

# Abolishing the Death Penalty in Zimbabwe: Building a Platform to Promote Policy Reform

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## Abstract

In December 2024, Zimbabwe abolished the death penalty, two decades after its last execution. Drawing on decades of expertise, working with advocates around the globe to reform, restrict and abolish the death penalty, we explicate how the methods applied to bring about abolition in Zimbabwe might form a theoretical and practical basis for fostering change elsewhere in relation to death penalty advocacy, but with possible wider applicability to other human rights challenges. In charting the development of a platform for policy change in Zimbabwe, we describe an approach that drew on legal strategy, capacity building for stakeholders, empirical research and high-level dialogue and advocacy. In so doing, we reflect on the efficacy of international and national non-governmental organizations in supporting efforts towards abolition and the nature of working collaboratively within a transnational advocacy network, including diplomats, local lawyers, politicians and civil society organizations. The paper considers the influence of international human rights standards in developing coalition theories of change, finding that while conventions and treaties alone may not bring about abolition, advocates can harness international discourses on human rights norms to good effect if sensitive to local politics, particularly within former colonies.

## Practitioner Points

- International conventions and treaties can influence human rights practice at the state level but typically have limited authority without effective advocacy.
- International and national non-governmental organizations can be powerful allies if they share expertise and experience through the development of a transnational advocacy network to map local conditions and identify and respond to routes for human rights reform.
- This note shares the experience of coalition working to develop methods to build a platform for abolishing the death penalty in Zimbabwe, reflecting on how research, legal strategy, engagement and advocacy were harnessed to good effect and making the case for the transferability of this model to other jurisdictions.

**Keywords:** abolition of the death penalty; methods for human rights reform; transnational advocacy networks; Zimbabwe

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## 1. Introduction

In December 2024, Zimbabwe abolished the death penalty for ordinary crimes, two decades after its last execution. The *Death Penalty Abolition Act 2024* was signed into law by President Emmerson Mnangagwa following its introduction to Parliament as a private member's bill by Opposition Member of Parliament for Dzivarasekwa, Edwin Mushoriwa.

President Mnangagwa had articulated his support for abolition since his early days as a politician in the 1980s, not least because as a young man, during the 1960s, he faced the death penalty for his role in the liberation struggle.<sup>1</sup> As he explained on *World Day Against the Death Penalty* in 2013, while serving as Minister of Justice, Legal and Parliamentary Affairs in President Robert Mugabe's government: 'As someone who has been on death row myself and only saved by an "age technicality", I believe that our justice delivery system must rid itself of this odious and obnoxious provision'.<sup>2</sup>

During discussions on the development of a new constitution, on the issue of capital punishment, the Zanu PF led government and MDC (Movement for Democratic Change) opposition party could not agree on abolition and so a compromise was found in Zimbabwe's new constitution of 2013: Section 48(2) abolished the *mandatory* death penalty, introducing a *discretionary* death penalty though only for 'persons convicted of murder in aggravating circumstances'.<sup>3</sup> It also restricted capital punishment to those aged between 21 and 70, a narrower range than in most retentionist countries, and interestingly restricted the punishment only to men. In 2015, Mnangagwa, then also serving as Vice President, reflected on the new constitution in his continued advocacy: 'I am happy that women were removed from the death penalty, and I am now fighting that you men may also not be hanged'.<sup>4</sup> A year later, he declared that he would rather resign than sign certificates for executions.<sup>5</sup> The State's reluctance to sign execution warrants was already clear as at this point Zimbabwe had not carried out an execution since July 2005; and therefore, in 2015, Zimbabwe became 'abolitionist de facto' (ADF).<sup>6</sup> Death sentences, however, continued to be imposed, generating a death row population of about 90 persons at that time,<sup>7</sup> managed in part through executive clemency.<sup>8</sup> In 2016, the international community urged Zimbabwe to abolish the death penalty during its Universal Periodic Review, but the government provided no concrete plan for moving forward.

When Mnangagwa became president in November 2017, activists may have presumed abolition was imminent. However, though he was a strong, authoritarian leader and consistent in his desire to rid Zimbabwe of the death penalty, abolition through presidential decree did not happen. In large part, this was because he and his government felt that abolition required support from the majority of Zimbabweans. Furthermore, as an ADF country, no longer executing prisoners, the impetus for change may not have seemed as urgent as in

1 Marmon, B. (2023, 13 December). Early Factionalism in Zimbabwe's Liberation Struggle. Oxford Research Encyclopedia of African History. <https://oxfordre.com/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-1460> (referenced 29 May 2025); Liu, S. X., 'The Zimbabwe Liberation War (1972–1979)', *Governing After War: Rebel Victories and Post-war Statebuilding* (New York, 2024; online ed., Oxford Academic, 21 March 2024), <https://doi.org/10.1093/oso/9780197696705.003.0004> (referenced 29 May 2025).

2 Amnesty International, 'A Big Step Closer to Abolishing the Death Penalty in Zimbabwe', 13 November 2013.

3 Section 47 of the Criminal Law Code details the circumstances that could be regarded as aggravating, including if the murder was committed in the course of a rape or housebreaking or if the victim was tortured; see *Veritas* (2019).

4 The Herald, 'Remove the Death Penalty Totally', 14 March 2015.

5 Voice of America News—Africa, 'Rights Lawyers Hope to Outlaw Death Penalty in Zimbabwe', 13 January 2016.

6 The United Nations labels a country 'ADF' when it has not carried out an execution for 10 years or more.

7 Voice of America News—Africa, 'Rights Lawyers Hope to Outlaw Death Penalty in Zimbabwe', 13 January 2016.

8 The Herald, 'Joy for 10 Death Row Inmates', 3 November 2016.

countries with frequent executions. As such, he was in power for 7 years before abolition happened. Moreover, whilst the death penalty was abolished for ordinary crimes, it was retained for military crimes as there had been, for some time, opposition to abolition from the still powerful Army.<sup>9</sup>

Paths to abolition include legal challenges in the courts, legislative reform before Parliament or presidential decree. Each journey is unique, with somewhat different cultural or legal histories, and political dynamics that create a range of push and pull factors, but there are commonalities in rationales for abolition. Concerns about fairness, safety and arbitrariness in the criminal process leading to wrongful executions are common, typically informed by prevailing international human rights standards. Indeed, over the past 35 years, human rights principles have played a considerable role in abolitionist trajectories, with discourse on the death penalty shifting from an issue of domestic penal policy to be decided by each state according to their experiences of crime and political imperatives, to a matter of *universal* human rights. The human rights movement has been harnessed by international organizations and local advocates for abolition in seeking to persuade governments that the benefits of rejecting the death penalty outweigh any perceived disadvantages, such as political fallout if governments feel the electorate is not ready for change.

