

# The Impact of Social Media Hashtags on Human Rights in Zimbabwe

Written by Hoitsimolimo Mutlokwa

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HOITSIMOLIMO MUTLOKWA, SEP 14 2020

#ZimbabweanLivesmatter is a social media hashtag alerting the world to human rights abuses, the violation of the constitution by the Government and the continued disregard for the rule of law in Zimbabwe. This hashtag has continuously been posted and shared by users of Twitter, Instagram, and Facebook. Older hashtags such as #ThisFlag and #zimshutdown2016 and #Tajamuka/#Sesijikile have trended before over multiple human rights violations taking place in Zimbabwe – but none have been as successful as #ZimbabweanLivesMatter. This article aims to critically inform readers on the current state of violations on fundamental human rights and freedoms in part 2 of the constitution of Zimbabwe. It further aims to weigh the impact social media has on trying to urge the Government to be more tolerant of objective criticism from social media users, including prominent activists.

### Protest of 2019 sparked by social media hashtags

On January 14 2019, Zimbabwe Congress of Trade Unions (ZCTU) President Peter Mutasa and Pastor Evans Mawarire, leader of the #ThisFlag movement, posted a short video on twitter under #Zimshutdown calling on citizens across Zimbabwean towns and cities to take to the streets in protest against the rising cost of fuel increasing the cost of living. 12 Citizens were killed and dozens injured by security forces. This was subsequently followed by the government ordering all internet service providers to shut down the internet. This blocking of the internet was declared unconstitutional by the High Court. Citizens arrested for partaking in the demonstrations immediately went through fast-tracked trials without due process in the months that followed and sentenced on charges of Arson and Violence. ZCTU leader Peter Mutasa and Pastor Evans Mawarire, leader of the #ThisFlag were later arrested and charged with treason (subverting a constitutionally elected government), they were subsequently granted bail on appeal in the high court and ten months later the State chose to withdraw charges against the two, on November 21 2019.

### Clampdown of activists to stop demonstrations of #31July 2020

#31July emanated from the spate of corruption impacting on the rising cost of living and depletion of livelihood most citizens are enduring. It first emanated from the circulation of a pinned twitter video post on 08 July by an opposition party president Jacob Ngarivhume calling citizens to protest against corruption peacefully on July 31 2020. Multiple award-winning investigative journalist Hopewell Chin'ono, working to expose state corruption and social injustice with critical tweets, urged people to peacefully protest on July 31, was arrested on 20 July 2020 after police broke into his home. Jacob Ngarivhume was also arrested on the same day separately, and charged with incitement to participate in public violence regarding his circulating pinned twitter video message. Hopewell Chin'ono was charged with "incitement to participate in public violence on 21 July, for sharing on his twitter account information pertaining to #31July protests. The Zimbabwean state believes that he was one of the ring leaders together with Jacob Ngarivhume inciting people to protest and overthrow a constitutionally elected government by using the #31July tag on his social media accounts. Both Hopewell Chin 'ono and Jacob Ngarivhume were denied bail by Harare Magistrate Court on 25 July 2020 with failed appeal attempts.

Nevertheless, the build up to the #31July protest did not die. Some Zimbabwean citizens have taken to the streets on

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solo demonstrations. Tsitsi Dangarembga, multi-award-winning novelist playwright and filmmaker, has been at the forefront right up to the time of her arrest. Together with Fadzayi Mahere, spokeswoman and for the main opposition party, bravely took to the streets to protest in the #31July protest on July 31 2020 with 9 other brave activists. They were immediately arrested and granted bail the following day on August 01 for violating COVID 19 gathering regulations. The build-up to #31July also saw posts of videos tagged with #ZanuPFMustGo encouraging citizens not to be intimidated into silence by the government and continue to demonstrate. This was despite heated warnings from the government at a ZANU PF press conference on 10 July warning any people taking part in protests of July 31 will be severely dealt with.

The court further heard on new fact facts for Jacob Ngarivhume and Hopewell Chin'ono, denying them bail for the third time on 21 August 2020 and 24 August 2020 respectively. This is after the denial of bail on appeal by the High Court for Hopewell Chin'ono and Jacob Ngarivhume on 06 August 2020 and 07 August 2020 respectively, which has created more questions of whether the Zimbabwean judiciary is independent or has constrained independence. Both Hopewell Chin'ono and Jacob Ngarivhume have currently made a second bail appeal to the high court as of 28 August 2020. Which means they have spent at least 5 weeks in remand prison from their time of their arrest. Most recently added to the list of arrested #July31 activists accused of inciting public violence to remove a constitutionally elected government is opposition politician Job Sikhala. He is currently on remand awaiting a judgement on his bail application at the time of writing this article.

While these are some of the events, concerned citizens are up and arms with the government. #31July has given the government a torrid time and witnessed the government usurping more control of power prior to the coming days of July 31 2020. Critics feel the government manipulated the COVID-19 pandemic by a second-round derogation of constitutional rights, passing a second curfew directive since COVID-19 was declared a global epidemic to quell possible protests by angry citizens. In response to past events on and after 31 July 2020, the President on 4 August 2020 labelled anyone expressing themselves through channels such as #31July and #ZimbabweLivesMatter in protest, as a member of 'destructive terrorist opposition groupings' and "dark forces both inside and outside the borders".

