



Plenary sitting

B8-0125/2019

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 PPE Group

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

The European Parliament,

- having regard to its previous resolutions on Zimbabwe,
- having regard to the final report of the EU Electoral Observation Mission on the 2018 harmonised elections in Zimbabwe and to the letter issued on 10 October by the Chief Observer of the EU EOM to President Mnangagwa on the key findings of the Final Report,
- having regard to the statement by the spokesperson of the HRVP of 17 January 2019 on the situation in Zimbabwe,
- having regard to the statements of 24 July and 18 January 2019 of the spokesperson for the UN High Commissioner for Human Rights on Zimbabwe,
- having regard to the report of the Zimbabwean Commission of Inquiry into the 1st of August post-election violence,
- having regard to the statement of 2 August 2018 by the spokesperson of the HRVP on the elections in Zimbabwe,
- having regard to the joint statement of 2 August 2018 by international election observation missions to Zimbabwe’s harmonised elections denouncing the excessive use of force by the police and army to quell protests,
- having regard to the joint local statement 9 August 2018 of the EU Delegation, the Heads of Mission of EU Member States present in Harare and the Heads of Mission of Australia, Canada and the United States on targeting of opposition in Zimbabwe,
- having regard to the conclusions of the EU Council of 22 January 2018 in light of the ongoing political transition,
- having regard to the African Charter on 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 Rules 135(5) and 123(4) of its Rules of Procedure,

- A. whereas the people of Zimbabwe have suffered for many years under an authoritarian regime led by President Mugabe that maintained its power through corruption, violence, elections plagued by irregularities and a brutal security apparatus;
- B. whereas on 30 July, Zimbabwe held its first presidential and parliamentary elections following the resignation of Robert Mugabe in November 2017; whereas the elections offered the country the opportunity to break with the history of contentious elections marked by abuse of political and human rights and state-sponsored violence;
- C. whereas on 3 August 2018, the Zimbabwe Electoral Commission (ZEC) declared Emmerson Mnangagwa winner of the presidential with 50.8% of votes against 44.3%, for the opposition candidate Nelson Chamisa; whereas the results were immediately contested by the opposition who claimed the elections were rigged; whereas the Constitutional Court dismissed these allegations for lack of evidence and President Mnangagwa was officially re-invested on 26 August for a new mandate;
- D. whereas the final report of the EU Electoral Observation Mission states that the figures presented by ZEC contained many anomalies and inaccuracies and raised enough questions to have doubt as to the accuracy and reliability of the numbers presented;
- E. whereas the day after the election, the delay in the announcement of the results had already led to an outbreak of post-electoral violence that killed six people and left many injured in protests called by the opposition; whereas international observers, including the EU, condemned the violence and the excessive use of force by the army and national security forces;
- F. whereas the Zimbabwe Human Rights Commission published a statement on 10 August “on the 2018 harmonised elections and the post-election environment” confirming that protesters were assaulted military forces, expressing deep concern about the brutality and violent conduct of the police and stating that the fundamental rights of demonstrators were violated; whereas the Commission has called on the government to set up a national dialogue;
- G. whereas following these events, President Mnangagwa set up in September 2018 a commission of inquiry who, in December 2018, concluded that extensive damage to property and injury were incited and organised by the MDC Alliance, and that the deployment of military was justified and in accordance with the Constitution; whereas the report was rejected by the opposition;
- H. whereas political tensions have increased dramatically since the elections and reports of violence persist seriously putting at risk the democratic trajectory initiated in the country;
- I. whereas national protests started mid-January 2019, at the initiative of the Zimbabwe Congress of Trade Unions, following an 150% increase in fuel prices; whereas riot police has been reportedly responding with unlawful violence and human rights abuses, including the use of live ammunitions, rubber bullets, teargas and baton charges, rape and the destruction of private and public property;

