**End of Mission Statement of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule, on his visit to Zimbabwe**

**(17-27 September 2019)** 

Harare, 27 September 2019

Members of the press,   
Ladies and gentlemen,

In my capacity as United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, I conclude today the first official visit carried by a United Nations Special Procedures mandate holder in the country, which took place from 17 to 27 September 2019.

As a Special Rapporteur, my views are independent. I present reports to the Human Rights Council and the General Assembly. The overarching purpose of my visit to Zimbabwe is to contribute to the efforts it has undertaken in its path towards democratization and to offer recommendations as to how Zimbabwe can better respect, promote, protect and implement international human rights law and standards as they apply to the exercise of the rights to freedom of peaceful assembly and of association.

I would like to begin by expressing my appreciation to the Government of Zimbabwe for having extended an invitation to my mandate to visit the country with the aim of assessing, in a spirit of dialogue and cooperation, the level of enjoyment of these two civil and political rights. I would also like to thank the Government of Zimbabwe for the cooperation extended to me prior to and throughout the visit. I hope that after my departure we will continue working jointly towards a better enjoyment of these rights by all.

I would also like to particularly thank representatives of independent institutions who also engaged in this dialogue as well as a wide-range of civil society representatives from around the country, including chiefs and community based organizations, trade union leaders and women human rights defenders.

I also take this opportunity to sincerely thank the UN Resident Coordinator ad interim and his Human Rights Advisor, the UNDP Representative and their Offices as well as the World Food Programme for the support provided to me.

During my visit, I had the opportunity to travel outside the capital to Bulawayo, Hwange in the Matabeleland North Province and Mutare, Arda Transau and Marange, in the Manicaland Province.

In Harare, I met with senior Government authorities, including the Acting Minister of the Ministry of Foreign Affairs and International Trade, the Minister of Justice, Legal and Parliamentary Affairs, the Minister of Home Affairs and Cultural Heritage and authorities from the Zimbabwe National Police, the Minister of Defence and War Veterans, the Deputy Minister of Mines and Mining Development, accompanied by representatives of the Zimbabwe Consolidated Diamond Company, the Speaker of Parliament and heads of relevant parliamentary Committees, the Attorney General, the Prosecutor General and the Chief Justice. I also held meetings with representatives of the Zimbabwe Human Rights Commission and the National Peace and Reconciliation Commission as well as with the members of the United Nations Country Team, the diplomatic community, representatives of civil society and representative of the main opposition political party, at their request.

Although the majority of my requests for meetings and visits to places of interest to my mandate were facilitated, I regret that my requests to meet with the Minister of Public Service, Labour and Social Welfare; the Minister of Finance and Economic Development; and the Mayor of Harare could not be accommodated despite the length of my ten-day visit.

In addition, outside Harare, I also met local authorities such as the Minister of State of Bulawayo, the Mayor of Bulawayo, the Minister of State of Manicaland and the Mayor of Mutare as well as with relevant law enforcement authorities and development programme officers in both provinces.

I will now present some of the preliminary findings and recommendations in the spirit of holding a constructive dialogue and based on information received before and throughout my visit. I will elaborate on these preliminary findings in a more detailed manner in a report that will be presented at the 44th session of the UN Human Rights Council in June 2020. These preliminary findings neither reflect all the issues presented to me, nor all the initiatives undertaken by the Government of the Zimbabwe.

Zimbabwe has ratified a number of international and regional human rights instruments and committed itself to observe them. I would like to encourage it to ratify the remaining key international human rights treaties such as the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Convention for the Protection of All Persons from Enforced Disappearances and the optional protocols to which it is not yet a State party, in particular those of the International Covenant on Civil and Political Rights. In addition, during the Universal Periodic Review in 2016, Zimbabwe accepted recommendations pertaining to the freedoms I am mandated to monitor. My assessment is guided by these principles.

**Democratic transition**

Zimbabwe has gone through different political transitions in the course of its recent history since independence in 1980. More recently, as a result of a National Unity Government, a Constitution was adopted in 2013 which includes an expansive bill of rights with specific provisions promoting and protecting the rights on freedom of peaceful assembly and of association.