Human rights alone cannot easily deliver abolition. It requires targeted campaigns, beginning with the identification of methods for building a platform to promote the conditions for change that can deliver policy reform. Civil society organizations, as well as bodies that might fund and support them, seek to drive reform in social, legal and political domains by reference to the development and promotion of 'theories of change'. A theory of change is a conceptual model for achieving a collective vision and addresses the connections between strategies, outcomes and goals that support that vision, as well as the assumptions related to these relationships. Quite simply, a theory of change explains how to move from the status quo to a new position; for our purpose, retention to abolition ([Organizational Research Services 2007](#)). Yet there is little academic literature on this concept, on what it represents, how it is to be measured in terms of commitment to goals, incremental progress on the path to reform or, ultimately, significant policy change, certainly not in our area of work.

As a leading death penalty scholar and head of an international non-governmental organization focused on abolition of the death penalty, we have spent decades trying to understand the factors that justify retention and have been actively involved in efforts to bring about reform, restriction and abolition of the death penalty in various countries. Drawing on this broader experience and expertise but focusing on over a decade of collaborative efforts in Zimbabwe, working with local lawyers, politicians and partner civil society organizations, we seek to explicate how the methods applied to bring about abolition in Zimbabwe might form a theoretical and practical basis for fostering change elsewhere in relation to the death penalty, but also, potentially, with wider applicability to other human rights issues. In charting the development of a platform for policy change in Zimbabwe, we describe an approach that drew on legal strategy, capacity building for stakeholders, empirical research and high-level dialogue and advocacy. In so doing, we also reflect on the efficacy of international (INGOs) and national (NGOs) non-governmental organizations in supporting efforts towards abolition and the nature of working collaboratively within a 'transnational advocacy network'.

As Keck and Sikkink make clear, academics have been slow to recognize the importance of advocacy networks, but they have the potential to instigate changes in the institutional and principled basis of international interactions and, as such, can be an important factor in changes in world politics. Keck and Sikkink define transnational advocacy networks as including those relevant actors working internationally on an issue, 'who are bound

<sup>9</sup> Having replaced his predecessor, Robert Mugabe, following a military coup in 2017 ([Tendi 2020](#)), Mnangagwa knew only too well the risks of ignoring his army's opposition to abolition.

together by shared values, a common discourse, and dense exchanges of information and services'. What is novel in these networks, they explain, is 'the ability of nontraditional international actors to mobilize information strategically to help ... to persuade, pressure, and gain leverage over much more powerful organizations and governments... [trying] not only to influence policy outcomes, but to transform the terms and nature of the debate' (1998: 2–3). The term 'network', rather than coalitions or movements, is intentional, not applied *top-down* by the academy, but *bottom-up* from engaged advocacy groups to evoke the structured and structuring dimensions of group participation with their explicit networking strategies and techniques.

In what follows, we explain the factors and the methods that shaped abolition in Zimbabwe, within our transnational advocacy network, but first we describe the status of the death penalty worldwide, reflecting on the important context of international law, inter-governmental organizations such as the United Nations (UN) and regional treaties such as the African Charter on Human and Peoples' Rights (Hood and Hoyle 2015). During the progress of the *Death Penalty Abolition Bill*, just months after it had been gazetted in December 2023, the government's Portfolio Committee on Justice, Legal and Parliamentary Affairs produced a report for Parliament describing and supporting the Bill. It recognized Zimbabwe's 'growing momentum towards reevaluating the use of capital punishment and aligning the country's legal framework with evolving international norms and human rights standards'.<sup>10</sup> This suggests that conventions and treaties have helped to shape progress towards abolition. However, as we will show, there are limits to their influence; they cannot gain traction in any country without advocacy efforts that reveal and challenge local rationales for retention and develop a roadmap for policy change.

## 2. The shifting international status of the death penalty in law and practice

With Zimbabwe, 128 countries worldwide have embraced abolition, leaving 41 countries keeping the death penalty in law without having carried out an execution for 10 years or more, regarded as 'abolitionist de facto' (ADF) by the UN, and just 30 countries retaining capital punishment in law *and* practice. Change has been particularly pronounced within the African Union: of those 54 states, only six are 'actively retentionist'<sup>11</sup>; 18 are ADF, and 30 have abolished the death penalty in law; prior to Zimbabwe's abolition, most recently, Ghana in 2023.

This represents a significant shift from 1948, when the Universal Declaration of Human Rights was proclaimed, and only 15 countries had abolished (Hood and Hoyle 2015). This did not pose a significant challenge to capital punishment. While proclaiming that 'Everyone has the right to life' (Article 3), it was not explicit that this should include those convicted of offences subject to capital punishment in retentionist states. The subsequent European Convention on Human Rights, adopted in 1950, and successive regional charters, including the African Charter on Human and Peoples' Rights (AfCHPR), similarly provided an exception to the right to life as regards capital punishment, leaving the question of abolition to national governments. So too did the International Covenant on Civil and Political Rights (ICCPR); while Article 6(1) declared that 'Every human being has an inherent right to life', this was qualified by the phrase 'No one shall be *arbitrarily* deprived of his life'. In 1982, the UN Human Rights Committee interpreted this to mean that no one shall be sentenced to death without a fair trial, not that no one shall be sentenced to death at all.<sup>12</sup> Over the following decades, the Committee reiterated that the right to life is not

10 Parliament of Zimbabwe's Portfolio Committee on Justice, Legal and Parliamentary Affairs Report on the Death Penalty Abolition Bill [H.B.5, 2023] Fifth Session—10th Parliament, May 2024 (on file with the authors).

