

SHRINKING CIVIC SPACE

In an ordinary and well-functioning democratic society, the relationship between the State and civil society is one of reciprocity, with each feeding into the other for the promotion of accountability, transparency and good governance.

YASSIN NHARA

Zimbabwe APRM Popular Sensitization Project (ZAPS)
APRM Submission Validation Workshop
8 July 2021 (10am – 1pm)

The logo for SIVIO INSTITUTE is set within a large orange circle. The word "SIVIO" is written in large, white, sans-serif capital letters. To the right of "SIVIO" is a white stylized icon of a person with arms raised, enclosed within a circular shape. Below "SIVIO" and the icon, the word "INSTITUTE" is written in smaller, white, sans-serif capital letters. A white curved line is positioned below the word "INSTITUTE".

SIVIO
INSTITUTE

Role of Civil Society in Zimbabwe

- Civil society and CSOs ideally exist as critical sources of information for the government.
- Civil Society and CSO's also monitor government policies, actions and activities, which is a valuable tool in ensuring that the government is held accountable for what it does.
- CSO's engage in advocacy efforts and ensure the Human Rights of the people are defended, protected and respected.
- Government and CSO's should work together to ensure that the Supreme law of the land, the Constitution, is respected.

Divergence between Government and CSO's

- The Zimbabwean Government, however, perceives the role of civil society as divergent from the interests of the state. This has caused tension to grow and continue to rise.
- The government has therefore resorted to targeted arrests, hate speech and incidents of organised violence and torture against members of civil society, pervading the under belly of a purported democratic society.
- e.g. - Hopewell Chin'ono, Fadzayai Mahere and Job Sikhala's arrests.
- 932 cases of organised violence and torture documented between 30 March 2020 and 5 November 2020, most of which were carried out by State security forces. The recorded cases included incidents of abduction, assault and torture, arbitrary arrests and attacks against journalists.
- There have also been numerous statements by government officials attacking CSO's.

- E.g.-Statement by ZANU-PF Secretary for Administration, Dr Obert Mpofu, in his opening remarks to the ZANU-PF Policy and Coordination meeting held at the Party Headquarters on 18 August 2020.
- From the many attacks on civil society, it is clear there is an official perception of the work of civil society as being premised on advancing a foreign agenda. It bears some degree of irony that from a factual perspective, the contrary is true.
- This misconception has brought about the proposal of two significant legislative reforms whose implications may be critical and far reaching to the work of CSOs and the process of civic engagement in general.
- These are the Private Voluntary Organisations Amendment Bill (the Amendment Bill) and the & “Patriotic Bill”.

Private Voluntary Organisations amendment Bill

- proposed to overhaul the administration of non-governmental organisations (NGOs) and private voluntary organisations (PVOs) in the country.
- Very little information but media reports suggest the Bill is intended to bring about efficiency in the registration and regulation of CSOs, which will include the incorporation of the recommendations of the Financial Action Task Force (FATF), which is a global money laundering and terrorist financing watchdog, in order to ensure Zimbabwe's compliance with international anti-money laundering and counter-terrorist financing efforts.

Patriotic Bill

- ZANU-PF legislator for Mberengwa South, Alum Mpofo, moved a motion in the National Assembly for the enactment of the Bill which would criminalise private correspondence with foreign governments.
- yet to be formulated., However, in a Sunday Mail article, the Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs, Mrs. Virginia Mabhiza, was quoted:
- “The Bill is premised on the constitutional provision on the foreign policy of our country, which values the promotion and protection of the national interests of Zimbabwe. It is the duty of the State to engage other sovereign nations on issues pertaining to foreign relations, and not self-serving citizens.”

- Sovereign nations are entitled to protect their domestic integrity from external interference. The danger, as with all things, however, lies in the blatant abuse of the law to meet individualistic and self-serving goals under the guise of promoting the national interest. Given the track record of the Zimbabwean government, and the sentiments that have been presented above, herein lies the crux of the matter.
- The government has consistently expressed a decidedly negative view of the work of civil society and CSOs in general, such that a real fear exists of the promulgation of laws that are specifically designed to crack down on any form of perceived dissent in the country. It is against this backdrop that the proposed Amendment Bill and Patriotic Bill seek to be developed and ultimately enacted.
- The Bills will facilitate the centralisation of power in the government, to effectively gag and control the work of civil society and CSOs.
- it is essential that the civic sector and the government seek to genuinely commit to engage each other through direct and alternative means as provided for by the law and best practice.

The following recommendations are made:

1. Extensive advocacy and lobby efforts by both State and non-State actors to activate citizen and government engagement in national processes.
2. The government ought to hold perpetrators of incidents of organised violence and torture to account in order to curb the prevailing culture of impunity.
3. Engagement with regional and international actors to formally push the government and hold it accountable for its actions.
4. The implementation of genuine policy and legislative reforms that actively involve the citizenry and are motivated by comprehensive democratic principles