With the new constitutional framework that includes the establishment of a number of independent institutions, the recent change of leadership, prospects of legal and judicial reform, effective economic recovery measures and changes in the governance structures,, arose as a natural expectation for many Zimbabweans who are desperately awaiting to improve the quality of their lives.

I have repeatedly heard from different segments of society that the “new dispensation” brings the hope of more freedoms. The Government has committed to have a more open and democratic space, that enables a multi-party democratic political system. They have also promised to erect a transparent, just, accountable and responsive way of governance based on the rule of law, respecting the principles of separation of powers.

The transition has also brought along reassurances of strategic reengagement with representatives of the international community as well as with financial institutions. The Government has said it will take a strong stance in relation to the fight against corruption and impunity and has recommitted to its obligations contained in regional and international human rights instruments.

Albeit the common belief that a transformation will come, I believe that the long-awaited hopes are fading. The population is now questioning the Government’s capacity to bring about such changes. They feel they have not experienced concrete and tangible results. On the contrary, I have perceived from my different meetings around the country, that there is a serious deterioration of the political, economic and social environment since August 2018 resulting in fear, frustration and anxiety among a large number of Zimbabweans.

**Freedom of Peaceful Assembly**

Zimbabwe is a party to the International Covenant on Civil and Political Rights (ICCPR), which it acceded to on 13 May 1991, and which provides for the rights to freedom of peaceful assembly and of association under articles 21 and 22.

The Constitution guarantees freedom of peaceful assembly. Various pieces of legislation give effect to Sections 58 and 59 of the Constitution that provides for this fundamental right such as the Public Order and Security Act (POSA), the Criminal Law (Codification and Reform) Act and the Electoral Act.

I was informed that the POSA will soon be repealed and replaced by the Maintenance of Peace and Order Bill (MOPO) which “will provide mechanisms to ensure that the police in maintaining law, order and suppression of civil commotion or disturbances in any police district do so in a manner that does not compromise human rights”.

While I acknowledge that there is a need to enact a new law in accordance with international human rights norms and standards, the MOPO bill has worrying similarities to the POSA revealing a common scope in which the exercise of the right to peaceful assembly is not fully guaranteed. Instead the MOPO bill continues to give law enforcement agencies broad regulatory discretion and powers.

The MOPO bill does not propose significant substantive amendments targeted to address the main problems prevailing in the POSA. One important improvement is the deletion of Section 27 of the POSA related to the temporary prohibition of holding processions or public demonstrations within particular police districts, however this change is made based on the declaration of unconstitutionality made by the Constitutional Court in 2018. Another improvement is the provision mandating the President, instead of the Minister of Defence (as provided by POSA), to authorize the deployment of military forces to assist the police in exercising their functions, and report promptly to Parliament bringing it in line with the Constitution.

I have emphasized in my different meetings with government authorities that assemblies should be presumed lawful and peaceful. Permissible limitations to this right are set out in international law and require the Government to explicitly justify any limitation, to explain the necessity of any limitation, its legality and proportionality in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others. Citizens should be able to challenge such limitations in the courts. Under international law it is not enough for a Government to say demonstrations pose a national security threat, a Government has the obligation to identify the specific risks it is concerned about, the measures it will implement to mitigate such risks and the limited number of restrictions it will order to manage the risks. Blanket prohibitions are rarely lawful. The role of the Government is to mitigate risks to enable the enjoyment of the fundamental right to peaceful protest.

From my discussions on recent events, I have perceived that the use of military forces has a profound negative impact, including in the minds of the population, who fear these forces are not adequately trained to handle demonstrations. On this point, I would like to stress that the involvement of the military in the managing of assemblies contradicts the *Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa,* as they provide that military forces must only be used in exceptional circumstances and only if absolutely necessary. This same criteria has been used by the CCPR that has recommended “to ensure that public order is, to the maximum extent possible, upheld by civilian rather than military authorities” (CCPR/C/VEN/CO/4).

