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## TEXTS ADOPTED

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### **P8\_TA(2019)0116**

#### **Zimbabwe**

##### **European Parliament resolution of 14 February 2019 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 (EOM) 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 of 17 January 2019 by the spokesperson of the Vice President/High Representative on the situation in Zimbabwe,
- having regard to the statements of 24 July 2018 and 18 January 2019 by the spokesperson for the UN High Commissioner for Human Rights on Zimbabwe,
- having regard to the Joint Communiqué issued following the EU-African Union Ministers of Foreign Affairs meeting on 21 and 22 January 2019,
- 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 report of the Zimbabwean Commission of Inquiry into the 1 August post-election violence,
- having regard to the statement of 2 August 2018 by the spokesperson of the VP/HR 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 of 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 the targeting of opposition in Zimbabwe,

- having regard to the conclusions of 22 January 2018 of the Council of the EU in light of the ongoing political transition in Zimbabwe,
  - having regard to Council Decision (CFSP) 2017/288 of 17 February 2017 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe<sup>1</sup>,
  - 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 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 2018, 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 election 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 that 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 EOM states that the figures presented by the ZEC contained many anomalies and inaccuracies and raised enough questions to lead to doubts as to the accuracy and reliability of the numbers presented;
  - E. whereas the day after the election, the delay in announcing the results had already led to an outbreak of post-electoral violence that left six people dead and many injured during protests called by the opposition; whereas international observers, including the EU, condemned the violence and the excessive use of force by the army and internal security forces;
  - F. whereas the Zimbabwe Human Rights Commission published a statement on 10 August 2018 'on the 2018 harmonised elections and the post-election environment' confirming that protesters were assaulted by 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 on taking his oath of office in Harare on 26 August 2018, President Emmerson Mnangagwa promised a brighter, shared future for all Zimbabweans, transcending party

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<sup>1</sup> OJ L 42, 18.2.2017, p. 11.

lines, with a government unwavering in its commitment to constitutionalism, entrenching the rule of law, the principle of separation of powers, the independence of the judiciary and policies that would attract both domestic and global capital;

- H. whereas in September 2018 President Mnangagwa set up a commission of inquiry which, in December 2018, concluded that the demonstrations which caused extensive damage to property and injury were incited and organised by both security forces and members of the MDC Alliance, and that the deployment of the military was justified and in accordance with the Constitution; whereas the report was rejected by the opposition; whereas the commission called for an investigation within the security forces and prosecution of those who had committed crimes, and recommended compensation for victims;
- I. 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;
- J. whereas the collapse of the economy, lack of access to social services, and the rise in the price of the most basic of commodities pushed people to anger; whereas between 14 and 18 January 2019, Zimbabwe witnessed a surge in protests and demonstrations during a so-called national shutdown at the initiative of the Zimbabwe Congress of Trade Unions (ZCTU), following a 150 % increase in fuel prices; whereas the protests were also in response to rising poverty, the poor state of the economy, and declining living standards;
- K. whereas, faced with this protest movement, on 14 January 2019 the government denounced a ‘deliberate plan to undermine the constitutional order’ and assured that it ‘will respond appropriately to those who conspire to sabotage peace’;
- L. whereas the riot police responded with excessive violence and human rights abuses, including the use of live ammunition, arbitrary arrests, abductions, the raiding of medical facilities treating victims of the repression, fast-tracking and mass trials of those arrested, the torturing of people under arrest, cases of rape and the destruction of private and public property;
- M. whereas the Human Rights Commission appointed by the government made public a report which reveals that soldiers and the police had used systematic torture;
- N. whereas more than 17 people have been killed and hundreds injured; whereas around one thousand people have been arrested, including children aged between 9 and 16, and about two thirds of those arrested were denied bail; whereas many are still being illegally detained and have allegedly been beaten and assaulted while in custody;
- O. whereas evidence shows that the army has been largely responsible for the acts of murder, rape and armed robbery; whereas hundreds of activists and opposition officials remain in hiding;
- P. whereas the government’s response to protests has been widely condemned as ‘disproportionate’ and ‘excessive’ by human rights observers and local and international actors, including the EU;
- Q. whereas the interruption of telecommunications has become a tool used by the regime to block the coordination of demonstrations organised on social networks; whereas mobile and land-line communications, as well as the internet and social media channels, were repeatedly blocked to prevent access to information and communication and in order to

mask the massive human rights violations which the state was preparing to commit; whereas the Zimbabwe High Court declared that the use of the Interception of Communications Act to suspend online communications was illegal;

