

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on violence against women, its causes and consequences; and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
AL ZWE 3/2019

1 April 2019

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on violence against women, its causes and consequences; and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 33/30, 35/15, 34/3, 34/18, 35/19, 32/19, 33/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the Government's response to the country's economic crisis. In addition to this letter, we sent an urgent appeal (UA ZWE 1/2019) related to this matter on 29 January 2019.

According to the information received:

On 12 January 2019, the President announced a massive increase in fuel prices. Petrol prices more than doubled, from US\$1.24 a litre to US\$3.31. Diesel rose 130%, from US\$1.36 a litre to US\$3.11. Petrol and diesel in Zimbabwe are now the most expensive in the world.¹ The Zimbabwe Congress of Trade Unions (ZCTU) described the hikes as 'insensitive and provocative' in the context of

¹ https://www.globalpetrolprices.com/Zimbabwe/gasoline_prices/

‘astronomical price increases since last year against stagnant salaries’, in a statement posted on Twitter.²

In response to the announcement, ZCTU called for a three-day ‘stay away’ strike action, urging workers to remain home from 14 to 16 January 2019.³ Across the country, thousands of protesters took to the streets, with action concentrated in the main cities of Harare and Bulawayo. Protesters blocked roads and major transport routes to prevent people from going about their daily activities; acts of looting and vandalism were also reported.

The actions of the Zimbabwe National Army and the Zimbabwe Republic Police in response have been described as ‘excessive’ and ‘disproportionate’ by international observers.⁴ On 14 January, the military and police fired tear gas, water cannons, and live ammunition at demonstrating crowds in Harare and Bulawayo.⁵ The following day, the police began arresting hundreds whom they said were suspected of looting and inciting violence, including many prominent human rights defenders.⁶ These arrests included indiscriminate door to door raids and breaking into homes in the suburbs of Harare. The Zimbabwe Association of Doctors for Human Rights have reported that their members had treated 172 patients for serious injuries, including 81 for gunshot wounds.⁷ During this time, the Government intermittently disrupted internet services, including those provided by Econet and TelOne, in efforts to suppress information, particularly through social media platforms where citizens were publicizing acts of violence carried out by security forces.⁸ Internet access was only restored once the Supreme Court ruled that this was unlawful. International Crisis Group describes the scale of violence as ‘the worst the country has witnessed in some time’.⁹

² <https://twitter.com/ZctuZimbabwe/status/1084432697680896001>.

³ <https://www.timeslive.co.za/news/africa/2019-01-14-public-transport-grinds-to-a-halt-in-zimbabwe-as-stayaway-begins/>

⁴ See e.g. <https://www.gov.uk/government/news/ministerial-statement-on-zimbabwe> and https://eeas.europa.eu/delegations/zimbabwe/58179/european-parliament-adopts-resolution-zimbabwe_en

⁵ Amnesty International (2019), *Zimbabwe: ‘Open for Business’: Closed for Dissent*.

<https://www.amnesty.org/en/documents/afr46/9824/2019/en/>

⁶ Marima, T. (2019), ‘Despite crackdown, Zimbabwe fuel protests continue’, Al Jazeera (16 January 2019).

<https://www.aljazeera.com/news/2019/01/crackdown-zimbabwe-fuel-protests-continue-190116183712339.html>

⁷ MacDonald, D. (2019), ‘Zimbabwe fuel protests end in violent police crackdown’, Global News (17 January 2019). <https://globalnews.ca/news/4857109/zimbabwe-fuel-price-strike-protest/> & Human Rights Watch, 2019, Zimbabwe: Excessive Force Used Against Protesters,

<https://www.hrw.org/news/2019/03/12/zimbabwe-excessive-force-used-against-protesters>

⁸ ACHPR (2019), ‘Press Release by the Special Rapporteur on Freedom of Expression and Access to Information in Africa on the situation of freedom of expression and access to information in the Republic of Zimbabwe’. <http://www.achpr.org/press/2019/01/d438/> & Human Rights Watch, 2019, Zimbabwe: Excessive Force Used Against Protesters,

<https://www.hrw.org/news/2019/03/12/zimbabwe-excessive-force-used-against-protesters>

⁹ International Crisis Group (2019), ‘Revolt and Repression in Zimbabwe’.