11 Botswana, Egypt, Nigeria, Somalia, South Sudan and Sudan.

12 UN Human Rights Committee, 1982, General Comment No. 6, HRI/GEN/1, paras 6–7.

absolute but that states that have not abolished the death penalty can only apply it for ‘the most serious crimes’, and put in place Safeguards<sup>13</sup> establishing that the prohibition against arbitrary deprivation of life proscribes the death penalty where a range of due process protections for defendants are not in place. Of course, Article 6(6) makes clear that, notwithstanding due process safeguards, in those countries that retain the death penalty, nothing ‘shall be invoked to delay or to prevent the abolition of capital punishment...’.

These Safeguards and international monitoring of compliance have helped the abolitionist cause by progressively restricting the types of offences and people as well as cases subject to the death penalty in countries that have not yet abolished, and by stigmatizing countries that disregard due process protections. But there are limits to the efficacy of human rights measures without effective advocacy. In 1976, when the ICCPR came into force, abolition was proceeding slowly, and the UN was restrained, declaring its main goal to be to ‘progressively restrict the number of offences for which capital punishment might be imposed with a view to the desirability of abolishing this punishment in all countries’.<sup>14</sup> A few years later, in 1981, the AfCHPR followed international treaties by failing to proscribe capital punishment, prohibiting only arbitrary deprivation of life (Article 4) and torture, cruel, inhuman or degrading punishment and treatment (Article 5).

Activism and political expediency were clearly necessary for accelerating abolition, and soon after, Amnesty International expanded its campaign against torture to include abolition of the death penalty, calling on the UN to unambiguously declare the death penalty to be contrary to international law (Amnesty International 1979: 199). This marked the point at which human rights in relation to the death penalty emerged as a practical project, a matter of discourse, politics and activism, not just a legal framework.

The 1980s saw the gradual emergence of international human rights discourse with the rise of death penalty activism, and in 1989, the UN General Assembly adopted the Second Optional Protocol to the ICCPR, which stated that ‘No one within the jurisdiction of a State Party [...] shall be executed’ [Art. 1], a much less equivocal position than that of 1976. Almost two decades later, the African Commission on Human and Peoples’ Rights ‘Resolution on the Right to Life in Africa’ (2017) urged states parties that have established a moratorium on executions to take steps towards the abolition of the death penalty, and those states parties that have not abolished the death penalty to immediately establish a moratorium on executions.

From the late 1980s, the number of abolitionist countries rose dramatically and today, the death penalty is all but abolished across Europe,<sup>15</sup> hardly applied across sub-Saharan Africa, and though a handful of death sentences are imposed in the Caribbean (primarily in Trinidad and Tobago, though only because they retain a *mandatory* death sentence), only the USA within the Americas regularly executes them. Even there, the rate has declined over the past years as more US states have abolished. Accordingly, an international movement which began in Europe has been embraced by many different political systems, religious faiths and cultures, with death sentences and executions relatively common only in parts of Asia and the Middle East.

Commitment to abolition as a universal goal was encouraged by ratification of international and regional conventions and treaties and assisted by the Safeguards and checks on compliance with human rights obligations through Universal Period Review processes carried out by the UN Human Rights Council. However, treaties, conventions and human rights discourse on the international stage cannot realize their full potential without political will in the national sphere. Until prohibition of the death penalty is a *jus cogens* norm

13 UN Human Rights Committee, 2019, General Comment No. 36, CCPR/C/GC/36, paras 10–11.

14 UNGA resolution 32/61, 1977.

15 Only Belarus continues to execute people.

of international law, with no exceptions, advocacy will be necessary to sustain the human rights dynamic and to effect change.

### 3. Developing a theory of change for Zimbabwe

Politics drive abolition, just as they drive retention and execution of the death penalty. However, this does not mean that political leaders can or will unilaterally abolish if they feel others are not persuaded that it is in their best interests. As mentioned above, Emmerson Mnangagwa was against the death penalty, yet abolition took years even after he became president, raising the question of whether a legal path to abolition may have been effective. While just seven countries have abolished through *per se* legal challenges to the death penalty,<sup>16</sup> the courts can play a significant role in limiting its scope and application, in turn providing a baseline for legislative change. For example, the prohibition against the imposition of a mandatory death penalty can be a significant step towards abolition as death sentences are infrequently imposed and death rows and executions diminish (Jabbar 2019). In other ways, legal reform and restriction in the application of the death penalty mean that criminal justice systems operate in closer conformity with international human rights norms, which can provide further opportunities to harness change around universal principles (Novak 2014).

In Zimbabwe, constitutional challenges around the arbitrariness of the death penalty—focusing on socio-economic deprivation, mental health and other sites of disadvantage among death-sentenced prisoners as well as issues around judicial delay and conditions of confinement—were considered in our quest to restrict the application of the death penalty. However, abolition through the Constitutional Court appeared to be a difficult route as key judicial actors, not least the Chief Justice of the Constitutional Court, considered that to be a matter for parliament, not the courts. Furthermore, in bringing any *per se* challenge before the courts, consideration must be given to domestic realities. A full-frontal challenge on the death penalty before the courts, where there is a backlog of cases and resources are tight, can create delays. Initiating legal proceedings risks creating conditions whereby momentum is lost, waiting for the court to list, hear and ultimately decide on the issues before them. At a political level, this could hinder progress in circumstances where the executive cites the need for legal proceedings to end before any political decision is made, creating a rationale for not addressing abolition at the executive level.

This is not to say that there were no legal influences at play. While the death penalty remained on the statute books, efforts were made to identify reforms to restrict its application. We worked with criminal justice stakeholders to enhance judicial discretion to limit the circumstances under which the death penalty would be considered appropriate or necessary. Capacity building with judges was important in this endeavour, centred as it was around international principles and strict sentencing guidelines that allowed for the imposition of the death penalty in only very limited circumstances. As regards to the post-conviction phase, we provided guidance on the development of a set of principles for cabinet to apply when considering commutations and clemency, given that continued death sentences in the absence of executions leave the practical problem of an overcrowded death row.

