

A ZIMBABWE HUMAN RIGHTS
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UNITED

FOR HUMAN RIGHTS



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APRIL '22



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Foreword by the Executive Director

I hope I find you well.

As you all know, April is always an important month for Zimbabwe because the country commemorates its independence from white colonial rule. Zimbabwe commemorated its 42nd independence anniversary on 18 April, which saw President Emmerson Mnangagwa preside over the national event in Bulawayo.

The Forum issued a statement to commemorate the day. We took the opportunity to remind the government that the country got its independence after a protracted struggle that culminated in armed combat. Among the many demands that the people fought for included social and economic emancipation and equality, democracy, and respect for human rights. With the way basic rights are being violated by those who waged this war, those who lost their lives fighting in this war could be turning in their graves.

The Forum notes the deteriorating economy characterised by a disproportionate increase in prices of fuel and basic commodities in retail shops. The prices are rising against stagnant salaries. This has left many citizens in abject poverty. As if the economic challenges are not enough pain, the government is also pushing

for laws that stifle civic space. The Private Voluntary Organisations (PVO) Amendment Bill, the proposed Patriotic Bill, and the Cyber Security Act, among others, are not laws fit for an independent country that has seen the worst form of repression from the white colonial government using the same laws. It is sad to note that most of the things that the people fought for have remained elusive to them, with the rise in corruption, social injustices, and restriction of civic space.

Independence will never have proper meaning if the values of the liberation struggle continue to be betrayed by the ruling elite. Section 3 of the Constitution states that Zimbabwe is founded on, among others, the respect of fundamental human rights and freedoms, gender equality and recognition and respect for the liberation struggle. The government is urged to respect the governance charter.

The month of April also saw the gruelling killing of Elvis Nyathi in Diepsloot Township, Johannesburg, South Africa in xenophobic attacks. This triggered the Forum, with the Crisis in Zimbabwe Coalition to issue a statement condemning the killing. The killing can never be condoned. It is, however, a painful reminder to the

Zimbabwe government that addressing the political and economic situation in the country will prevent the exodus of its citizens to foreign lands where they will be recipients of tragic and embarrassing treatment.

The month also saw the National Transitional Justice Working Group and the Institute for Justice and Reconciliation co-hosting a two-day regional symposium to foster the domestication of the African Union Transitional Justice Policy (AUTJP) in the SADC region.

The meeting sought to create constructively manage and turn past conflicts into the development of a society. The meeting allowed member states to learn from each other how conflicts can be handled constructively and peacefully. We hope all governments will work together in pursuit of peace and respect for human rights.

Let me end by making a clarion call to President Emmerson Mnangagwa's government to reflect during this independence month on the need to respect the rights of citizens and tenants of democracy. Democracy bread development.

Dr Musa Kika



End repression, fix ailing economy, Govt told

The Zimbabwe Human Rights NGO Forum (the Forum) has expressed concern that President Emmerson Mnangagwa's government was investing a lot of resources in repression instead of addressing the myriad of economic challenges the country is facing.

The Forum made the remarks in its statement to the African Commission on Human and Peoples' Rights (ACHPR) at the 71st Ordinary Session of the African Commission on Human and Peoples' Rights which started on 21 April. The session is expected to end on 13 May.

The statement, the Overall Human Rights Situation in Zimbabwe, was delivered virtually. The Forum noted that Zimbabwe was experiencing an economic crisis which has resulted in the erosion of income and decline of livelihood of most citizens.

"Honourable Chairperson, it is regrettable that the government of Zimbabwe (GoZ's), instead of focusing on adopting measures aimed at resolving these challenges, has invested the much-needed resources into repression," part of the Forum statement read.

"The systematic targeting and harassment of those seeking to air their concerns is not progressive and

will not take the country forward. The government of Zimbabwe must be called upon to invest in genuine dialogue with its citizens to come up with a lasting solution to this crisis."

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

"In the last year, Zimbabwe has continued to experience human rights, democracy, governance and economic crisis," the Forum said.

"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."

The grouping of 22 pro-democracy civic groups said Zimbabwe was investing in restrictive laws, targeting civic groups.

"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 Forum said.

"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 the power of cancellation of licences, designation of CSOs, placement of special restrictions, the appointment of board members, financial investigation and access to information powers."

The Forum said 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.

The Constitution, the Forum added, 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.



