Zimbabwe Republic Police of excessive force, torture, arbitrary arrest and detention of government critics. These include trade unionists, human rights defenders, media workers, NGO workers, lawyers, students and other perceived opponents of the government.<sup>4</sup> Since 2005, hundreds of human rights defenders, the majority of them women, have been arbitrarily arrested and detained for engaging or attempting to engage in peaceful

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<sup>1</sup> Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

<sup>2</sup> United Nations: Report of the Fact Finding Mission to Zimbabwe to Access the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe, 22 July 2005.

<sup>3</sup> According to UNICEF an estimated 1.1 million children had been orphaned by the AIDs pandemic by 2005, [http://www.unicef.org/infobycountry/zimbabwe\\_statistics.html#25](http://www.unicef.org/infobycountry/zimbabwe_statistics.html#25)

<sup>4</sup> See Amnesty International: *Zimbabwe Rights Under Siege*, May 2003, AI Index: AFR 46/012/2003.

protest marches or meetings. Most women interviewed by Amnesty International have reported being subjected to beatings and ill-treatment while in police custody. The beatings, in some instances, amounted to torture.

Women, standing up to defend their economic and social rights, face further human rights violations as women and as human rights defenders, including sexist verbal abuse and derogatory accusations. Women human rights defenders have been persistently denied their rights to freedom of expression, association and assembly. In addition, women human rights defenders in rural areas are being denied equal access to necessary cheap maize sold by the Grain Marketing Board (GMB). Since 2000, the government has used the law, in particular, the Public Order and Security Act (POSA), the Miscellaneous Offences Act (MOA) and later the Criminal Codification Act to undermine the ability of human rights defenders to promote and protect human rights. The police have categorized as criminal all legitimate activities of human rights defenders, as recognized in the UN Declaration on Human Rights Defenders<sup>5</sup> and reaffirmed by the African Commission on Human and Peoples' Rights in their Resolution on the Protection of Human Rights Defenders in Africa.<sup>6</sup> Women human rights defenders in detention have been humiliated and denied food, water, medical care and access to lawyers. Some have even been detained while pregnant or with their babies or infants. They are held in deplorable conditions which fall far below international human rights standards.

The treatment of women human rights defenders in custody has had dire consequences on them and their families, particularly on children who are often left without care while their mothers or carers are detained for days.

However, in the face of an increasing government clampdown, Zimbabwean women human rights defenders have demonstrated great resilience, bravery and determination to end human rights violations. They are aware of the obstacles and the dangers they face, yet they refuse to be intimidated.

## **About this report**

This report focuses on the circumstances of women human rights defenders in Zimbabwe. It explores their motivations and objectives. It documents human rights violations experienced by women human rights defenders, and the tools of repression used by the government to crush dissent. The report also looks at the government of Zimbabwe's obligations under regional and international human rights treaties, and makes recommendations to the government of Zimbabwe, the Southern Africa Development Community and the international community, particularly the African Union.

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<sup>5</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote Universally Recognised Human Rights and Fundamental Freedoms, adopted by the UN General Assembly in 1998.

<sup>6</sup> Resolution On The Protection Of Human Rights Defenders In Africa 74. ACHPR /Res.69(XXXV)04 <http://www1.umn.edu/humanrts/africa/resolutions/rec74.html>

Amnesty International understands human right defenders to be people who act to promote and protect human rights. They may be victims and survivors of human rights violations themselves, or friends or relatives of victims of human rights violations seeking to redress the violations suffered by their relatives. Alternatively, they may be journalists, lawyers, members of human rights organizations or politicians who speak out against government repression, who are working for the promotion and protection of human rights for all. They are human rights defenders because of what they do, not because of their job or profession.

Article 12 of the UN Declaration on Human Rights Defenders recognizes the right of everyone “individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.” It places an obligation on the state to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights.”

The bulk of the information in the report was gathered during a three-week mission by Amnesty International to Zimbabwe in February and March 2007. Amnesty International interviewed 59 women in Bulawayo, Insiza district in Matabeleland South province, Masvingo, Chivi district in Masvingo province, Mutare, Chegutu and Harare. Delegates interviewed professional women and student activists, women from townships and rural areas. The women ranged in age from late teens to women in their 60s. Amnesty International also interviewed male human rights defenders who are experiencing similar constraints and violations.

Amnesty International made several requests for meetings with government officials, in writing and in person, but failed to secure a single interview.

Some of the names of the people mentioned in this report have been changed in order to protect their identity.

## Context

Zimbabwe is in the midst of what the World Bank has called unprecedented economic decline for a country in peacetime.<sup>7</sup> The country also has one of the highest prevalence rates of HIV and AIDS cases in the world, and more than a million children have been orphaned by the AIDS pandemic.<sup>8</sup> The pandemic has also had a serious impact on a large number of households, since many individuals suffering from AIDS are less able to contribute to household income. In addition, erratic rainfall, coupled with shortages of farming inputs such as seeds and fertilizers, have led to a significant reduction in food production, making it difficult for families to find resources to pay for healthcare.<sup>9</sup> Zimbabwe is ranking 151, out of 177 countries, on the United Nations Development Programme's Human Development Index.<sup>10</sup>

The standard of living in Zimbabwe, including average life expectancy (currently 36.6 years) is at its lowest level in over thirty years;<sup>11</sup> 45% of the population is malnourished, one of the highest rates in the world.<sup>12</sup>

Zimbabwe is experiencing hyperinflation which translates to daily increases in the prices of basic goods and services. By the end of April 2007 the country's annual inflation rate had reached 3713%.<sup>13</sup> In contrast, household incomes have remained static.

The majority of the women interviewed by Amnesty International came from households that provide care to children who have been orphaned by the AIDS pandemic. With no assistance from the state or NGOs, the women have to feed and pay for the education of both their own children and of other children under their care. Two thirds of female-headed households care for orphans and vulnerable children.<sup>14</sup>

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<sup>7</sup> Hartwig Schafer, the World Bank's representative in Zimbabwe, reported in *Zimbabwe's economic fall unprecedented 'in peacetime'*, Globe and Mail, 27 July 2005 (Reuters News Service).

<sup>8</sup> UNICEF estimates of children aged 0-17 who have been orphaned by AIDS by 2005.

[www.unicef.org/infobycountry/zimbabwe\\_statistics.html#25](http://www.unicef.org/infobycountry/zimbabwe_statistics.html#25)

<sup>9</sup> World Food Programme, Where we work – Zimbabwe,

[http://www.wfp.org/country\\_brief/indexcountry.asp?country=716](http://www.wfp.org/country_brief/indexcountry.asp?country=716)

<sup>10</sup> UNDP, Human Development Report 2006, p285. The Human Development Index measures: (i) healthy life expectancy at birth; (ii) knowledge (literacy and education); (iii) a decent standard of living.

<sup>11</sup> UNDP, Human Development Report 2006, p290. The Human Development Index measures: (i) healthy life expectancy at birth; (ii) knowledge (literacy and education); (iii) a decent standard of living.

<sup>12</sup> Ibid, p307

<sup>13</sup> Reserve Bank of Zimbabwe, [www.rbz.co.zw/about/inflation.asp](http://www.rbz.co.zw/about/inflation.asp)

<sup>14</sup> United Nations, Zimbabwe 2006 Consolidated Appeals Process.

## **Human rights concerns related to access to food and housing**

The Zimbabwe government's policies on land reform and mass forced evictions have resulted in a significant reduction in the capacity of many households to access the rights to adequate food, education, healthcare and housing. The fast-track land reform programme,<sup>15</sup> which began in 2000, and the 2005 programme of mass forced evictions known as Operation Murambatsvina (Restore Order), literally wiped out the ability of poor households to meet their basic needs.

In 2004 Amnesty International concluded that the government of Zimbabwe's fast-track land reform programme had contributed to a drastic reduction in domestic production of food and food security.<sup>16</sup> The land reform programme also left some 70% of farm workers without jobs, greatly reducing their ability to pay for food, healthcare, and education. Three years later, Amnesty International found that the situation of former farm labourers has further deteriorated. The few farm labourers who are still in employment are now more vulnerable to exploitative forms of employment by the new settlers who pay the labourers very low wages.<sup>17</sup> The General Agriculture and Plantation Workers Union (GAPWUZ), a trade union representing farm labourers, reports that its membership was significantly reduced to 55,000 from 300,000 before the government's fast-track land reform programme. The majority of the trade union's former members are now unemployed or can no longer afford to pay membership fees. An estimated 150,000 former farm labourers were in need of food aid because they had lost their livelihoods as a direct result of Zimbabwe's fast-track land reform between 2000 and 2002.<sup>18</sup> Farm evictions were still being reported during the first quarter of 2007.

In March 2007 the minimum wage for general farm labourers was Z\$32,000 per month, a wage that would barely buy six loaves of bread. Members of GAPWUZ told Amnesty International that many labourers are paid significantly below this minimum wage. For example, Iris, a farm labourer from the farming town of Chegutu in Mashonaland West province, told Amnesty International that she is paid Z\$4,000 a month. She is the mother of two school-age children and pays a monthly rent of Z\$30,000. Such low incomes often force women to engage in commercial sex work to supplement their incomes, thereby exposing them to HIV infection.