As explained above, in Zimbabwe, abolition came about with the introduction of a private member's bill from an opposition MP. This was approved and adopted by the government, with the inclusion of amendments. Importantly, it had cross-party support. It was the final stage of a long journey aimed at building a platform for engagement, impact and, ultimately, policy change. This required expertise from national and international actors collaborating as part of a transnational advocacy network that encouraged consensus between

16 In Europe: Hungary (1990), Lithuania (1998), Albania (1999), Ukraine (1999). In Africa: South Africa (1995), Benin (2016). In Central America: Guatemala (2017) and in a handful of US states.

relevant parties and developed methods for bringing about reform; notably, legal strategy, capacity building, empirical research and support around high-level dialogue. Strong partnerships were needed between domestic actors with local knowledge of politics and culture as well as support from the diplomatic community ‘in country’ using their own channels of communication to create opportunities to engage with the government on policy.

#### 4. Building a transnational advocacy network

Having played our part in this transnational advocacy network, as we have in many other countries where we have contributed to abolition, we reflect here on our efforts to harness our expertise and research evidence with a keen appreciation of *realpolitik*, essential in states not fully aligned with international human rights.

Though few academics have explored the role of INGOs in the global turn away from the death penalty, Kim (2016) is an exception. He recognizes that ‘human rights INGOs can empower pro-abolition constituencies and influence governments’ calculations and deliberations toward abolition’ (Kim 2016: 597). Specifically, he argues, they compensate for local activists’ difficulties by ‘underwrit[ing] domestic anti-death penalty activism with their human, material, and normative resources’ and putting abolitionist-sympathetic legislators in touch with their foreign peers as a mechanism for furthering support (Kim 2016: 605–6). It is helpful, therefore, to put into conversation the literature on ‘theories of change’ and international advocacy with our extensive first-hand experience in the abolition space, to explicate the role of INGOs in death penalty abolition within a transnational advocacy network.

As we allude to above, if a commitment to abolition and a raft of international treaties were all that was needed, advocates could achieve their goals in many countries with little effort. However, aims can only be realized with viable methods. Committing to advocacy for abolition in any country obliges us to develop a theory of change, a proposal for a series of activities and outputs to produce measurable outcomes moving a state towards ultimate abolition. Theories of change include ‘underlying assumptions about the relationships between desired outcomes and the way proposed interventions are expected to bring them about’ (Aragon and Macedo 2010: 89). They can include causal change theories, actor-centred theories, coalitions or collective theories, policy window theories, empowerment or localism theories and dimensions of influence theories (Gready and Robins 2020: 284–5). Most helpful for understanding the role of INGOs in the abolition of the death penalty are coalition theories of change.

The premise of coalition theories is that policy change happens through coordinated activity among sometimes diverse individuals and organizations outside of government, sharing core policy beliefs. Coalitions participate in a range of activities such as legal advocacy or media engagement often simultaneously while seeking the best routes for change, drawing on their expertise and influence.<sup>17</sup> Our transnational advocacy network of relevant INGOs, local NGOs and others working collectively to influence policy change by sharing information, resources and strategies for advocacy is a clear example of coalition theory in action.

In developing coalitions, sometimes ‘domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside’ (Keck and Sikkink 1998: 12). This can be common in respect to issues where the state is violating the rights of its citizens and a ‘boomerang’ pattern of influence emerges if channels of communication between the state and domestic actors are blocked. Given that the government of Zimbabwe was not hostile to abolition, only cautious about proceeding, Risse and

17 Paul Sabatier and Hank Jenkins-Smith introduced the Advocacy Coalition Framework in the late 1980s to refine theoretical and methodological tools for the study of policy process: see Cisneros (2021).

Sikkink's (1999) 'spiral model' of socialization of international human rights norms into domestic practices, which incorporates activities by the national government, is particularly helpful here. It speaks to the process through which international norms become embedded within domestic policies, with its key turning points such as external pressures, internal advocacy and changes in government stance contributing to these shifts. Within such a process, involving international and local actors moving back and forth with the state, rather than bypassing it, the network engages in moral consciousness raising, the empowerment and mobilization of domestic groups and the challenging of norm violation by governments (Keck and Sikkink 1998).

Veritas,<sup>18</sup> a Zimbabwean NGO, had already worked to raise awareness and moral consciousness about the death penalty for some years when our partnership began in 2015, following an invitation from the Swiss Embassy to collaborate on local efforts. While initially driven and later sustained by Veritas, the network involved many other Zimbabwean organizations and individuals at various stages of the process.<sup>19</sup> As elsewhere, we would not have engaged in advocacy without a direct invitation from local actors, whether that be lawyers, NGOs, policymakers or politicians, with international embassies or high commissions often instrumental in making relevant introductions and facilitating the development of international relationships and channels of access.

Local partnerships are vital when European human rights advocates are asked to operate in former colonies, especially those that have inherited colonial penal structures and punishments. As Fletcher et al. (2009: 214) note, without buy-in from local non-elites, the work of INGOs pushing for human rights-oriented reforms risks taking on a flavour of neo-colonialism. This risk applies to both local NGOs who may have been working for change for years and to governments leery of foreign interference, where a lack of trust in Western nations' interventions can lead to charges of imperialism (Fletcher et al. 2009: 195).<sup>20</sup>

Such sensitivities could persuade foreign embassies and high commissions not to get involved in death penalty diplomacy, given their role is to work with local governments and others to build and maintain political, commercial and cultural relationships. But while they must focus on significant international policy matters around security and trade, for example, they must also be mindful of their own state's policy priorities, given that their core mandate is to represent its interests. Abolition of the death penalty has long been a key priority for the UK Foreign, Commonwealth and Development Office, as it has for the Swiss Embassy and indeed all like-minded missions from as far afield as Australasia and the Americas. They use international law and norms to shape debate on criminal justice and punishment in efforts to support abolition, which is more likely to be successful in mutually supportive relationships. The Swiss embassy had long enjoyed a positive relationship with the Zimbabwean government and local bodies when they asked us to get involved.