End repression, fix ailing economy



"Whilst legal measures to safeguard against terrorist financing are welcome, the actual provisions of the PVO Amendment Bill are not proportionate," the Forum said.

"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."

The Forum also cited the Patriotic Bill and Cybersecurity and Data Protection laws as pieces of law that threatened democracy.

"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 statement further read.

"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 and could face criminal charges if the measures being considered are passed. Should such a law pass, 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 Cybersecurity and Data Protection, the Forum said, is established to catch "mischievous rats" that abused social media, according to Presidential spokesperson George Charamba.

The Forum also applauded the government for finally holding the long overdue by-elections but expressed concern over the violence that characterised the period leading to 26 March.

".....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."

The Forum said it was worried by the lack of alignment of electoral laws in the country.

"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."

The Forum urged the ACHPR to call upon the GoZ to respect, protect and fulfil its obligations under the Charter, cease attacks against human rights defenders, create an enabling environment for civil society work, investigate all allegations of human rights violations and bring those responsible to account as well as adopt effective measures to promote socio-economic and cultural rights. This should include the right to health and the right to education.



CCC activists seek removal from remand

The 13 Citizen Coalition for Change (CCC) activists who were arrested in Harare and brutalised by the police for displaying Nelson Chamisa's posters on their cars have approached the High Court seeking removal from remand.

The 13 were arrested on 18 February in the Harare central business district and brutalized by the police for displaying Chamisa's posters on their cars. They were charged with inciting violence and disturbing public peace.

Their lawyers, Noble Chinhanu of the Zimbabwe Human Rights NGO Forum and Kudzayi Kadzere, of Kadzere, Hungwe & Mandevere Legal Practitioners made an application for refusal of remand on the basis that the accused persons had been assaulted whilst in detention.

They claimed the 13 activists were denied access to legal representation and medical attention on time and, further, were not informed of their charges on the arrest but simply taken away without proper explanation.

However, Harare magistrate Yeukai Esquire Dzuda on 24 February dismissed the application on grounds that such a challenge should be made whilst the accused were in detention and not on appearing in Court. She said claims to such rights would have otherwise lapsed.

Chinhanu and Kadzere have now filed seeking a review of Dzuda's decision

claiming she made a restrictive interpretation of the law when she dismissed the application.

The State is yet to file its opposing papers for the High Court to determine the review application.

In the application filed on 25 April, the 13 who are now on \$10 000 bail each, want the High Court to remove them from remand.

They want their arrest and detention to be declared unlawful and in violation of section 50(8) of the Constitution and therefore illegal.

"The conditions under which applicants were detained were unlawful and illegal and as such first respondent ought not to have placed the applicants on remand as they were improperly before her as set out in section 50(8) of the Constitution. By dismissing the applicants' application for immediate release, the first respondent acted illegally.", the lawyers wrote.

"The Applicants were tortured by police upon arrest.

"The Applicants were denied access to their legal practitioner and medical practitioner of choice and were not promptly advised of this right upon arrest.

The lawyers added, "The applicants were detained under inhuman and degrading conditions at Harare Central Police Station in facilities where there was no running water, no food, no

ventilation, no functional toilet and tissues, no soap and no proper bedding facilities or mattresses."

One of the 13, Lovemore Zhakata said, together with other applicants, was arrested in different parts of the CBD by the police who claimed they pelted police officers and members of the public with stones thus disturbing the peace.

"I was taken to Harare Central Police Station and immediately thereafter, I was subjected to severe beatings by members of the police using baton sticks, bricks, and other unknown objects all over my body," Zhakata said.

"I bled profusely and begged the police not to assault me but was told to immediately stop talking as I had no right to raise any complaint and that if I tried to complain, the beatings would intensify."

He added: "I was later joined by the second to second to the thirteenth applicants and we were then transferred to a shed at the back of the Harare Central Police Station. We were then subjected to severe beatings and forced to crawl on the tarmac of Harare Central Police Station.

"We were not allowed prompt access to our legal practitioners although we could see them from a distance negotiating with the police to gain access to us."



August 1 shooting victims still to be compensated

Zimbabwe is approaching the 2023 elections before victims of the 1 August 2018 army shootings are compensated as prescribed by the recommendations made by the Motlanthe Commission of Inquiry.

President Emmerson Mnangagwa in September 2018 appointed a commission of inquiry led by former South African President Kgalema Motlanthe to probe into the circumstances that led to the death of six civilians to gunfire and the injury of 35 when police and army used brute force to suppress post-election violence.

