



Plenary sitting

B8-1005/2016

13.9.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Zimbabwe
(2016/2882(RSP))

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on behalf of the Verts/ALE Group

B8-1005/2016

**European Parliament resolution on Zimbabwe
(2016/2882(RSP))**

The European Parliament,

- having regard to its previous resolutions on Zimbabwe, notably that of 21 May 2015 and of 7 February 2013,
 - having regard to the Declaration by the High Representative on behalf of the EU of 19 February 2014 on the review of EU-Zimbabwe relations,
 - having regard to the local statements from the European External Action Service (EEAS) of 9 March 2016 and 4 and 12 July 2016,
 - having regard to Council Decisions 2014/98/CFSP of 17th February 2014 and 2015/277/CFSP of 19th February 2015 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe,
 - having regard to the statement by the spokesperson for the Office of the High Commissioner for Human Rights (OHCHR) of 18 January 2013 on recent attacks on human rights defenders ahead of elections,
 - having regard to the Global Political Agreement signed in 2008 by the three main political parties, namely ZANU PF, MDC-T and MDC;
 - having regard to the Council of the European Union conclusions of 23 July 2012 on Zimbabwe and to Council Implementing Decision 2012/124/CFSP concerning restrictive measures against Zimbabwe,
 - having regard to the African Charter of Human and Peoples' Rights of June 1981, which Zimbabwe has ratified,
 - having regard to the Constitution of Zimbabwe,
 - having regard to the Cotonou Agreement,
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas in recent months, there have been increasing voices on social media, most notably the #ThisFlag movement by Pastor Mawarire, calling for Zimbabweans to take their government to account,
- B. Whereas this led to a successful 'shut down' protest in July, whereby people stayed at home all day to show their discontent about the Zanu PF Government;

- C. Whereas Zimbabwe witnessed during the last weeks a surge in protests and demonstrations on various issues, whereas some of these protests have turned violent,
- D. Whereas Zimbabwean security forces have on several occasions violently repressed these demonstrations, including the peaceful ones,
- E. Whereas in an unprecedented move, Zimbabwean authorities blocked Internet access and WhatsApp text messaging to obstruct people protesting,
- F. Whereas Zimbabwean police has forbidden all demonstrations for two weeks,
- G. Whereas in an unprecedented move, the Zimbabwean High Court has overturned recent police bans on demonstrations,
- H. Whereas the Zimbabwean Constitution guarantees the right to peaceful demonstration and a certain number of rights in case of arrest, in particular the right to contact relatives and advisers, the right to visitors and the right to be released after 48 hours,
- I. Whereas in practice however, Zimbabwe has a long history of intimidation, arbitrary arrests and judicial harassment of human rights activists;
- J. Whereas Promise Mkwanzani, the leader of the #Tajamuka movement, a social movement linked to the July “shut down” has been arrested and charged for inciting public violence, in what seems to be an effort to demobilise the #Tajamuka movement; whereas another #Tajamuka activist, Linda Masarira, was arrested during the stay away protest in July and has been in prison ever since,
- K. Whereas 68 other arrests were made in relation to recent protests,
- L. Whereas Zimbabwean political activist, Itai Dzamara, a vocal critic of President Mugabe, has been abducted on March 9 2015, allegedly by State security forces, and has not reappeared since then; whereas a High Court Order directed the government to search for Dzamara and report progress to the Court every two weeks until his whereabouts are determined;
- M. Whereas the African Union commissioner for Human Rights, Pansy Tlakula, has called on Zimbabwe to repeal or amend laws that curtail the right to freedom of expression, freedom of the media and other protections,
- N. Whereas the El Niño weather phenomenon has provoked severe droughts in Zimbabwe, resulting in a serious food crisis,
- O. Whereas President Mugabe declared a state of disaster in February, with the government estimating that four million people would need food aid by January 2017,