## 5. Establishing a knowledge base for engagement and dialogue

Having identified local partners to collaborate with, we undertook a thorough scoping exercise to understand the national mood on abolition: what were the priorities of political and civil society; what were the perceived barriers to abolition as well as the rationales for

18 Led by its Director Val Ingham-Thorpe together with Brian Crozier.

19 The Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO), the Zimbabwe Human Rights Commission, Mass Public Opinion Institute (MPOI), the Centre for Applied Legal Research (CALR), Amnesty International Zimbabwe, the University of Zimbabwe, Tendai Biti, Creative arts project, Zimbabwe lawyers for human rights, Zimbabwe Women Lawyers Association, Prof Lovemore Madhuku, Zimbabwe NGO forum, Rusty Markham MP and many more.

20 Criminologists and human rights scholars and advocates are mindful of the sensitivities of engagement on capital punishment in former colonies where advocacy could be interpreted as dismantling or as re-establishing colonialism; see, for example, Black et al. (2023), Harry (2023) and Lehrfreund (2019).

reform—the push and pull factors; and importantly, what were the possible avenues to abolition and how could law, politics and advocacy support change?

Notwithstanding shifts in death penalty law and practice, as described above, not least that no execution warrants were being signed, abolition was not firmly on the political agenda. By way of example, since 2007, countries have been invited to vote on a UN General Assembly resolution for a worldwide moratorium on the use of the death penalty and Zimbabwe had, at this time, consistently abstained since 2016, only voting in favour once it was about to abolish, at the third vote in November 2024.<sup>21</sup>

The embassies of the UK and Switzerland were instrumental in facilitating high-level dialogue—roundtables and one-to-one meetings—with government and other politicians, and our partnership with Veritas allowed for engagement with other members of civil society, lawyers and the media, producing co-authored ‘op-eds’, for example. Our transnational advocacy network kept abolition on the political and public agenda, crucial in any advocacy work, as single issues inevitably wane in the attention of busy politicians. As Kingdon describes, policy actors are constrained in their time and other resources, which will often lead to fluctuating policy preferences, but also the relevant drivers for policymaking—policy problems, policy solutions and political conditions—shift constantly (Kingdon 2010). The relationships within our network—slowly built on shared aspirations, trust and complementary methods for change—expedited access to other influential people and the development of country-specific expertise to help us to navigate local politics and be sensitive to conditions that could be conducive to or antithetical to reform.

## 6. Harnessing research to challenge barriers to abolition

Sustained political, judicial and media engagement in Zimbabwe made clear that although the majority of the opposition party and some government politicians supported abolition, the government itself was cautious or even resistant, assuming that the public not only wanted to retain the death penalty but that they would not tolerate abolition. Almost every country in the world that has abolished capital punishment has done so without majority support from the public, with abolition across Europe, for example, led by political elites. Nonetheless, governments still claim to be attentive to democratic will in considering abolition, even in the most authoritarian regimes across Asia and Africa (Hood and Hoyle 2015: ch. 10), a precondition not in evidence in other areas of public policy. Of course, abolition occasionally happens by presidential decree, as was seen in Mongolia, but even there, the groundwork was done over the years to prepare the public for change.

Our research elsewhere had shown that perceptions of strong opposition to abolition are false and so we resolved to conduct empirical research to establish whether public opinion was indeed a barrier to abolition. Such studies are expensive, but in recognition of their worth, in producing reliable data that can inform dialogue and assist advocacy by challenging suppositions about public support, the British Embassy funded our research. We conducted a random and representative survey of the public in 2016–17 and found that although 61 per cent of Zimbabweans supported the death penalty, the vast majority of those would accept abolition if it were government policy (Sato 2018). As we have found elsewhere, once citizens understood how the death penalty works in practice, and the shortcomings of the criminal process that can lead to wrongful convictions, initial support for capital punishment declined significantly.

21 For a record of voting, see <https://www.santegidio.org/pageID/30284/langID/en/itemID/59345/First-UN-vote-for-a-moratorium-on-the-death-penalty-sees-an-increase-in-abolitionist-countries.html> (referenced 6 June 2025). In 2018, Zimbabwe seemed to have taken the regressive step of voting against the resolution but our work on the ground established that this had been an administrative error; Zimbabwe had intended to abstain; see Hoyle (2020: 12).

Further engagement following this work persuaded us that it would be fruitful to establish if those able to influence the government may be inclined to support abolition. Accordingly, in 2020, we interviewed 42 Zimbabwean ‘opinion leaders’, including politicians, lawyers, religious leaders, the media and others. Almost all—90 per cent—supported abolition; most worried that the death penalty harmed Zimbabwe’s international reputation, that it was unsafe, an abuse of human rights and a poor deterrent (Hoyle 2020). These findings were always going to be useful to our advocacy but became particularly so when supported by the President. In a Foreword to our study (Hoyle 2020: 5), he wrote:

Most Zimbabweans know that the death penalty is a subject on which I feel deeply. As I have said in the past, I believe it to be a flagrant violation of the right to life and dignity ... It is my sincere hope that, in the near future, Zimbabwe will formally abolish the penalty by removing it from our statute books.

Coming from the head of government, this was a pivotal point; we began to see abolition as possible, and with the right engagement and collaboration, achievable. However, it soon became clear that the President’s support was a necessary but insufficient condition for abolition. We needed to bring our knowledge and proposals for abolition to a wider audience in parliament. We developed policy briefs, drawing on international and local research evidence on wrongful convictions, international law, deterrence and public opinion for distribution among parliamentarians to challenge barriers to abolition. We worked with the Speaker of Parliament on plans to share our findings and make a case for abolition before parliament through parliamentary debates. Plans were also put in place to encourage informed engagement at a high-level roundtable meeting for civil society, religious and youth leaders, politicians and other key stakeholders. However, these were frustrated in early 2020 by the global COVID-19 pandemic, with its impact on international travel and in-person engagement. While there was some limited online advocacy during the pandemic, progress was slow; the government faced significant economic and public health concerns and abolition inevitably slipped down the agenda.