The Commission presented its report to President Mnangagwa on 18 December 2018 which made recommendations that the deceased and injured should be compensated. On 28 January 2019, the President appointed an inter-Ministerial task force "to address issues arising from ... the findings of the Motlanthe Commission.

But four years on, Noble Chinhanu, of the Zimbabwe Human Rights NGO Forum who represents one of the victims, confirmed that his client, Andy Manyeruke is still to be compensated a year before another plebiscite.

"I can confirm Manyeruke has not been compensated," Chinhanu said.

"In November 2020, we sued the President and Justice minister demanding compensation for Manyeruke.

"We were surprised when the Justice minister Ziyambi Ziyambi told the Universal Periodical Review (UPR) panel assessing the human rights situation in Zimbabwe in Geneva, Switzerland, on 26 January that the government has implemented the recommendations made by the Motlanthe Commission of Inquiry when our client is yet to be compensated."

Manyeruke, who is disabled, claims he was shot by the soldiers on 1 August 2018 when violence erupted in Harare's central business district over delays in the release of election results.

He argued that although in terms of the Commissions of Inquiries Act (Chapter 10:07), there is no obligation upon the President to adopt recommendations made by a commission, the government has accepted the recommendations and committed to adopting them.

President Mnangagwa had created a legitimate expectation that he will be compensated for the injuries he sustained during the August 2018 violence.

He was seeking to compel the President to comply with the recommendation stated in the Commission's report for the payment of compensation of all victims of the violence and dependents of the deceased.

But in his response, Ziyambi said Manyeruke's name was not included in the recommendations he attached to his application.

"Applicant has no basis upon which he makes an application for a declaratur and the consequential relief thereof," Ziyambi said.

Ziyambi also claimed that Manyeruke had no locus standi. He also said Mnangagwa has the discretion of accepting or rejecting all or some of the recommendations by the commission of inquiry.

"Recommendations are just recommendationsthere is no basis at law for the applicant to formulate a legitimate expectation."

Manyeruke has also filed summons against the Minister of Defence, Security and War Veterans for the sum of US\$23 000 for unlawful shooting which caused him pain and suffering.

UNITED



**ZPP National Director
Jestina Mukoko**

ZPP honoured for outstanding rights work

The Zimbabwe Peace Project has scooped the Funmilayo Ransome-Kuti human rights award that is sponsored by a Nigerian company, CSR-in-Action in honour of the late Nigerian educator, political campaigner, suffragist, and women's rights activist Chief Funmilayo Ransome-Kuti.

ZPP was handed the prestigious award on 27 April, beating competitors from Nigeria. The Funmilayo Ransome-Kuti human rights award for companies is funded by Global Rights with support

from the Open Society Foundation.

It is given to companies with the best compliance to mainstreaming human rights news and operations with the most significant impact on changing livelihoods.

The award is part of CSR-in-Action's annual recognition of organisations and corporates that push for human rights. According to CSR-in-Action, ZPP was rewarded for its work towards reducing conflict and sustainable peace through

management and documentation and community peacebuilding interventions by its members and partners.

After receiving the award, ZPP said it was grateful to CSR-in-Action for recognising its efforts.

"We will continue to monitor and document Human Rights violations in Zimbabwe in-order to achieve sustainable peace. We hope that this award inspires others to fight for human rights in the world," ZPP said.



Bulawayo -The Forum programmes coordinator, Advocate Wilbert Mandinde addressing CSOs during a Universal Periodical Review (UPR) 3rd Cycle follow-up meeting co-hosted by Zimbabwe Lawyers for Human Rights, The Forum, Women's Coalition of Zimbabwe, National Association of Non-Governmental Organisations and supported by UN Women. The meeting was held in March.

LGBTIQA+ students supported by Zim community scholarships



Gays and Lesbians of Zimbabwe (GALZ) has received overwhelming responses to the scholarship program it introduced four years ago, despite the country remaining conservative on LGBTIQA+ rights.

Michelle Ruhonde, diversity officer at GALZ, said the organisation has received much interest from the community since the inception of the Munhu Munhu (a person is a person despite sexuality) scholarship.

"We have managed to support eight students, all from state universities," Ruhonde told Pink Advocate.

"The organisation has been supporting two members per year since 2018 but from 2022 will be supporting three members."

