



Selected Challenges Associated with Civil and Political Rights Violations in Zimbabwe (Part 2)

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Abstract: Civil and political rights abuses are still rife in Zimbabwe. This could have been worsened by the inconsistent and selective application and enforcement of the the *Lancaster House Constitution of Zimbabwe 1979* (SI 1979/1600) as amended by Act 1 of 2009 which introduced amendment 19 of 2009 (*Lancaster House Constitution*) as well as the Zimbabwe Constitution Amendment Act 20 of 2013 (*Zimbabwe Constitution 2013*). Ironically, most of these abuses are sometimes committed by government enforcement agencies against any persons that are deemed to be opponents and/or enemies of the state and its organs in Zimbabwe. Therefore, as indicated in Part I of this article, selected factors affecting the protection of civil and political rights in Zimbabwe are discussed in this article.

Keywords: Civil and political rights abuses; Constitutional protection; challenges; Zimbabwe

1. Introduction

Civil and political rights abuses are reportedly still rife in Zimbabwe (Robertson, 2014, pp. 4-5; Dziva, Dube and Manatsa, 2013, pp. 85-91; Asylum Research Consultancy, 2015, pp. 1, 72-224). This could have been worsened by the inconsistent and selective application and enforcement of the the relevant laws, the *Lancaster House Constitution of Zimbabwe 1979* (SI 1979/1600) as amended by Act 1 of 2009 which introduced amendment 19 of 2009 (*Lancaster House Constitution*) as well as the Zimbabwe Constitution Amendment Act 20 of 2013 (*Zimbabwe Constitution 2013*). Ironically, most of the civil and political rights abuses are

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sometimes committed by government enforcement agencies against any persons that are deemed to be opponents and/or enemies of the state and its organs in Zimbabwe (Makwerere, Chinzete and Musorowegomo, 2012, pp. 129, 135; Zimbabwe Human Rights NGO Forum, September 2014, pp. 3-21). Therefore, as indicated in the Part I of this article, selected factors affecting the protection of civil and political rights in Zimbabwe are discussed in this article (the International Crisis Group, 29 September 2014, pp. 2-19; Amnesty International, 2013, pp. 6-22). Put differently, this article only discusses politically-related challenges, economic-related challenges, constitutional-related challenges as well as regional and international law challenges pertaining to the protection of such rights in Zimbabwe. Accordingly, the historical aspects of civil and political rights abuses and related legislative challenges pertaining to the protection of such rights in Zimbabwe are not discussed in this Part II because they were adequately covered in Part I of the article.

2. The Factors and Challenges Associated with the Civil and Political Rights Violations in Zimbabwe

2.1. Politically-related Challenges

It appears law enforcement agencies are sometimes biased when conducting their duties. For instance, the ZRP normally denies members of opposition political parties the permission to hold their public meetings and election campaign rallies. However, this approach is not strictly applied in respect of the Zimbabwe African National Union Patriotic Front (ZANU PF) public rallies. Consequently, most ordinary Zimbabweans who are not members of the ZANU PF cannot freely exercise their rights to freedom of assembly, freedom of expression and freedom of association during elections (Makwerere, Chinzete and Musorowegomo, 2012, p. 135). This violates the *Zimbabwe Constitution 2013* which stipulates that members of the security services (these include the police services, defence forces, intelligent services, prisons and correctional services. See s 207(1) of the *Zimbabwe Constitution 2013*) should not act in a partisan manner or prejudice the lawful interests of any political party and/or violate the fundamental rights of any person (s 208 of the *Zimbabwe Constitution 2013*). Thus, members of the security services should not actively participate in politics and/or show allegiance to any political party. Nevertheless, there are several instances where senior members of the security services have openly shown allegiance to the ZANU PF by, *inter alia*, attending its annual meetings and conferences (Chiduzza, 2013, pp. 279-292). Moreover, soldiers

and war veterans are usually deployed to harass and intimidate members of the opposition political parties prior to, and/or during elections, especially, in the rural areas. This is unconstitutional and it violates the victims' civil and political rights since they cannot freely participate in the activities of their preferred political parties.