I am also concerned that the MOPO bill contains notification requirements for certain gatherings, including cumbersome administrative processes – that amount to an authorization, not a notification regime. It is also of concern that spontaneous assemblies are not protected in the bill, which does not recognize the right of individuals to engage in spontaneous public gatherings.

I have requested to be briefed on how the notification procedure is implemented in practice in different provinces and found that it is extremely burdensome in terms of administrative requirements but also very intrusive in its demands, undermining the exercise of this fundamental freedom for public gatherings and private meetings.

I firmly believe that the exercise of the right to freedom of peaceful assembly should not be subjected to authorization. At most, a prior notification procedure is sufficient, in order to facilitate peaceful assemblies and to take measures to protect public safety and order and the rights and freedoms of others. Moreover, spontaneous assemblies should be recognized in law and exempted from prior notification in conformity with the jurisprudence of the CCPR that reaffirms that article 21 contains an obligation to facilitate spontaneous assemblies without interference.

I am also concerned by the provisions of the MOPO Bill regarding the administrative liability of organizers as well as the criminal liability of organizers and participants of gatherings. Such legal consequences undermine the exercise of the right to freedom of assembly especially as the law does not clearly define the administrative or criminal offenses and the language could provide for a very extensive interpretation of the liability of individuals entitled to exercise this right.

Finally I would like to express my concern in relation to the provisions that allow the police broad discretion to disperse public gatherings as well as the broad search and seizure powers given to law enforcement agencies. The *United Nations Basic Guidelines on the Use of Force by law enforcement officers*, provide important guidance on these matters in line with international human rights standards.

I trust that as a result of this visit and the good level of cooperation that I have experienced with the Government and seek to maintain, it will be possible for the government to examine the concerns that have been raised in order to revise the MOPO bill according to international human rights standards.

Furthermore, throughout my visit, I have noted that restrictive practices also limit the enjoyment of this freedom.

The restrictions described to me range from very subtle forms of interference, to threats issued by public authorities to suppress protests and dissent, to the use of the judicial system to impose unlawful charges and/or the use of disproportionate and excessive force resulting in massive violations against protestors. I have also heard of numerous cases of arbitrary detentions, cases of injury, torture and even the loss of innocent lives.

Recurrently during meetings with civil society actors, trade union leaders or representatives of dissenting political parties, I have learnt of several number of occasions in which there has been unjustified denials of authorization to demonstrate, some even with extremely short notice, making it virtually impossible to call off the protests at the very last minute and resulting into unwarranted liability.

In response to this seemingly common practice, it was drawn to my attention that the organisers of assemblies are compelled to recurrently challenge these decisions in the courts in order to be able to exercise this fundamental right though the support of court orders.

Another, worrying example is the use of Section 22 of the Criminal Law (Codification and Reform) Act provision on “subverting a constitutional government” to prosecute human rights defenders, civil society and opposition leaders suspected of having played important roles in protests. The crime is similar to treason and could attract up to 20 years of imprisonment. From my meetings, it transpired that leaders calling for protests, supporting protests through public statements or social media, and participating in protests have been charged with this crime and I have been informed that in this year alone, 22 individuals are facing this criminal charge.

I have also heard extremely disturbing reports of excessive, disproportionate and lethal use of force against protestors, through the use of tear gas, batons and live ammunition.

In particular, I would like to refer to the authority’s response to the protests of January 2019 calling for a national ‘stay-away’ in response to massive fuel price increases. The order to disperse protestors participating in the demonstrations led to the use of lethal and excessive use of force, mass arbitrary arrests and torture. Unlawful restrictions on access to internet were also put in place.

On this occasion, I was informed that the military was deployed to the streets in different parts of the country, including in Bulawayo, Harare city centre, Chitungwiza Township and high-density suburbs of Epworth, Mabvuku and Kuwadzana. While I was informed that there was looting and destruction of private property, the disproportionate response by the security forces to the turmoil resulted, according to different sources, in at least 17 killings, including 14 men and 3 women, with more than 300 people treated for serious injuries including 70 for gunshot wounds. I was informed that one police officer in Bulawayo died as a result of these events.