- P. Whereas Zimbabwe's Human Rights Commission has accused the ruling ZANU-PF party of withholding food aid from people linked to the opposition,
- Q. Whereas the European Union has extended restrictive measures against Zimbabwe in February 2016,
- R. Whereas Zimbabwe is signatory of the Cotonou agreement whereby respect for human rights is an essential element of the EU and ACP cooperation;
1. Is concerned by the once again tense political situation in Zimbabwe, the repression of demonstrations and the attacks on the freedom to demonstrate peacefully,
 2. Condemns the violent crackdown against demonstrators by Zimbabwean security forces and the blocking of Internet access and WhatsApp text messaging,
 3. Calls on all parties to respect the right to demonstrate peacefully, as enshrined within section 59 of the Zimbabwean Constitution; calls in particular on Zimbabwean security forces to exert utmost restraint vis-à-vis peaceful demonstrators and on demonstrators to protest without resorting to violence,
 4. Calls on Zimbabwe's authorities to transparently and fairly investigate police brutality and discipline or prosecute those responsible; recalls that the country's constitution establishes an independent body to investigate complaints of police and military misconduct, but that the government has yet to set it up;
 5. Welcomes the overturning of police bans on demonstrations by Zimbabwean courts, including the High court; considers these judgments to be an encouraging sign of progress of the Zimbabwean judiciary on the way to modern rule of law standards;
 6. Denounces the criticism towards the judiciary made by President Mugabe, considers this to be a blatant violation of the principle of separation of powers and calls on the Zimbabwean government to respect the independence of the judiciary,
 7. Calls for an immediate release of the numerous peaceful activists arrested in relation to the recent protests, including Promise Mkwanzu and Linda Masarira; denounces all arrests made without bringing forward charges,
 8. Denounces the politicisation of the distribution of food-aid by the Zimbabwean authorities and calls on ZANU-PF not to link food aid to electoral aims; considers that the politicisation of food aid to be one of the reasons for violent protest in rural areas;
 9. Is concerned by the lack of interest of Zimbabwean authorities in conducting a serious investigation on the abduction of Itai Dzamara and calls upon the authorities to take immediate action; in particular, calls on Zimbabwean authorities to immediately comply with the order of the Zimbabwe High Court which instructed the home affairs

minister, the police commissioner-general, and the director-general of the Central Intelligence Organization (CIO) “to do all things necessary to determine his [Dzamara’s] whereabouts.”; this should include advertising on all state media and working closely with lawyers appointed by Zimbabwe Lawyers for Human Rights to search for Dzamara “at all such places as may be within their jurisdiction,” as ordered by the Court;

10. Denounces all human rights violations in general, and in particular those that harm the political opposition, the media and civil society by restricting freedom of expression and of association;
11. Recalls that Zimbabwe is bound by the human rights clause of the Cotonou Agreement and by the International Covenant on Civil and Political Rights and therefore has an obligation to respect universal human rights, including freedom of expression;
12. Urges the Zimbabwean government to stop resorting to legislation that repress and restricts all fundamental freedoms as well as encouraging and condoning serious violations of the rights of human rights defenders, including arbitrary arrests or acts of torture;
13. Urges the Government of Zimbabwe to speed up the process of aligning laws to the new Constitution,
14. Welcomes the request made in this context by the African Union’s commissioner for Human Rights to repeal or amend more than 400 other laws that still curtail access to information, freedom of expression and freedom of the media,
15. Calls on Zimbabwe to abide by the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998, and in particular Article 1 thereof, which states that ‘everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels’;
16. Urges the Government of Zimbabwe to guarantee the safety of human rights defenders and create an enabling environment for all people to enjoy their right to freedom of expression, association and assembly;
17. Urges the authorities of Zimbabwe to release all human rights defenders detained for exercising human rights activities, to end judicial harassment and to investigate fully abuses faced by human rights defenders;
18. Highlights the influence of the Southern African Development Community (SADC) on the Zimbabwean authorities; considers that this regional organisation has an important role to play as guarantor to the Global Political Agreement (GPA), insisting

inter alia on the implementation of the agreement and in particular Article 13 thereof to ensure non-partisan action by the police and other security forces;

19. Instructs its President to forward this Resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and the parliaments of the Member States, the EEAS, the Government and Parliament of Zimbabwe, the governments of the South African Development Community, the African Union Commission, the Pan-African Parliament, the ACP-EU Joint Parliamentary Assembly and the Secretary-General of the Commonwealth.