<https://www.crisisgroup.org/africa/southern-africa/zimbabwe/revolt-and-repression-zimbabwe>

Since the three-day strike concluded, the police and army have been engaged in ongoing actions aimed at curtailing citizen action and public displays of discontent concerning the economic crisis and the political response to it. The Zimbabwe Human Rights Commission has described ‘systematic torture’ and ‘indiscriminate severe beatings’, including of children.¹⁰ More recently, reports are emerging of rape, gender-based violence, and abductions committed by soldiers.¹¹ To date, at least 17 people, including 14 men and 3 women, are reported dead from either gunshot wounds or severe beatings.¹² Seventeen women are alleged to have been raped, including without condoms, to punish them for the alleged involvement of their husbands and/or to attempt to force disclosure of information. There are reported cases of people being left with disabilities from injuries sustained because of security force violence.¹³

Approximately 1,000 people, including children, have been arrested; two thirds of whom were denied bail. Many are still illegally detained and have allegedly been beaten and assaulted while in custody.¹⁴ The Law Society of Zimbabwe held a protest on 29 January against alleged rule of law abuses during the trials of those arrested. At a rally on 16 February, the President reportedly threatened to ‘go after’ doctors, nurses, and lawyers who assisted protesters.¹⁵

The fuel price hike exacerbates already deleterious living standards in Zimbabwe. Oxfam, Amnesty, and Human Rights Watch have warned of ‘an increasing risk of a humanitarian crisis’.¹⁶ Food insecurity is a particular problem. In the 2018 Global Hunger Index, Zimbabwe ranks 107th out of 119 countries. With a score of 32.9, its level of hunger is classified as ‘serious’.¹⁷ The World Food Program

¹⁰ Zimbabwe Human Rights Commission (2019), ‘Monitoring Report in the Aftermath of the 14 January to 16 January 2019 “Stay Away” and Subsequent Disturbances’. <http://www.zhrc.org.zw/monitoring-report-in-the-aftermath-of-the-14-january-to-16-january-2019-stay-away-and-subsequent-disturbances/>

¹¹ Chingono, N. (2019), ‘Women in Zimbabwe demand action over alleged army rapes’, The Guardian (31 January 2019). <https://www.theguardian.com/global-development/2019/jan/31/women-in-zimbabwe-demand-action-over-alleged-army-rapes-black-wednesday>

¹² Human Rights Watch, 2019, Zimbabwe: Excessive Force Used Against Protesters, <https://www.hrw.org/news/2019/03/12/zimbabwe-excessive-force-used-against-protesters>

¹³ Human Rights Watch, 2019, Zimbabwe: Excessive Force Used Against Protesters, <https://www.hrw.org/news/2019/03/12/zimbabwe-excessive-force-used-against-protesters>

¹⁴ European Parliament (2019), ‘Resolution on Zimbabwe’, 2019/2563(RSP). https://eeas.europa.eu/delegations/zimbabwe/58179/european-parliament-adopts-resolution-zimbabwe_en

Human Rights Watch, 2019, Zimbabwe: Excessive Force Used Against Protesters, <https://www.hrw.org/news/2019/03/12/zimbabwe-excessive-force-used-against-protesters>

¹⁵ Thompson, J. (2019), ‘Emmerson Mnangagwa issues threat to Zimbabwe's doctors and lawyers’, Times Live (17 February 2019). <https://www.timeslive.co.za/news/africa/2019-02-17-emmerson-mnangagwa-issues-threat-to-zimbabwes-doctors-and-lawyers/>

¹⁶ Amnesty, HRW, Oxfam (February 8, 2019), Joint Letter to President Emmerson D Mnangagwa <https://www.amnesty.org/en/documents/afr46/9820/2019/en/>

¹⁷ Global Hunger Index (2018), Zimbabwe: Country Page <https://www.globalhungerindex.org/zimbabwe.html>

estimates that more than 2.4 million people will face food insecurity at the peak of the lean season in 2019.¹⁸