## Increasing Plans to Clampdown on Freedom of Expression and regional intervention

On 06 August 2020, the government stated it is moving ahead with plans to criminalise political parties and media accused of peddling falsehood against the state. Vice President Chiwenga will be presenting this to parliament soon. Social media is affected as one minister stated that this is meant to 'prohibit hate speech by public officials, media houses and citizens in public places and social, print and electronic media platforms'. We have seen past protests which the government was able to crush without any castigation or utterances from regional bodies the SADC and the AU, from which people requesting Zimbabwe should be expelled for failing to respect democracy, human rights and the rule of law. The AU member nations lack the will to interfere or intervene in affairs of other states. The AU has thus far only stated that Zimbabwe must uphold the rule of law.

Zimbabwe has ratified the African Charter on Human and People's Rights (the African Charter) which makes the provision for the protection of Civil and Political Rights. For instance, the right to freedom of information in Article 9, the right to freedom of association in article 10, the right freedom assembly in article 11 and the right to freedom of movement in article 12. The African Charter does not provide for the derogation of such rights. Zimbabwe has exposed itself to violating some of these rights under the guise of regulations implemented to control COVID-19. For instance, the denial of bail for both Hopewell Chi ono and Jacob Ngarivhume is a clear indication that Zimbabwe has encroached on the rights set out in the African Charter. Although Zimbabwe would like to rely on the derogations set out in article 4 of the International Covenant on Civil and Political Rights, where it should be proved:

there is a danger to the life of the nation, there is a state of emergency, the derogation is required in light of the situation, the derogation consistent with other international obligation, such derogation does not discriminate and non-derogable rights are respected.

Zimbabwe has failed to justify any of these derogations. The AU's greatest challenge is its response to human rights

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issues. However, AU institutions such as the African Commission on Human Peoples Rights (ACHPR) encourage natural and juristic persons to exhaust local remedies before they bring their cases to the ACHPR. This is very difficult under the current political and economic climate in Zimbabwe, particularly where the judiciary lacks independence in cases which are high profile and concern criticisms of the state, the sharing of information on social media platforms that speak of corruption, social injustice and lack of the rule of law. These are seen as inciting violence and bringing anarchy to the state. Furthermore, the ACHPR has no efficient remedies with respect to the violation of human rights as it's decisions are advisory and not enforceable.

There have been abductions since the #31July and #ZimbabweLivesMatter commenced, such as the abduction and torture captured on CCTV footage of an independent media editor's nephew on the eve of the July 31 protests, his crime was distributing flyers with the words 'Mnangagwa & His Cabinet Must Resign'. This is also in light of the ongoing cases that happened during COVID lockdown involving three female political activists whose trial for faking an abduction is currently pending, eventually they were granted bail after it was denied in the first instance and spending 5 weeks in remand prison. This has seen more interest in the #ZimbabweanLivesMatter campaign.

The government has been able to crush the demonstrations of August 2018 and January 2019 without any castigation or utterances from regional bodies the SADC and AU. Civic organisations such as Human Rights Watch request that Zimbabwe should be denounced for failing to respect democracy, human rights and the rule of law. The question at the time of writing is, will the #ZimbabweLivesMatter have an impact on quelling the political and economic crisis that the Mnangagwa lead government faces as it dodges economic sanctions by the USA and EU. Yet, it is well known that these are targeted sanctions on individuals for the past human rights abuses during the Presidency of the late Robert Mugabe. Just recently, Kuda Tagwirei has been added to the US travel ban list for his involvement in the failed bogus command agriculture exercise.

South Africa has become the first member of the SADC and AU to respond by showing its concern and help where it can to Zimbabwe through a press statement. This involved the South African President sending an envoy to Zimbabwe. This was meant to ascertain what can be done to assist Zimbabwe. However, President Mnangagwa refused to admit that there is crisis in Zimbabwe to the delegation citing there is no crisis in Zimbabwe at a short meeting on 10 August 2020. Social media commentators and state media have questioned why a side meeting by South African ANC officials, namely secretary-general Ace Magashule and Tony Yengeni, engaged in talks with expelled members of ZANU-PF to approach the current ZANU-PF government in resolving the current crisis. These former ministers of ZANU-PF are perceived by social media commentators to be trying to hijack #ZimbabweLivesMatter, as they fled Zimbabwe in fear of arrest by President Mnangagwa. In short, these former ministers are accused of being part of a faction considered as fugitives of justice by the current Government after President Mnangagwa was put into power through a coup disguised as an operation to restore order forcing the late Robert Mugabe to resign from being President on November 2017. They are said to be pushing their own agenda of trying to restore ZANUPF booting out the current leader at the expense of the political turmoil Zimbabwe is facing. Ironically on 05 2020 August, SADC had a troika meeting with Zimbabwe chairing this meeting, nothing about the humanitarian situation in Zimbabwe was raised.