From the conversations held with government authorities in and outside the capital on the facts related to these very unfortunate events, it is clear that, in line with the existing legislation, law enforcement officials view their role in managing assemblies as a public order function, rather than a protection function.

I would like to reiterate my call to the Government to adopt a human rights based approach that facilitates assemblies as an integral human right of every person. An approach that allows for specific, targeted, legal and measured responses to prevent, contain and respond to specific incidents of violence in the context of protests. An approach that leads to the establishment of a well-trained force and professional democratic policing.

From my meetings with different stakeholders, I also heard the testimonies of individuals who lost valuables and property and who until now have not received compensation in respect of these violent acts.

I was shocked by the testimonies of victims who alleged they had been raped and sexually assaulted by military and police elements in the context of the protests. The victims of these crimes explained they were assaulted in their homes, in many cases at night, and felt this was being used as a tactic to cause pain and fear among those linked to leaders of protests or to cause general fear among the population. I also heard of massive arbitrary arrests, and cases of abduction and torture of protestors. During these events children who were caught in the middle of the protests or who wanted to actively participate in them were prevented from doing so.

I was also informed of cases of internet shutdown that took place during the crackdown of protests further limiting the right to peacefully assembly. I strongly believe that network disruptions are in clear violation of international law and cannot be justified under any circumstances. Network shutdown orders often lack a legal basis and these events in Zimbabwe were no exception. In this sense, I applaud the High Court’s decision ruling that the Minister of State responsible for national security in the President’s Office did not have the authority to issue any directives in terms of the Interception of Communications Act.

Although, the events of January 2019 affected most of the country, I would like to recognize efforts made in Bulawayo to address this situation, among other issues, when the President met with a large and diverse representation of the Matabeleland Collective. A set of follow up action points was reached with the Matebeleland Collective and I call on the Government to closely monitor the implementation of all items discussed, in particular, action point 14.

In another instance, in Hwange, I met with spouses of workers of the Hwange Colliery, who initiated protests on behalf of their husbands due to unpaid salaries of almost 5 years. Since the workers feared victimisation from the employer which could result in dismissal from work, a group of women decided to make the situation visible by protesting peacefully and camping at the company’s premises to demand their husbands’ due payments. The women indicated that they have endured very difficult moments, not only as a result of the hardships that they were confronted with in their homes but also because of pressure and threats from anonymous sources possibly linked to the company. The company took the women to court on civil and criminal charges for trespassing on the company’s premises. Although the cases were dismissed from the courts, the women decided to put an end to the protests as they felt were not being listened to, while they had suffered too much hardship. The role that non-State actors also play in creating an environment of fear, to silence the voice of the most desperate, is a matter of concern, which warrants attention by state authorities in order to prevent and respond to such acts.

Although there are areas of concern I am encouraged that the Government took steps to investigate the crackdown of the protests of 1 August 2018, which took place after the harmonised national elections, when demonstrators took to the streets of Harare demanding the immediate release of the election results. On this occasion, what started out as a peaceful protest turned into chaos and included violent indiscriminate acts. As a result of these protests at least six persons were killed and many others tortured and injured.

In order to investigate these events, through Statutory Instrument 181 of 2018, a Commission of Inquiry, now known as the *Motlanthe Commission*, was appointed and a final report has been presented with recommendations. These include recommendations such as the need to compensate the losses and damages caused, including support and school fees for the children of the deceased; the need to promote political tolerance, as well as responsible and accountable leadership and citizenry; the need to adopt electoral reforms to enhance the transparent and expeditious announcement of election results; the need to build the capacity of law enforcement authorities; the need for accountability in respect of the alleged perpetrators and the need for nation building and reconciliation including an initiative for multi-party dialogue and cooperation.

During my meeting with the Minister of Justice, I was informed that as a response to the recommendations of the *Montlanthe Commission*, authorities have continued to undertake legislative and administrative measures to ensure that recommendations are implemented. For example, in March 2019, an Inter-Ministerial Taskforce was established to lead political, electoral and legislative reforms. I hope to get additional information on the work of the taskforce and the implementation of the recommendations.