- R. whereas the authorities organised a massive door-to-door search for protestors, dragging from their homes peaceful protestors, human rights defenders, political activists, prominent civil society leaders and their relatives;
  - S. whereas neighbouring countries such as South Africa have become a hub for Zimbabweans fleeing political oppression and economic hardship;
  - T. whereas the police have continuously misused existing laws, such as the Public Order and Security Act (POSA), to justify the curb on opposition members and human rights activists, and to ban lawful and peaceful demonstrations;
  - U. whereas Zimbabwe's record with regard to human rights and democracy is one of the poorest in the world; whereas Zimbabwean people and human rights defenders continue to suffer attacks, hate speech, smear campaigns, acts of intimidation and harassment, and there have been regular reports of acts of torture;
  - V. whereas the President called for a national dialogue that started on 6 February and invited all political parties to take part, but the Movement for Democratic Change (MDC), the main opposition party, refused to participate;
  - W. 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. Underlines its unanimous desire for Zimbabwe to become a peaceful, democratic and prosperous nation in which all citizens are treated well and equally under the law and where the organs of the state act on behalf of the citizens and not against them;
  2. 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;
  3. Urges President Mnangagwa to remain true to his inaugural promises, to move rapidly to take control of the situation and to put Zimbabwe back on a path of reconciliation and respect for democracy and the rule of law;
  4. 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 in order to establish individual responsibilities, with a view to ensuring accountability; 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. Urges the Government of Zimbabwe to withdraw urgently all military personnel and the youth militia deployed across the country that are terrorising residents in clear violation of the Zimbabwean Constitution;

6. 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; calls on the government to put an end to the specific targeting of leaders and members of the ZCTU;
7. Underlines the fundamental role that the opposition plays in a democratic society;
8. Urges the Zimbabwean authorities to immediately and unconditionally release all political prisoners;
9. Calls on the Government of Zimbabwe to immediately stop the harassment and criminalisation of civil society actors and recognise the legitimate role of human rights defenders;
10. Asks the Zimbabwean Government to conform to the provisions of the UN Declaration on Human Rights Defenders and the international human rights instruments ratified by Zimbabwe;
11. Is deeply concerned about reported violations of due process through fast-tracking and mass trials; 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; denounces all arrests made without bringing forward charges;
12. Calls on the Zimbabwean authorities to undertake a prompt, thorough, impartial and independent investigation into allegations of human rights violations and abuses, including rape and sexual violence by security forces, and to bring those responsible to justice; demands that access to medical services should be universally provided to the victims of such sexual violence without fear of retribution;
13. Condemns the internet shutdown that allowed the authorities to conceal the human rights abuses committed by the army and internal security forces and to obstruct independent reporting and documentation of abuses during the crackdown and immediately after the election; stresses that access to information is a right that must be respected by the authorities in accordance with their constitutional and international obligations;
14. Denounces the abusive use and restrictive nature of POSA, and urges the Zimbabwean authorities to align legislation with international standards for the protection and promotion of human rights;
15. Expresses particular concern at the economic and social situation in Zimbabwe; recalls that the country's main problems are poverty, unemployment and chronic malnutrition and hunger; considers that these problems can only be solved through the implementation of ambitious policies on employment, education, health and agriculture;
16. Calls on all political actors to exercise responsibility and restraint, and in particular to refrain from inciting violence;
17. Reminds the Government of Zimbabwe that the support of the European Union and its Member States in the context of the Cotonou Agreement, and for trade, development, and

economic assistance, is conditional on its respecting the rule of law and the international conventions and treaties to which it is party;

18. Recalls that long-term support hinges on comprehensive reforms rather than mere promises; calls for European engagement with Zimbabwe to be value-driven and firm in its positioning towards the Zimbabwean authorities;
19. 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 a national dialogue conducted in a credible, inclusive, transparent and accountable way;
20. Notes the government's will to deliver on reform commitments; stresses, however, that these reforms should be political as well as economic; encourages the government, the opposition, civil society representatives and religious leaders to engage on an equal footing in a national dialogue in which human rights are respected and protected;
21. 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 the ten priority recommendations identified by the EOM and set out in the letter of 10 October 2018 from 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 by making it truly independent and transparent, thereby restoring confidence in the electoral process; to ensure that strengthening ZEC's independence makes it free from governmental oversight in the approval of its regulations; and to create a more inclusive electoral process;
22. Calls on the EU delegation and EU Member State embassies in Zimbabwe to continue their close monitoring of developments in the country and to use all appropriate tools to support human rights defenders, civil society organisations and trade unions, to promote the essential elements of the Cotonou Agreement and to support pro-democracy movements;
23. 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;
24. Calls on the European Council to review its restrictive measures against individuals and entities in Zimbabwe, including those measures currently suspended, in the light of accountability for recent state violence;
25. Urges the international community, notably the Southern African Development Community (SADC) and the African Union (AU), to give more active assistance to Zimbabwe to find a sustainable democratic solution to the current crisis;
26. Urges neighbouring countries to comply with the provisions of international law and to protect those fleeing violence in Zimbabwe with the provision of asylum, especially in the short term;
27. Instructs its President to forward this resolution to, the Council, the Commission, 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, and the Secretary-General of the Commonwealth.