Almost a year later, in March 2022, the conversation restarted. Again, the Swiss Embassy played a strategic role, bringing together key actors from parliament, the Ministry of Justice, prisons and civil society organizations in a stakeholders’ retreat outside Harare to identify the roadmap and division of labour for realizing shared goals. In recognition of our expertise and the trust placed in us by others in this collective network, we were the only international experts invited to participate in efforts to develop a framework for abolition.

During this time, the benefits of working within a transnational advocacy network were clear. As Fletcher et al. note, without the full participation of local voices in both the crafting and promotion of effective policy, and reflection of the unique historical cultural dynamics at play, any proposals to government could have been met with scepticism if not the kind of hostility that can arise from perceptions of well-meaning internationalists pushing best practices onto institutionally less well-developed nations (Fletcher et al. 2009). Ever mindful of these risks, our network collaborated on how best to realize our shared goals, deliberating possible legal paths to abolition, with consideration given to a legal challenge to the constitutionality of the death penalty. The reawakening of active advocacy on the matter also encouraged deliberations in parliament and in the media. While we played our part in public engagement and sensitization through various channels, local actors led the way, engaging with youth, religious and cultural groups through print, broadcast, digital and social media and through other outreach mechanisms at national and local events. Nonetheless, though there was an appetite and empirical support for abolition, there was not yet an agreed pathway for success: the rationale was clear, but the route remained elusive.

## 7. Identifying the platform for change

In September 2023, shortly after Mnangagwa's government had been re-elected, Veritas hosted what transpired to be a decisive roundtable meeting between us and a few MPs and Senators to discuss abolition. The aim was to re-strategize and consider whether to pursue a legal or a political route to abolition. We drew on our recent successful effort to assist parliamentarians in Ghana to generate confidence. We were also working closely with civil society in Kenya and were keen to make the case that this was an African movement and one that Zimbabwe could get behind without any significant political fallout. At that September meeting, with Veritas and others, we identified the best strategy: to prepare a Private Member's Bill and invite one of the attendees—an opposition MP—to introduce it, hoping that government MPs would also support it.<sup>22</sup>

At first reading in Parliament, it met with resistance and the Parliamentary Legal Committee produced an 'adverse report', later withdrawn after consultation.<sup>23</sup> Subsequently, Parliament's Portfolio Committee on Justice, Legal and Parliamentary Affairs, along with the Thematic Committee on Human Rights, committed themselves to a comprehensive public consultation process on the Bill involving focus groups across the 10 provinces of Zimbabwe as part of its constitutional obligation to engage the citizenry in the legislative process.

As it was, the results of the public consultation were even more encouraging than the public opinion research we had conducted a few years earlier: while there was a broad spectrum of views, with some feeling that the death penalty should be retained for its purported deterrent effect and for the purpose of retribution, the majority of the public involved in the consultation process urged Government to abolish. These findings suggest that in Zimbabwe, as elsewhere, time (20 years) without an execution, and sustained advocacy and engagement, was gradually reducing support for the death penalty (Hood and Hoyle 2015: 464–7).

Public rationales matched those expressed in our survey: most did not believe the death penalty deterred murder more than a long prison sentence, but thought there was considerable evidence that it targeted poor and disadvantaged people who could not afford adequate legal defence, that it was discriminatory, not least because women could not be sentenced to death, that it was subject to judicial errors that could be irreversible, that Zimbabwe had done without executions for 20 years, and that it was not culturally aligned with the values of the Zimbabwean people—that it was, indeed, 'a relic of the colonial era', as traditional leaders in Zimbabwe had argued (Veritas 2019: 10). Many felt that 'a combination of penal and restorative justice' would be preferable to the death penalty, with the majority suggesting it be replaced with alternative sentences such as 'life imprisonment with hard labour'. The consensus emerging from the consultations was that the Bill would align Zimbabwe's legal framework with prevailing international human rights standards.<sup>24</sup> From that point, the bill moved unimpeded through various readings, was approved by Senate in December 2024 and signed into law by the President soon after, and in demonstrating to the world its imminent abolition, at the United Nations General Assembly (UNGA) vote on a worldwide moratorium on the death penalty in late 2024, Zimbabwe—for the first time—voted in favour of the resolution.

In building a platform for change, we had in our sight abolition of the death penalty. Yet, in Zimbabwe, as in most countries, there are other pressing human rights concerns,

22 Brian Crozier of Veritas played a key role in drafting the bill; having assumed a similar role in the drafting of the 2013 Constitution, he understood Zimbabwean law and politics better than most.

23 Adverse Report of the Parliamentary Legal Committee on The Death Penalty Abolition Bill [H.B.5, 2024], on file with the authors.

24 Parliament of Zimbabwe's Portfolio Committee on Justice, Legal and Parliamentary Affairs Report on the Death Penalty Abolition Bill [H.B.5, 2023] Fifth Session—10th Parliament, May 2024 (Report on file with the authors).

including the repression of civil society organizations, impunity for abuses and repression of dissent<sup>25</sup>, and there is, of course, the matter of how those currently on death row are resentenced. Established on mutual trust and shared expertise, the can continue to influence human rights practice for years to come. Importantly, the model can be applied in other jurisdictions.

## 8. The potency and transferability of the model

The new constitution of 2013, alongside the absence of executions since 2005, could suggest that when we developed a model for change, establishing a transnational advocacy network, Zimbabwe was already on the road to abolition. Yet, even with a charismatic, authoritarian leader,<sup>26</sup> strongly motivated towards abolition, it was not a fait accompli. Abolition is a significant policy change, likely to cause disquiet among publics in jurisdictions where crime and disorder are high on the popular agenda. As such, it requires strong political will whether a regime is authoritarian or democratic. Regardless of what is required to win elections, leaders tend to crave approval among the electorate, generating resistance to unpopular policies. Clearly, Zimbabwe provides evidence that strong leadership is a necessary but insufficient condition for abolition.

