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Campaigners for Human Rights

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HUMAN RIGHTS PRIORITIES IN THE FACE OF SHRINKING CIVIC AND DEMOCRATIC SPACE IN ZIMBABWE

ZimRights Statement on the Universal Periodic Review of Zimbabwe on 26 January 2022 at the United Nations

25 January 2022

Introduction

On 26 January 2022, Zimbabwe's human rights record comes into sharp focus before the United Nations Human Rights Council during the 40th session of the Universal Periodic Review. The review session is scheduled for 9am Geneva Time¹. As this process is set to start in less than 24 hours, ZimRights implores the human rights community to pay close attention to the shrinking civic and democratic space in Zimbabwe, an indicator of the pending human rights tragedy that will characterise the 2022 and 2023 elections. Through their report submitted to the UPR Working Group, Zimbabwean CSOs have identified key human rights issues requiring attention at tomorrow's UPR session. In this brief report, ZimRights shares only 9 priority human rights areas which from a grassroots perspective must never be missed at the session tomorrow as they relate directly to the conditions necessary for communities to organise, participate in democratic processes and defend their rights.

ZimRights has documented numerous human rights violations that have taken place in the country for the past 4 years. The reports which informatively highlight the campaigns and interventions that the organization undertook to promote and support citizens in the demand of their human rights are readily available on the ZimRights website.² Therefore, this report summarizes the human rights issues that affected citizens and proposed recommendations which the organization considers relevant for Zimbabwe to consider and address as the country is due for a review tomorrow 26th of January 2022.

1. **Constitutionalism.** Government has failed to uphold the tenets of the Zimbabwe Constitution. On 10 May 2021 it passed the Constitutional Amendment Bill Number 2 into law, a process accomplished without the public's involvement. The new law represents a blow to constitutionalism as it in many ways institutionalizes authoritarianism in Zimbabwe, negating the public's efforts in the drafting of this Constitution in 2013. During the COVID 19 lockdowns, Government used the

¹ Those interested in following this session can do so here <https://media.un.org/en/webtv/schedule/2022-01-26>
ZimRights will provide live coverage of the event through @ZimRightsLive social media platforms.

² ZimRights website. Available at ZimRights - Campaigners for Human Rights



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pandemic to prohibit civic action and peaceful demonstrations. Protesters were met with excessive force whenever they exercised their constitutional right to demonstrate. Therefore, these were other actions by Government which continued to stifle active citizen participation in holding government accountable to the realisation of human rights. It is unfortunate that Zimbabweans continue to suffer and face economic hardships due to lack of leadership in the area of constitutionalism. Therefore, Civil Society Organisations (CSOs) and other stakeholders are tasked to work towards adopting an intensive approach at advancing Constitutionalism.

Proposed Recommendation: *Safeguard the Constitution and desist from amending the Constitution without the citizen's involvement and approval.*

2. **Shrinking of Civic Space and Criminalization of Human Rights Work.** Zimbabwe is going through difficult socio-economic conditions. Civil society actors fill in important gaps in supporting communities enjoy basic rights through provision of humanitarian support and empowering communities for civic engagement and participating in democratic processes. Safeguarding the civic space is essential for Civil Society Organizations (CSOs) to organize, participate and communicate without hindrance. Threats to restrict operations of CSOs have been evidenced by the following:
- Government officials summoning NGOs to register with them, submitting their project documents and work plans before implementation of any projects or face the risk of deregistration³
 - Tabling of the Private Voluntary Amendment Bill⁴
 - Review of the Patriotic Act⁵

When the space of CSOs shrinks this adversely affects citizens' rights to freedom of assembly, association and expression. It also affected access to food and other basic need that CSOs provide. As a result, this is a threat to democracy, respect for human rights and the rule of law.

Proposed Recommendation: *Ensure the protection of civic space in line with the UN Declaration on Human Rights Defenders (General Assembly Resolution [A/RES/53/144](#)), ensure that the PVO Bill is in line with the Constitution*

³ Zimbabwe: Government Goes After NGOs Ahead of the 2023 Elections. Available at [Zimbabwe: Govt Goes After NGOs Ahead of the 2023 Elections - allAfrica.com](#) (Accessed 9 December 2021).