Recently, in 2016, the ZRP blocked and forcefully disbanded members of This Flag, Tajamuka and several other persons who were protesting against poor socio-economic development in the country. It is submitted that over 600 persons were arrested by the police and over 336 persons were tortured during similar protests since January 2016 to date (see further Zimbabwe Human Rights Non-Governmental Organisation Forum, 2016, p. 3). Accordingly, several human rights defenders, journalists, ordinary citizens, members of opposition political parties were assaulted, intimidated and tortured for exercising their civil and political rights (their most affected rights include freedoms of expression, association, assembly and the freedom to demonstrate and petition. See Zimbabwe Human Rights Non-Governmental Organisation Forum, 2016, pp. 6-22; Mushava, 2016, p. 1). In this regard, members of the executive should refrain from interfering with the duties of the security services agencies (Chiduzza, 2013, pp. 279-292). This follows the fact that the ZANU PF has abused its position as the ruling party to influence and control all security services agencies in order to violate civil and political rights of those who have a different socio-economic and political orientation (Amnesty International, 2013, pp. 6-22). This approach has culminated into numerous politically motivated abductions, arbitrary arrests, torture and the death of several people in Zimbabwe to date. The political violence and death of several people during Gukurahundi and 2008 elections are case in point (Amnesty International, 2013, pp. 6-22; Zimbabwe Human Rights Non-Governmental Organisation Forum, 2007, p. 12). Moreover, several members of the MDC such as Morgan Tsvangirai, Nelson Chamisa, Sekai Holland and Grace Kwinjeh were severely beaten members of the ZRP for attending a "Save Zimbabwe" public prayer meeting in Highfield in 2007 (Zimbabwe Human Rights Non-Governmental Organisation Forum, 2007, p. 12). Human rights activists such as Jestina Mukoko (*Mukoko v Attorney-General* 2012 ZWSC 11), Evan Mawarire and Patson Dzamara are constantly intimidated and arrested by the ZRP for their role in the promotion and protection of civil and political rights in Zimbabwe. Likewise, lawyers such as Gabriel Shumba (*Gabriel Shumba v Republic of Zimbabwe Communication* 288/2004), Andrew Makoni, Alec Muchadehama and Beatrice Mtetwa are constantly harassed and arrested by the ZRP for helping victims of the ZANU PF government induced civil and political rights violations in Zimbabwe (Chiduzza, 2013, p. 307). The mysterious disappearance of Paul Chizuze

in February 2012 and Itai Dzamara (Itai Damara was a journalist and human rights activist who was allegedly abducted by unknown members of the security services in 2015 and his whereabouts have remain unknown to date. See Human Rights Watch, 2015, p. 1) in 2015 who were both allegedly abducted by the members of the security services also reveals that a culture of intolerance and politically related civil and political rights abuses is rampantly practiced in Zimbabwe (Cross, 2015, p. 2).

Government-related political violence has consistently deterred and discouraged the people to enjoy their civil and political rights and participate freely in the electoral process and related national projects in Zimbabwe (Shumba, 2002, pp. 327-346). For instance, the intimidation and political violence that occurred prior to 2002 and 2008 presidential elections discouraged most members of the opposition political parties, particularly the MDC to participate freely in such elections. In this regard, it is submitted that over 200 people were killed, about 12 000 people were tortured and over 28 000 were displaced by ZANU PF supporters and war veterans prior the 2008 presidential election run-off (Amnesty International, 2013, p. 13). Ironically, the perpetrators of such violence and gross civil and political rights violations were neither arrested nor tried in the courts (Amnesty International, 2013, pp. 5, 6-30).

2.2. Economic-related Challenges

Various economic challenges such as high inflation, high unemployment rate and foreign currency shortages have manifested in Zimbabwe since the early 1990s when the Economic Structural Adjustment Programme (ESAP) was blindly adopted by the government. These challenges have continued to be felt in Zimbabwe to date (Africa Economic Development Institute, 2009, pp. 1-3). Put differently, the ESAP coupled with massive corruption on the part of some government officials has given rise to a poor economy that cannot adequately finance and support the fulfillment and protection of civil and political rights in Zimbabwe (Moyo, 2014, p. 3). This has enabled such government officials to abuse civil and political rights of any person who oppose their corrupt activities with impunity. These corrupt activities have given rise to poor economic growth and serious socio-economic hardships on the citizens of Zimbabwe. Moreover, the power struggles and politics of patronage has worsened the violation of civil and political rights violations in Zimbabwe (Moyo, 2014, p. 3). The government exhibited its misplaced priorities by wasting money on war veterans, militarising the national youth service (green bombers) and engaging in regional civil war conflicts in the Democratic Republic of Congo (DRC) between 1997 and 2000 at the expense of equipping human rights institutions for them to promote and effectively protect civil and political rights in Zimbabwe. This has