- J. whereas more than twelve people were killed and dozens were injured, whereas more than 600 people were arrested according to Zimbabwe's Minister of National Security, including children between 9 and 16 years old; whereas many are still illegally detained and have been allegedly beaten and assaulted while in custody;
 - K. whereas on 21 January, security forces raided a medical facility and 28 victims denying their access to appropriate medical care;
 - L. whereas the government's response to protests has been widely condemned by human rights observers and local and international actors, including the EU;
 - M. whereas access to the internet was shut down and then later reversed, whereas the government justified that by saying it was to "deal with misinformation that is spreading across social media"; whereas the Zimbabwe High Court declared the use of the Interception of Communications Act to suspend online communications illegal;
 - N. whereas the police has continuously misused existing laws, such as the Public Order and Security Act (POSA) to justify its curb on opposition members and human right activists, and ban lawful and peaceful demonstrations;
 - O. whereas Zimbabwe's record with regard to human rights, and democracy is one of the poorest in the world, and harassment and abuses against human rights defenders, journalists and members of civil society constantly reported;
 - P. whereas Zimbabwe is a signatory to the Cotonou Agreement, Article 96 of which stipulates that respect for human rights and fundamental freedoms is an essential element of ACP-EU cooperation;
1. strongly condemns the violence that occurred during the recent protests in Zimbabwe; firmly believes that peaceful protest is part of a democratic process and that excessive force in response must be avoided in all circumstances;
 2. Urges the Zimbabwean authorities to put an immediate end to abuses by security forces and to promptly and impartially investigate all allegations of excessive use of force by police and state officials and hold them accountable;
 3. Believes that freedom of assembly, association and expression are essential components of any democracy; stresses that expressing an opinion in a non-violent way is a constitutional right for all Zimbabwean citizens and reminds the authorities of their obligation to protect the right of all citizens to protest against their deteriorating social and economic conditions;
 4. Underlines the fundamental role that the opposition plays in a democratic society; urges the Zimbabwean authorities to immediately and unconditionally release all political prisoners;
 5. Is deeply concerned with reported violations of due process through fast-tracking and mass trials of people; insists that the judiciary must uphold the rule of law and ensure that its independence and the right to a fair trial is respected in all circumstances;

6. Condemns the internet shutdown that allowed the authorities to conceal the human rights abuses committed by the army and security forces; stresses that access to information is a right that must be respected by the authorities in accordance with its constitutional and international obligations;
7. Denounces the abusive use and restrictive character of POSA, and urges Zimbabwean authorities to bring legislation in alignment with international standards for the protection and promotion of human rights;
8. Calls on all political actors to show responsibility and restraint, and in particular to refrain from inciting violence;
9. Urges the government to immediately implement the recommendations on post-election violence made by the Commission of Inquiry, in particular the promotion of political tolerance and accountable leadership, and the setting up of national dialogue, conducted in a credible, inclusive, transparent and accountable way;
10. Notes the government's will to deliver on reform commitments; stresses however that these reforms should be political as well as economic, and that ensuring an inclusive national dialogue in which human rights are respected and protected is essential;
11. Calls on the government to fully implement the recommendations made by the EU EOM, especially with regard to the rule of law and an inclusive political environment; underlines in the 10 priority recommendations identified by the EOM and set out in the letter of 10 October 2018 by the Chief Observer to President Mnangagwa, namely in order to create a level playing field for all political parties, to ensure a clearer and coherent legal framework, to strengthen ZEC to be truly independent and transparent thereby restoring confidence in the electoral process, to ensure ZECs independence is strengthened and free from governmental oversight in the approval of its regulations and to create a more inclusive electoral process;
12. Calls on the EU delegation to Zimbabwe to continue its close monitoring of developments in the country and to use all appropriate tools, to promote the essential elements of the Cotonou Agreement and to support pro-democracy movements;
13. Calls on the EU to step up its political dialogue with Zimbabwe on human rights on the basis of Article 8 of the Cotonou Agreement;
14. Instructs its President to forward this Resolution to the European Commission, the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EEAS, the Government and the Parliament of Zimbabwe, the governments of the South African Development Community and the African Union.