What's more, the very dormancy of the death penalty, in respect to the absence of executions and the already restricted capital punishment regime, in certain respects, made abolition more challenging. In the past, it was thought that moratoria on executions reflected a temporary stage on the way to abolition. However, our ongoing research<sup>27</sup> suggests that moving from ADF to full, abolitionist *de jure* status can be a difficult and protracted process, characterized by inertia which can grow more entrenched and increasingly stable over time, making abolition less rather than more likely as time passes (Cullen 2023). The death penalty can serve important symbolic and political functions within a country, without any executions taking place, and governments and their people can be reluctant to let it go (Dudai 2023), using clemency and other commutations and pardons to manage burgeoning death rows in countries that continue to apply death sentences without executions, as Zimbabwe did.

It is fair to say, therefore, that like many ADF countries, without the triggers for advocacy occasioned by executions, Zimbabwe may have remained in stasis for some considerable time. We need only look to the rest of the African continent as well as the Caribbean, where some countries have retained the death penalty without executions for over 30 years, to see that Zimbabwe could have remained in its ADF state. For these reasons, though we cannot know if Zimbabwe would have abolished without the efforts of the transnational advocacy network, we know from our own experience and by looking at other states, countries are often slow to move to that final step, and the network was crucial to getting abolition over the line, as we believe it would be in other jurisdictions. This raises the issue of transferability.

We have developed a model and approach that can be replicated in other retentionist jurisdictions. We do not claim that everything we did in Zimbabwe could successfully be transplanted to another country without an appreciation of the political, legal and cultural contexts therein. The key aim of the development of a transnational advocacy network is

25 See, for example, Human Rights Watch, World Report 2025, Zimbabwe: Events of 2024. <https://www.hrw.org/world-report/2025/country-chapters/zimbabwe>; Amnesty International voices concern about repression, abuse, in Zimbabwe, 24 April 2024. <https://www.voanews.com/a/amnesty-international-voices-concern-about-repression-abuse-in-zimbabwe/7583535.html>.

26 Democracy rates from Freedom House and the EIU Democracy Index are relatively low; see Democracy in Africa. <https://democracyinafrica.org/democracy-monitor/zimbabwe/> (referenced 29 May 2025).

27 DPRU and DPP, ADF project: 'Abolitionist in practice: Challenging the death penalty in countries which do not execute'. <https://www.law.ox.ac.uk/death-penalty-research-unit/adf-project-abolitionist-practice-challenging-death-penalty-countries> (referenced 4 June 2025).

to harness local and international expertise, to develop theories of change to establish what the particular barriers to abolition may be and how best to effect reform, alive to the particularities and sensitivities within the country. Thus, we develop networks and approaches only after thorough scoping missions, meeting with all the potentially helpful local actors. Our claim is for the transferability of the model, of the development of a transnational advocacy network and plans for bringing about change, with recognition that decisions about the potential efficacy of legal strategies, research, engagement and advocacy invite a targeted approach.

## 9. Conclusion

In seeking to understand why some countries abolish while others retain, Mathias (2013) considers three political explanations: state-level political processes; potential existential threats to the security of the state; and the influence of political and intellectual elites. He rejects these as incomplete on the grounds that if abolition is a function of the degree of democracy, state security, elite opinion and political control, states' death penalty legislation would fluctuate over time according to changes in these variables. As that has historically not been the case—with rare exceptions, death penalty abolition has been a one-directional trend—Mathias concludes that these political explanations cannot be responsible for the trends we see. Rather, he argues, we must look to other explanations—particularly a 'world cultural model' that constructs 'templates of legitimate behaviors' (2013: 1260).

It is not easy to identify which of the various possible influences guided a country towards abolition, but in Zimbabwe, we recognize the role of international norms and imperatives. Zimbabwe was ready to re-engage with the international community; it would like to be readmitted into the Commonwealth.<sup>28</sup> While abolition alone was not likely to open that particular door, Zimbabwe demonstrated its responsiveness to international and national advocates mobilizing world-level discourses (Frank 1997) on international human rights norms.

While we recognize our role as including norm diffusion, drawing on international law and the development of human rights norms against capital punishment, more helpful for understanding how we contribute to local abolitionist advocacy, and embed international norms within domestic policy, has been coalition theories of change, specifically 'transnational activist' models of norm diffusion (McGann 2012). We have shown how our support for a transnational advocacy network, responding to local efforts and agendas, assisted the diffusion of international norms on the death penalty, not least by helping to empower and legitimate the claims of the local advocates and by mobilizing their opposition to the death penalty such that the ensuing political stance of parliament would ultimately align itself with international human rights norms (Risse and Sikkink 1999).

Trust can be challenging for organizations from the global North, not least as it pertains to colonial and neo-colonial histories. However, we have shown that it can be fostered through collective efforts, with both resources and the path to abolition developed in partnership with local actors. As Fletcher et al. make clear, besides sharing information, those in a transnational advocacy network can create categories and frames to allow for the generation, organization and quick and effective deployment of politically usable information where it will have the most impact in challenging the death penalty (Fletcher et al. 2009). Our transnational advocacy network, reinvigorated by the meetings held at the retreat in early 2021, was essential for allowing us to use our skills and evidence to assist

<sup>28</sup> Parvais Jabbar, 'Like Zimbabwe, all Commonwealth states should end death penalty', *The Times*, 23 January 2025. <https://www.thetimes.com/uk/law/article/like-zimbabwe-all-commonwealth-states-should-end-death-penalty-bbtz7nxxnl> (referenced 6 June 2025).

in the generation of a robust case for abolition and to identify the right time and method to make that case; vital, in other words, for the successful abolition of the death penalty in Zimbabwe.