The government of Zimbabwe's programme of mass forced evictions in 2005 contributed significantly to reducing the capacity of urban and peri-urban households to obtain food,

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<sup>15</sup> The majority of former farm workers were not allocated land under the government's fast-track land reform.

<sup>16</sup> Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

<sup>17</sup> Interview with Juliet Sithole, Gender Coordinator with the General Agriculture and Plantation Workers Union of Zimbabwe, February 2007.

<sup>18</sup> United Nations, Zimbabwe 2006 Consolidated Appeals Process.

healthcare, education and housing.<sup>19</sup> With unemployment in Zimbabwe standing at 80%, this had a drastic effect on the capacity of households to earn a decent living. The mass forced evictions targeted flea markets and vegetable vendors among other businesses in the informal sector. Because of their preponderance as vendors and informal traders, women were disproportionately affected by the government's destruction of small businesses. The Zimbabwe Congress of Trade Unions (ZCTU) notes that by 1998 women accounted for 67% of all micro-enterprises (77% of those in urban areas and 62% of those based in rural areas).<sup>20</sup> Operation Murambatsvina dealt a severe blow to households headed by women, and undermined women's ability to provide for their families as their source of income was eroded.

The informal sector is the only source of employment and livelihood for a significant proportion of the population in Zimbabwe. By 2004, the informal economy was estimated to account for 40% of all forms of employment, and had effectively become the mainstay of the majority of the urban population.<sup>21</sup>

Amnesty International has documented how Operation Murambatsvina resulted in the destruction of at least 32,538 small and micro-businesses across the country, creating a loss of livelihood for 97,614 people (mostly women) who were targeted indiscriminately.<sup>22</sup>

In February and March 2007, Amnesty International delegates witnessed daily increases in the prices of basic goods such as food and transport, while most people's wages remained static. Throughout the places visited by Amnesty International, women were desperately trying to sell their goods, including crafts, sweets, fruit and vegetables. At the same time they were attempting to avoid being arrested and having their goods confiscated by police, and sometimes were fined for contravening onerous municipal vending by-laws that require vendors to be registered and to sell only at designated points.

Some of the vendors were operating legally before Operation Murambatsvina. However, they are now deemed illegal because they have not been able to complete the "vetting" and re-licensing process introduced by the government after Operation Murambatsvina. Most women vendors fail to complete the "vetting" process because they cannot afford the fees, or because, even with a vending licence, they have not been allocated a site for vending. Where vending sites have been allocated, they are often badly positioned, and vendors struggle to sell anything.

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<sup>19</sup> In May 2005, the government of Zimbabwe embarked on a programme of mass forced eviction known as Operation Murambatsvina (Restore Order) which left an estimated 700,000 people without homes or livelihoods or both. Operation Murambatsvina first targeted informal businesses.

<sup>20</sup> Zimbabwe Congress of Trade Unions, *The economic impact of the clampdown on the informal economy, code named Operation Restore Order/Murambatsvina*, 28 June 2005.

<sup>21</sup> Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlement Issues in Zimbabwe, 22 July 2005, p24.

<sup>22</sup> Amnesty International, *Zimbabwe: No justice for the victims of forced eviction*, 8 September 2006, AI Index: AFR46/005/2006.

The majority of those affected by government's clampdown on the informal sector were poor women. One organization providing credit to micro-businesses, including many of those involved in street vending and trading, described the impact: "Our business has totally changed. We do not work with the poorest anymore. They are gone; 85% of our clients were poor women, and they have been driven out of business by Operation Murambatsvina."<sup>23</sup>

In February 2007 women from townships reported being concerned about the government's policy of arresting street vendors. Amnesty International has documented patterns of human rights violations, including police harassment and ill-treatment of informal traders.<sup>24</sup> Amnesty International believes that the arbitrary arrest and harassment of informal traders is taking away their only source of livelihood, and constitutes a violation of the right to work.<sup>25</sup>

In Zimbabwe women are often not only responsible for their immediate family, they also support members of the extended family by buying food and paying for education. Female-headed households are extremely vulnerable to food insecurity. For example, in 2003 about 70% of female-headed households required food aid (compared with 58% of male-headed households).<sup>26</sup> In June 2007 it was reported that an estimated 4.1 million people in Zimbabwe would experience food shortages.<sup>27</sup>

In 2004, Amnesty International expressed concern about the politicisation of food relief programmes in rural areas, particularly of maize distribution by the GMB.<sup>28</sup> The government of Zimbabwe closely controls the management and distribution of the country's strategic grain reserves through the state-run GMB.<sup>29</sup> Amnesty International also documented a range of human rights violations in the response to the food crisis. These included discrimination on

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<sup>23</sup> Amnesty International interview with micro-lending organization in Masvingo, April/May 2006.

<sup>24</sup> Amnesty International, *Zimbabwe: No justice for the victims of forced evictions*, 8 September 2006, AI Index: AFR 46/005/2006.

<sup>25</sup> See UN ICESCR, General Comment No 18, paragraph 20.

<sup>26</sup> Zimbabwe National Vulnerability Assessment Committee, *Zimbabwe Emergency Food Security Assessment*, April 2003.

<sup>27</sup> *More than one-third of Zimbabweans face food shortages – drought and economic crisis to blame*, FOA/WFP report says, World Food Programme, 5 June 2007, <http://www.wfp.org/english/?ModuleID=137&Key=2511>.

<sup>28</sup> Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

<sup>29</sup> The Grain Market Board manages the country's strategic grain reserve. In areas experiencing acute food shortage the GMB sells grain to the most vulnerable households. GMB grain is subsidized by the state and is generally affordable to many poor households. However, because of the monopolistic nature of the programme, it has been susceptible to political manipulation. The government has encouraged and allowed ruling party officials at local level to discriminate against outspoken human rights defenders, members of the Movement for Democratic Change (MDC) and members of civil society organizations. The selection for beneficiaries is usually done by local councillors, many of whom are members of Zimbabwe African National Union – Patriotic Front (ZANU-PF), and traditional leaders who are either forced by the local ruling party officials to leave out perceived opponents of the party or are willing to cooperate.

the basis of perceived political opinion, denial of access to justice, lack of independence of the judiciary, failure to protect the rights of the most vulnerable people (including farm workers) and unreasonable restrictions in the distribution of necessary food aid. Finally, Amnesty International documented the political manipulation of food aid, noting that food aid was often withheld from those who did not hold a ZANU-PF loyalty card, and was used in attempts to influence election results. In 2007 Amnesty International found that the manipulation of food distribution persists, particularly of GMB maize sold in rural areas.



## Impelled to act to defend their rights

*If we follow what the ruling party wants the whole country will die.*

Rural activist from Matabeleland South province, February 2007

*This [activism] is not about students [alone]. It is also about our mothers who cannot afford to feed their families. Our silence results in more violations.*

Student activist from Harare, February 2007

It is not a new phenomenon for Zimbabwean women to take up human rights activism. Since the country gained independence in 1980, women in Zimbabwe have been active in lobbying the government to adopt laws and policies that promote and protect their rights. Of particular significance has been the women's movement's success in lobbying for the Legal Age of Majority Act, which was passed in 1982. This gives legal recognition to women as majors when they reach the age of 18. Most recently, women's organizations such as the Zimbabwe Women Lawyers Association (ZWLA), the Women's Coalition and Women Action Group (WAG), among others, have lobbied for the enactment of laws against domestic violence. In November 2006 the Domestic Violence Act was passed by the lower house of parliament. Women have also lobbied against discriminatory inheritance laws, for reform of marriage laws and on other issues affecting women.

Like women human rights defenders elsewhere in the world,<sup>30</sup> those in Zimbabwe often endure grave violations themselves as they are subjected to all forms of attacks and ill-treatment by governments in an attempt to undermine their causes.<sup>31</sup>

While this report focuses on the situation of human rights defenders as they seek to exercise their right to peaceful assembly and freedom of association, Amnesty International acknowledges that the women human rights defenders are themselves victims of persistent violations of economic and social rights. All women human rights defenders interviewed by Amnesty International from across Zimbabwe repeatedly noted the difficulties they faced in feeding their families, meeting school fees and paying for medical care for themselves and other family members. Zimbabwe is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which recognizes the rights to food, education and health. It is often the denial of these rights which motivates women in Zimbabwe to become human rights defenders and to confront their government in demanding the respect and protection of these rights.

Other women become involved in activism due to personal or family tragedies which they attribute to ill-considered government policies. Amnesty International spoke with many

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<sup>30</sup> One such women's organization is the Mothers of Plaza de Mayo in Argentina, a human rights organization set up to campaign for justice on behalf of their children and other relatives who "disappeared" during the years of military rule (1976 - 1983). They have earned international recognition for their activism.

<sup>31</sup> See Amnesty International, Urgent Action, AI Index: AMR 13/013/2001.

women who have become human rights defenders following repeated violations of their human rights by the government of Zimbabwe.

### **Case studies**

#### **Grandmother denied access to food**

Costa is a 64-year-old widow from Matabeleland South province. She is a carer of six orphaned grandchildren aged between three and 18. She survives by subsistence farming and by working in other people's fields. Since 2002 she has been denied access to GMB food by local politicians who suspect her of being an MDC supporter. She has repeatedly appealed to the local councillor in the area and has been told on each occasion that she cannot be registered to buy GMB maize because she criticises the ruling party. Costa decided to join the activist organization Women of Zimbabwe Arise (WOZA) to protest against her victimisation. WOZA campaigns on social justice issues including equal access to food, healthcare and education.