For many, the daily reality following the fuel price hike is one of extreme precarity, intense insecurity, and anxiety about the future. According to the most recent official statistics, around 70% of the population live below the national poverty line,¹⁹ 60 percent is under 25,²⁰ youth unemployment is at 50%, and informal employment accounts for 94.5% of total employment.²¹ In late January, BBC reported that basic foodstuff prices have more than doubled since the fuel price increase, with 2kg of rice going from US\$3.75 to US\$7.80, while 2 kg of sugar is now US\$7.30, up from US\$4.00. Transport fares have more than doubled, making the daily commute to school and work more difficult.²² Accessing basic commodities is increasingly hard. Receiving foreign money transfers is also difficult, which is a significant concern for a country heavily reliant on remittances.²³

Poor economic governance, monetary policy being particularly problematic in this regard, led to fuel price hikes. In 2009, the government took the Zimbabwe dollar out of circulation and recognized the US dollar as legal tender, following a period of disastrous hyperinflation. While this achieved some stability, for a period, a shortage of dollars led the government to introduce a parallel system of legal tender ‘near money’ in 2016. There are two components to this system: bond notes, which can be traded as cash, and electronic money, known as RTGS (Real Time Gross Settlement).²⁴

Their introduction enabled the government to print money again. The Reserve Bank of Zimbabwe increased the issuance of bond notes from USD 200 million to USD 500 million in August 2017. RTGS also expanded massively. By late 2017, RTGS reportedly accounted for US\$ 2 billion, or 72% of the total value of

¹⁸ World Food Program (2019), Zimbabwe: Landing Page. <https://www1.wfp.org/countries/zimbabwe>

¹⁹ Zimstat (2012), ‘Poverty and Poverty Datum Line Analysis in Zimbabwe 2011/12’ <http://www.zimstat.co.zw/sites/default/files/img/publications/Finance/Poverty2011.pdf>; <https://tradingeconomics.com/zimbabwe/poverty-headcount-ratio-at-national-poverty-line-percent-of-population-wb-data.html>

²⁰ Zimstat (2017), ‘Inter-Censal Demographic Survey’. http://www.zimstat.co.zw/sites/default/files/img/ICDS_2017.pdf

²¹ Zimstat (2015), ‘Labour Force Survey 2014’. http://www.zimstat.co.zw/sites/default/files/img/publications/Employment/Labour_Force_Report_2014.pdf

²² Harding, A. (2019), ‘Zimbabwe crackdown: ‘We are angry, we are desperate’, BBC News (January 24, 2019). <https://www.bbc.co.uk/news/world-africa-46986151>.

²³ “Zimbabwe money transfer agencies to import own notes,” February 22, 2019, <https://bulawayo24.com/index-id-news-sc-national-byo-156761.html>; Knomad, “Migration and Development Brief 30,” December 2018, <https://www.knomad.org/publication/migration-and-development-brief-30>.

²⁴ Southall, J. (2017), ‘Bond notes, borrowing, and heading for bust: Zimbabwe’s persistent crisis’, *Canadian Journal of African Studies*, 51(3), 389-405.

transactions taking place within the banking system.²⁵ One analyst described the government's monetary policy as 'a billion-dollar Ponzi scheme that is now collapsing'.²⁶

While bond notes and RTGS, which are used to pay government salaries, are notionally equivalent to the USD, they quickly devalued. In October 2018, bond notes were reportedly trading at 20 cents on the dollar.²⁷ This significantly increased the price of imports and led to rampant inflation. The annual inflation rate jumped to 21% in October 2018, then 31% in November, after averaging 3.5% in the first three quarters of the year.²⁸ Prices for consumer goods skyrocketed and many businesses were forced to close.²⁹

The government's increasing reliance on domestic borrowing has been a key driver of rising inflation. In recent years, decreasing revenue and increasing expenditure have led to a widening fiscal deficit, which the government projected would reach 11.7% of GDP at the end of 2018.³⁰ Zimbabwe remains in protracted arrears to external creditors, which 'severely limits' its access to international financial support.

The government turned to domestic capital markets in response. Specifically, it is financing the fiscal deficit largely through borrowing from both the Reserve Bank of Zimbabwe, using an overdraft facility that has risen well above the statutory limit, and commercial banks, by rapidly expanded its use of Treasury bills.³¹ According to the IMF, this has resulted in an acute credit and liquidity shortage that has destabilized the banking system. It has also led to ballooning debt. Zimbabwe was classified as being "in debt distress" by the IMF in 2019.³²

²⁵ Southall, J. (2017), 'Bond notes, borrowing, and heading for bust: Zimbabwe's persistent crisis', *Canadian Journal of African Studies*, 51(3), 389-405.