⁴ Available at [BILL WATCH 72-2021 - \[The Private Voluntary Organisations Amendment Bill Part 1 Background\] | veritaszim](#) (Accessed 9 December 2021).

⁵ The Patriot Bill: A threat to freedom of expression? Available at [The Patriot Bill: A Threat to Freedom Of Expression? — Human Rights Pulse](#) (Accessed 9 December 2021).



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and stop the draconian Patriotic Act that seeks to criminalise human rights work and infringe on fundamental freedoms of association and expression.

- 3. Security Sector Reform and Accountability for Past Violations.** The role of the security sector in civilian affairs continues to be of concern since the new dispensation took over control in 2017. As we are approaching the 2023 Harmonised Election, Government has failed to comply with the recommendations made by Montlante Commission of Inquiry which addressed the killing of civilians by the military on 1 August 2018, following the delay in pronouncement of the Presidential election results. In order to mitigate the occurrence of such acts in future elections there is need for security sector reform, implementation of the Motlanthe Commission recommendations and the establishment of effective mechanisms for handling any further complaints against the security services.

Proposed Recommendation: *Ensure adequate civilian control of security services in line with UN principles and the Zimbabwean Constitution, implement the recommendations and the Motlanthe Commission and establish a Constitutional Mechanism to handle complaints against the security services in line with the Constitution of Zimbabwe.*

- 4. Harassment of Journalists and Activists.** Since the COVID-19 pandemic, harassment of journalists and activists has increased. The cases against Hopewell Chinono and Makomborero Haruzivishe are a sad example. This has been made worse by the passing of the Data Protection Act on the 3rd of December 2021. The state has been armed with more control over information shared, violating freedom of expression. The Act provides for a clause which criminalizes the spread of what Government will consider as false information published online, punishable to either a jail term of 5 years, or a fine or both. Furthermore, the Act obstructs the role of CSOs and media in fighting against corruption.

Proposed Recommendation: *Ensure that all legislation is in line with the Constitution and the rights concerning freedom of expression and freedom of media, ensuring that the Data Protection Act is not used to silence the media and persecute dissenting voices.*

- 5. Business and Human Rights: Development Induced Displacements.** The government of Zimbabwe has been preaching that Zimbabwe is open for business. Business initiatives must not compromise the enjoyment of human rights especially for the marginalized communities. Displacements and arbitrary evictions induced by the state have become rampant across the country owing to the state supporting and



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allowing business tycoons to establish businesses or undertake mining activities in areas where citizens are resident for instance the Chilonga matter.

Proposed Recommendation: *Ensure that business initiatives pay attention to human rights and livelihoods in line with UN Principles on Business and Human Rights. Stop forced displacements and evictions at the expense of citizens' livelihoods.*

6. **Manipulation of Food Aid.** The pattern of partisan food aid and agricultural inputs distribution on political lines is still prevalent in the country, deepening poverty particularly in rural areas, discriminating and denying citizens who do not belong to the ruling party the means to survive.

Proposed Recommendation: *Ensure food aid is not used for political manipulation. Ensure equal distribution of food aid and agricultural inputs to all persons regardless of political affiliation for the benefit of the poor. Implement the recommendations of the 2017 Zimbabwe Human Rights Commission on Politicization of Food Aid.*

7. **Respect and Support for the Independence of Independent Commissions.** ZimRights has identified the gap in information and constitutional literacy in the grassroots communities, marginalized communities, linguistic minorities, and rural and peri-urban areas. The organization continues to educate such communities about measures to prevent the violation of human rights, strengthening communities' response mechanisms to incidences of human rights violations. Moreover, awareness of the mandate and functions of Constitutional institutions such as Independent Commissions should be increased amongst communities in order for them to flag out human rights issues which require national interventions. This connection with Independent Commissions enables communities to make effective use of the national human rights architecture to resolve emerging issues without violence. Lack of information of Independent Commissions is exacerbated by citizens' lack of access of their services owing to limited offices across the country.

