

Zimbabwe CSOs Joint Press Statement

On

The Fast tracking of the PVO Amendment Bill

Introduction

We, the undersigned Zimbabwe Civil Society Organizations and Heads of Civil Society Organizations and Networks, wish to express our grave concern over current efforts at fast tracking the passing of the Private Voluntary Organizations Amendment Bill, 2024. The Bill in its current state, is not fully reflective of concerns raised and recommendations made by CSOs. These have, in fact, been largely ignored. This is despite several engagements between CSOs and Government dating back to 2022 in which CSOs have, at all times, come to the negotiating table with *bona fide* intentions of establishing common ground. We respectfully submit that the Bill, if passed, will have a highly detrimental effect on NGO operations in Zimbabwe and will, ultimately close down the remaining civic space in the country in direct violation of Zimbabwe's obligations under various human rights treaty bodies.

Contextual background and key concerns

On 5 November 2021, the Government of Zimbabwe gazetted the Private Voluntary Organizations Amendment Bill, 2021. The Bill received widespread international condemnation. In a letter addressed to President Emerson Mnangagwa dated 17 December 2021, four UN Special Rapporteurs expressed grave concern over government's attempts to constrict civic space in Zimbabwe and expressed that the Bill, if passed into law will have grave consequences for the exercise of civil and political rights, including the right to freedom of association of PVOs in Zimbabwe.

Since December 2021, CSOs presented oral and written submissions highlighting their concerns to the Parliament Legal Committee, Parliament Portfolio Committee on Public Service, Labour and Social Welfare and at the public hearings convened in terms of section 141 of the Constitution. The concerns were raised at relevant meetings with the Minister of Justice, Legal and Parliamentary Affairs and officials within the Ministry of Public Service, Labour and Social Welfare. This includes a 12 March 2022 CSOs interface meeting with the Parliamentary Portfolio Committee on Public Service, Labour and Social Welfare in Kadoma. CSOs presented their position regarding the lack of justification for the Bill to become law. No concrete ground was established at this meeting regarding revisions to the Bill.

Rather, on 7 June 2022, the Minister of Public Service, Labour and Social Welfare submitted significant amendments to the gazetted 2021 Private Voluntary Organisations (PVO) Amendment Bill, on the National Assembly Order Paper. These new amendments cumulatively amounted to the development of a new Bill which had not gone for public consultations. Worriedly, this new version had stricter provisions such as the exercise of extraterritorial powers over PVOs registered in other countries. The amendments were made despite various submissions by CSOs already by that stage for Government to guard against over-regulation of CSOs and ensure that any proposed restrictions are proportionate.

CSOs have also been part of several engagements conducted under the auspices of Structured Dialogue Platform Meetings for Zimbabwe's Arrears Clearance and Debt Resolution Process. These engagements resulted in a request from the Ministry of Finance, Economic Development and Investment Promotion dated 27 February 2023 for CSOs to submit their concerns around the Bill. CSOs honoured the request and a position paper was submitted on 10 March 2023. In these submissions, CSOs reiterated that they are genuine partners for development and are committed to work with government in fulfilling the ambitions of Zimbabwe's National Development Strategy (NDS) 1 and Vision 2030. The gravitas of these submissions subsequently led to a meeting with President Mnangagwa on 17 March 2023. The President ultimately held off on signing the Bill into law.

As CSOs we felt the meeting with the President was a highly progressive development. It symbolized the meaningful progress that Government and Civil Society Organizations can make in finding each other and in working more closely together in protecting the civic space in Zimbabwe.

However, when setting the legislative agenda for the 1st session of the 10th Parliament sworn in after the conduction of the August 2023 elections, President Mnangagwa mentioned that Parliament should also consider laws that were left hanging at the end of Parliament's last session. He particularly mentioned the PVO Amendment Bill. The Bill had by this point lapsed but was resuscitated as a new Bill. The Bill has undergone significant amendments including committee stage amendments recently introduced by the Minister of Justice, Legal and Parliamentary Affairs. Worriedly and as had become the norm, these amendments were introduced following a meeting with CSOs and Government on 5 June 2024 which was broadcast on the national television. Among the recommendations made by CSOs at this engagement was the introduction of a 12 months transitional period as well as the insertion of minimal guidelines in line with regional best practice as seen in the Kenyan Public Benefits Organizations Act of 2013. These recommendations are not reflected in the version transmitted to Senate.