## **General Attitude of Zimbabweans on their right to freedom of expression and association**

Zimbabwe's population, which has 67 percent of people residing in rural areas according to the last population census of 2012, has a loyal patronage network by the rural population to the ZANU-PF. Some arguments say it is beyond loyalty but fear of victimisation, beating, torture as was evident in between 2000 and 2008 when opposition supporters in rural areas suffered human rights violations for showing support or expressing criticism to the ZANU PF.

Most people residing in rural areas are self-sustaining subsistence farmers and receive insignificant welfare support from the state. Most rural-based citizens are more stressed about adequate rains in the next dry land planting season to get a sufficient grain harvest for food, and sufficient grazing area for their livestock. Use of social media such as Facebook and Twitter are limited in rural areas. Although many rural citizens now are users of WhatsApp, the cost data bundles are pricey in Zimbabwe for the average citizen. ZANU-PF over the 40 years has been able to gain

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leverage and secure loyalty from citizens in rural areas during the election campaign period through free distribution of crop seed, fertilisers such as Compound D and ammonium nitrate in the Presidential Inputs Scheme and most recently a command livestock scheme in the 2018 election campaigns. Especially to beneficiaries of the land reform exercise who use their land as a form of showing continued loyalty to ZANU-PF. However, 20 years since the land reform exercise took place most if not all these settlements lack proper infrastructure, such as adequate engine run boreholes, clinics, electricity, graded roads and proper schools for children.

The ZANU-PF led Government is not popular with most urban Zimbabweans and Zimbabweans who have left the country to seek a better life. A good number of urban Zimbabweans are apathetic on human rights issues, choosing to abstain from voicing their right to freedom of expression. This may be because some citizens have completely lost hope in any restoration for respect of the constitution by those in government. Most urban social media users prefer to follow, comment, post and share on issues that relate to religion, fashion, entertainment gossip and uploading pictures of personal achievements, than to dare express their political views or of injustices currently taking place in Zimbabwe. Many still have fears or trauma of what might happen to them if they speak out like the recent increase of arrests and abductions, and also atrocities committed by the Government on ordinary citizens in the past two demonstrations of 01 August 2018 and the 14-19 January 2019 demonstrations.

The government is fully aware that a lot of Zimbabweans are residing in Botswana, South Africa, United Kingdom and the USA, there are also sizeable numbers of Zimbabweans in Namibia, Australia, Canada and New Zealand. The government has successfully captured the judiciary to deny these people a right to a diaspora vote set out in section 23A(2) of the constitution. In the case of *Kaibenyu v Chairman, ZEC, the Registrar-General of Voters* the constitutional court held that citizens should come back to Zimbabwe if they wish to register to vote and vote in the 2018 elections. The court interpreted s 23(3) and 71 of the Electoral Act [Chapter 2:31], to mean the Zimbabwean electoral system is constituency-based, a citizen needs to show he is residing in that constituency for more than 12 months to be eligible to vote.

The court also accepted the government's argument of lacking financial resources to accommodate those in the diaspora to exercise their right to vote. Citizens in the diaspora might feel betrayed by the government on its seriousness of engaging with the diaspora community. Many Zimbabweans residing in foreign countries send remittances to their relatives back home which the government gains in tax charges from registered money agents. Most urban and some rural households (particularly in drought-hit areas of Zimbabwe) rely on their breadwinners or loved ones in the diaspora to send them money for groceries and medication.

Many Zimbabweans in the diaspora are active users of social media in as far as expressing their thoughts in the form of commenting, sharing posts, and liking posts that relate to anything promoting or fighting for justice on various constitutional rights. At the time of writing, the socio-economic situation in Zimbabwe is in crisis, with most people living in towns and cities in abject poverty and failing to eat a decent meal, receive guaranteed health care during the COVID-19 crisis where testing is seriously lacking, and many unreported deaths are taking place. Water and sanitation are a problem as many households don't have regular running water because of collapsed water and sewage infrastructure. When water comes to peoples taps, it is undrinkable or unfit for domestic use.

## Conclusion

The pressure appears to be rising for the SADC and AU to intervene. The AU has only so far said Zimbabwe must respect the rule of law in its last communique regarding Zimbabwe. It may be too early to say if other African nations will condemn the Zimbabwean government on the deteriorating human rights situation. Evidently, Zimbabwe is heading towards being a failed state if the situation remains unresolved. The responsibility also falls on all Zimbabweans to speak out and continue using social media hashtags or any means of peaceful protest at their disposal as much as they can. An army and police force that will not carry out orders that infringe on citizens' rights, as well as an independent judiciary, will see more Zimbabweans have the confidence in expressing themselves without fear of persecution. The #ZimbabweanLivesMatter is making people bolder in expressing their discontent in protest through critical comments on social media. Similarly to what happened in Sudan, it was the unity of the citizens who pressed for Al Bashir to be removed from power and face trial. Similarly in Malawi, it was the citizens

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and the army refusing to order to use force to quell demonstrations and an independent judiciary that democracy finally came after 26 years of corrupt leadership.

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