#### **Widow waits three years for state pension**

Sidumiso (36) is the mother of two children. She is an activist with the Zimbabwe Civic Education Trust (ZIMCET), a national NGO which campaigns against political violence. She told Amnesty International that she decided to become a human rights defender after the death of her husband in the Democratic Republic of Congo in March 2000. Her husband was serving with the Zimbabwe National Army. The army did not tell her of her husband's death until two weeks after he had died. When his body was repatriated to Zimbabwe, the family was not allowed to view it – which contravenes local custom. After the death of her husband, Sidumiso had no other source of income to support her family. She did not receive her first widow's pension from the army until August 2003, more than three years after her husband's death. Her grief for the loss of a husband in a war which she feels was unnecessary, and the manner in which her family was treated by the army, led her to join a human rights organization as a platform to demand justice and campaign for an end to violence.

#### **Women farm labourers working for pittance**

Women who work on farms are routinely denied a wage which would secure them a decent living and are vulnerable to other rights abuses.

A woman farm labourer from the farming town of Chegutu told Amnesty International that she earns Z\$4,000 per month. "I cannot buy anything with that except a soft drink," she told Amnesty International. She has one child and cannot afford education fees. She decided to join the GAPWUZ to mobilise other farm labourers and campaign for better wages.

### **Survivor of repeated forced evictions and police brutality**

Irene's family was forcibly evicted from a farm in Matabeleland North province in 2002 during the fast-track land reform programme, when the farm where she lived with her grandfather, a farm labourer, was taken by the government and given to a supporter of the ruling party. The family relocated to Bulawayo. Soon after that, her father died (her mother was already deceased by the time), and Irene was left to fend for herself and six siblings. She became a vegetable vendor in order to earn money to buy food, pay rent and support her siblings' education. In 2005 her rented home in Bulawayo was destroyed during Operation Murambatsvina, when the government demolished backyard structures without providing alternative shelter for the affected people. She now lives in a single room with all her siblings in a high density suburb in Bulawayo. She finds it increasingly difficult to sell vegetables – her sole source of income – as she and other vendors are repeatedly arrested by the Zimbabwe Republic Police and Bulawayo municipal police. The vendors have their goods confiscated and are at times made to pay fines. She decided to join other women in her community, and takes part in peaceful demonstrations organised by WOZA. Irene has been arrested at least eight times after engaging in peaceful protest as a member of WOZA.

In August 2006 Irene was arrested in Bulawayo during a peaceful march to the offices of the Reserve Bank of Zimbabwe (RBZ). The march was organised by WOZA to protest against the abuse of women and the arbitrary seizure of money by police and youth militia at road blocks established by the RBZ and police to enforce the new currency switch. Irene was kicked above the navel by a police officer during the arrest. At the time she was two months pregnant. She was later detained overnight at Bulawayo Central police station, where she noticed that she was bleeding. Other women protesters detained with her alerted the police officer on night duty that Irene was bleeding and that they feared she could miscarry. The police officer reportedly told the detained women that "that would serve her [Irene] right as she was doing things [demonstrating] she should not be doing." The following morning Irene requested to be given water to clean herself but she was refused. She also asked to be taken to hospital and was reportedly told that she should wait for her lawyer. When the lawyer came she was unable to see him because she had been taken for questioning in another room. The lawyer was not allowed to consult with each of the detained women. Only after her release did Irene receive medical care through a private hospital with the assistance of WOZA. She had miscarried so her womb was cleaned and she spent a week in hospital before being discharged.

Women from locations visited by Amnesty International relayed similar experiences. Amnesty International observed that the Zimbabwean women human rights defenders were motivated to become activists in order to demand changes to government laws and policies that cause and exacerbate their daily hardship in obtaining food, and gaining access to healthcare and education for their families. All these have become increasingly unaffordable to most households.

## **Denial of access to subsidised maize in rural areas**

*We cannot afford to continue to feed the enemy because they are sell outs.*

Chief Fortune Charumbira, President of the Zimbabwe Council of Chiefs, January 2007

The government of Zimbabwe has permitted discriminatory distribution of maize in the rural areas as part of its strategy to retain its political support base since the emergence of the main opposition party, the Movement for Democratic Change (MDC).<sup>32</sup> Over the last seven years, Zimbabwe African National Union – Patriotic Front (ZANU-PF) politicians have used maize sold through the state-owned Grain Marketing Board (GMB) as a tool to silence perceived opponents.<sup>33</sup> In order to buy maize from the GMB, needy households in rural areas are registered at the local level. The registration process is conducted by councillors who are, in the majority of cases, members of ZANU-PF. These councillors omit names of perceived and known MDC supporters, reportedly stating that the “government should not be feeding its enemies.” Women human rights defenders have been labelled MDC supporters and are also discriminated against in the sale of GMB maize.

Amnesty International interviewed women human rights defenders who were excluded from buying maize from the GMB because they belong to human rights organizations or speak out against discrimination and other human rights violations in their communities. The decisions of the local ruling party officials are rarely challenged. People who do challenge them are often threatened with being beaten or evicted from their homesteads.

In Matabeleland South province, several WOZA members told Amnesty International they had been informed by local ruling party officials that they cannot buy GMB maize because they belong to an organization which criticizes the ZANU-PF government. In February 2007, Amnesty International spoke to 15 women from one district who had been stopped from buying GMB maize in 2002. Only four of the women were eventually allowed to buy the subsidized maize, after appealing to the local chief of the area who acted as a mediator.

### **Case studies**

#### **Eleven women targeted since 2002**

Thami is a 45-year-old member of WOZA from Matabeleland Province. In 2002 she and 14 other women were blocked from buying GMB maize on the grounds that they were suspected to be supporters of the MDC. Thami mobilized some of the women who were affected, and approached the local chief to demand access to GMB maize. Prior to going to the chief, the women had lodged a complaint with the police, who refused to intervene. The village head and his secretary were summoned by the chief. The village head reportedly admitted to the chief that he had been given instructions by ZANU-PF officials not to allow opposition

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<sup>32</sup> In February 2000 the government lost a referendum on a new constitution. In the same year the ruling party ZANU-PF narrowly won the parliamentary election; this triggered a wave of violence which targeted members of the main opposition party, the MDC.

<sup>33</sup> Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

supporters to buy maize from the GMB. The chief could not help the women. On returning from the chief's court, Thami was summoned to a community meeting where she was accused of making the police report and making false accusations against ZANU-PF officials. When Amnesty International spoke to Thami in February 2007 she was still not being allowed to buy GMB maize. Four of her colleagues were later allowed to buy the maize.

#### **Protester charged with “being disrespectful to men”**

Clara is a 60-year-old widow from Chivi district in Masvingo province. She is a member of the Women's Coalition, a national women's human rights organization. In 2003 Clara spoke out at a community meeting to challenge discrimination against perceived supporters of opposition parties in the distribution of GMB maize in her village.<sup>34</sup> Local ZANU-PF officials accused her of being a member of the MDC – an accusation which put her at risk of being assaulted, abducted or even killed by war veterans and ZANU-PF youth militia.<sup>35</sup> Clara was also summoned to the chief's court and was accused of “being disrespectful to men” – a charge grounded in pervasive gender stereotypes according to which women should not challenge men and women may have no say in public life. In August 2006, the chief's court found Clara “guilty of being disrespectful to men” and she was fined a goat. She refused to pay because she did not accept that she had committed any offence and told her accusers that the “charge” had no basis. By February 2007 Clara was still not being allowed to buy GMB maize.

#### **Violations of the right to food**

Amnesty International is concerned that women human rights defenders are being discriminated against in sales of GMB maize, thereby violating their right to adequate food. The right to adequate food and to be free from hunger is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR, Articles 11(1) and (2)), to which Zimbabwe is party. This right is to be respected, protected and fulfilled for the whole population, without discrimination, including on the basis of “political or other opinion” (ICESCR, Article 2(2)). As a state party to the ICESCR, Zimbabwe must also ensure the equal right of men and women to obtain adequate food (ICESCR, Article 3). Furthermore, the UN Committee on Economic, Social and Cultural Rights (CESCR), which is responsible for monitoring states' parties compliance with the ICESCR, has noted that violations of the right to food include the “denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is proactive.”<sup>36</sup>

Zimbabwe, as a party to the ICESCR, has an immediate obligation to take the necessary action to mitigate and alleviate hunger as provided for under the ICESCR, even in times of

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<sup>34</sup> Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

<sup>35</sup> Amnesty International, *Zimbabwe: Toll of impunity*, 25 June 2002 AI Index: AFR 46/034/2002.

<sup>36</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 12, The Right to Adequate Food, E/C.12/1999/5, para 19.

economic recession.<sup>37</sup> States must take steps to achieve progressively the full realization of the right to adequate food. Achievement of this objective is subject to resource availability, but the ICESCR requires that states immediately prioritise the duty “to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.”<sup>38</sup>

The African Commission on Human and People’s Rights has also upheld the right to food, stating:

*The African Charter and international law require and bind [states] to protect and improve existing food sources and to ensure access to adequate food for all citizens. ... the right to food requires that the [government] should not destroy or contaminate food sources. It should not allow private parties to destroy or contaminate food sources, and prevent peoples’ effort to feed themselves.*<sup>39</sup>

Under the ICESCR women human rights defenders have a right to be protected from discrimination in accessing the right to food and other rights enshrined in the treaty.