I commend the Government for these efforts and encourage it to follow this good practice in relation to other such incidents which have occurred.

To conclude, I would like to reiterate that the right to peacefully assemble is a basic pillar in any democracy and should not be negated and feared. On the contrary, it should be allowed and encouraged as its intrinsic value is to allow individuals and groups to express aspirations and concerns publicly. It is in the interests of the State to allow public and peaceful assemblies as a “release valve” in order to avoid recourse to other means of dissent and disagreement that are not desirable and can be harmful to society as a whole. It is a right and one that the State has the obligation to enable and protect.

**Freedom of Association**

The right to freedom of association is guaranteed in Constitution and is currently regulated through legislation such as the Private Voluntary Organisations Act (PVOA) and the Deeds Registries Act.

Registration of associations, including NGOs, is required by the PVOA and is done through the Department of Social Welfare under the Ministry of Public Service Labour and Social Welfare. I am informed that the registration procedure can be onerous, lengthy and complex in nature requiring, through the PVO registration form, a significant amount of detailed information of the association, and additional documents can be requested at the discretion of the Registrar of PVOs.

Applicant associations are required to provide a proof of public notice in national papers in order to call for objections, which should be lodged with the Registrar. If an applying association has been denied registration due to their political stance and support or under vague circumstances such as “appears unable to abide by the objectives”, no system for challenging the decision is in place.

Foreign funding is strictly regulated and when allowed is met with hostile government rhetoric. International non-governmental organisations intending to operate in the country are required to conclude a memorandum of understanding or cooperation with Government. The PVOA stipulates severe penalties for any unregistered organisations that continue to operate in the country.

In addition to the limitations in setting up an association, the PVOA grants wide discretionary powers to the Minister who can interfere in the internal governance of the association, if she or he believes that a PVO has failed to comply with its objectives or constitution, has been subject to maladministration, or has engaged in illegal activities, or that “it is necessary or desirable to do so in the public interest” or any other ground in terms of Section 21 of the PVOA. Another barrier to the activities of associations relates to the authority of the Minister to inspect “any aspect of the affairs or activities” of any an association.

Considering the registration limitations and challenges provided in the PVOA, many NGOs have resorted to registering themselves as Trusts under the Deeds Registries Act.

Regardless of the law that governs their activities, I have been informed that NGOs are under surveillance in law and in practice. On the latter, I have heard repeatedly accounts of NGOs who need to submit letters of notification to the police informing of their intent to hold meetings in public or even privately.

In particular, I have been able to perceive this toxic environment during my meetings with community based organizations from the Marange region and in Arda Transau whose activities are related to advocacy for transparent, accountable and fair distribution of benefits within the communities in the context of natural resource exploitation.

In both places, I could feel the level of pressure that communities feel because of their activities related to their own well-being and development. The level of isolation in which these communities attempt to operate, which in the case of the Marange communities is even physical, confirms a strong policy of control and intimidation.

In order to reverse this situation, I believe that one of the first steps that the government should take is to carry out genuine consultations with all affected communities, particularly with those that have been relocated. Through the practical guidelines for “Civil society participation in the implementation of the 2030 Agenda for Sustainable Development” (A/HRC/41/41/Add.2) and by aligning to the Guiding Principles on Business and Human Rights, a more constructive dialogue can be instituted within the Marange communities and with others in similar situations.

I was also able to understand how activism is immediately related to a political stand even when advocating for the achievement of economic, social and cultural rights. A training abroad can result in arrests upon return to the country, as it occurred earlier this year when activists were detained at the Harare airport and charged with subversion because of their participation in a workshop on peaceful resistance.

I have also been made to understand from my discussions that NGOs working on development and humanitarian issues have been accused of being partisan and based on those perceptions required to sign MOUs with local authorities or they would not be able to implement their projects or activities in a particular province. In the same vein, I received allegations of partisan distribution of food aid.