negatively affected the funding of human rights institutions by the government to the detriment of ordinary citizens whose civil and political rights are inadequately protected by the same government. For instance, it is reported that the Zimbabwe Human Rights Commission (ZHRC) has on several occasions, failed to conduct its functions due to lack of sufficient funding from the government (United Nations Development Programme, 2014, p. 1; Raftopoulos, Moyo and Makumbe, 2000, p. 36). Despite the ongoing economic crisis and the scant funding for human rights institutions, the government is constantly attacking foreign donors, CSOs, NGOs and opposition parties that advocates for the promotion and protection of civil and political rights in Zimbabwe since the late 1990s to date (Raftopoulos, Moyo and Makumbe, 2000, p. 36).

2.3. Constitutional-related Challenges

As indicated Part I of the article, the state and all persons have a positive duty to respect, protect, promote and fulfil the rights and freedoms as stipulated in the *Zimbabwe Constitution 2013* (s 44 of the *Zimbabwe Constitution 2013*). Consequently, the government and all persons are constitutionally obliged to take necessary measures to respect, protect and fulfill all the civil and political rights enumerated in the Declaration of Rights (s 44 of the *Zimbabwe Constitution 2013*). Nonetheless, the rule of law is sometimes not equitably and fairly applicable to all persons in Zimbabwe. It is, therefore, imperative to understand the meaning of the term “rule of law”. The rule of law is a universal legal principle that requires all persons to be accountable and subjected to the laws of their relevant countries equally and fairly (Maswanganyi, 2010, p. 2; Maseng, 2010, p. 17). The rule of law also plays a pivotal role in strengthening constitutional democracy in any country. In other words, the relevant laws of a country should govern it and not certain individuals, irrespective of their positions. This also entails that the government and members of the executive must not interfere with the functions of the judiciary and/or arbitrarily enforce any law against any persons in their countries (Chiduzo, 2014, pp. 368, 369-409). Despite this, it appears members of the ZANU PF, law enforcement agencies and members of the executive are above the law in Zimbabwe. This follows the fact that the perpetrators of Gukurahundi and other politically-related violence that erupted in 2002, 2008 and 2013 have not been held accountable or tried in the relevant courts to date (Martin, 2006, pp.239, 241).

The *Zimbabwe Constitution 2013* requires the ZRP and other members of the securities services to uphold the rule of law and respect the civil and political rights and other fundamental rights enshrined in the constitution (s 219(1)(e) read with ss

206(3); 208; 218; 223; 227 & 231 of the *Zimbabwe Constitution 2013*). Nevertheless, according to the Media Institute of Southern Africa (MISA) 2016/2017 report, journalists and other human rights activists are still persistently subjected to arbitrary arrests, harassment and intimidation by members of the securities services, when conducting their duties in Zimbabwe. Notably, over 32 journalists and human rights activists including Garikai Chaunza, Edgar Gweshe, Chris Mahove, James Jemwa, Elias Mambo and Richard Chidza were assaulted, intimidated and arrested by the ZRP between 2016 and 2017 (see further Amnesty International Zimbabwe, 2017, p. 1; Human Rights Watch, 2016, p. 1). In 2015, Itai Dzamara and a number of other journalists' civil and political rights were violated after they were arrested and/or abducted for reporting and taking part in various mass protests that were conducted by ordinary citizens in Zimbabwe over the worsening state of the economy and related socio-economic challenges (Freedom House, 2016, p. 1). Thus, the affected persons' rights to freedom of assembly and association; freedom to demonstrate and petition; freedom of conscience; freedom of expression and freedom of the media; right to human dignity and the right to have access to information were severely restricted by the ZRP. This restriction also undermined the public's right to seek, receive and communicate ideas and other information in Zimbabwe (s 61(1)(a) of the *Zimbabwe Constitution 2013*). Over and above, the perpetrators of these civil and political rights abuses were not held accountable and/or tried in the courts. This could further suggest that the ZRP and other members of the securities services do not respect and uphold the constitution and the rule of law (Chidzuza, 2013, pp. 39-41; Zimbabwe Human Rights Non-Governmental Organisation Forum, 2016, pp. 6-22).