She said that some prospective beneficiaries want the scholarship to extend to more degree programmes.

"There have been concerns raised over the disciplines under support that is humanities, law, governance by students who have programmes that are not being

supported by the scholarship such as engineering, arts, finance amongst others," said Ruhonde.

"There is also a large number of community members who also have a desire to start undergraduate but have no resources to start.

"We currently do not have the resources to support this group at the moment.

"We also have a few members that have requested O Level support, and we have room to support basic education.

"GALZ desires to secure more resources to increase the number of scholarships in a year."A

Eligibility

To be eligible for the scholarship, students must identify as LGBTIQA+ and be aged between 18 and 35 years.

They must be enrolled in a Zimbabwe state university and have completed first-year studies in any of the specified disciplines.

Students with disabilities and those who have dropped out due

to their orientation or gender and would like to continue with their studies are also encouraged to apply.

GALZ could not disclose the names of any previous scholarship recipients due to its strict non-disclosure policy to ensure students are safe.

Discrimination at campuses still worrying LGBTIQA+ students at tertiary institutions continue to suffer abuse.

"Whilst there have not been any reported cases recorded on violence, stigma, and discrimination of scholarship recipients, LGBTIQA+ students succumb to violence and discrimination based on their sexuality," said Ruhonde.

"Much of the violations and how they impact on LGBTIQA+ learners are available in the Campus Climate survey of 2019, which was conducted by GALZ in tertiary institutions, showing the lived experiences of LGBTIQA+ students on campus." – extracted from the Pink Advocate

NTJWG concerned about NPRC silence on Gukurahundi

Fortune
Kuhudzehwe

The National Transitional Justice Working Group (NTJWG) has expressed concern over the deafening silence from the National Peace and Reconciliation Commission (NPRC) when its mandate to resolve the Gukurahundi issue is being usurped by traditional leaders.

NTJWG coordinator Fortune Kuhudzehwe raised the concern during the first regional symposium to foster the domestication of the African Union Transitional Justice Policy (AUTJP) in the SADC region held in South Africa on 8 April 2022.

The NPRC is an independent commission established under chapter 12 of the Constitution. It is mandated to heal Zimbabwe of its divisions caused by gory human rights violations of the past. The commission which was given a ten-year tenure by the 2013 Constitution but only started working after the coming into operation of the National Peace and Reconciliation Act in 2018 will unfortunately only operate for 5 years after the Supreme Court recently overturned a High Court decision which had progressively given the NPRC up to 2028 to operate. Now that its mandate is coming to an end in 2023, this will be before it can conclusively deal with the emotive Gukurahundi issue.

President Emmerson Mnangagwa has tasked chiefs from Matabeleland and Midlands regions to conduct hearings on the atrocities to facilitate healing.

About 20 000 people were massacred between 1983 and 1987 in

Matabeleland and Midlands by North Korea-trained Fifth Brigade, which was deployed by the Zimbabwean government to "quell an insurgency."

Despite criticism, Mnangagwa has justified his action to involve chiefs by saying the AUTJP recognises the role of chiefs in peace building.

Kuhudzehwe said the NPRC should have voiced concern over the takeover of its duties by traditional leaders.

"During its existence and within their Constitutional mandate, the NPRC should have also spoken out about ongoing processes, such as the current initiatives by Chiefs to hold public hearings in Matabeleland," Kuhudzehwe said.

Mnangagwa has met traditional leaders from Matabeleland and Midlands regions several times to find common ground on how to resolve the Gukurahundi issue, but some civic groups are sceptical about his sincerity.

Kuhudzehwe said there was a need for lobbying to ensure that every stakeholder takes an interest in transitional justice. He said aggrieved societies should take a leading role in the process.

The NTJWG coordinator said there was no sustainable peace in southern Africa, a situation which he blamed on former colonial rulers and post-independence leaders.

"Political leaders in southern Africa as perpetrators of violence are not keen to implement transitional justice," he said. "In Zimbabwe, we realised that

there was never going to be an ideal situation to start with transitional justice work. In this vein we decided to adopt an approach of 'working with the grain'," he said.

A South African lawyer, Sindiso Nxumalo, commended the NTJWG for consistently training survivors of organised violence in Zimbabwe, who in turn have been reaching out to communities to hold dialogues on peace.

Nxumalo said the "partisan" composition of the NPRC scared victims from reaching out to the independent body.