The ICESCR provides in Article 2(2) that:

*The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

Thus, the Committee on Economic, Social and Cultural Rights, which is responsible for ensuring states parties’ compliance with the ICESCR, has stated that any discrimination in access to food, as well as to means and entitlements for its procurement, on grounds such as political or other opinion, national or social origin or other status, with the purpose of nullifying or impairing the equal enjoyment of economic, social and cultural rights, including the right to adequate food, constitutes a violation of the Covenant.<sup>40</sup>

The International Covenant on Civil and political Rights (ICCPR), which Zimbabwe has ratified, provides in Article 26, that all persons are equal before the law and are entitled to equal protection of the law without discrimination. The human rights committee has clarified that this extends to all human rights – economic, social and cultural as well as civil and political.<sup>41</sup>

Amnesty International believes that, by allowing the local ZANU-PF officials in rural areas to refuse permission to women human rights defenders to buy GMB food on the basis of their

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<sup>37</sup> Ibid, para 28.

<sup>38</sup> Ibid, para 14.

<sup>39</sup> African Commission on Human and Peoples’ Rights, *The Social and Economic Rights Action Center for Economic and Social Rights v. Nigeria*, Communication No. 155/96, October 2001.

<sup>40</sup> General Comment 12, para. 18.

<sup>41</sup> Human Rights Committee, General Comment 18, Non-Discrimination, UN Doc. HRI\GEN1\Rev.1 at 26 (1994).

opinion, the government of Zimbabwe has failed in its obligations to respect and protect the right to food and the right to protection from discrimination.

## Experiences of women human rights defenders in police custody

*I would rather die standing up for my rights than to be labelled a coward by future generations.*

WOZA member, February 2007

The government of Zimbabwe has used the Public Order and Security Act (POSA)<sup>42</sup> to deny human rights defenders permission to hold peaceful demonstrations. Police use the POSA to break up peaceful demonstrations and arbitrarily arrest and detain human rights defenders. Others have been charged under POSA or the Criminal Codification Act after engaging in peaceful protest. On 20 February 2007 police used Section 27 of the POSA to impose a three-month ban on public demonstrations and rallies within some areas of Harare. This, however, appears to violate Section 27 of POSA, which sets the maximum period for such a ban at one month. The ban on public demonstrations and rallies has been extended and remained in place as of the end of June 2007. Section 27 (1) of the POSA states:

*If a regulating authority for any area believes on reasonable grounds that the powers conferred by sections twenty-five and twenty-six will not be sufficient to prevent public disorder being occasioned by the holding of public demonstrations or any class thereof in the area or any part thereof, he may issue an order prohibiting, for a specified period not exceeding one month, the holding of all public demonstrations or any class of public demonstrations in the area or part thereof concerned.*

Amnesty International is concerned that the detention of women human rights defenders has not been carried out in accordance with due process of law. Women human rights defenders have been ill-treated while in police custody after engaging in, or attempting to engage in, peaceful protest. They are often held in overcrowded cells for periods ranging from a couple of hours to several days before being taken to court or released. Police often deny human rights defenders access to lawyers and to food. In addition, human rights defenders who are injured as a result of police beatings during arrest and/or while in custody, are also denied access to medical care.

These human rights violations have gender specific manifestations and a gender specific impact on women human rights defenders.

Amnesty International has documented several cases of police brutality during arrest and detention of women human rights defenders.

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<sup>42</sup> Amnesty International, *Zimbabwe: Rights under siege*, p.17, 2 May 2003, AI Index AFR 46/012/2003.



### Case study

#### Women and baby injured during peaceful protest

On 29 November 2006, police in Bulawayo used excessive force to disperse over 200 WOZA members participating in a peaceful protest outside government offices at Muhlalandlela building, despite the fact that the protesters had all sat down ready to be arrested.<sup>43</sup> About 30 police officers in riot gear used excessive force to arrest and disperse the protesters, resulting in some 25 of them being seriously injured and later hospitalized. Among the injured were a woman and a baby, both of whom suffered broken legs. Around 36 protesters, including six mothers with small babies, were arrested and detained at Bulawayo Central police station.



© Women of Zimbabwe Arise 2006

This baby (left) and the woman (right) both sustained broken legs when police used excessive force to break up a peaceful demonstration organised by WOZA in Bulawayo, November 2006.

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<sup>43</sup> Sitting down and complying with police orders is one of the tactics that members of WOZA use to illustrate that they are protesting peacefully and are cooperating with the police.

## **Detention of pregnant women and mothers with small children**

Amnesty International has documented several cases where, as well as the lives or health of women human rights defenders being put at risk during detention in police custody, the lives and health of their small children were also endangered.

A number of women human rights defenders from WOZA sometimes take their small babies with them to marches. The women told Amnesty International that most of them have no one else to leave the babies with. In most instances the babies are still breastfeeding and cannot be separated from their mothers for prolonged periods. Amnesty International notes that these women tend to be single mothers living on their own.

Although most women human rights defenders who are arrested with babies are released earlier than women without children, and do not spend nights in police cells, some have not been so fortunate. Amnesty International has documented cases where the police subjected mothers and babies to cruel, inhuman and degrading treatment and at times even appeared to justify such treatment.

### **Case studies**

#### **Women with babies detained overnight**

On 29 November 2006 six mothers with babies were arrested and detained overnight at various police stations in Bulawayo after having spent the whole day at Bulawayo Central police station in the rain, in a fenced area in an open-air courtyard. When the WOZA leaders, Jenni Williams and Magodonga Mahlangu, who were also in detention, objected to the ill-treatment of the women, particularly the mothers with babies, police reportedly told them that “they deserved the treatment”.<sup>44</sup> Later that evening the police transferred the detainees to several police stations in Bulawayo. The mothers with babies were not released until 30 November.

#### **Bulawayo woman detained with baby**

Rumbidzai, a 26-year-old WOZA member, was one of the mothers with babies arrested on 29 November. At the time, her baby was nine months old. Police took away her bag with nappies and would not allow her to change the baby’s soiled nappy. The women pleaded repeatedly with the police but were told that they “should have stayed at home if they wanted better treatment.” In the evening, Rumbidzai was transferred together with 13 other protesters, including another woman with a small baby, to Queens Park police station. She was only allowed to change the baby’s nappy around midnight after lawyers finally managed to obtain access. As a result the baby developed an infection and Rumbidzai had to seek medical care.<sup>45</sup>

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<sup>44</sup> Police seem to feel justified in ill-treating women in detention as punitive measure. Human rights defenders are subjected to systematic ill-treatment while in police custody, including verbal abuse and beatings, which in some instances amount to torture.

<sup>45</sup> Interview with AI delegation in Bulawayo, February 2007.

### **Women forced to stop breastfeeding**

Another woman was forced to stop breastfeeding her baby after being arrested and detained at Harare Central police station following a demonstration organised by the National Constitutional Assembly in February 2003. She had travelled to Harare from Bulawayo early in the morning to take part in the demonstration, intending to go back to Bulawayo that afternoon so she could breastfeed. However, she was arrested and detained, and despite pleading with the police to be allowed to return to Bulawayo that day to breastfeed her baby, she was kept in detention until the following day. Police told her that if she had a baby she should not have been demonstrating.<sup>46</sup>

### **Pregnant women detained overnight**

On 1 December 2005, Gladys, an activist with the Women and AIDS Support Network, was arrested by police for attempting to participate in a peaceful march on Harare's First Street, as part of a campaign in support of women's access to anti-retroviral therapy. The march had been sanctioned by the police. Despite the fact that Gladys was six months pregnant, she was detained overnight at Harare Central police station in a very cold cell with no blankets.

Amnesty International is deeply concerned that the Zimbabwe Republic Police have demonstrated total disregard for the rights of arrested and detained women human rights defenders who are pregnant or mothers or carers of young children. Such disregard results in violations of women's and children's human rights.

Amnesty International also spoke to women human rights defenders who are concerned about the welfare of family members, particularly small children, who are often left without care while the mothers are in detention. Women human rights defenders having day-to-day responsibility for care of young children or elderly parents, often find it hard to continue their human rights work knowing that arrest and detention would prevent them from fulfilling that role in the family.

The Universal Declaration of Human Rights states that "Motherhood and childhood are entitled to special care and assistance. All children ... shall enjoy the same social protection." (Article 25(2)).

In accordance with the International Covenant on Economic, Social and Cultural Rights, states must give "the widest possible protection and assistance" to the family as "the natural and fundamental group unit of society", particularly "while it is responsible for the care and education of dependent children". (Article 10). It also requires that "special protection should be accorded to mothers during a reasonable period before and after childbirth." (Article 10(2)).

The Convention on the Rights of the Child requires: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law,

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<sup>46</sup> Interview with AI delegation in Bulawayo, February 2007.

administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” It also binds states parties to ensuring “the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents.” (Article 3). Furthermore, states have to “ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.” (Article 9).

Acknowledging “that women most of the time have major responsibilities for children”, the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders accordingly recommended that states “ensure that the woman offender is treated fairly and equally during arrest, trial, sentence and imprisonment, particular attention being paid to the special problems which women offenders encounter, such as pregnancy and child care”.<sup>47</sup> In its General Comment 28 on the equality of rights between men and women, the UN Human Rights Committee has noted: “Pregnant women who are deprived of their liberty should receive humane treatment and respect for their inherent dignity at all times and in particular during the birth and while caring for their newborn children.”

