



Zimbabwe CSOs Position Paper: SADC People's Summit

1. Introduction

The main objectives of the Southern African Development Community (SADC) are to achieve economic development and growth, peace and security, to alleviate poverty, to enhance the standard and quality of life of the peoples of Southern Africa, and to support the socially disadvantaged through regional integration. This mandate enables the platform to ensure that states within the region are provided with regional peace and security and an integrated economy through regional joint planning and development. It also enables SADC to address issues of deteriorating human rights situations, including but not limited to widespread rights violations, breaches to the rule of law and political repression, such as the current situation in Zimbabwe.

It is in terms of this mandate that Civic Society Organisations (CSOs) in Zimbabwe have developed this position paper to highlight the Zimbabwean situation and to make key recommendations to the SADC platform at the 42nd Ordinary SADC Summit of Heads of State and Government.

2. Contextual Analysis

The 42nd Ordinary SADC Summit of Heads of State and Government takes place at a time when Zimbabwe faces multifaceted challenges ranging from economic exclusion and inequality; a humanitarian crisis of poverty and food insecurity; unpredictable weather changes due to climate change; unchecked extractivism and abuse of natural resources; a breakdown in the rule of law and constitutionalism; overt militarisation of government; security sector brutality; political polarisation, exclusion and violence; shrinking civic space; and widespread human rights violations. These challenges have manifested themselves in various ways and have negatively impacted the lives of ordinary citizens and that of CSOs.

Zimbabwe has continuously remained in election mode undergoing by-elections to fill vacancies at parliamentary and local authority level in 2022, the country is also preparing for the 2023 harmonised elections. The country remains very polarised, with a history of contested electoral outcomes, and pre- and post-electoral periods characterised by protracted political violence. The current operating environment has worrying indicators of the possibility of yet another violent and contested electoral period. During the 26 March 2022 by-elections, the nation experienced increased political violence (including assaults, stabbings and killings of opposition Citizens Coalition for Change party members after incitement of violence by the Vice President); selective application of security laws relating to gatherings leading to uneven opening and closure of the political campaign space, hate speech by high ranking public officials affiliated to the ruling Zimbabwe African National Union Patriotic Front against CCC members; and uneven application of the law and regulations characterised by banning of rallies for the main opposition political party. The situation for women in politics is particularly dire. Zimbabwe is a patriarchal society, whose values have continued to permeate from private to public spheres. Women involved in politics have been subjected to gender based violence as well as cyber bullying and harassment. Of note is the situation of Cecilia Chimhiri, Joanah Mamombe and Fadzayi Mahere.

The authorities have also been systematically shutting down the civic space for CSOs through arbitrary administrative practices, such as demanding Memorandums of Understanding and demanding that fees be paid to Rural District Councils, leading to restriction of operations and access to particular areas. They have also been selectively applying restrictive legislation such as the Maintenance of Peace and Order Act and Criminal Law (Codification and Reform) Act provisions to restrict meetings and gatherings, with increased arrests of CSO officers such as youth and women for simply attending CSO workshops. Attacks on women-led organisations have far reaching implications on inclusion of women in the democratic agenda of the country. The authorities are also seeking to introduce further restrictive legislation such as the Private Voluntary Organisations Amendment Bill and the Patriotic Bill, which would close civic space and criminalise the legitimate work of CSOs. This weaponisation of the law has continued, and will inevitably have far reaching effects on the lives of citizens if they become law.

Over the last two years, Zimbabwe has also witnessed increased judicial harassment of Human Rights Defenders (HRDs). HRDs including journalists, trade unionists, lawyers, political activists and opposition political actors are being subjected to arbitrary arrests, lengthy pre-trial detentions and sustained persecution through malicious prosecutions for exercising their rights to free expression, assembly and association. Political leaders such as members of parliament that include Job Sikhala and Godfrey Sithole, and journalists such as Hopewell Chin'ono, are or have been systematically arrested on spurious charges. They have also been arbitrarily denied bail in the lower and upper courts, then subjected to lengthy pre-trial detention in maximum security prisons, and lengthy trials, in blatant disregard of the Constitution and rule of law.

Poor economic governance has led to hyper-inflation and gross inequality: with political elites being granted lucrative extractive industry deals and state monopolies, and fuelling arbitrage, buying and selling in different currencies to manipulate the economic policies and market; while local communities are being displaced for development and mining projects without consultation. The communities are also affected by the ecological degradation effects of natural resources mismanagement; the majority of citizens are suffering from mass unemployment and poverty; and civil servants, notably in the education and health sectors, are incapacitated due to low income and poor working conditions. The shocks and impacts of the crippled economy are particularly felt by the vulnerable groups in society, such as women, children, persons with disabilities, the elderly and rural communities. Basic commodities are out of reach for many and this has also contributed to deepened inequalities and food insecurity.

Due to low salaries, high cost of living and deplorable working conditions, there has been an increase in industrial action, or threats thereof, by civil servants, such as teachers and nurses. Unfortunately, those striking continue to receive threats of termination of their contracts by the Government. The state has also introduced the Health Services Amendment Bill to restrict the rights of health workers to strike. Organisations such as the Association of Rural Teachers Union of Zimbabwe (ARTUZ) face continued persecution and judicial harassment for their protests and industrial actions. The Government has failed to facilitate a mutually beneficial dialogue process to resolve the issues tabled by civil servants.