"Victims and survivors in Zimbabwe fear engaging with the NPRC due to the political links of some of its commissioners," Nxumalo said.

The NTJWG vice-chairperson Dzikamai Bere urged the region to tap into the energy of the youth, who are factually the majority, to take a leading role in healing their countries from past violations.

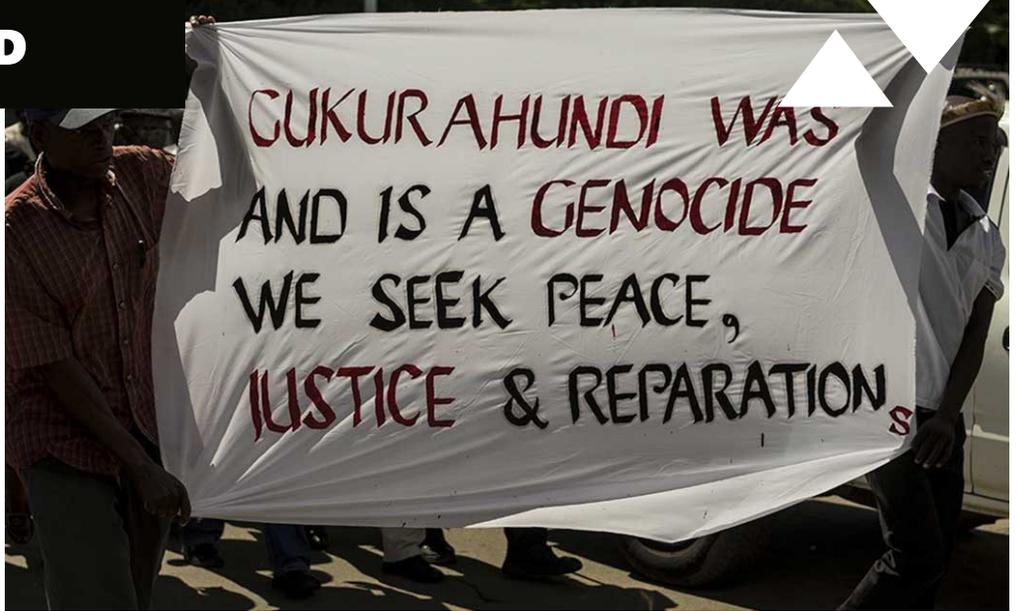
Bere said civil society can make a difference in implementing transitional justice.

"We have an opportunity to tap into the energy of young people, who are factually the majority. They are a fundamental group to build a critical mass with," he said.

"What inspires us the most are the words of Joshua Nkomo - 'The country will never die; the young people will save it.'"

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NTJWG
concerned
about NPRC
silence on
Gukurahundi



CONTINUED FROM PREVIOUS PAGE

Khabele Matlosa, former director of political affairs at the Africa Union, said human rights violations were the primary elements that needed to be addressed to end conflicts and lay the basis for transitional justice.

"Conflict is inherent to human life. Constructively managed, it can contribute to the development of a society. It only becomes a problem when it becomes violence," Matlosa said.

"When the AU says, 'we want to end wars', what is meant is that we need to handle conflict constructively and peacefully.

"The challenge of transitional justice activists in Africa is the many intra-state conflicts of massive nature. No country in SADC is peaceful; all of them are in a conflictive situation. The only difference is the type of conflict.

Matlosa added: "The cost of conflict is devastating, from loss of life to loss of investments, destruction of national infrastructure, deterioration of livelihoods and general human suffering".

"In my view, forced displacement is the most painful consequence of conflict, as people are dispossessed of their identity.

"Globally, there are today 80 million displaced people, with 45 million of them being internally displaced people.

"Africa accounts for more than one-third of the global displaced peoples with 36 million. Of those, 6, 6 million are refugees, 22 million are internally displaced people and some 400 000 asylum seekers."

He said the AU committed to "silence the guns" to ensure sustainable peace, but the initiative had little success.

"The AU changed its doctrine of 'non-interference' of national affairs to 'non-indifference'.

"However, the principles of sovereignty and subsidiarity are added challenges in the resolution of violent conflicts".

"Article 4h of the Constitutive Act of the AU permits the intervention in cases of massive human rights violations.

"However, this is easier said than done due to the principles of sovereignty and subsidiarity," Matlosa said.