While relevant to the sentencing of mothers, these human rights obligations must also be heeded in relation to the arrest and pre-trial detention of women who are (or are about to become) mothers. Giving due consideration to their human rights validates a presumption against the imprisonment of pregnant or breastfeeding women and mothers of infants or small children. The International Centre for Prison Studies advises: “Pregnant women should only be held in prison in the most extreme circumstances.”<sup>48</sup> A women’s rights commentary on the UN Standard Rules on the Treatment of Prisoners notes: “As with pregnancy, a woman who is breastfeeding should only be imprisoned where there are compelling reasons why this is necessary in her particular circumstances.”<sup>49</sup> Equally, the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders noted that imprisonment of “mothers with infants or small children should be restricted and a special effort made to avoid the extended use of imprisonment as a sanction for these categories.”<sup>50</sup>

Amnesty International does not believe that the detention of mothers with small children and pregnant women were justified in any of the circumstances documented. The organization is convinced that this was done as a punitive measure in order to discourage women human

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<sup>47</sup> Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders, Resolution 9, Specific needs of women prisoners, A/CONF.87/14/Rev.1, p. 12-13.

<sup>48</sup> A. Coyle (2002) *A Human Rights Approach to Prison Management: Handbook for prison staff* (International Centre for Prison Studies).

<sup>49</sup> Megan Bastick, ‘Women in Detention - A commentary on the Standard Minimum Rules for the Treatment of Prisoners’ (Discussion draft), Quakers United Nations Office, July 2005.

<http://www.quino.org/geneva/pdf/humanrights/Commentary-SMR-women-in-prison.pdf>

<sup>50</sup> Report of the 8th UN Congress on the Prevention of Crime and Treatment of Offenders (1990), UN Doc. A/Conf.144/28/Rev. 1, p164.

rights defenders from exercising their rights guaranteed in the UN Declaration on Human Rights Defenders, the ICCPR and the African Charter on Human and Peoples' Rights.

### **Denial of medical care in detention**

Human rights defenders often need treatment for injuries inflicted by the police during arrest or while in detention. Hundreds of human rights defenders taken into police custody after being injured by police at the time of arrest have, in almost all the cases reported to Amnesty International, been denied access to medical care.

Other detainees were in need of medication for chronic diseases, including asthma, high blood pressure, and AIDS. Lawyers told Amnesty International that they have great difficulty in ensuring that detained activists can obtain medication. On occasions where access to medical care is granted, police often do not allow lawyers to consult with their clients individually or in private to find out what medication is needed. Since many people living with AIDS in Zimbabwe fear stigmatization if their HIV status becomes known, denial of private consultation with lawyers makes it difficult for women living with AIDS to speak freely. In particular, those who are on anti-retroviral therapy may be reluctant to disclose their HIV status and medication needs to lawyers in the presence of others in detention, even other human rights defenders.

Denying individuals access to the medical care they require while in state custody is a violation of their human rights. Where individuals require access to medical care as a result of being subjected to ill-treatment by state officials, denial of such access is a grave violation of their right to a remedy. Detainees must be able to discuss their medical needs with a healthcare professional or lawyer, and receive the required treatment confidentially. If women's routine of taking medication is disrupted it can have a long-term negative impact on their health. It is important that the women are able to take their medication (and obtain food) regularly and reliably.

Denial of access to medical care for persons in police custody is a serious violation of human rights. Principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that a "proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge."

Article 5 of the UN Code of Conduct for Law Enforcement Officials states that "[n]o law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment".

The UN Code of Conduct for Law Enforcement Officials further states in Article 6: "'Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.'" This means, where police arrest or have control of individuals suffering chronic illnesses such as asthma or heart disease, they should not only secure medical attention for those needing it

but also should take all reasonable measures to ensure that such individuals are able to take their medication as recommended. In no case should affected individuals have their medication removed or be otherwise prevented from taking necessary medicines.

### **Humiliation and sexist verbal attacks**

Amnesty International notes that most women human rights defenders who are arrested and taken into police custody are humiliated and subjected to sexist verbal attacks. These include being called “whores” and being told that they are “bad women” who deserve no sympathy from the police authorities. Women human rights defenders are portrayed as deviant women who have malicious intentions. This form of treatment amounts to sexuality baiting,<sup>51</sup> which is aimed at undermining the work of women human rights defenders by discrediting their activities and isolating them from the rest of the human rights movement. This affects the credibility and legitimacy of women human rights defenders who advocate on issues that specifically concern women. Amnesty International received credible information of how women who dare to challenge violations of economic and social rights in Zimbabwe are subject to derogatory or sinister accusations by the police, which are aimed at discrediting their character.

Lawyers in Bulawayo, Mutare and Harare, who have represented women human rights defenders when they are arrested, told Amnesty International that male police officers subject women human rights defenders to sexist verbal abuse. Statements made to the women by police officers include the following:

“I am not here to sleep with you.”

“You should go and find husbands instead of wasting time engaging in WOZA things.”

“Why do you leave your husbands to be detained in police cells.”

“Your husbands are not giving you enough sex – that is why you have the energy to confront the government.”

Older women are told to “go and practise witchcraft” instead of engaging in activism.

Almost all women interviewed by Amnesty International had been subjected to sexist verbal attacks by police while in custody. Such attacks are evidence of the police’s endorsement of negative gender stereotypes and gender discrimination. They insinuate that women human rights defenders have no business becoming active in the public sphere in defence of human

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<sup>51</sup> The practice of discrediting and controlling people, organizations and political agendas through strategic use of allegations related to sexuality.

rights. Attacks of this kind amount to violence against women and constitute violations of women's human rights.<sup>52</sup>

These attacks often translate into physical assault of women human rights defenders during arrest and detention, and denial of other rights, including access to lawyers, medical care and food, while in police custody.

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<sup>52</sup> See CEDAW General Recommendation No 19 (11<sup>th</sup> Session, 1992) on Violence Against Women. <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

## Deception and disinformation to evade accountability and justify suppression of dissent

*All opposition forces in Zimbabwe and beyond our borders have been, for a long time, working either individually, separately and jointly in strategizing for regime change in Zimbabwe*<sup>53</sup>

Zimbabwe Republic Police, 2007

*Since we are in a struggle for human rights, we are seen as enemy combatants by the police.*

Woman human rights defender with the National Constitutional Assembly,  
February 2007

The government has manipulated a genuine grievance concerning the stark imbalances in land ownership, created during colonialism, to shield itself from being held accountable for human rights violations. Many such violations extend well beyond those related to the fast-track land reform programme. The government of Zimbabwe justifies suppression of dissent, including the use of excessive force, torture and violence against government critics and members of the political opposition parties.

The government alleges that international criticism of its human rights record is mainly the result of an attempt by the former colonial power – the United Kingdom – to undermine its land reform programme. The government of Zimbabwe has repeatedly portrayed human rights defenders as violent individuals bent on removing the government. It has claimed that civil society organizations in Zimbabwe are being sponsored by western governments to effect regime change. This is despite the fact that even the ZRP has publicly acknowledged that organizations like WOZA are engaging in non-violent peaceful action.<sup>54</sup>

This strategy has been effective in galvanising support for President Robert Mugabe and his government from African leaders who have, until recently, expressed unqualified solidarity with the government. Instead of demanding investigations into human rights violations and government accountability for them, African leaders either remained quiet about the situation in Zimbabwe or shielded Zimbabwe from being discussed at multilateral level, including in the UN and the African Union.

False accusations against human rights defenders by senior government officials; a failure to institute investigations into alleged human rights abuses by the police; combined with a failure to bring to justice suspected perpetrators within state security organizations of abuses against human rights defenders, have created a culture of impunity within these organizations. In particular, officers from the Criminal Investigation Department's Law and Order Section of the ZRP have subjected human rights defenders to ill-treatment, beatings and torture with the

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<sup>53</sup> Zimbabwe Republic Police, *Opposition forces in Zimbabwe: A trail of violence*, March 2007.

<sup>54</sup> Ibid.



full knowledge that they will not be held accountable. Police officers have become partisan in how they enforce the law. They see it as a duty to defend the ruling party.

Amnesty International was told by women human rights defenders that police often accuse them of being “used by the British and American governments to remove the ZANU-PF government”. In Bulawayo, Masvingo, Mutare, Chegutu and Harare, human rights defenders complained of being ill-treated by police officials who accused them of being agents of “regime change”. This is usually followed by beatings and harassment while in police custody.

Amnesty International believes that the government’s allegations against women human rights defenders, aimed at undermining the perceived legitimacy of their struggle for the realization of human rights in Zimbabwe, are in bad faith. Unfounded as such allegations are, they create a climate in which the government feels able to justify abuses against human rights defenders and denial of their right to a remedy where they have suffered violations of their human rights. The government of Zimbabwe is obliged to respect, protect and fulfil the right of women human rights defenders – as of all individuals – to defend their human rights.

By accusing them of illegal and violent activities, the government is not only making false accusations against women human rights defenders, it is also failing to acknowledge its role in and responsibility for the human rights violations for which human rights defenders are demanding accountability and redress. The government is isolating itself from accountability. Part of this effort is an attempt to deny direct causal connections between government policies and the deepening of poverty and serious human rights violations in the country.