Furthermore, the judiciary plays an important role in the protection of human rights in any constitutional democratic society. Consequently, the independence of the judiciary is crucial to the protection of civil and political rights in Zimbabwe (Chidzuza, 2013, p. 41). However, the ZANU PF government has, since 1980, sometimes disregarded the doctrine of separation of powers between the judiciary, executive and legislature, and consistently undermined the rule of law (Chidzuza, 2014, pp. 368-409). Put differently, the ZANU PF government has continued to cause undue influence and interference on the judiciary in Zimbabwe, especially on those magistrates and judges who are perceived to be more critical of its policies (Chidzuza, 2013, pp. 70-107; Chidzuza, 2014, pp. 368-409). For instance, some ZANU PF members and other government officials have, in some instances, given threats of violence and physical harm to human rights lawyers and judicial officers who criticised their conduct and policies in respect of civil and political rights violations

in Zimbabwe. In this regard, it is reported that war veterans and ZANU PF supporters invaded and physically attacked judicial officers of the Supreme Court in November 2000 during a case hearing and prevented the court from continuing with the proceedings. Nevertheless, none of these offenders were arrested by the ZRP (see related comments by the International Bar Association, 2007, pp. 15-59). Likewise, in November 2001, ZANU PF militants allegedly assaulted a senior magistrate in Gokwe after sentencing one of their members to jail for eight months for robbery. However, none of the offenders were arrested and/or tried in the relevant courts (see related comments by the International Bar Association, 2007, pp. 15-59). Furthermore, in 2000, the ZRP failed to comply with the Supreme Court order to investigate the torture that was allegedly perpetrated against Ray Choto and Mark Chavhunduka by the state security and military officers for publishing a possible coup plot against the Zimbabwean government in 1999 (*Chavhunduka v Commissioner of Police* 2000 1 ZLR 418 (S); the International Bar Association, 2007, pp. 15-59; Mapuva and Muyengwa, 2012, pp. 139-140; the International Crisis Group, 29 September 2014, pp. 2-19; the Redress Trust, 2005, pp. 15-24). Such torture activities violate the victims' right to freedom from torture or cruel, inhuman or degrading treatment or punishment (s 53 of the *Zimbabwe Constitution 2013*; also see Zimbabwe Human Rights Non-Governmental Organisation Forum, 2016, pp. 3-22). Additionally, the alleged forced resignations of the former Chief Justice Anthony Gubbay and Justices Moses Chinhengo, Chatikobo, Paradza, Sandra Mungwira and Michael Majuru between 1980 and 2013 also points to some interference by the executive on the independence of the judiciary in Zimbabwe (Madhuku, 2006, *SAPR/PL*, pp. 345, 346-369, for further related discussion). This conduct by the executive violates the independence of the judiciary which is expressly protected in the *Zimbabwe Constitution 2013* (ss 164 and 165 read with s 206(3)) and promotes a culture of impunity for civil and political rights abuses in Zimbabwe (see the International Bar Association, 2007, pp. 15-59).

2.4. Regional and International Law Challenges

The *Zimbabwe Constitution 2013* requires a court, tribunal, forum or body to consider international law and all treaties and conventions to which Zimbabwe is a party when interpreting the Declaration of Rights (s 46(1)(c)). Moreover, the courts, tribunals, forums or other relevant persons must give due regard to relevant foreign law (s 46(1)(e) of the *Zimbabwe Constitution 2013*). This indicates that both regional and international instruments and other relevant factors must be carefully considered by the courts, tribunals or forums when interpreting the Declaration of Rights. Thus,

the courts, tribunals or forums are obliged to consider relevant regional instruments (such as the African Charter on Human and People's Rights (ACHPR). The ACHPR was adopted on 27 June 1981, OAU Doc.CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 in Banjul (1982) and came into force on 21 October 1986; the Southern African Development Community (SADC) Organ on Politics, Defence and Security in 1996 (SADC Organ on Politics) Gaborone Communiqué of 28 June 1996; the SADC Protocol on Politics, Defence and Security Co-operation 14 August 2001 (SADC Protocol on Politics); the Southern African Development Community Protocol of the Tribunal and Rules of Procedure of 2000 (SADC Protocol 2000), see articles 15(2); 17 to 20; the African Commission of Human and People's Rights Resolution 61 (XXXII) 02 on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa 2002 (ACHPR Resolution 61); the African Union Guidelines and Measures for the Prohibition of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), Adopted in October 2002, see article 1(b)). Moreover, the courts, tribunals or forums are obliged to consider relevant international instruments (for instance, the ICCPR, see article 7 read with articles 15 & 18; the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987, adopted by General Assembly resolution 39/46 on 10 December 1984, which came into force on 26 June 1987 (UN Convention against Torture), see article 1; see article 5 of the Universal Declaration of Human Rights (UDHR); the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Guidelines on the Right to a Remedy and Reparation for Victims) Adopted 16 December 2005, G.A. res. 60/147, U.N. Doc. A/RES/60/147 (2005), see principle 11; article 6). Nonetheless, although Zimbabwe is part of the ACHPR, it has consistently failed to adequately protect civil and political rights of its citizens since the late 1980s to date. In this regard, the African Union (AU) has commendably condemned the violation of the people's civil and political rights in Zimbabwe from time to time since the late 1980s to date. For example, the AU has sometimes found the Zimbabwe government guilty of violating several provisions of the ACHPR through intimidation, violence, arbitrary arrests and torture of human rights activists, journalists (the detention and deportation of Andrew Barclay Meldrum (a citizen of the United States of America) who was living in Zimbabwe between 1980 and 2003, for allegedly contravening s 80(1)(b) of the AIPPA is a case in point. This conduct on the part of the government violated articles 7 and 26 of the

