

URGENT ACTION

CIVIL SOCIETY UNDER ATTACK WITH NEW DRAFT LAW

On 1 March, Zimbabwe's government gazetted the Private Voluntary Organisation (PVO) Amendment Bill 2024 to allegedly 'curb money-laundering and financing of terrorism and to ensure that Non-Governmental Organisations do not undertake political lobbying.' Following the President's refusal to sign the PVO Amendment Bill 2021 and the subsequent lapse of the original Bill in August 2023, there was hope that the President had considered the submissions made by Civil Society Organisations in 2023. However, the new bill reflects that most of the issues raised were not addressed and it still contains provisions which will negatively impact civic space and threaten the continued existence and operations of Civil Society Organisations.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Speaker of Parliament

Jacob Francis Nzwidamilimo Mudenda
Parliament of Zimbabwe
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Dear Hon. Jacob Francis Nzwidamilimo Mudenda,

On 1 March, the Zimbabwean government gazetted the Private Voluntary Organisation (PVO) Amendment Bill of 2024, and it was introduced immediately in parliament for the first reading. I am therefore writing to express my concern about the PVO Amendment Bill and its implications to the work of **Non-governmental Organisations (NGOs)** and the rights to freedom of expression and association in Zimbabwe.

In November 2021, the authorities first gazetted the Private Voluntary Organisation (PVO) Amendment Bill HB 10 of 2021. The government cited that the bill was to curb money-laundering and financing of terrorism and ensure that NGOs do not undertake political lobbying. The government justified the amendments made to the existing Private Voluntary Organisation Act on the grounds that they were implementing the Financial Action Task Force's asks, in regard to curbing money laundering and financing terrorism. It is concerning that parliament has disregarded inputs from the public during parliamentary public hearings in 2022 which revealed that many people were against the enactment of the Bill. In February 2023, the Bill was passed by both the National Assembly and Senate and was submitted to the president for signing. However, in September 2023, it was reported that the President had refused to sign the Bill and sent it back to parliament with reservations.

If signed into law, the 2024 PVO Amendment Bill would impose severe restrictions on the important work of civil society organizations in Zimbabwe. Currently, some provisions in the Bill give significant powers to the Minister and Registrar which could be used to interfere with the independence and operations of NGOs. The Bill must be dropped or amended so as to bring it in line with Zimbabwe's human rights obligations.

I urge you to conduct a genuine public consultation and to remove any clauses in the PVO Amendment Bill 2024 that undermines the rights to freedom of association, freedom of expression and the work of civil society organizations. I also urge you to ensure that consideration within this process is given to the recommendations made by civil society organizations during the consultation process. Additionally, the authorities must conduct a thorough assessment of laws enacted in the past five years and repeal/ amend provisions that are inconsistent with the Zimbabwe's constitution and international human rights treaties to which the country is a state party.

Yours sincerely,

ADDITIONAL INFORMATION

Zimbabwe was placed on Financial Action Task Force's monitoring programme in 2018 after gaps were noted in its policy and legal framework. In 2022 the country was removed from the FATF grey list; however, the government continues to push for the enactment of the PVO Amendment Bill.

On 31 August 2021, the Zimbabwe Government, through its cabinet, approved amendments to the Private Voluntary Amendment Act which were proposed by the Minister of Justice, Legal and Parliamentary Affairs. The proposed changes to the Act were met with widespread scepticism based on the current national context and historical experiences. The interpretation of the provisions of the proposed PVO Amendment bill 2021 must be understood in the current context within which it is proposed. Overall, post-election disputes, a collapsing economy and widespread economic hardships caused by poor economic policies and austerity measures have raised tensions in the country. NGOs have been falsely accused of meddling in political affairs and stirring the populace to vote against the ruling party.

The PVO Amendment Bill 2021 placed all civic organisations registered under different laws under one law and the clauses indicate an attempt to control and shut down civil society perceived to be 'anti-government.' The bill aimed to limit CSOs activities and infringe on their constitutionally guaranteed civil and political rights. The Bill contains vague provisions where supporting or opposing a political party or candidate is prohibited, but it is not clear what supporting or opposing a political party means. Civil society has presented oral and written submissions, including the 'CSOs' Consolidated Analysis of the PVO Bill', highlighting their concerns to the Parliament Legal Committee, Parliament Portfolio Committee on Public Service. On 11 April 2022, civil society met with the Minister of Justice during a consultative meeting and the Minister addressed parliament agreeing to introduce various amendments. The proposed amendments which the Minister of Public Service, Labour and Social Welfare brought back to Parliament are more repressive than the first with provisions that introduced additional, excessively punitive, criminal and civil penalties for noncomplying PVOs, as well as individual liability for trustees, employees and managers of PVOs, and anyone involved in the control of a PVO, including members of the public.

In 2022, Civil Society Organisations (CSOs) reached out to President Emmerson Mnangagwa and engaged him highlighting that the PVO Amendment Bill contained provisions which were not in line with international human rights standards and the Constitution and would hinder the work of CSOs. They further submitted that Zimbabwe has adequate regulatory regime which could be used to ensure that CSOs are not used to finance terrorism and money laundering.

In February 2023, PVO Amendment bill 2021 was passed by both the National Assembly and Senate and was submitted to the president for signing, however the president not sign and sent the bill back to parliament with reservations. In August the PVO Amendment bill 2021 lapsed when parliament dissolved ahead of the 2023 elections. In October 2023, the PVO amendment was included in the list of bills when the president announced the legislative agenda. The PVO Amendment Bill 2024 was gazetted in March 2020 and was introduced immediately in parliament for the first reading. The new bill remain repressive and has not taken into account any concerns raised by CSOs or inputs from the public during the parliamentary public hearings for the previous PVO Amendment bill 2021.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 14 JUNE 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr46/5880/2022/en/>