### **Legitimization of police violence against human rights defenders**

Amnesty International notes that there have been reported incidents of violence targeted against the police and public property. However, the organization is concerned that the government has used these isolated incidents to justify serious and indiscriminate curtailment of the rights of all human rights defenders. Amnesty International takes very seriously the reported incidents of violence directed at police, and calls for those responsible to be brought to justice through a process in which the rights of accused persons are observed, including their right to a fair trial. However, under no circumstances do incidents of violence by protesters justify excessive use of force, torture and ill-treatment by the police.

Amnesty International is concerned that the ZRP, through widely circulated public documents, is manipulating incidents such as road barricades, the stoning of a bus, burning of motor vehicles and alleged petrol bombings of police posts by persons suspected to be opposition supporters, to divert attention away from or even justify, grave human rights violations committed by the police. These include arbitrary arrest, killing of National

Constitutional Assembly (NCA) member Gift Tandare,<sup>55</sup> and torture and ill-treatment of human rights defenders during demonstrations and while in police custody.

In a report released in March 2007 by the Zimbabwe Republic Police, entitled *Opposition forces in Zimbabwe: A trail of violence*, the ZRP names the two factions of the Movement for Democratic Change (MDC) – the main opposition party – the National Constitutional Assembly (NCA), the Zimbabwe Congress of Trade Unions (ZCTU), Crisis Coalition in Zimbabwe, Women/Men of Zimbabwe Arise (WOZA/MOZA), Zimbabwe National Students Union (ZINASU), Zimbabwe Lawyers for Human Rights (ZLHR) and Christian Alliance as the organizations responsible for what the police termed “a trail of violence”. The report argues that these organizations are campaigning “for regime change and overthrow of the democratically elected Government of Zimbabwe” resulting in “a plethora of criminal activities and political violence in the country, especially in Harare, where people have been attacked, buses stoned and cars burned to ashes, police officers seriously injured.” The report then outlines some of the activities of these groups which, it claims, confirm these assertions.

Yet, for example, the description of the activities of WOZA/MOZA and the ZCTU cited in the report, does not give a single example of a violent incident attributed to these organizations. The activities, of WOZA and the ZCTU – holding meetings, training workshops and peaceful assemblies – described by the police are universally recognized activities of human rights defenders and trade unions.

### Case studies

#### Women/Men of Zimbabwe Arise (WOZA/MOZA)

Reporting on a meeting by WOZA held on 18 January 2007 at the Women Training Bureau in Harare, the ZRP report states:

*Williams<sup>56</sup> told participants that the economic situation in the country causes poverty, adding that people are living in a state of fear and uncertainty. She said the poor health delivery has created thousands of orphans through HIV/AIDS.*

*She said WOZA commands respect from the United Nations as human rights defenders. She urged participants to respect human rights by holding non-violent demonstrations. She encouraged trainers to write good reports. Kasinamunda<sup>57</sup> encouraged trainers to instil courage among supporters and plan for future demonstrations.<sup>58</sup>*

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<sup>55</sup> NCA member Gift Tandare was shot dead by police in Harare on 11 March 2007 when police broke up an attempt to hold a prayer meeting in Highfield by the Save Zimbabwe Campaign. About 50 protesters including the two MDC faction leaders Morgan Tsvangirai and Arthur Mutambara were arrested. Several of the protesters were severely tortured while in police custody.

<sup>56</sup> Jennifer Williams is one of the leaders of WOZA.

<sup>57</sup> Alice Kasinamunda is a trainer with WOZA.

<sup>58</sup> ZRP, *Opposition forces in Zimbabwe: A trail of violence*, p. 25-26, March 2007.

Amnesty International has documented activities of WOZA since the organization was formed in 2003. In April 2006 and February 2007, Amnesty International observed some of WOZA's training workshops in the city of Bulawayo and rural Insiza district. As confirmed by the report written by the ZRP and posted on the Ministry of Home Affairs website<sup>59</sup> Amnesty International observed that WOZA leaders always insist on disciplined membership and non-violent peaceful action. The police report is one example of a malicious attempt to undermine and discredit WOZA/MOZA and other human rights defenders in Zimbabwe.

In the last four years Amnesty International has documented over 30 occasions where hundreds of women protesters have been arrested and detained by the police across the country after engaging or attempting to engage in peaceful protest. These protesters are often severely beaten by police during arrest and/or in detention.

On at least five occasions WOZA and MOZA members have been acquitted by the courts following arrests. In most cases, the human rights defenders were acquitted for lack of sufficient evidence. No WOZA/MOZA member has been charged for violent conduct. But still, the police continue to unlawfully arrest, detain and ill-treat them for exercising their right to peaceful assembly and freedom of association. The intention of police action against WOZA members is to stop the organization's members from exercising their right to freely assemble.

Amnesty International has also documented cases of women human rights defenders who were subjected to torture after participating in peaceful protest.

### **Zimbabwe Congress of Trade Unions**

On 13 September 2006, Lucia Matibenga, the first Vice-President of the ZCTU and 14 male activists were arrested in Harare while attempting to engage in peaceful protest. They were severely beaten by police during the arrest. The beating of the ZCTU members as they were arrested was captured on film. The film<sup>60</sup> clearly shows the trade unionists cooperating with the police during arrest. However, the police can be seen in the film beating the activists, despite the fact that they offered no resistance. The activists were later systematically tortured at Matapi police station in the township of Mbare where they were detained overnight. Lucia Matibenga had one of her eardrums perforated and doctors stated that eight of the detainees had injuries consistent with a torture method called *Falanga* (beating the soles of the victim's feet), which can leave victims with difficulties in walking for the rest of their lives. Doctors also say that victims risk needing amputation if they do not have appropriate medical care in time.

Despite the video evidence and doctors' reports, the government of Zimbabwe insisted that police used minimum force to arrest the protesters, who they said were resisting arrest; they vehemently denied that the trade unionists were tortured or beaten in police custody. President

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<sup>59</sup> [www.moha.gov.zw/violencereport1.pdf](http://www.moha.gov.zw/violencereport1.pdf)

<sup>60</sup> *A patriotic force*, Solidarity Peace Trust, December 2006

Mugabe made this statement on 25 September 2006, while addressing Zimbabwe's embassy staff in Cairo Egypt:

*We cannot have a situation where people decide to sit in places not allowed and when the police remove them, they say no. We can't have that, that is a revolt to the system. Vamwe vaakuchema kuti takarohwa, ehe unodashurwa (others are crying that we were beaten up, yes you would be beaten up). When the police say move, move. If you don't move, you invite the police to use force.*<sup>61</sup>

### Save Zimbabwe Campaign's prayer meeting, 11 March 2007



© Private 2007  
Sekai Holland, Movement for Democratic Change (MDC) Secretary for Research and Policy, after she was tortured by Zimbabwe Republic Police officers at Machipisa police station, Harare, Zimbabwe on 11 March 2007.

The police report also attempted to justify the use of excessive force, including the killing of NCA member Gift Tandare by police, and beatings and torture of several human rights defenders and leaders of the MDC in Harare on 11 March 2007. In the report, police deny that the activists were tortured or severely beaten while in police custody at Machipisa police station. However, there are inconsistencies in the police report that cast doubt on the police explanation of these events.

For example, Sekai Holland, a 64-year-old member of the MDC and a longstanding women's rights defender, is listed in the report<sup>62</sup> as one of the persons arrested on the way to the venue of a prayer meeting in Harare's low income suburb of Highfield. There is no mention of Holland resisting arrest. However, Holland sustained serious injuries all over her body. She maintains that she was tortured by police officials while in custody. This account is backed up by a number of eye witness accounts and supported by medical reports. According to eye witness reports and Amnesty International interviews with the victims, the detainees were beaten while in detention at Machipisa police station, and beatings continued at various police stations to which they were later transferred. Several other people, including Grace Kwinjeh, one of the MDC leaders Morgan Tsvangirai, and the NCA chairperson Lovemore Madhuku, were severely injured and needed hospitalization.

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<sup>61</sup> President Mugabe addressing staff at the Zimbabwe Embassy in Cairo, Egypt on 23 September 2006. His comment followed the beating of ZCTU protesters during arrest by police in Harare on 13 September. The protesters were tortured at Matapi police station later the same day.

<sup>62</sup> Zimbabwe Republic Police, *Opposition forces in Zimbabwe – A trail of violence*, p13, March 2007.

Amnesty International believes that the repeated blocking of peaceful gatherings and arrest of women human rights defenders by the government of Zimbabwe, through the police, constitute a violation of the rights of women human rights defenders to peaceful assembly and freedom of association.

Zimbabwe is a party to the International Covenant on Civil and Political Rights (ICCPR) which recognizes the rights to peaceful assembly and freedom of association provided for in Articles 21 and 22 of the ICCPR respectively. The right to freedom of association in Article 22 of the ICCPR protects the right to form political parties, trade unions and private associations such as non-governmental organizations, including human rights organizations. States party to the ICCPR must also ensure that the right to peaceful assembly is guaranteed on the strict conditions of the Covenant, and that limitations on its exercise do not exceed those expressly laid down in Article 21. This means, in particular, that rules requiring prior permission for the holding of assemblies or demonstrations or any other rules or requirements governing the holding or conduct of public assemblies must be limited to those necessary in a democratic society for the legitimate purposes enumerated in Article 21. A wholesale ban on demonstrations for reasons such as public safety and national security is not compatible with freedom of peaceful assembly as guaranteed by Article 21 of the ICCPR.