Finally, I would like to mention that I regret not having being able to meet with the Minister of Public Service, Labour and Social Welfare since there were a number of issues of particular concern of this mandate, such as the current audit exercise planned to be completed by October and through which more than 700 private voluntary organisations registered in the country will be scrutinized.

**Freedom of Association of trade unions**

Trade union activities are guaranteed by the Constitution and regulated mainly by the Labour Act and the Public Service Act. In addition, Zimbabwe ratified, in 1998, the ILO Right to Organise and Collective Bargaining Convention (No. 98) and, in 2003, the ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87).

I understand that comprehensive labour law reform and harmonization predates the 2013 Constitution; however, no concrete results have been achieved from this process.

Of particular concern to me are sections 102 and 104 of the Labour Act. Section 102 refers to “essential services” and provides a very wide and open discretion to the Minister of Labour to declare what constitutes an essential service from which workers are denied the right to strike. In turn, Section 104 provides that workers embarking on strike should give a 14 day written notice to the regulating authority. Failure to do so renders the strike illegal, and such workers will not enjoy the right to protest. For instance I learnt that in 2016, 1357 workers of the National Railways of Zimbabwe were dismissed after the Labour Court ruled that they did not comply with the set procedures ignoring the fact that the same workers were owed a significant amount of dollars’ worth in unpaid salaries.

Sections 107, 109 and 112 of the Labour Act in relation to Collective Job Action, which provides for excessive penalties in case of an unlawful collective industrial action, also raise concerns.

The application of POSA to trade union marches, demonstrations and protests actions, has also resulted in the restriction of the right to peaceful assembly and of association despite several court orders against law enforcement forces prohibiting them from interfering in these peaceful protests.

During my visit, I have received a considerable number of allegations related to arrests, detentions and even abductions of a high number of trade union leaders and members that have taken place in connection with their activities. In particular, I would like to refer to the alleged abduction of Dr. Peter Magombeyi, acting president of the Zimbabwe Hospitals Doctors Association (ZHDA), who led a series of strikes over working conditions and poor pay in the health sector. Although Dr. Magombeyi was later found and the matter is currently under investigation by the authorities, I would like to mention that this is not an isolated case and that union leaders that requested to meet with me expressed that they were living in a toxic environment of constant retaliation and fear.

Due to the current economic situation the country is facing, mass striking appears to be taking place regularly in the country. However, reactions by authorities do not appear to be in line with their Constitution and international commitments.

For instance, in April 2018, there was a nationwide nurses’ strike. The Vice President dismissed all nurses participating in the strikes and ordered the recruitment of new nurses to cover the gaps. As a result, the Zimbabwe Nurses Association (ZINA) went to court to reverse the order, saying that the Vice President did not have the authority to issue such an order and claiming that members had been threatened when negotiations with the government had taken place. The order was later reversed, and the nurses returned to work, but the incident reflected the government’s stance on striking.

Another worrying example is that of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), whose fourteen members were arrested and charged with “disorderly conduct” after organising protests concerning the economic crisis in Zimbabwe as well as low wages in December 2018. On this case, the Harare Court dismissed it stating that trade unions are exempt from the application of POSA.

**Key Recommendations and Conclusions**

Zimbabwe's openness to receive my mission and the visits of other United Nations Special Procedures is an important step in its efforts to create a more enabling environment for human rights. I hope that my visit and the conclusions and recommendations of my visit will assist the authorities in improving the environment for and protection of the rights to freedom of peaceful assembly and association.

In particular, I would like to urge the Government, in line with Section 210 of the Constitution, to establish an effective and independent mechanism for receiving and investigating complaints from members of the public in respect of misconduct by security services and remedy any harm caused by such misconduct. Furthermore, it is critical that in establishing such an oversight mechanism, its independence is ensured in line with international law principles and best practices.

The Government's stated commitment to improve human rights and widen democratic space is welcome. The 2013 Constitution provides a sound and robust basis for the protection of human rights and it is important to acknowledge progress in the setting up of several independent commissions.