²⁶ Monks, K. (2019), 'How Zimbabwe became world's most expensive place to fuel a car', CNN (16 January 2019).

<https://edition.cnn.com/2019/01/16/africa/zimbabwes-impooverished-billionaires-africa/index.html>

²⁷ Pilling, D. and Cotterill, J. (2018), 'Zimbabwe's attempt to tackle 'bad' currency deepens economic woes', *Financial Times* (14 October 2018). <https://www.ft.com/content/6c4f9294-cd5b-11e8-b276-b9069bde0956>

²⁸ Reserve Bank of Zimbabwe (2018), 'Monthly Economic Review, November 2018'.

https://www.rbz.co.zw/documents/monthly_review/2018/Monthly-Economic-Review-November-2018.pdf

²⁹ 'Zim faces bleak future: IMF', *Daily News Live* (21 January 2019).

<https://www.dailynews.co.zw/articles/2019/01/21/zim-faces-bleak-future-imf>

'Zim faces bleak future: IMF', *Daily News Live* (21 January 2019).

<https://www.dailynews.co.zw/articles/2019/01/21/zim-faces-bleak-future-imf>

³¹ IMF, "2017 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Zimbabwe," July 7, 2017,

<https://www.imf.org/en/Publications/CR/Issues/2017/07/07/Zimbabwe-2017-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-45052>

³² IMF, "List of LIC DSAs for PRGT-Eligible Countries as of January 31, 2019,"

<https://www.imf.org/external/Pubs/ft/dsa/DSAlist.pdf>

UNCTAD predicts that government debt-to-GDP in Zimbabwe may rise to 94% at the end of 2018, and to 117% in 2020.³³

However, public expenditure has not benefited the majority of the country's population. The 2017 Auditor General's report sets out a long list of concerns regarding economic governance that 'call for urgent attention' in order 'to improve transparency and accountability in the public sector, as required by section 298 of the Constitution of Zimbabwe'. Irregularities included US\$ 27 million worth of payments that did not have adequate supporting documents; a USD 2.4 billion variance between treasury balances and ministry balances, related to unallocated reserve transfers; and US\$ 133 million in debts owed to the government that went uncollected.³⁴

Corruption is an additional economic challenge. Analysts warn that the 'high risk' of corruption in Zimbabwe spans across all sectors.³⁵ In 2018, Zimbabwe ranked 160th out of 180 countries on Transparency International's Corruption Perceptions Index, with a score of 22 out of 100.³⁶

In the context of the growing economic, social and cultural rights crisis deriving from this economic mismanagement and giving rise to the January protests, the Government, has identified critical challenges in the health sector as part of its stabilization agenda.³⁷ These include sub-standard quality of maternal health services; shortages of medicines as well as family planning and other essential items; and inadequate emergency transport and communication systems. Furthermore, the regular shut-down of water supplies across municipal authorities threatens health delivery through outbreaks of controllable and highly treatable waterborne diseases.³⁸ For example, a cholera outbreak infected 8,535 patients and claimed 50 lives between September and October 2018.³⁹ Ninety-eight percent of the cases were in high-density suburbs in Harare where low-income earners are concentrated and which are underserved by the central government.

³³ UNCTAD (2019), 'World Economic Situation and Prospects 2019', at p.126.

https://unctad.org/en/PublicationsLibrary/wesp2019_en.pdf

³⁴ Office of the Auditor General (2017), 'Report of the Auditor General for the Financial Year ended 31 December 2017'. <https://www.parl.zim.gov.zw/auditor-general-s-reports/oag-2017-appropriation-accounts-finance-and-revenue-statements-and-fund-accounts>

³⁵ See e.g. <https://www.business-anti-corruption.com/country-profiles/zimbabwe/> and <https://allafrica.com/stories/201811230181.html>

³⁶ Transparency International (2018), Zimbabwe: Country Page. <https://www.transparency.org/country/ZWE#>

³⁷ Government of Zimbabwe (2018), 'Transitional Stabilisation Programme Reforms Agenda: October 2018 – December 2020, at [para] 1653.

³⁸ Ibid, at [para] 439.