Proposed Recommendation: *Allocate more resources to independent commissions to ensure that they discharge their constitutional mandate without interference. Desist from creating parallel structures that interfere with the mandate of independent commissions.*

8. **Access to National Identity Documents.** Section 35 of the Constitution guarantees citizenship to people born in Zimbabwe and descendant of persons born to Zimbabweans. access to national identity documents. Lack of access affects the enjoyment of a myriad human rights inclusive of amongst others; access health facilities, social services, education, freedom of movement, freedom to vote and freedom to form a political party. ZimRights human rights monitoring and



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documentation reports have highlighted that a greater majority of Zimbabwean citizens fail to access the initial national identity document which is the birth certificate.⁶ Therefore, the undertaking of the Zimbabwe Human Rights Commission (ZHRC) National Inquiry on Access to Documentation in 2019 was a commendable step taken with the approval of Government in addressing the generational issues that have limited Zimbabweans in accessing national identity documents. Findings of the inquiry outlined the challenges of accessing identity documents to include; lack of birth confirmation records, costs of accessing services and payment modalities, undocumented mothers, generational challenges, and orphaned children.⁷ ZimRights has taken on advocacy initiatives of simplifying the report findings of the ZHRC National Inquiry tasking ZimRights members to disseminate the material within their communities, raising awareness of challenges which affect citizens' access and how best they can be mitigated. Some of the challenges listed above are still affecting citizens hence, the following recommendations could assist in guiding Zimbabwe to take stringent measures in addressing access to national identity documents:

Proposed Recommendations: *Align the Citizenship Act, the Births and Deaths Registration Act and the Immigration Act to the Constitution to deal with birth registration and documentation issues. Ratify the 1961 Convention on the Reduction of Statelessness and domesticate its provisions through nationality/citizenship laws so as to ensure that every child enjoys the right to acquire a nationality.*

- 9. Participation in Public Affairs and the Right to Vote.** The constitution of Zimbabwe enshrines foundational democratic elements of participation, transparency and accountability. However despite the fact that Zimbabwe has a progressive Constitution that guarantees citizens' rights and freedoms and offers multiple entry points for citizen participation, a growing number of citizens are increasingly unconcerned, apathetic, and unresponsive to civic engagement and democratic processes. For instance; the constitutional women's quota for parliamentary seats which should positively impact on women has failed to raise women's voices in policy and governance. This is a glaring lack of representation of women in leadership roles. In addition, another group that has shown lack of participation in democratic processes is the youth who are either sidelined or alienated from electoral processes, weakening the ground works of citizenship and democracy. Despite the existence of progressive policies and laws, which present

⁶ Implement ZHRC Recommendations on the National Inquiry on Access to Documentation: A Case of the Kumanyeda Community Harare. Available at [IMPLEMENT ZHRC RECOMMENDATIONS ON THE NATIONAL INQUIRY ON ACCESS TO DOCUMENTATION: A CASE OF KUMANYEDA COMMUNITY HARARE – ZimRights](#)

⁷ Ibid.



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opportunities for youth to contribute towards democratic processes, there is limited participation of young people in national and local decision-making processes.

Proposed Recommendation: *Facilitate access to identity documents to enable people to register as voters and to vote. Implement recommendations from national and international independent observer missions to the 2018 harmonised elections. Implement the recommendations of the Zimbabwe Human Rights Commission on Access to Documentation.*

Conclusion

The nine recommendations captured here represent the most important aspects in Zimbabwe's human rights terrain. These are issues that directly affect communities as they make them vulnerable to human rights violations, block access to remedy in case of violations and affect citizen participation in democratic processes. As Zimbabwe faces the season of elections, it is very important that communities be protected from human rights violations and that all avenues for participation be cleared.

About ZimRights

The Zimbabwe Human Rights Association (ZimRights) is Zimbabwe's first post-independence indigenous human rights advocacy group. Formed 30 years ago, ZimRights membership has grown to over 250 000 members. These are active citizens working in their communities to advance human rights. More on our work can be found on www.zimrights.org.zw For more information on our international advocacy work, please email info@zimrights.org.zw



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