I lament the loss of lives due to excessive use of force against protestors and urge the Government to ensure a thorough and independent investigation of these events and the prosecution of those responsible. The repression of protestors, the attempt to ban protests, the excessive use of force and the restrictive application of legislation regulating the rights of freedom of peaceful assembly and association gravely overshadow efforts to democratically transform Zimbabwe.

I urge the Government to amend laws that are not in line with the Constitution and make use of the independent institutions which are designed to facilitate the exercise of human rights and the courts, in order to ensure that all human rights are enjoyed by all those under its jurisdiction. I recommend that the Government takes steps to identify gaps in legislation which may allow for its discriminatory use, and makes concerted efforts to close these gaps. In these processes, I strongly call for a close consultation with civil society organizations and encourage them to actively engage and participate.

The Government has the momentous task of redressing and solving the long and grave economic crisis afflicting Zimbabwe. In order to be able to find durable solutions that protect the most vulnerable, the Government of Zimbabwe is going to need the support and assistance of the international community. It is important for all actors to join forces to assist in this effort.

In such a context, the Government must protect its citizens’ rights to organize and to assemble. The Government’s role is to enable the free expression different views. The Government must strengthen good practices that enhance dialogue, that allow for democratic expression and organization and respond to the grievances of the people. Such an approach will help enable a solution to the crisis, with the participation of the citizens of Zimbabwe.

It is furthermore important that the Government acts to address the root causes of protests, dealing head on with the issues raised by the populace in the course of their demonstrations.

In a similar vein, following the testimonies that I have received while travelling throughout the country, I am of the opinion that reform of the security sector and strengthening the capacity of reformed structures will go a long way in preventing unnecessary disproportionate use of force, intimidation, surveillance, of civil society, social movement leaders and building trust among communities.

With regards to the Maintenance of Peace and Order Bill (MOPO Bill), which will replace the POSA, I encourage the government to ensure that this new bill is brought in line with the international standards to effectively guarantee the enjoyment of the rights to freedom of peaceful assembly. In that regard, my full end of mission statement and the report I will produce of my visit, will contain detailed recommendations regarding specific provisions of the MOPO Bill law that I believe should be amended, to bring them into conformity with Zimbabwe's international human rights obligations.

Regarding the trade unions, I urge the government to implement the recommendations of the ILO Committee on the Application of Standards (CAS) adopted by the International Labour Conference of June 2019 and accept a direct contact mission to assess progress in this regard.

In order to build trust between the government and civil society actors and create an enabling environment for civil society work, it is important to withdraw all criminal charges against workers’ representatives and civil society leaders who were arrested for exercising their right to freedom of peaceful assembly and association.

I would also like to encourage the government to follow up and deliver on the recommendations issued by the Montlanthe Commission as well as with other instances such as the action points from the meeting with the Matabeland Collective.

The effective combat of corruption and impunity is key in delivering on the promises under the “new dispensation” and concrete and tangible result need to be achieved in this regard.

I encourage the government to seek the support of the Office of High Commissioner for Human Rights through the establishment of an Office to support the government’s efforts to promote and protect human rights in this critical transition.

I equally encourage the government to continue to open up the country for the visit of the United Nations Special Procedures in order to benefit from the expertise of these mechanisms.

I urge the Government to ensure that no acts of reprisals, threats or intimidation occur against those under its jurisdiction who have interacted with me or cooperated with the United Nations.

All in all, I urge the Government to take the issues raised in my preliminary observations into consideration, and I underline that, in this regard, my mandate remains available to the Government for any advice regarding the implementation of the rights to freedom of peaceful assembly and of association, technical or otherwise. Furthermore, at the Government’s invitation, I would be happy to conduct a follow up country visit should the opportunity arise.

I am grateful to have had the opportunity to visit Zimbabwe during this critical period, I strongly believe that Zimbabweans are peaceful loving people and that the Government should capitalize on this value and facilitate an unfettered exercise of democratic fundamental freedoms.

I look forward to continuing our dialogue, including through pending replies to communication from my mandate, and discussing my full report when I present it in June 2020 at the 44th session of the UN Human Rights Council.

I thank you for your attention.