³⁹ WHO (2018), 'Cholera – Zimbabwe', Disease outbreak news: Update. <https://www.who.int/csr/don/05-october-2018-cholera-zimbabwe/en/>

Healthcare facilities are extremely understaffed. According to WHO data, the doctor-patient ratio was 7.7 doctors per 100,000 patients in 2014.⁴⁰ In December 2018, doctors from all levels held a nationwide strike for 40 days, demanding to be paid in USD and claiming that government hospitals had become an ‘increasingly hazardous’ working environment due to the absence of medications and vital equipment.⁴¹

The fuel hikes are a component of broader fiscal consolidation efforts, as outlined in the Transitional Stabilisation Programme, introduced in October 2018. The 2019 budget, titled ‘Austerity for Prosperity’, reflects these efforts. The Government aims to shrink its fiscal deficit from 11.7% in 2018 to 5% in 2019. As outlined in the Minister of Finance’s Budget Speech, the government’s austerity measures include shrinking the public sector wage bill, which currently accounts for 90% of the government’s budget; privatizing state-owned enterprises; creating a more business friendly environment to attract foreign investment; and incentivizing private sector job creation.⁴²

Nevertheless, there are serious concerns about how the burden of fiscal consolidation will be shared. As outlined in the Budget Speech, the budget anticipates a 5% basic salary cut for high-ranking public officials and senior staff in state-owned enterprises. However, it also relies on revenue raising measures that appear regressive, such as increased excise duty on fuel and the introduction of a customs duty on motor vehicles. Corporate income tax is projected to contribute a mere 13% to total tax revenue in 2019. Meanwhile, a reduction of the marginal tax rate on high income earners (over USD 20,000) from 50% to 45% is also proposed. In terms of revenue allocation, there are also concerns. For example, budgetary data indicates that allocations to the Ministry of Health accounts for 8.5% of the USD 8.2 billion budget. This is a 0.4% increase, but still far below the 15% commitment agreed in the Abuja Declaration. By comparison, the Ministry of Defence and War Veterans and the Ministry of Home Affairs and Cultural Heritage received 7% and 6% respectively, both a notable increase from 2018.

In his speech, the Finance Minister acknowledges that vulnerable groups need ‘cushioning’ from the effects of austerity. However, no plan is outlined for how that will be ensured. Small, piecemeal measures are included in the budget speech. For example, exempting sanitary products from Value Added Tax is proposed, as is a review of the tax-free threshold for low-income earners, from USD 300 to USD 350. USD 65 million is allocated to the provision of social safety nets. This is 0.8% of the budget.

⁴⁰ WHO (2019), ‘Zimbabwe: Key Country Indicators’. <http://apps.who.int/gho/data/node.cco.ki-ZWE?lang=en>

⁴¹ Zimbabwe Hospital Doctors Association (2019), ‘Press Statement’ (3 January 2019); <https://www.telegraph.co.uk/news/2019/01/04/zimbabwean-doctors-stop-emergency-work-escalating-pay-strike/>

⁴² <http://www.zimtreasury.gov.zw/index.php/resources/2019-budget>

According to International Crisis Group, successful reform in Zimbabwe depends on ‘broad political consensus, including within both the ruling party and the opposition, but also within other social constituencies.’ However, the country is polarised on multiple fronts. Amnesty International reports that factionalism within the ruling party, ZANU-PF, raises questions about dual centres of power and is resulting in contradictory messaging from the Government.

Meanwhile, channels for meaningful citizen participation in policymaking are closed. As a result, policies remain unknown to the public and their aims are not collectively shared. The Transitional Stabilisation Programme, as well as other policy pronouncements, are considered exclusionary and lack popular support. A raft of new policies have recently been announced to address the economic crisis, including to establish an inter-bank foreign exchange market and combine bond notes and RTGS into a new ‘RTGS dollar’. Civil society groups assert that the proposal will ‘widen the trust deficit’ between monetary authorities and the public.

While we do not wish to prejudge the accuracy of the above-mentioned information, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. We wish to express our grave concern that the response to the country’s economic crisis significantly threatens the ability of Zimbabwe to respect and fulfil the civil, political, economic, social, and cultural rights of its population.