ACHPR; *Zimbabwe Lawyers for Human Rights and Institute for Human Rights and Development in Africa (on behalf of Andrew Barclay Meldrum v Zimbabwe)* Communication 294/2004) and members of the opposition political parties (article 26 of the ACHPR; Chitimira and Mokone, 2017, pp. 18-26). Such violations normally occurs during and/or prior to the general elections, especially in the rural areas of Zimbabwe. Notably, the Zimbabwe government was found guilty of violating articles 1 and 7 of the African Charter through politically related violence and other civil and political rights violations that occurred during the 2000, 2002, 2008 and 2013 elections (see Chitimira and Mokone, 2017, pp. 18-26; Chitimira and Mokone, 2016, pp. 19-26; Chiduzza, 2013, p. 58). This clearly shows that although Zimbabwe has ratified the ACHPR, it does not always respect and abide by its relevant provisions (article 26 of the ACHPR; Chiduzza, 2013, pp. 58-59).

As a member of the SADC, Zimbabwe is required to abide by the SADC Treaties and Protocols. Consequently, Zimbabwe is bound by the SADC Organ on Politics and the SADC Protocol 2000. The SADC established the SADC tribunal on 18 August 2005 in terms of the 1992 SADC Treaty to, *inter alia*, enhance the protection of human rights in the SADC region (see article 9 of the SADC Treaty; also see Moyo, 2009, pp. 590-614). Nevertheless, although, the SADC tribunal was not expressly empowered to hear human rights-related disputes (see article 4(c) of the SADC Treaty), it could hear any other disputes from the member states (see articles 15(2); 17 to 20 of the SADC Protocol 2000. These provisions do not deal with the SADC Tribunal jurisdiction, but they could be utilised in human rights cases; Chiduzza, 2013, pp. 315-316). Notably, such disputes could only be brought to the SADC tribunal against a member state where the affected persons had exhausted all available domestic remedies in their respective countries (article 15(2) of the SADC Protocol 2000). Nonetheless, despite these efforts, Zimbabwe has sometimes failed to abide by the rules and guidelines of the SADC tribunal. In this regard, the failure by the government of Zimbabwe to abide by the SADC Tribunal's judgment as granted in favor of Mike Campell and other 77 farm owners who lost their farms to the government through its chaotic Land Reform Program is a case in point (*Campell v Republic of Zimbabwe* (SADC (T) 03/2009) [2009] SADCT 1 (5 June 2009). In other words, the government of Zimbabwe disregarded the SADC tribunal's ruling which stipulated that its Land Reform Program had violated Mike Campell and other farmers' civil and political rights contrary to articles 4(c) and 6(2) of the SADC Treaty (*Mike Campell (Pty) Limited v The Republic of Zimbabwe* (2/07) [2007] SADCT 1 (13 December 2007); *Mike Campell (Pty) Limited v The Republic of*

Zimbabwe (2/2007) [2008] SADCT (28 November 2008). Sadly, the SADC Tribunal was suspended in 2010.

Moreover, the government of Zimbabwe has struggled to remedy various complaints and reports of civil and political abuses that are filed with the SADC Organ on Politics from time to time, especially, during or prior to general elections. These complaints usually include politically-related violence, torture and other human rights violations (Cowell, 2013, pp. 153-165). In this regard, more still needs to be done to ensure that Zimbabwe consistently abide by the SADC Treaty in order to effectively promote democracy and the rule of law as well as to protect civil and political rights for all its citizens (see article 4(c) of the SADC Treaty).