The Bill has now been passed by the National Assembly and sailed through Senate on 17 October 2024 without encompassing CSO input. For example, the Bill provides for a 3-month transitional period for registration. Further, it retains excessive powers in the hands of the Registrar and Minister thereby undermining and limiting the powers of the PVO Board. CSOs have, throughout the several mutations of this Bill, argued against the entrenchment of power in the hands of the Registrar. CSOs first raised this concern in a consolidated analysis dated 17 November 2021. Three years down the line, the concerns registered by CSOs around this have been ignored.

According to Government, this Bill is necessary to *comply with the Financial Action Task Force (FATF) recommendation 8* to counter money laundering and terrorism financing. The Bill **does not mention that Zimbabwe was removed from the FATF grey list in March 2022**. The Bill does not factor in changes that were made to FATF recommendation number 8 to mitigate against unintended consequences of applying this recommendation which include over-regulation of the NGO sector. Interpretive guidelines contained in the Best Practices Paper adopted as recently as November 2023 make it clear that: *Identifying all Non-Profit Organizations as high risk, without risk differentiation is not consistent with FATF Recommendation 8 requirements*.

As CSOs we cannot help but reflect on all the stages that it has taken to get to where we are today since 2021. We wonder: are negotiations being conducted in good faith when recommendations given keep giving rise to more tighter provisions? We make these submissions amidst growing narratives from government officials at various platforms that the input of CSOs have been considered in the Bill that was passed in Senate.

We conclude by reiterating that NGOs in Zimbabwe are not refusing to be regulated. We would simply like to have a conducive regulatory framework that acknowledges the role that NGOs play as a genuine partner in complementing government's efforts along a variety of developmental national priorities as stipulated in our national development strategies and plans. The principle of good governance encourages the existence of a vibrant, independent and pro-active CSO sector and recognises that it positively contributes to the welfare of all vulnerable and marginalised people.

Key Demands

In view of the foregoing, we therefore urgently call upon the Government of Zimbabwe (GoZ) to:

pay due regard to Zimbabwe's obligations under international human rights law under Article 22 of the ICCPR, Article 20 of the UDHR and Article 10 of the African Charter on Human and People's Rights as well as the ACHPR Guidelines on Freedom of Association and Assembly. To show this commitment Government must -

- i. Ensure a vibrant and conducive operating environment for CSOs in Zimbabwe, where CSOs can thrive in supporting the government's developmental goals by either completely withdrawing efforts at passing the PVO Amendment Bill; or
- ii. Provide a platform for negotiations to strengthen the law, whilst ensuring it remains within the confines of our Constitution; and
- iii. Fully take into account concerns and recommendations proffered by Zimbabwe CSOs in particular that the Government of Zimbabwe must review the current Bill to adjust six critical issues that may stifle the operations of CSOs namely:
 - Insufficient transitional period
 - Inadequate/vague registration modalities
 - Composition of the PVO Board
 - Excessive powers of the Registrar and Minister
 - Limited appeal procedures and
 - Criminalization element.

LIST OF ENDORSING ORGANIZATIONS

Alliance of Community Based Organizations

Accountability Lab Zimbabwe

Amnesty International – Zimbabwe

Catholic Commission for Justice and Peace

Content Creators Network – Zimbabwe

Institute for Young Women Development

Legal Resources Foundation

Magamba Network

Media Alliance of Zimbabwe

National Association of Non-Governmental Organizations

Southern Africa Parliamentary Support Trust

South Western Region Gender Network

The Jestina Mukoko Foundation

VERITAS

Women’s Coalition of Zimbabwe

Women and Law in Southern Africa

Zimbabwe Christian Alliance

Zimbabwe Human Rights NGO Forum

Zimbabwe Institute

Zimbabwe Lawyers for Human Rights

Zimbabwe Peace Project