We further express grave concern at the alleged use of excessive force in response to the January 2019 protests against increased fuel prices, including the use of live ammunition against protesters, and its compatibility of the International Convention on Civil and Political Rights (ICCPR), which Zimbabwe acceded to on 13 May 1991. Mindful of the absolute prohibition of cruel, inhuman or degrading treatment or punishment, we express concern at the allegations of violence against those detained in conjunction with the protests, reports of systematic torture, including severe beatings of children, and of rape and gender-based violence by government officials. Moreover, we note with concern reports alleging arbitrary deprivation of liberty of the January 2019 protesters and a lack of fair trial guarantees in further contravention of the ICCPR.

We would like to refer to Human Rights Council resolution 24/5 of 2013, which reminds States of their obligation to respect the rights of all individuals to assemble peacefully and associate freely, as well as to ensure that any restrictions on these are in accordance with their obligations under international human rights law. Furthermore, we note the allegations on the temporary disruption on internet services during the protests in January 2019, and recall the Resolution by the Human Rights Council, which reaffirms that the “same rights that people have offline must also be protected online, in particular freedom of expression” (A/69/53). As expressed by the Human Rights Committee, any restrictions on an internet-based dissemination system, including systems to support such communication, must comply with the requirements under Article 19 (3) ICCPR (General

Comment no. 34 para. 43). Also, we express concern relating to the lack of information on public policies adopted in response to the economic crisis. In this regard, we recall the right of access to information contained in ICCPR Article 19 (2). As indicated by the Human Rights Committee, in order to give effect to this right, governments should proactively take steps to put in the public domain information of public interest (General Comment No. 34 paras. 18 and 19).

Moreover, we are gravely concerned at the alleged failure by the authorities to address the economic situation that has given rise to these protests. Poor economic governance has reportedly impeded the enjoyment of economic, social and cultural rights, and is likely to be exacerbated by austerity, disproportionately impacting the poorest and most vulnerable of the Zimbabwean population. As discussed below, this would contravene Zimbabwe's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).

As a State Party to the ICESCR, Zimbabwe has pledged to respect, protect, and fulfil a range of economic, social and cultural rights, including the rights to work, social security, an adequate standard of living, education, and health. It has furthermore committed to guarantee that these rights will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 2(1) of ICESCR requires Zimbabwe to take steps, using its maximum available resources, to progressively realize these rights. Article 2(1) obligates State Parties do the maximum it can to mobilize resources within the country; to give due priority to economic, social and cultural rights in its allocation of resources; and to ensure resource expenditure is both efficient and effective. Article 2(1) also imposes minimum core obligations that have the same content for all States Parties regardless of their level of development; at the very least, Zimbabwe must ensure the satisfaction of minimum essential levels of each right.

Moreover, Article 2(1) imposes strict limitations on taking deliberately retrogressive measures, as stated by the Committee on Economic, Social and Cultural Rights in General Comment No. 3 para. 9. As explained by the Committee, an example of a 'deliberately retrogressive measure' would be a general decline in living conditions, "directly attributable to policy and legislative decisions by States Parties, and in the absence of accompanying compensatory measures" (General Comment No. 4 para. 11). The Committee noted that 'any deliberately retrogressive measures [...] would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.' According to the Committee, there is a strong presumption that deliberately retrogressive measures that affect the level of enjoyment of economic, social and cultural rights are in violation of human rights (General Comments No. 3 para. 9, No. 4 para. 11, and No. 13 para. 45).

The Committee has further specified that any retrogressive measures should: (i) be temporary by nature and in effect and limited to the duration of the crisis; (ii) be necessary and proportionate (and alternative measures comprehensively examined); (iii)

should be reasonable; (iv) not be directly or indirectly discriminatory; (v) accord particular attention to the rights of disadvantaged and marginalized individuals and groups and ensure that they are not disproportionately affected; (vi) identify the minimum core content of right and ensure the protection of this core content at all times; (vii) have involved genuine participation of affected groups in examining the proposed measures and alternatives; and (viii) be subject to meaningful review procedures at the national level.