"In my assessment, the collapse of the cold war and apartheid brought about false dawn of democratisation. Southern Africa has a long journey towards peace building and democracy."

He added: "The SADC region has different regime types, with all bringing different challenges to democracy.

"We have closed authoritarian regimes (unreformed autocracies), electoral authoritarian regimes (facade democracies) and liberal democratic regimes.

"The culture of violence in southern Africa is too embedded. It is like we have lost a sense of dialogue.

"Lesotho and South Africa are the only two African countries to feature in the top 10 countries with highest murder rates".

He said SADC needs to adopt a regional transitional justice framework aligned to the AUTJP.

There was a need, Matlosa said, to decolonise transitional justice by Africanising it.

SADC member states should also be encouraged to strengthen and establish national structures for peace through the establishment of strong and independent human rights institutions.

"Civil society organisations and citizens should continue to advocate for peace and democracy.

"SADC member states should be encouraged to institutionalise memorialisation of atrocities, which is key to truth-telling and social cohesion," he said.

"We also need to have a complimentary discussion on the state of democracy and peace in southern Africa".

Representatives from Swaziland, Mozambique, Malawi and Lesotho said there was a need to establish transitional justice working groups in their countries modelled along with the NTJWG concept

CSOs meet Justice minister over PVO Amendment Bill



ISHEANESU CHIRISA

Civic organisations met with Justice minister Ziyambi Ziyambi in April to deliberate on how some obnoxious provisions in the Private Voluntary Organisations (PVO) Amendment Bill can be improved to ensure the proposed law does not suffocate civic space in the country.

The Zimbabwe Human Rights Forum (The Forum), Zimbabwe Lawyers for Human Rights, National Association of Non-Governmental Organisations, Zimbabwe Institute, Women of Zimbabwe Arise and Legal Resource Foundation, among others met Ziyambi on 11 April.

Representatives from community-based organisations and churches also attended the meeting.

The minister was accompanied by Deputy Attorney General Fernando Dias Gusmao and Zimbabwe's ambassador to Sweden Priscilla Misihairabwi-Mushonga.

The Forum head of public interest litigation Isheanesu Chirisa said the meeting was part of the civic society's deliberate move to engage the government on some provisions of the Bill that "we feel will be problematic if passed in its current state."

"There were some concessions made and CSOs were tasked to make alternative wording of the provisions and submit to the minister," Chirisa said.

"We have completed doing so and the coordinating committee will be meeting soon to deliberate on the way forward." Civic organisations have criticised the bill, saying it will restrict civic space if passed into law.

The Bill, introduced under the guise of curbing terrorism financing, seeks to,

among other things, restrict civic societies' participation in politics and allow the minister to interfere in the work of the private organisations.

President Emmerson Mnangagwa's government has been accusing NGOs of working with the opposition to push the regime change agenda.

Commenting on the meeting, Information secretary Ndavaningi Mangwana tweeted: "So today, the minister of Justice met the NGOs and PVOs members to discuss the PVO Amendment Bill.

"Clearly, some things are just based on misunderstandings, but when Zimbabweans meet and talk, they usually find each other."

Chirisa said the minister had expressed concern over what he said was the partisan programming by some CSOs.

Reporting to Parliament after the meeting, Ziyambi acknowledged the important role the NGOs have played in plugging government deficiencies in service provision but said the Bill was a necessary evil to control errant civic groups.

"Just yesterday, the government through me –undertook consultations with civil society organisations to improve this Bill," Ziyambi said.

"The CSOs indicated their willingness to co-operate with us to improve the Bill in certain key respects.

"Mr Speaker Sir, they suggested improvements to the composition of the PVO board to ensure a fair representation of a cross-section of PVOs and CSOs, from a list of nominees, supplied to the minister by an umbrella

organisation of PVOs and CSOs.

"Mr Speaker Sir, we are willing to seriously consider their suggestions in that regard. "Also, they undertook to explore committee stage amendments to the Bill to better refine the minister's powers to intervene in the operations of PVOs in a manner more consistent with rights bestowed by our Constitution, especially the freedom of association."

He added: "Mr Speaker Sir, more importantly, the CSOs agreed to assist us with the reformation of Clause 6 of the Bill, which seeks to criminalise the politicization of charitable activities.

"We do not want our PVOs to operate in a climate of fear in which they feel they may be subjected to criminal prosecution because they might unwittingly involve themselves in partisan political activities.