Zimbabwe is also a party to the African Charter on Human and People's Rights (hereafter referred to as African Charter). The African Commission on Human and Peoples' Rights (ACHPR) has also recognized that limitations on the exercise of the right to freedom of association, recognized in Article 10 of the African Charter, must not undermine the fundamental human rights and freedoms guaranteed by national constitutions or international legal standards.

Another regional instrument, the ACHPR's Kigali Declaration, explicitly recognizes the important role of civil society organizations, and human rights defenders in particular, in the promotion and protection of human rights, and calls upon all member states to protect them and encourage their participation in decision-making processes.<sup>63</sup>

In interpreting the obligations of states under the ICCPR, the UN Human Rights Committee (HRC) has stated that the right to participate in public affairs, recognized in Article 25 of the Covenant:

*“[R]equires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful*

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<sup>63</sup> Kigali Declaration, Adopted at the Ministerial Conference on Human Rights in Africa, 8 May 2003, Article 28.

*demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.”<sup>64</sup>*

Moreover, the HRC recognizes that the right to freedom of association “including the right to form and join organizations and associations concerned with political and public affairs” is an essential element of the rights protected by Article 25 of the ICCPR.

### **Excessive use of force encouraged within the police force**

Amnesty International notes that there appears to be a strong conviction within the police force that it is legitimate to use violence against human rights defenders as a form of punishment for criticising government and as a way of intimidating them so they will refrain from engaging in further criticism. Senior officers within the ZRP have failed to denounce criminal conduct which constitutes human rights violations by the police, particularly beatings, torture and other forms of inhuman and degrading treatment of detainees at police stations. This appears to be interpreted as tacit approval by lower ranks within the police force, who perpetrate ill-treatment of human rights defenders. Police authorities fail to investigate and hold accountable junior officers who commit human rights violations against human rights defenders during arrest and while in police custody.

A report released in May 2007 by the ZRP states:

*There is no doubt that the mushrooming of multifaceted western sponsored politically aligned non-governmental organisations, masquerading as champions of democracy, human rights and good governance, are simply there to peddle the regime change agenda meant to dislodge a democratically elected government through such futile attempts as the Save Zimbabwe Campaign.<sup>65</sup>*

One of the outcomes of such public statements has been the use of excessive force by police to break up peaceful gatherings or marches organised by women human rights defenders. Excessive force has been used in circumstances where protesters were complying with police orders or were not resisting arrest; this often resulted in serious injury of protesters. The use of force by the police under such circumstances was unnecessary and unjustified. Amnesty International has received credible reports that, after inflicting injuries on protesters during arrest, police have denied them access to medical care as a form of punishment.<sup>66</sup>

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<sup>64</sup> Human Rights Committee, General Comment No. 25 (Participation in public affairs and the right to vote), para. 25.

<sup>65</sup> Zimbabwe Republic Police, *A trail of violence – Opposition forces in Zimbabwe – The naked truth*, Volume 2, p37, May 2007.

<sup>66</sup> Amnesty International has written to the Commissioner of Police in Zimbabwe on numerous occasions raising concern over reported denial of medical care to injured protesters. For example, on 12 March 2007 the organization issued a press release calling on the government of Zimbabwe to allow access to medical treatment to activists when police arrested protesters for attempting to attend a prayer meeting in Harare organised by the Save Zimbabwe Campaign. AI Index: AFR 46/001/2007 (Public).

Amnesty International believes that the government of Zimbabwe has failed to protect women human rights defenders engaged in peaceful protest from the use of excessive force by police. In situations where law enforcement officials resort to force, their conduct must be guided by standards respectful of the human rights of individuals. Such standards must be enforceable against officials who break them. Authoritative interpretations on the use of force by law enforcement officials clearly recognize that force can only be used where it is strictly necessary and to the extent required by the situation.<sup>67</sup> In the commentary on Article 3 of the Code of Conduct for Law Enforcement Officials, it is pointed out that:

*“National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.”*

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials deal with the policing of unlawful assemblies.<sup>68</sup> Principle 12 states:

*“As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.”*

Principle 13 reads:

*“In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”*

The adverse differential treatment of human rights organizations, trade unions and opposition parties by police is evident in the way in which lawyers representing human rights defenders are treated. Women human rights defenders are denied access to lawyers while in police custody. Lawyers interviewed by Amnesty International indicated that representing human rights defenders in custody entailed a process of negotiation with the police which they compared with hostage negotiation.<sup>69</sup> Lawyers have resorted to sit-ins at police stations, first to negotiate access to the clients, then to negotiate for access to food, water and medical care for the detainees. They also have to negotiate for the release of their clients – often a long

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<sup>67</sup> Code of Conduct for Law Enforcement Officials, G.A. Res. 34/169, 17 December 1979, Article 3.

<sup>68</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

<sup>69</sup> Interview with Advocate Perpetual Dube, February 2007, and reports from human rights defenders sent to Amnesty International.

process that can extend for up to five days. Police are often spiteful and abusive to lawyers and even threaten to arrest and detain them.<sup>70</sup>

Amnesty is deeply concerned that police in Zimbabwe flagrantly violate the rights of human rights defenders to have access to lawyers. The UN Basic Principles on the Role of Lawyers Article 8 states the right of “all arrested, detained or imprisoned persons” to be provided with “adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality.”

### **Torture, cruel, inhuman and degrading treatment**

Amnesty International is deeply concerned that, in most instances where women human rights defenders and their male counterparts are arrested and detained, they have been subjected to torture, inhuman and degrading treatment. The beating, torture, as well as sexist verbal attacks and other forms of inhuman and degrading treatment of women human rights defenders while in police custody, violates Section 15 (1) of the Constitution of Zimbabwe, which guarantees the right to be protected from torture, inhuman or degrading punishment.

Although Zimbabwe is not a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), it has ratified the ICCPR and the African Charter which also outlaw torture and other cruel, inhuman or degrading treatment or punishment. Article 5 of the African Charter and Article 7 of the ICCPR unequivocally prohibit the practice of torture.

The CAT defines Torture as:

*“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”<sup>71</sup>*

Additionally, Article 10 of the ICCPR recognizes the right of all persons deprived of their liberty to be treated humanely. The UN Human Rights Committee, responsible for interpreting the obligations of states under the Covenant, has explicitly stated:

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<sup>70</sup> On 14 February 2006, Tafadzwa Mugabe, a lawyer with the Zimbabwe Lawyers for Human Rights was arrested by police at about 13.00hrs along Nelson Mandela Avenue in Harare when he approached a senior police officer to enquire about WOZA members who had just been arrested. The lawyer was taken to Harare Central police station and was interrogated before being handed over to the ZRP Law and Order Section at the police station. He was only released at about 18.00hrs, without being charged.

<sup>71</sup> Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment, adopted by the UN General Assembly on 9 December 1975.



*“Treating all persons deprived of their liberty with humanity and with respect for their dignity is a fundamental and universally applicable rule. Consequently, the application of this rule, as a minimum, cannot be dependent on the material resources available in the state party. This rule must be applied without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.*<sup>72</sup>

## **Failure to respect and protect rights of women human rights defenders**

Overall, Amnesty International believes that the government of Zimbabwe has violated the rights of women human rights defenders to promote and protect their rights. The government has used the law, allowed the use of excessive force against peaceful women protesters, and torture, inhuman and degrading treatment of women human rights defenders in order to stop them from going about their activities to campaign for the protection of their human rights. Such measures by the government of Zimbabwe breach internationally recognized rights of human rights defenders.

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also known as the UN Declaration on Human Rights Defenders) was adopted by the UN General Assembly in 1998 by consensus. Its text fleshes out the obligations of states to protect human rights defenders, building on pre-existing human rights obligations found in numerous international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It was then incorporated by the African Commission on Human and Peoples’ Rights into the Grand Bay Declaration,<sup>73</sup> as well as the Resolution on the Protection of Human Rights Defenders in Africa, which called on member states “to promote and give full effect to the UN Declaration on Human Rights Defenders, [and] to take all necessary measures to ensure the protection of human rights defenders”.<sup>74</sup>

The Declaration on Human Rights Defenders recognizes that the work of human rights defenders is vital to promoting human rights, democracy and rule of law. It represents the aspirations of members of the United Nations to create an enabling environment for human rights defenders to go about their work without fear. Many of the underlying principles found in the Declaration are also recognized by other international treaties to which Zimbabwe is a party, such as the International Covenant on Civil and Political Rights. By failing to sanction

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<sup>72</sup> Human Rights Committee, General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty), para. 4.

<sup>73</sup> Grand Bay (Mauritius) Declaration and Plan of Action, Adopted at Grand Bay, Mauritius, 16 April 1999, Article 19 (calling on African governments to take appropriate steps to implement the Declaration in Africa).

<sup>74</sup> ACHPR, Res. 69 (XXXV) 04: Resolution on the Protection of Human Rights Defenders in Africa. 35<sup>th</sup> Session, 4 June 2004, section 3.

peaceful protests, and by interfering with the internationally recognized activities of women human rights defenders and organizations, the government of Zimbabwe and, in particular, the state police, are violating Article 12 of the Declaration on Human Rights Defenders, which recognizes the right to engage in peaceful activities, individually and in association with others, in defence of human rights and fundamental freedoms.

