



Plenary sitting

B8-0118/2019

12.2.2019

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
(2019/2563(RSP))

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on behalf of the Verts/ALE Group

B8-0118/2019

**European Parliament resolution on Zimbabwe
(2019/2563(RSP))**

The European Parliament,

- having regard to its previous resolutions on Zimbabwe,
- having regard to the Statement by the Spokesperson on the situation in Zimbabwe of 17 January 2019,
- having regard to the Final Report of the EU Election Observation Mission on the Zimbabwe 2018 Harmonised Elections of 30 July 2018,
- having regard to the Council of the European Union conclusions of 22 January 2018 on Zimbabwe in light of ongoing political transition,
- having regard to the Council of the European Union conclusions of 20 January 2015 on the Action Plan on Human Rights and Democracy 2015-2019,
- having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline of 12 May 2014,
- having regard to the statement by the Spokesperson for the UN High Commissioner for Human Rights (OHCHR) of 18 January 2019 on the situation in Zimbabwe,
- having regard to the monitoring report from the Zimbabwe Human Rights Commission in the aftermath of the 14 January to 16 January 2019 “Stay Away” and subsequent disturbances,
- having regard to the Zimbabwe Human Rights NGO Forum statements on human rights violations during the protests,
- having regard to the African Charter of Human and Peoples’ Rights of June 1981, which Zimbabwe has ratified,
- having regard to the Universal Declaration of Human Rights of December 1948,
- having regard to the Constitution of Zimbabwe,
- having regard to the ACP-EU Partnership Agreement (‘Cotonou Agreement’),

- having regard to Rule 135 of its Rules of Procedure,
- A. Whereas between January 14 and 18, Zimbabwe witnessed a surge in protests and demonstrations during a national so-called shutdown, most notably due to a drastic increase in fuel prices; whereas some of these protests have turned violent and resulted in looting,
- B. Whereas state authorities reacted to the protests through a massive operation of brutal repression, consisting of shooting protesters, arbitrary arrests, including by the military, raiding of medical facilities treating victims of the repression, fast-tracking and mass-trials of people arrested in dragnet arrests, torturing of arrested people and cases of rape from military and police personnel,
- C. Whereas it has been reported that police threw teargas indiscriminately into people's homes and market places without protests taking place; whereas armed security personnel broke into private homes of citizens, indiscriminately torturing occupants including children as young as 9 years old,
- D. Whereas security forces specifically targeted civil society organisations, trade union leaders, student activists, opposition members and the leadership of the Crisis in Zimbabwe Coalition,
- E. Whereas several reports indicate that family members of civil society activists have been harassed, arrested and beaten up by security agents,
- F. Whereas access to the internet was blocked by the government in order to mask the massive human rights violations which the state was preparing to commit; whereas the Zimbabwe High Court declared the Government's use of the Interception of Communications Act to suspend online communications illegal;
- G. Whereas as a result of this crackdown, at least 16 people are dead and hundreds injured, including 81 with gunshot wounds; whereas 26 people have been abducted, at least 954 people have been arrested, including children, and about two-thirds of the arrested have been denied bail; whereas Zimbabwean human rights organisations documented 586 cases of torture; whereas access to lawyers and to medical treatment has been systematically denied,
- H. Whereas, in a public statement, the Zimbabwean Human Rights Commission expressed deep concern about the brutality and violent conduct of the police, stating

that the fundamental rights of demonstrators were violated, and called on the Zimbabwean authorities to investigate and bring the perpetrators to justice;

- I. 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,
 - J. Whereas in practice however, Zimbabwe has a long history of intimidation, arbitrary arrests and judicial harassment of human rights activists;
 - K. Whereas Zimbabwean authorities continue to misuse existing laws, such as the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA), to ban lawful public meetings and gatherings;
 - L. Whereas Zimbabwe is a signatory to the Cotonou Agreement, Article 9 of which stipulates that respect for human rights and fundamental freedoms is an essential element of ACP-EU cooperation;
1. Is concerned by the once again tense political situation in Zimbabwe, the massive repression of demonstrations, the attacks on the freedom to demonstrate peacefully, the targeting of civil society leaders and members of the opposition and the indiscriminate attacks on private homes by security forces and groundless mass-arrests, including torture,
 2. Expresses its solidarity with the Zimbabwean civil society and encourages it to continue its valuable work; calls upon the Government of Zimbabwe to immediately stop the harassment and criminalisation of civil society, and recognize the legitimate role of human rights defenders;
 3. Condemns the disproportionate use of force, including live ammunition, by Zimbabwean security forces during protests, which resulted in killings, beatings, abductions, arbitrary arrest, rape and torture – some of which involving women and young children, as well as opposition leaders and civil society activists; is deeply concerned by the allegations of rape of women by men in army and police uniforms,
 4. Urges the government of Zimbabwe to urgently withdraw all military personnel and the youth militia who have been deployed across the country terrorising residents and in clear violation of the Zimbabwean Constitution,