"For example, Mr Speaker, we do not wish to punish a PVO for assisting women to become candidates in national and local elections.

"However, we do look with extreme disfavour upon PVOs that abuse their resources by acting in a partisan manner, for instance by favouring communities based on their supposed or expected political affiliation.

"Mr Speaker Sir, we look forward as the government, to CSOs helping us to frame an appropriate criminal offence in this regard."

The Forum in March met the Financial Intelligence Unit as part of its engagements with the government over the PVO Amendment Bill.

New voice for human rights defenders



ZIMRIGHTS DIRECTOR DZIKAMAI BERE HOLDS A COPY OF THE NEWLY LAUNCHED DEFENDER

The Zimbabwe Human Rights Association (ZimRights) has launched a new human rights magazine, The Defender, to give a new voice to human rights defenders.

The first edition of the quarterly publication launched in Harare on 19 April, a 37-page magazine, pays tribute to the late Human Rights Watch Southern Africa director, Dewa Mavhinga who died in December 2021.

"We are introducing The Defender as a lifestyle magazine because we believe that human rights are every day. Without human rights our world is nothing," ZimRights director Dzikamai Bere said.

"In many marginalised communities human rights defenders do their work unseen. This magazine will seek to connect them in the community."

Bere said the Defender will create "a community of activists, celebrating Zimbabwe's everyday champions,

stepping out of their comfort zone to advance the cause of human rights."

"With this publication (The Defender), we are saying to champions of our human rights, you are not alone," Bere added.

The editor of the magazine, Godess Bvutukwa, who is a human rights activist, said The Defender will tell the everyday stories of human rights defenders, keeping the narrative of these power struggles in the hands of the people and giving them 'their flowers' while they live.

Bvutukwa read her emotional article from the magazine describing her participation in the 31 July 2020 solo protests and how she narrowly escaped abduction from State agencies who pursued her to her house.

She said she was born courageous and will never hesitate to protest against human rights violations.

"Up until when will we cower in silence and just let them get away with it? I will do it again...," she said.

Speaking at The Defender launch, Media Institute of Southern Africa (MISA) Zimbabwe Chapter director Tabani Mpofu said the magazine will help the human rights defenders control their narrative.

"An in-depth approach to controlling our narratives is key...the journey has been long, painful at times, heart-breaking...the magazine shows we have invested in an understanding of our own stories," Moyo said.

Zimbabwe Peace Project director Jistine Mukoko, a victim of State-sponsored abduction and torture, said: "This magazine will help us profile some of the day-to-day issues that human rights defenders face, especially women human rights defenders."

Elvis Nyathi killing: Zim govt criticised over silence



Devine Destiny Network Bishop Anselimo Magaya says President Emmerson Mnangagwa has no moral grounds to criticise South Africa over the cold-blooded murder of Elvis Nyathi in xenophobic attacks in the neighbouring country because his government is guilty of murdering its people.

Addressing a Press Conference in Harare at the Zimbabwe Human Rights Association (ZimRights) House on 24 April, Bishop Magaya said the silence from the Zimbabwe government over the murder of Nyathi was saddening.

The Press Conference was organised by the Crisis in Zimbabwe Coalition (CiZ), The Zimbabwe Human Rights NGO Forum (The Forum) and the Zimbabwe Lawyers for Human Rights (ZLHR) followed Nyathi's killing in Johannesburg, South Africa early this month. Bishop Magaya, who is chairperson of the CiZ peace building committee, said the Zimbabwean government failed to stand up against the murder of Nyathi because it was also guilty of similar crimes. He gave an example of the murder of Mboneni Ncube, a Citizen Coalition for Change (CCC) supporter, at the opposition party's rally in Kwekwe on 27 February by Zanu PF aligned youths.

"Whilst we have to raise these concerns to the South African government, it is very sad that such brutal murders also do happen in our country," Bishop Magaya said. "It will be very awkward for the government to raise their voices when they are guilty of doing the same to their citizens.

"The recent murder of Ncube in Kwekwe is not different to what we have witnessed in South Africa.

"In fact, it is worse because we have noted this brutal murder happening in Zimbabwe under the watch of the State."

Representing the Forum, Fortune Kuhudzehwe said the South African government must adhere to various international statutes that it is a signatory to that guarantee the protection and security of foreigners.