## **Conclusion and recommendations**

Amnesty International is deeply concerned about the government of Zimbabwe's increasing intolerance of dissent, and its denial of the rights of women human rights defenders to exercise the right to peaceful assembly and freedom of association. The organization is concerned that women who are exercising or seeking to exercise their civil and political rights in order to highlight violations of economic and social rights, brought about by the declining economy and fuelled by government policies such as Operation Murambatsvina, are being arbitrarily arrested and detained. They then face further violations while in police custody, including beatings, and denial of access to lawyers, food and medical care.

The government of Zimbabwe needs to invest in a process that addresses the underlying violations of economic and social rights which motivate women to become human rights defenders, rather than increasing repression, intolerance and human rights violations against them and criminalising their legitimate activities in defence of human rights. Women human rights defenders should be detained only in accordance with due process of law. The government must not condone abuse and mistreatment during arrest and detention, and must actively prosecute perpetrators of such abuse.

Women human rights defenders must be ensured due protection where they are pregnant or mothers of small children. Where children accompany women human rights defenders at the time of their detention, the police must take special care to safeguard the child's best interests.

Amnesty International stresses that the international community must publicly condemn violations of human rights by the government of Zimbabwe, including organised violence by state actors, torture and ill-treatment, and more broadly the denial of human rights (including the right to be free from hunger) of women human rights defenders. In particular, the African Union and the Southern Africa Development Community should use their position of influence as important regional actors to send a clear and unequivocal signal to the government of Zimbabwe of their disapproval of state-sponsored attacks and other violations of the rights of women human rights defenders and their male counterparts.

The government of Zimbabwe should recognize the positive aspects of the work of women human rights defenders as enshrined in the UN Declaration on Human Rights Defenders, and should create an environment which is conducive to women human rights defenders going about their work without fear of arrest and discrimination. Women human rights defenders are an important resource for the development of the country. They are playing – and will continue to play – a pivotal role in addressing the many human rights challenges the country is facing. The government must acknowledge the legitimacy of their work and actively challenge any manifestations of gender discrimination and stereotyping against women, including physical or verbal attacks. The government must refrain from violating women's human rights as defenders of human rights, and must prevent, investigate and punish any instances of human rights violations against them.

## **Recommendations to the government of Zimbabwe**

Amnesty International urges the government of Zimbabwe to fulfil its obligations to respect, protect and fulfil the rights of human rights defenders by adopting and implementing the following recommendations:

### **Recommendations to improve the operational environment for the promotion and protection of human rights**

In respect of policing, the government should:

- Immediately cease all intimidation, arbitrary arrest and torture by the police, including of human rights defenders.
- The Commissioner of Police, and all Zimbabwe Republic Police provincial and district commanding officers, should publicly condemn arbitrary arrest and detention, torture and ill-treatment, and unlawful use of force by police when policing peaceful assemblies.
- Immediately review and amend existing rules that facilitate unjustified use of force, in order to bring them into full compliance with the UN Basic Principles on the Use of Force or Firearms by Law Enforcement Officials. Specifically, the government should ensure that, where force is used against peaceful assemblies, all incidents are investigated, and prompt sanctions effected on police officials who are found to have flouted the rules.
- Invest in the training of officials from the Zimbabwe Republic Police in understanding and responding appropriately to crowd behaviour, and methods of persuasion, negotiation and mediation with a view to limiting the use of force and firearms in line with Basic Principle 20 of the UN Basic Principles on the Use of Forces and Firearms by Law Enforcement Officials.
- Where injury is caused by use of force, police must ensure that assistance and medical aid are rendered to the injured or affected person at the earliest possible moment, in accordance with Article 5 of the UN Basic Principles on the Use of Force and Firearms.
- Allow detained women human rights defenders access to lawyers, medical care, food and sanitary pads.

In respect of detention of pregnant women, mothers with babies and carers of children, the government should:

- Operate on the basis of a general presumption against the arrest and detention of women who are pregnant or mothers or carers of children (including single mothers). At the time of arrest and detention, detaining authorities must ensure that women who are pregnant or mothers (in particular those who are breastfeeding) or carers of

children are identified confidentially with a view to ensuring urgent consideration of their situation so that, where possible, they are released immediately.

- Ensure that mothers (in particular those who are breastfeeding) or carers of children, who are detained, receive the support they require to arrange interim alternative care for children in their care.
- Give unconditional access to the healthcare information and services required by pregnant women and women who have recently given birth, who have been detained. The special nutritional needs of such women and women who are breastfeeding in detention must be met.
- Give access to the facilities and resources needed for childcare, including nutritional and sanitary products, to women with babies or small children.
- State authorities must not refuse special consideration to the needs of women who are pregnant or mothers or carers of children (as well as the needs of children detained with their mothers) or justify such refusal arbitrarily as a punitive measure.
- Give support to families of detained women human rights defenders, where needed, while the women are in custody.

In respect of law reform to fully protect the rights of women human rights defenders, the government should:

- Repeal or amend sections of the Public Order and Security Act and other laws that place unnecessary restrictions on human rights defenders exercising their rights to peaceful assembly and freedom of association. All national laws should be compatible with the African Charter, ICCPR, and the UN Declaration on Human Rights Defenders.
- Immediately ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Invite the Special Rapporteur on Human Rights Defenders in Africa and the UN Special Representative on Human Rights Defenders to visit Zimbabwe to investigate the situation of human rights defenders in Zimbabwe.

In respect of violations of economic and social rights of women human rights defenders, the government should:

- Ensure that food is distributed to all on the basis of need, irrespective of real or perceived political affiliation, or any other factors or criteria.
- Ensure that no woman suffers restrictions of human rights, including access to GMB maize, for being a human rights defender or because of her political opinion.

- Address legitimate concerns raised by women human rights defenders, including reviewing government policies with regard to food security and harassment of informal traders.
- Investigate all allegations of reprisals against women human rights defenders, and bring to justice the alleged perpetrators, state actors as well as non-state actors, including local ZANU-PF politicians.
- Ensure an independent and impartial review of the operations of the GMB and its role in trade, marketing and distribution of grain in Zimbabwe. This review, which should seek the views of all stakeholders, should make recommendations for the future operations of the GMB and grain marketing in Zimbabwe which are consistent with Zimbabwe's international human rights obligations.

### **Recommendations to President Thabo Mbeki of South Africa in his capacity as facilitator of talks between the government of Zimbabwe and the MDC<sup>75</sup>**

In relation to the current SADC mediation process, President Mbeki should:

- Urge the government of Zimbabwe to implement the recommendations contained in the 2005 resolution of the African Commission on Human and Peoples' Rights as well as in the 2002 Fact Finding Mission Report as a first step to addressing the human rights and political crisis in the country.
- Ensure that, in the context of Zimbabwe's obligations under international human rights treaties and other regional commitments, and as part of confidence-building measures in the current government-MDC talks, there is an immediate end to the harassment, intimidation, arbitrary arrest, detention and torture and other human rights violations directed at human rights defenders.

### **Recommendations to the international community**

The international community, in particular the member states of the African Union, should:

- Publicly express concern about the government of Zimbabwe's failure to prevent, prosecute and punish human rights violations against women human rights defenders and their male counterparts.

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<sup>75</sup>See Communiqué from the 2007 Extra-Ordinary Summit of Heads of State and Government Held in Dar es Salaam, United Republic of Tanzania 28th to 29th March 2007, [http://www.sadc.int/news/news\\_details.php?news\\_id=927](http://www.sadc.int/news/news_details.php?news_id=927)

- Publicly express support for human rights defenders in Zimbabwe and use their influence to support them to carry out their work without fear of reprisals.
- Recognize that women human rights defenders are human rights defenders in their own right, and ensure that they are consulted on issues relating to their security and protection as human rights defenders.
- Express concern over the ill-treatment of human rights defenders by the government of Zimbabwe, through their embassies in Harare.

In relation to financial and material support to women human rights defenders,

- Donors who are able to give support to dependants of women human rights defenders while they are in custody should do so where the government is unable or unwilling to do so. Such support should include provision of food packs to children under the care of women human rights defenders during the time when their mothers or carers are in custody.
- Funding agencies should ensure that adequate funding and resources are available for the full protection of women human rights defenders and promotion of their rights.

## **Glossary**

ACHPR	African Commission on Human and Peoples' Rights
African Charter	African Charter on Human and People's Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
GAPWUZ	General Agriculture and Plantation Workers Union of Zimbabwe
GMB	Grain Marketing Board
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MDC	Movement for Democratic Change
MOZA	Men of Zimbabwe Arise
NCA	National Constitutional Assembly
POSA	Public Order and Security Act
RBZ	Reserve Bank of Zimbabwe
UN	United Nations
WAG	Women Action Group
WOZA	Women of Zimbabwe Arise
ZANU-PF	Zimbabwe African National Union – Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZIMCET	Zimbabwe Civic Education Trust
ZINASU	Zimbabwe National Students Union
ZLHR	Zimbabwe Lawyers for Human Rights
ZRP	Zimbabwe Republic Police
ZWLA	Zimbabwe Women Lawyers Association