We wish to draw your Excellency's Government's attention to the United Nations Guiding principles on foreign debt and human rights, endorsed by the Human Rights Council in June 2012 (A/HRC/20/23, Annex). The Guiding Principles call, inter alia, upon States to analyse their policies and programmes, including those relating to external debt, macroeconomic stability, structural reform and investment, with respect to their impact on poverty and inequality, social development and the enjoyment of human rights, as well as their gender implications. It urges them to adjust them as appropriate to promote a more equitable and non-discriminatory distribution of the benefits of growth and services (para. 12). They also stress that debt sustainability should not be limited to economic consideration. In this regard, the Independent Expert on foreign debt previously emphasized that the impact of the debt burden on the realisation of human rights must also be taken into account.⁴³ Furthermore, the Guiding Principles affirm that the principles of transparency, participation, and accountability should be observed in borrowing decisions (para. 28) which include the full disclosure of all relevant information regarding loan agreements, debt repayments, debt management, outcomes of public debt audits, and other related matters (para. 29) and require the effective and meaningful input from all stakeholders (including project beneficiaries) in loan policy and resource utilization decisions (para. 30). The Guiding Principles also underscore the need for oversight by relevant representative bodies and civil society organizations (para 32).

The Guiding Principles for human rights impact assessments for economic reform policies⁴⁴ developed by the Independent Expert on foreign debt and human rights, at the request of the Human Rights Council (A/HRC/RES/34/3, A/HRC/37/11) articulate the existing human rights obligations and responsibilities of States and other actors. They underline the importance of systematically assessing the impact of economic reforms on the enjoyment of all human rights before decisions are taken to implement such reforms, as well as during and after their implementation. They call upon States and creditors to "carry out human rights impact assessments of economic reform policies considered and taken in response to acute economic and financial crises that are likely to cause adverse human rights impacts. States should also carry out regular and periodic human rights impact assessments of short-, medium- and long-term economic reform processes in less challenging economic times."⁴⁵ The Guiding principles emphasize that impact assessments are a crucial process that enables States and other actors to ensure that

⁴³ A/70/275, par. 54.

⁴⁴ A/HRC/40/57.

⁴⁵ Ibid, Guiding, Principle 17.

economic reforms advance, rather than hinder, the enjoyment of human rights by all, and should include a comprehensive gender analysis.⁴⁶ Guiding principle 11 also highlights the importance of policy coherence, stressing that “monetary policies should be coordinated and consistent with other policies with the aim of respecting, protecting and fulfilling human rights.”⁴⁷

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Are the facts summarized above accurate? Please provide any additional information and any comments you may have.
2. Please provide information on any measures taken to ensure the physical integrity and well-being of protesters during their arrest and detention, as well as to ensure that protesters and others arrested in connection with the stay away receive a fair trial.
3. Please provide information on any steps your government has taken to investigate alleged human rights violations in connection with the stay away, including abuses, arbitrary detention, and unlawful use of force, and to hold accountable anyone found culpable for wrongdoing.
4. Please provide information on how your Excellency’s Government’s response to the economic crisis, and in particular the austerity measures outlined in the 2019 budget, are compatible with the Government’s obligations under the Zimbabwean Constitution and international human rights law.
5. What steps has your Excellency’s Government taken to ensure that any policies resulting in a decline in living conditions or other deliberately retrogressive measures are introduced “after the most careful consideration of all alternatives,” accord particular attention to disadvantaged and marginalized individuals, and are duly justified by reference to the totality of the rights provided in international human rights law?
6. What steps has your Excellency’s Government taken to incorporate a human rights approach in responding to the economic crisis, including with regard to human rights impact assessments, transparency in decision making, effective oversight, and successful incorporation of input from stakeholders. Was a human rights impact assessment of economic reform policies considered before, or conducted after, the implementation of

⁴⁶ Ibid, Guiding Principle 8.

⁴⁷ Ibid, Guiding Principle 11 c)

austerity measures in line with the Guiding Principles on human rights impact assessment for economic reform policies (A/HRC/40/57)?

7. Has your Excellency's Government taken steps to ensure that the Guiding Principles on foreign debt and human rights are effectively implemented and that the impacts of any future borrowing decisions do not have a discriminatory impact on the people most vulnerable to poverty?
8. Please provide information on measures currently in place to combat illicit financial flows, including corruption.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan Pablo Bohoslavsky
Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Philip Alston

Special Rapporteur on extreme poverty and human rights

Dubravka Šimonovic

Special Rapporteur on violence against women, its causes and consequences

Léo Heller

Special Rapporteur on the human rights to safe drinking water and sanitation