Additionally, as indicated earlier, Zimbabwe is also part to several international organisations and international instruments that outlaws human rights abuses, such as the UN, the Freedom of Association and Protection of the Right to Organise Convention (ILO No. 87 (1948), which entered into force on 4 July 1950), the UDHR and the Guidelines on the Right to a Remedy and Reparation for Victims. Furthermore, Zimbabwe has ratified the ICCPR in a bid to promote and adequately protect the civil and political rights of its people. While these efforts are encouraging, civil and political rights abuses are still rampantly occurring in Zimbabwe, particularly, during public gatherings and general elections (Chitimira and Mokone, 2017, pp. 18-28). In this regard, Zimbabwe has reportedly denied UN observers permission to participate during 2008 and 2013 general elections despite the fact that it is a full member of the UN organisation. Furthermore, the ZANU PF government rejected most UN programmes that were set to promote and enhance the protection of human rights in Zimbabwe (Chitimira and Mokone, 2016, p. 21); Chiduzza, 2015, pp.148, 172-173). This has to some extent, enabled the government to commit various civil and political rights abuses against human rights activists and members of opposition political parties with impunity.

Over and above, Zimbabwe has to date failed to ratify the UN Convention against Torture (Chitimira and Mokone, 2017, pp. 18-28). Put differently, no anti-torture legislation has been enacted in Zimbabwe to date. This could indicate that Zimbabwe does respect the UN Convention against Torture in respect of combating torture and other civil and political rights offences. This also shows that Zimbabwe does not comply with the international treaties that it has signed. This could have been influenced by the fact that the ratification and transposition of most international treaties is not mandatorily imposed on the member countries (s 327 of the *Zimbabwe Constitution 2013*). Moreover, this could indicate that the government of Zimbabwe

does not respect the *Zimbabwe Constitution 2013* which empowers the parliament to enact relevant laws in compliance with and/or to give effect to international conventions, treaties and agreements (s 327 of the *Zimbabwe Constitution 2013*). In other words, Zimbabwe is only bound by the relevant international law, treaties, agreements and conventions that it has acceded to and/or ratified (s 53 read with s 327 of the *Zimbabwe Constitution 2013*). Despite this, Zimbabwe should still abide by the principles of international law to avoid violating non-derogable rights that has a *jus cogens* status such as the right to life, freedom from torture, cruel and inhuman treatment and freedom from slavery or servitude (Mude, 2014, pp. 53-54). Thus, any conduct, practice, rule, agreement, law or treaty that violates non-derogable rights is invalid (Mude, 2014, p. 83). In this regard, the government of Zimbabwe is guilty of violating various civil and political rights of its citizens and disregarding international conventions, treaties and agreements that it signed (Mude, 2014, p. 83).

3. Concluding Remarks

As indicated above, notwithstanding some positive developments such as the enactment and adoption of the *Zimbabwe Constitution 2013*, more still needs to be done to ensure that all the people of Zimbabwe's civil and political rights and other fundamental rights are adequately protected (see related analysis in Part I of the article). For instance, although foreign law, international law, treaties and conventions are provided for in the *Zimbabwe Constitution 2013* (s 46(1)(c) & (e) read with ss 34 & 85 of the *Zimbabwe Constitution 2013*), the government of Zimbabwe has sometimes failed to respect and abide by such treaties and/or conventions to which Zimbabwe is a party. This has negatively affected the protection and enforcement of civil and political rights for the majority of people in Zimbabwe. Furthermore, the realisation and enjoyment of civil and political rights in Zimbabwe have been affected by political, economic, constitutional as well as regional and international law-related challenges as discussed in this article. Given this background, the authors submit that Zimbabwe should consistently abide by all regional and international agreements, protocols, treaties or conventions that it has signed and ratified. This approach could enhance the protection of civil and political rights in Zimbabwe. Moreover, members of the security services should abide by the constitution and execute their duties in a non-partisan manner and those who commit human rights abuses must be tried in the relevant courts. This could deter members of the security services and other unscrupulous offenders from committing human rights abuses with impunity. The government of Zimbabwe should seriously

consider repealing all repressive laws that were earlier discussed in Part I of this article to enable all persons to freely enjoy their civil and political rights. This could enable the government of Zimbabwe and the courts to respect the rule of law in all matters. Lastly, PVOs, NGOs, human rights defenders and other human rights institutions should be empowered through sufficient funding and other relevant measures to enable them to execute their duties freely without fear or favour.

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