Working as a transnational advocacy network, we navigated challenges by drawing on local legal and political expertise, by developing research sensitive to these conditions, and by disseminating our findings and arguments widely through the media and the criminal justice system, as well as critical engagement with parliament, the judiciary and policymakers. This process led to the recognition that in Zimbabwe, neither a constitutional challenge nor a presidential decree would likely bring about abolition. In influencing parliamentarians and encouraging wider dialogue within civil society and across the media, we were able to harness academic research and legal expertise to help our partners in Zimbabwe to build a consensus for change such that Parliament has stated not only that ‘the new legislation is aligned with international human rights norms’ but, with its emphasis on rehabilitation, reintegration, and the preservation of human dignity ‘resonates with the public’s desire for a criminal justice system that is both just and compassionate’.<sup>29</sup>

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## Ethical Approval

The research drawn on in this note was reviewed and approved by the University of Oxford Social Sciences and Humanities Interdivisional Research Ethics Committee in accordance with the procedures laid down by the university for ethical approval of all research involving human participants (Research Ethics Approval Ref. No.: R64635/RE001).

## References

- Amnesty International. 1979. *The Death Penalty Report*. New York: Amnesty International, USA.
- Aragón, A. O., and J. C. Giles Macedo. 2010. A ‘Systemic Theories of Change’ Approach for Purposeful Capacity Development. *IDS Bulletin* 41(3): 87–99.
- Black, L., L. Seal, F. Seemungal *et al.* 2023. The Death Penalty in Barbados: Reforming a Colonial Legacy. *International Journal for Crime, Justice and Social Democracy* 12(3): 27–36.
- Cisneros, P. 2021. The Advocacy Coalition Framework Research Program: An Overview. *Oxford Research Encyclopaedia of Politics*. <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-212> (referenced 6 June 2025).
- Cullen, D. 2023. The Enigma of de facto Abolition: Researching the Death Penalty in Countries Which Do Not Execute. Death Penalty Research Unit Blog. <https://blogs.law.ox.ac.uk/death-penalty-research-unit-blog/blog-post/2023/10/enigma-de-facto-abolition-researching-death> (referenced 6 June 2025).
- Dudai, R. 2023. Symbolic Laws, de facto Abolitions and Path Dependence: When Death Penalty Policies Remain Stable. *The Howard Journal of Crime and Justice* 62(1): 11–28.

<sup>29</sup> Parliament of Zimbabwe’s Portfolio Committee on Justice, Legal and Parliamentary Affairs Report on the Death Penalty Abolition Bill [H.B.5, 2023] Fifth Session—10th Parliament, May 2024 (Report on file with the authors).

- Fletcher, L., H. Weinstein, and J. Rowen. 2009. Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective. *Human Rights Quarterly* 31(1): 163–220.
- Frank, D. J. 1997. Science, Nature, and the Globalization of the Environment, 1870-1990. *Social Forces* 76(2): 409–35.
- Gready, P., and S. Robins. 2020. Transitional Justice and Theories of Change: Towards Evaluation as Understanding. *International Journal of Transitional Justice* 14(2): 280–99.
- Harry, L. 2023. The Legacy of Colonial Patriarchy in the Current Administration of the Malaysian Death Penalty. In A. Aliverti, H. Carvalho, A. Chamberlen, and M. Sozzo (eds), *Decolonizing the Criminal Question: Colonial Legacies, Contemporary Problems*. pp. 257–73. Oxford, UK: Oxford University Press.
- Hood, R., and C. Hoyle. 2015. *The Death Penalty: A Worldwide Perspective*. Oxford: Oxford University Press.
- Hoyle, C. 2020. *Time to Abolish the Death Penalty in Zimbabwe: Exploring the Views of its Opinion Leaders*. London: The Death Penalty Project.
- Jabbar, P. 2019. Imposing a Mandatory Death Penalty: A Practice Out of Sync with Evolving Standards. In C. Steiker and J. Steiker (eds), *Comparative Capital Punishment*, 138–59. Cheltenham, UK: Edward Elgar.
- Keck, M., and K. Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca and London: Cornell University Press.
- Kim, D. 2016. International Non-Governmental Organizations and the Abolition of the Death Penalty. *European Journal of International Relations* 22(3): 596–621.
- Kingdon, J. 2010. *Agendas, Alternatives, and Public Policies* (2nd ed.). New York: Pearson.
- Lehrfreund, S. 2019. Undoing the British Colonial Legacy: The Judicial Reform of the Death Penalty. In C. Steiker and J. Steiker (eds), *Comparative Capital Punishment*, 272–300. Cheltenham, UK: Edward Elgar.
- Mathias, M. 2013. The Sacralization of the Individual: Human Rights and the Abolition of the Death Penalty. *American Journal of Sociology* 118(5): 1246–83.
- McGann, A., and W. Sandholtz. 2012. Patterns of Death Penalty Abolition, 1960–2005: Domestic and International Factors. *International Studies Quarterly* 56(2): 275–89.
- Novak, A. 2014. *The Global Decline of the Mandatory Death Penalty*. London: Routledge.
- Organizational Research Services. 2007. *A Guide to Measuring Advocacy and Policy*. Annie E Casey Foundation. <https://www.aecf.org/resources/a-guide-to-measuring-advocacy-and-policy> (referenced 5 June 2025).
- Risse, T., and K. Sikkink. 1999. The Socialization of International Human Rights Norms into Domestic Practices: Introduction. In T. Risse, S. Ropp, and K. Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change*, 1–38. Cambridge: Cambridge University Press.
- Sato, M. *12 Years Without an Execution: Is Zimbabwe Ready for Abolition? A Survey of Public Attitudes Towards the Death Penalty*. London: The Death Penalty Project.
- Tendi, B.-M. 2020. The Motivations and Dynamics of Zimbabwe's 2017 Military Coup. *African Affairs* 119(474): 39–67.
- Veritas. 2019. *Should Zimbabwe Abolish the Death Penalty?: The Facts, the Case for Abolition*. [https://www.veritaszim.net/sites/veritas\\_d/files/Should%20Zimbabwe%20Abolish%20the%20Death%20Penalty%20-%20The%20Facts-%20The%20Case%20for%20Abolition.pdf](https://www.veritaszim.net/sites/veritas_d/files/Should%20Zimbabwe%20Abolish%20the%20Death%20Penalty%20-%20The%20Facts-%20The%20Case%20for%20Abolition.pdf) (referenced 6 June 2025).