Lastly, to compound the already precarious situation of economic misgovernance, illicit financial flows and corruption challenges in Zimbabwe, there is a culture of impunity. Perpetrators of violence and human rights abuses who are politically connected or hold public office remain largely unaccountable. Public officials charged with corruption offences have been routinely acquitted at the courts, while HRDs continue to be arbitrarily referred to the 'Anti-Corruption' divisions of the same courts, where they are denied bail and face lengthy drawn out trials.

2. Sectoral Emerging Issues for CSOs

Since the last SADC Summit that was held in Lilongwe, Malawi, CSOs in Zimbabwe have been grappling with a diverse array of challenges that have negatively impacted the principles of good governance, state of constitutionalism and rule of law. CSOs in their diversity have been experiencing challenges with the governance model adopted by the Government that has manifested itself in many ways.

Firstly, there has been an increase in judicial harassment and arrests of Human Rights Defenders (HRDs) as already stated above, of lawyers, trade unionists, journalists, political activists, student leaders, and opposition political actors. This points to the Government of Zimbabwe intentionally seeking to silence dissenting voices.

One of the key tenets of a democratic society is an independent judiciary. Unfortunately, there have been instances where the nation has witnessed the erosion of judicial independence, in the form of interference with the Judiciary by the Executive arm of the state, especially those presiding over cases of arbitrary arrests of political opponents. This has manifested in the incapacity of some judicial officers to take decisive decisions promptly, with some seeking recess during court proceedings before handing down decisions of applications before them. The judicial officers have also repeatedly denied bail leading to the prolonged pretrial incarceration of HRDs and opposition political players. Examples of such cases are the activists who were arrested at Moreblesing Ali's funeral because they ferried people to the funeral (the 'Nyatsime 11') and Job Sikhala and Godfrey Sithole cases. These have been denied bail to date.

Conflation of state and party remains. There has been a failure to differentiate between Government and the ruling party in instances where Government resources and personnel have been abused and mobilised to support the agenda of the ruling party. For example, during the 26 March by-elections the Zimbabwe Republic Police were used to block and disperse CCC rallies.

The Government has resorted to lawfare to control the independence and freedoms of citizens from particular sectors expressing dissent, introducing repressive legislation such as the Private Voluntary Organisations Amendment Bill (PVO Bill), the Health Services Amendment Bill, the Legal Professions Act Amendment Bill, and the Patriotic Bill. There has been an abuse of parliamentary processes, as evidenced by the fast tracking of the PVO Bill public hearings and additional amendments to the Bill that were not privy to public hearings and consultations, thus avoiding debate and failing to engage in a constructive dialogical process with CSOs. Additionally, the version of the Bill that went for public consultations and hearings is not the same version as the one that is now at the second reading stage in Parliament. The current state of the PVO Amendment Bill is not supported by CSOs and has even overly stringent clauses that will negatively impact the operating space for CSOs.

As the nation prepares for the 2023 harmonised elections, the by-elections have been characterised by a surge in political violence, triggered by hate speech by public officials, mobilisation of militias, breakdown in the rule of law and lawlessness. Instead of law enforcement and security officials discharging their mandate to protect citizens, they have resorted to using brutality against citizens. Political activists who have been arrested have been exposed to violence and brutality whilst in custody, such as the torture in custody of a political activist for dressing in the colour of his political party. Hate speech by public officials against particular political groups, notably Matabeleland separatist groups, has escalated to death threats.

There have also been electoral and political rights abuses such as voters' roll anomalies, lack of public access to voters' roll, media bias, limited access to voter education and awareness,

unequal access to the campaign space by political parties, and threats and arrests of CSOs conducting voter education.

The economic conditions in Zimbabwe have caused mass migration to the Republic of South Africa, often illegally, and increased xenophobic violence against Zimbabweans in South Africa, notably the recent brutal public murder of Elvis Nyathi who was burnt alive. This is a challenge that needs the SADC states involved to convene a dialogue process that addresses the warning signs before the situation further escalates as the Zimbabwean economy continues to decline and xenophobic tensions increase in South Africa.

3. Recommendations

In light of the above challenges, Zimbabwean Civil Society Organisations recommend that the SADC Heads of State adopt the following measures:

- To adopt a SADC resolution addressing shrinking civic and democratic space, political violence, threats and proposed restrictive legislation in Zimbabwe and the region.
- To send a SADC mission to visit Zimbabwe, monitor the human rights situation and make recommendations to address threats to peace and democracy.
- To continue to show solidarity with the people of Zimbabwe, and not only the leaders of Zimbabwe.
- To continue engaging with all affected stakeholders on the PVO Amendment Bill and support the road map to be proposed from an inclusive and comprehensive dialogue process.
- To develop SADC Guidelines promoting CSO self-regulation incorporating the best practices that can be used as a yardstick by other countries in the region. The Zimbabwe situation provides such an opportunity.
- To send a SADC mission to monitor elections, including the pre-electoral period, engaging in dialogue processes with different stakeholders throughout the electoral cycle.
- To re-establish the SADC tribunal to allow for a regional mechanism to address gross human rights violations affecting stability of the region.

4. Conclusion

CSOs in Zimbabwe implore the Government of Zimbabwe to consider the recommendations tabled in this position paper. Additionally, CSOs appeal to the SADC to encourage the Government of Zimbabwe to action the recommendations so that Zimbabwe does not continue to retrogress in terms of basic freedoms. This is an opportunity for the platform to assert itself and discharge its mandate on behalf of the people of Zimbabwe, whilst facilitating the finding of common ground on the issues between the Government and the people of Zimbabwe.