



Statement regarding Freedom of Expression, Freedom of Assembly and the rights of prisoners in Zimbabwe

The Commonwealth Lawyers' Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Journalists Association (CJA) is concerned at the arrest and detention of journalists and activists in the run up to and following the planned 31st July 2020 protests in Zimbabwe over the deepening economic crisis. The CLA, CJA and CLEA are concerned to note reports about the imprisonment of journalists in Zimbabwe and the conditions of those held in prison.

The CLA, CJA and CLEA are aware of initiatives to build peaceful, democratic, social arrangements in Zimbabwe some of which have Government support at the highest level. The CLA, CLEA and CJA note the international expectations for all states, including Zimbabwe, regarding freedom of expression and freedom of assembly. In particular, from a Commonwealth perspective, the CLA, CJA and CLEA having participated in the preparation of the "Commonwealth Principles on Freedom of Expression and the role of the media in good governance" notes from those principles the following:

"Freedom of expression is a cornerstone of democracy and underpins good governance, public accountability and respect for all human rights. Everyone has the right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers. Member states are urged to respect the right to freedom of expression and promote the free flow of information and ideas".

The CLA also assisted in the creation of the Commonwealth (Latimer House) principles, endorsed at the Heads of Government Meeting in Abuja in 2003, which state that

'...Government's transparency and accountability is promoted by an independent and vibrant media, which is responsible, objective and impartial and which is protected by law in its freedom to report and comment on public affairs',

In a wider international context, the CLA, CLEA and CJA note that Article 19 of the Universal Declaration of Human Rights states as follows:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

In addition, Article 20 of the Universal Declaration of Human Rights provides for the right to freedom of assembly and association.

The CLA, CLEA and CJA also note the Basic Principles for the treatment of prisoners adopted by UN General Assembly resolution on 14 December 1990 which state:

- 1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.*
- 2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

And the CLA, CLEA and CJA note the UN Standard Minimum Rules for the treatment of prisoners, including the right to confidential visits by detainees' legal advisers.

The Constitution of Zimbabwe by Article 58 states:

"Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others".

The Zimbabwean Constitution by Article 61 provides:

"Every person has the right to freedom of expression, which includes-- a. freedom to seek, receive and communicate ideas and other information".

Regarding detained persons the Zimbabwean Constitution provides (Article 50):

"Any person who is arrested at their own expense, must be permitted, without delay, at their own expense, to consult in private with a legal practitioner and a medical practitioner of their choice; must be treated humanely and with respect for their inherent dignity".

Noting all the above and cognisant of the international rules and obligations applicable to all nations and aware of the above-mentioned provisions of the Constitution of Zimbabwe the CLA, CLEA and CJA:

- **Urges respect for the right to peaceful assembly, association and to freedom of expression;**
- **Expresses concern about the treatment of journalists and opposition;**
- **Condemns any mistreatment of prisoners;**
- **Calls on the Government of Zimbabwe to ensure respect for the right to adequate legal representation of detainees**
- **Calls upon the Government of Zimbabwe to ensure respect for, and uphold, the right of lawyers to effectively represent their clients without fear of intimidation or reprisal.**
- **Urges and calls upon the Government on Zimbabwe to ensure that journalists and government opposition and representatives of civil society in Zimbabwe can exercise their rights of freedom of expression and assembly;**
- **Encourages and supports initiatives which allow the people of Zimbabwe to work together and unite to improve their personal circumstances, healthcare and economic advancement;**

- **Calls upon the Government of Zimbabwe at all times to uphold its Constitution and the rule of law.**

Commonwealth Lawyers Association (CLA)

Commonwealth Journalists association (CJA)

Commonwealth Legal Education Association (CLEA)

20th August 2020

NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea-web.com

The **Commonwealth Journalists Association** is an organisation of professional journalists set up in 1978 with a mission to promote free and independent news media throughout the Commonwealth by advocating journalistic freedom, promoting professional standards for journalists, and ensuring that the powerful are called to account: www.commonwealthjournalists.org.