"The forum reminds the South African citizens of the value entrenched in the African Charter on Human and Peoples Rights, which embodies freedom, equality, justice and dignity," Kuhudzehwe said.

"These same values translate to respect for life and property of fellow human beings. "Targeting an individual or a group of individuals purely because of their identity such as nationality or place of origin, ethnicity, tribal or social status is one of the worst forms of violation of human rights and is not consistent with the spirit of ubuntu.

"This is as retrogressive as colonialism and worth condemnation."

He added: "According to Article 5 (1) (a) of the Southern African Development Community Treaty, the objective of SADC to which South Africa is a party, is to achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged

through regional integration. "The plight of one African is the plight of us all.

"The Forum calls on the South African government to lead in blaming and condemning these acts of xenophobia and ensure that those responsible for these heinous acts are brought to account.

"The Forum urges the African Union and SADC to condemn the violence and human rights violations in South Africa against foreigners and to intervene in fostering peace, love, and the spirit of ubuntu on the African continent.

"The Forum, therefore, calls upon all South Africans to extend the spirit of ubuntu to fellow Africans and to embrace the words of Desmond Tutu that 'my humanity is bound up in yours, for we can only be human together.'"

He said targeting individuals purely because of their identity or nationality was against the spirit of Ubuntu, as pronounced by the late founding leader of South Africa, Nelson Mandela.

"The Forum will remind South Africa of Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination to which it is a signatory."

ZLHR projects lawyer Paidamoyo Saurombe said: "We call upon the South African government to take strong measures against such vigilante groups that are targeting foreigners whether they are documented or not."



Zimbabwe@42:

Many being left out

AN Independence Day Statement by the Forum

Zimbabwe commemorates its independence from white colonial rule on 18 April yearly.

The ushering in of independence marked the start of a nation grounded on respect for human rights and values of mutual respect and dignity.

Today, the Zimbabwe Human Rights NGO Forum (the Forum) joins the rest of the country in saluting heroes, living and departed, of the liberation struggle whilst lamenting the deplorable oppression, and abuse of human rights that is now the order of the day.

Section 3 (1) (c) (g) and (i) of the Constitution states that Zimbabwe is founded on, among others, the respect of fundamental human rights and freedoms, gender equality and recognition and respect for the liberation struggle.

This dovetails with the theme of this year's independence celebrations, *Zim@42- Leaving no one and no place behind.*

However, the current socio-economic situation does not auger with the theme and indeed the Constitution. For the past 42 years, the gap between the rich and the poor has been growing, to the extent of diminishing this year's theme without reasonable doubt. The gap between the rich and the poor is

widening. Corruption at the highest level of society has been rampant.

Manipulation of currencies and inconsistencies in economic policies by the Reserve Bank of Zimbabwe has widened inequalities among citizens.

The collapsing economy, caused by currency distortions, has seen the prices of basic commodities going beyond the reach of many, mostly poorly paid, citizens, government workers included.

Many are struggling to access essential staple food, clean water, electricity, and health services.

Selective application of the law especially favouring the ruling elite and cartels connected to them has indeed left behind many citizens.

Grand corruption involving national resources has been left unchecked while ruling party functionaries have been left to violate the law with impunity.

The independence celebrations also come when disturbing developments are taking place in the country.

These include the closure of civic space and continuous abuse of human rights, particularly the opposition supporters and human rights defenders.

It is worrying that the government has taken a preoccupation with crafting laws to close civic space, taking the country decades back. The Private Voluntary Organisations (PVO) Amendment Bill, the proposed Patriotic Bill, and the Cyber

Security Act, among others, are not laws fit for an independent country that has seen the worst form of repression from the colonial government using similar laws.

The Forum acknowledges that true independence is when all the people of Zimbabwe are truly free, and their rights and freedoms are respected and protected.

Regrettably, the true meaning of independence has lost value to many Zimbabweans because of the worsening economic situation in the country and the ever-rising political tensions in betrayal of the fundamental rights and freedoms which are guaranteed by Chapter 4 of our Constitution.

- The Forum, therefore, urges the government of Zimbabwe to;
- address the economic challenges faced by Zimbabweans;
- respect the values that the brave sons and daughters who took up arms fought for;
- commit to uniting citizens and fulfilling their desire for freedom, justice, and equality.
- ommit to the values of democracy, good, transparent, and accountable governance.
- allow for an enabling environment and open civic space.

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