



**Statement to the African Commission on Human and Peoples' Rights  
at the 71<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' Rights under Agenda Item 4e**

**21 April – 13 May 2022**

**Statement on the Overall Human Rights Situation in Zimbabwe**

Honorable Chairperson, Commissioners; Heads of Governments; civil society representatives; ladies and gentlemen.

The Zimbabwe Human Rights NGO Forum (the Forum) welcomes the opportunity to address you on the human rights situation in Zimbabwe at a time when Zimbabwe is on the Commission Agenda.

The human rights situation in Zimbabwe has continued to deteriorate since the last inter - session.

Honourable chairperson, we are presenting this statement against the background of the recent by-elections held in the country on the 26<sup>th</sup> of March 2022. Whilst we welcomed the holding of the by-elections which had been suspended by the Government of Zimbabwe (GoZ) in October 2020, the Forum expresses deep concern over the violence witnessed during the campaign period which resulted in the death of at least one person killed during a campaign rally of one of the political parties. The banning of political party rallies for at least one of the opposition political parties at times even after the High Court had granted an order for the rally to proceed was a clear violation of both regional and domestic laws protecting such.

In the last year, Zimbabwe has continued to experience a human rights, democracy, governance and economic crisis. The crisis has been exacerbated by the violent and arbitrary arrests of civil society organisation activists and journalists standing for the country's respect and protection of human rights.

Civic space has continued to shrink. On 31 August 2021 the GoZ's Cabinet approved the formulation of the Private Voluntary Organisations (Amendment) Bill, 2021 that would amend several provisions of the Private Voluntary Organizations Act [*Chapter 17:05*]. The Bill was published in a Government Gazette dated 5 November 2021 [GN 3107 of 2021]. The memorandum of the Bill states that the aims of the amendments are:

- Complying with the Financial Action Taskforce (FATF) recommendations made to Zimbabwe
- Streamline administrative procedures for private voluntary organisations to allow for efficient regulation and registration
- Prohibiting Private Voluntary Organisations (PVOs) from political lobbying

We are grateful to this Commission for the topic which will discuss the shrinking of civic space in Africa as a result, among other things, the need to comply with the FATF recommendations.

Since the adoption of the 2013 Constitution, amendments to the PVO Act were proposed as part of the GoZ's reform agenda. The current draft amendment Bill grants the minister extensive power beyond administrative regulation that impinges on Constitutional rights by extending power of cancellation of licences, designation of CSOs, placement of special restrictions, appointment of Board members, financial investigation and access to information powers.

Mr chairperson, we would submit that any amendments to the PVO Act should give effect to key principles of the 2013 Constitution that outline founding values and principles of good governance, transparency and accountability, recognises rights and freedoms of assembly and

association, facilitates interrelationships between state institutions and civil society, grants protection and recognition guarantees for CSOs and ensures registration and operational autonomy for CSOs for them to carry out their critical watchdog role. Whilst legal measures to safeguard against terrorist financing are welcome, the actual provisions of the PVO Amendment Bill are not proportionate. Less restrictive measures currently exist in other legislation to ensure that purposes related to combating money laundering and terrorist financing are achieved without undue restrictions on CSOs. In essence, measures aimed against terrorist financing must not threaten the legal existence, operational freedom, privacy, and autonomy rights of PVOs.

But it is not only the PVO Amendment Bill that is problematic. The GoZ has indicated its plans to introduce a law, the Patriotic Bill to punish people who are deemed "unpatriotic" because they criticise the country when abroad. The Patriotic Bill is seen as targeting CSOs who normally attend regional and international conferences and give reports on the state of human rights in the country. Such people are seen as unpatriotic for allegedly undermining the national interest abroad could face criminal charges if the measures being considered are passed. Should such a law pass Mr Chairperson, we are not sure if CSOs from Zimbabwe would be able to come and make contributions to this august body without ramifications back home. We equally fear that our participation in the African Commission and similar bodies could make us be marked for potential refusal of registration should the PVO Amendment Bill pass in its current form.

The GoZ has also passed the Cybersecurity and Data Protection laws. Initially, a Ministry of Cybersecurity, Threat Detection and Mitigation, had been set up. It later became a department within the Ministry of Information. According to the then Presidential spokesperson at the material time, the ministry had been established to catch "mischievous rats" that abused social media. The army even weighed in with the then Zimbabwe National Army (ZNA) Commander, Lieutenant-General Edzai Chimonyo, addressing senior military commissioned officers at the Zimbabwe Military Academy in Gweru, stating that the military would soon start snooping into private communications between private citizens to "guard against subversion," as social media has become a threat to

national security. We are therefore concerned about these laws will seriously erode civic space.

At the same time, the Forum is concerned about the lack of alignment of electoral laws to the 2013 Constitution despite previous promises that all laws would be aligned by end of 2019. The Forum believes that the alignment of the Electoral Act, one of the legs on which our elections stand, must be considered a priority. Major issues for consideration around the full alignment of the Electoral Act with the Constitution include the independence of the Zimbabwe Electoral Commission (ZEC). Current provisions in the Act that subordinate the “independent” election management body to the Minister of Justice, Legal and Parliamentary Affairs on matters significant to the running of elections compromise the integrity of elections. ZEC must not be under the direction of anyone, especially members of the Executive, if the body is to be independent and seen to be independent.

Madam chairperson, the current economic crisis in Zimbabwe has resulted in the erosion of income and decline of livelihood of majority of citizens. The healthcare system is in a deplorable state. This has been compounded by the failure by government to come up with a durable solution aimed at addressing the genuine concerns by medical professionals.

Honourable chairperson, it is regrettable that the GoZ instead of focusing on adopting measures aimed at resolving these challenges, it has invested the much-needed resources into repression. The systematic targeting and harassment of those seeking to air their concerns is not progressive and will not take the country forward. The GoZ must be called upon to invest in genuine dialogue with its citizens in order to come up with a lasting solution to this crisis.

We request the honourable Commission to call upon the GoZ to respect, protect and fulfil its obligations under the Charter, and in particular to:

1. Cease the ongoing attacks against HRDs and union leaders  
Create an enabling environment for civil society work.
2. Investigate all allegations of human rights violations, including abductions and torture and bring those responsible to account;
3. Adopt effective measures to promote economic, social and cultural

- rights including the right to health and the right to education
4. Come up with durable solutions to the on -going economic crisis

We also request the Commission to finalise consideration of the last periodic report presented by the GoZ which seem to have been left in limbo with no concluding observations.

THANK YOU!