

CONCLUDING STATEMENT OF THE AFRICAN CIVIL SOCIETY CONSULTATION ON ZIMBABWE

August 6, 2003

WE the representatives of the under-mentioned civil society groups from Zimbabwe, Botswana, South Africa, Kenya, Malawi, Zambia and Namibia, concerned with the human rights and humanitarian crisis in Zimbabwe, held a Consultative Meeting in Gaborone, Botswana between August 5-6, 2003, organized by DITSHWANELO – the Botswana Centre for Human Rights, and the US-based Lawyers Committee for Human Rights, to consider the human rights and humanitarian crisis in Zimbabwe:

RECALLING the United Nations General Assembly Resolution 53/144 of 9 December 1998 which outlines the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

NOTING that the manipulation of recent constitutional and electoral processes in Zimbabwe have exacerbated divisions and polarization whereby principles of good governance, the rule of law and respect for human rights have been violated,

STRESSING that the prime responsibility and duty to promote and protect human rights and fundamental freedoms in Zimbabwe lie with the State,

EMPHASIZING the important role that individuals, civil society organizations and groups play in the promotion and protection of human rights and fundamental freedoms,

NOTING further that a fact finding mission of the African Commission on Human and Peoples' Rights visited Zimbabwe in June 2002,

COMMENDING the efforts that have been undertaken by civil society, in particular the Churches, in trying to resolve the human rights and political crisis in Zimbabwe,

NOTE with grave concern that:

- Serious violations of internationally recognized human rights standards are widespread in Zimbabwe and constitute a human rights and humanitarian crisis;
- The human rights and humanitarian crisis in Zimbabwe is characterised by, *inter alia*:
 - serious food shortages, massive job losses, collapse of public health delivery services, an increase in the HIV/AIDS pandemic, political violence, torture, inhuman and degrading treatment, arbitrary detention, attacks on human rights defenders, systematic violence against women, forceful indoctrination, repressive legislation, attacks upon the

independence of the judiciary, the politicisation of state institutions such as the police, denial of freedom of expression and association, partisan distribution of food aid and the resultant exodus of Zimbabwean refugees;

- The Government of Zimbabwe is indoctrinating and militarizing the youth and children in militia camps where they are subjected to sexual abuse including rape, sodomy and exposure to sexually transmitted diseases and HIV/AIDS,
- These human rights violations undermine the objectives established in the Harare Declaration, the African Union Constitutive Act and the NEPAD framework on democracy, good governance, human rights and development;
- The perpetrators of human rights violations in Zimbabwe are overwhelmingly government officials, agents and state-sponsored militias. While criminal responsibility lies with individual government officials, agents and militias general responsibility for these violations lies with the Zimbabwean government;
- The human rights and humanitarian crisis in Zimbabwe affects the entire African continent and must be addressed as a matter of urgency by African states and institutions, with the involvement of local and regional civil society groups.

THE MEETING RESOLVES AND DEMANDS:

1. THAT the government of Zimbabwe:
 - Immediately restores the rule of law and ensures the immediate end to all human rights violations in the country;
 - Holds all perpetrators of serious human rights abuses accountable for their actions, including being criminally prosecuted where their actions constitute crimes under domestic and/or international law;
 - Distributes food and food aid in a non-partisan and equitable manner and full access for local and international humanitarian agencies is guaranteed;
 - Must ensure the fair, non-partisan and equitable redistribution of land in a transparent manner. The process must take into account the rights of the landless peasants, the farm workers and the nation's food security;
 - Invites human rights investigative mechanisms of the United Nations and the African Commission on Human and Peoples' Rights to visit the country and investigate human rights violations falling within their mandate;
 - Agrees to subject itself to scrutiny by the NEPAD Peer Review Mechanism;

- Immediately ratifies the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its optional protocol, and incorporate its provisions into domestic legislation;
 - Repeals all repressive legislation such as the Public Order and Security Act, the Access to Information and Privacy Act and the Broad Casting Services Act.
2. THAT East and Southern African governments must strongly condemn the human rights violations in Zimbabwe and must work individually and collectively to bring an end to these violations.
 3. THAT Countries in the region party to the Convention Against Torture investigate and prosecute all individuals responsible for torture in Zimbabwe who come within their territory.
 4. THAT SADC should examine the compliance of the Zimbabwe authorities with the provisions of the Windhoek Declaration, condemn the human rights violations and exert pressure on the government to take specific measures to remedy the situation.
 5. THAT the President of the AU Commission should issue a public statement condemning the human rights violations in Zimbabwe and request the Conflict Management Division to immediately carry out a proactive fact finding mission to Zimbabwe. The Division should recommend immediate steps to be taken by the AU and the Zimbabwean government to prevent a possible violent confrontation.
 6. THAT Zimbabwe's suspension from the Commonwealth should continue until its government complies with the Harare Declaration and takes concrete steps to restore the rule of law, restores respect for human rights and holds perpetrators of human rights violations accountable.
 7. THAT the African Commission on Human and Peoples' Rights should make its report on the fact finding mission public at its next session in October 2003. The Commission should then consider its mission report together with submissions of civil society organisations and decide in line with Article 58 of the African Charter on Human and Peoples' Rights that a situation of serious and massive violations of human rights exists in Zimbabwe and brings this to the attention of the Chairperson of the African Union and further, make recommendations on immediate steps to be taken by the Zimbabwean government to end the human rights violations.
 8. THAT the member states of the Non-Aligned Movement should jointly condemn human rights violations in Zimbabwe and work individually and collectively to bring an end to these violations.

9. THAT the Special Rapporteurs on torture, independence of the judiciary, freedom of expression, the right to food and violence against women and the UN Secretary General's Special Representative on Human Rights Defenders should urgently request permission from the government to visit Zimbabwe to examine the human rights crisis. Should this request be denied or ignored, the UN High Commissioner for Human Rights should issue a public statement denouncing human rights violations in Zimbabwe, as reported to him by local and international human rights organisations.

10. THAT the situation in Zimbabwe constitutes a threat to regional peace and security and consideration should be given either by the Secretary General of the UN or member states of the SADC, EAC and the AU to place the question of the crisis in Zimbabwe before the UN Security Council under Chapter 7 of the UN Charter.