5. Deplores the loss of lives during demonstrations in January 2019, and expresses sympathy to the families of the victims of the people of Zimbabwe; condemns the human rights violations and attacks committed by Zimbabwean security forces on demonstrators; and strongly defends the constitutional right of Zimbabweans to peacefully demonstrate;
6. 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 and looting,
7. 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;
8. Calls in particular to thoroughly investigate allegations of rape and ensure that perpetrators will be prosecuted,
9. Calls on the Zimbabwean authorities to put an immediate end to abuses by security forces, and immediately release all those detained for the exercise of their rights to freedom of peaceful assembly and expression, which include opposition leaders and civil society activists;
10. Calls for an immediate release of the numerous peaceful activists arrested in relation to the recent protests; denounces all arrests made without bringing forward charges,
11. Underlines the importance of holding individuals to account for human rights abuses and other actions which undermine a consensual, peaceful and inclusive reconciliation and reform process in Zimbabwe; urges Zimbabwean authorities to open a full, transparent and independent investigation into the human rights violations perpetrated during demonstrations in January 2019, in order to establish individual responsibilities and with a view to accountability;
12. Is deeply concerned with reported violations of due process through fast-tracking and mass trials of people arrested in dragnet arrests; stresses the paramount importance of the judiciary and other independent institutions to carry out their constitutional tasks free from political interference;

13. Calls on the Government of Zimbabwe to show restraint and respect the human rights of all Zimbabwean citizens, including the right to free speech and freedom of assembly; reminds the government of its responsibilities as regards respecting, obeying and not subverting the Constitution;
14. Considers the brutal repression against Zimbabwe's civil society in January as a serious set-back in the re-engagement of Zimbabwe with the European Union,
15. Calls for European engagement with Zimbabwe to be value-driven and firm in its positioning towards the Zimbabwean authorities; this entails that long-term support hinges on comprehensive reforms rather than mere promises,
16. Requests the Zimbabwe authorities and President Mnangagwa in particular to show sincerity in re-engagement with the EU; they must act accordingly and commit to the alignment of laws to the constitution, the implementation of economic and political reforms, as well as the recommendations of the EU Electoral Observation Mission,
17. Calls on the EU Delegation in Harare to use all appropriate tools and instruments to support human rights defenders, civil society organizations and trade unions, and to conduct an enhanced political dialogue with the Zimbabwean authorities, as enshrined in Article 8 of the Cotonou Agreement;
18. Denounces the continued use of and restrictive character of the Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA), and urges Zimbabwean authorities to bring legislation in alignment with constitutional, regional and international standards for the protection and promotion of human rights;
19. Condemns the reliance on internet shutdown as a means to control public space, and restrict and obstruct independent reporting and documentation of abuses during the crackdown; notes that expressing opinion in a non-violent way is a constitutional right for all Zimbabwean citizens, both offline and online;
20. Urges Zimbabwean authorities to work towards an inclusive national dialogue, ensuring the full and unconstrained participation of all relevant stakeholders including civil society actors, overseen by a neutral arbiter;
21. 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;

22. Highlights the influence of the Southern African Development Community (SADC) on the Zimbabwean authorities; calls upon the EU to engage SADC and the AU on the crisis in Zimbabwe, and urge them to play a more active role in addressing the current human rights violations; regional actors should also be encouraged to play a role in ensuring a level playing field with regards to a National Dialogue, as to guarantee actors involved meet on equal footing and engage in a genuine dialogue process;
23. 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 parliaments of the Member States, the European External Action Service, the Government and Parliament of Zimbabwe, the governments of the Southern African Development Community, the African Union, the Pan-African Parliament, the ACP-EU Joint Parliamentary Assembly and the Secretary-General of the Commonwealth.