

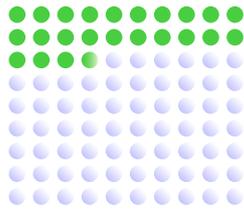


UPR SESSION 40

ZIMBABWE

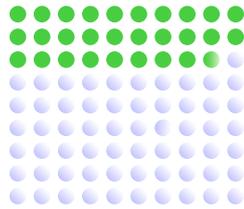
FREEDOM OF EXPRESSION & INTERNET FREEDOM

HOUSEHOLDS WITH INTERNET ACCESS



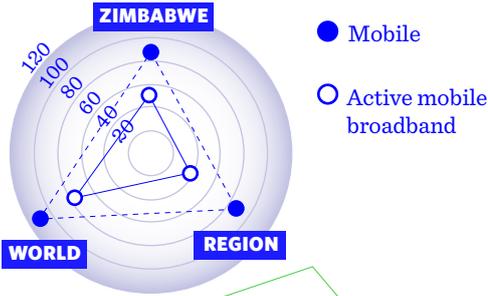
23.99%

INDIVIDUALS USING THE INTERNET



27.06%

SUBSCRIPTIONS PER 100 INHABITANTS



Sources: Internet Telecommunications Union, Reporters Without Borders

PRESS FREEDOM RANKING



Reporters Without Borders

Zimbabwe must stop media violations and align its laws and practices with international human rights standards

Zimbabwe's Constitution of 2013 provides for the rights to privacy, freedom of expression and freedom of the media, access to information and other fundamental rights. These provisions also apply to the protection of these rights online. Zimbabwe also has obligations to protect these rights under international human rights treaties like the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights.

Despite the constitutional guarantees and obligations under international treaties to protect these rights—both offline and online—violations continue to rise. These include attacks on media practitioners, internet shutdowns, indiscriminate surveillance, as well as prohibitively high internet access costs, which exclude many from the digital realm.

Therefore, we call upon states to make recommendations aimed at protecting digital rights in Zimbabwe during the third cycle of the UPR.

RECOMMENDATIONS

- Desist from attacking media practitioners and activists and align provisions of existing laws on the right to freedom of opinion and expression with international standards.
- Immediately halt the practice of implementing internet shutdowns and any other arbitrary actions that limit access to the internet.
- Reduce the cost of Internet access and facilitate affordable access for under-served groups like women and school children.
- Uphold the right to privacy by implementing and enforcing the newly enacted data protection law.

SUBMITTING ORGANISATIONS¹



SMALL MEDIA



MISA ZIMBABWE CHAPTER



PARADIGM INITIATIVE



ZIMRIGHTS



APC



MEDIA ALLIANCE ZIMBABWE



ZLHR



ZCMIL

● Desist from attacking media practitioners and activists and align provisions of existing laws on the right to freedom of opinion and expression with international standards.

- Amend Sections 31 and 33 of the Criminal Law Code, 2007; Section 14 of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020; Section 13 and 14 of Censorship and Entertainment Controls Act, 1967.

According to the State of Media Report in Zimbabwe 2020, there were 52 reports of assault, harassment, arrest, and detention of journalists — up from 28 in 2019.¹

In June 2020, freelance journalist Godfrey Mtimba was arrested on allegations of undermining the authority of the President pursuant to Section 33 of the Criminal Law Code.²

Between 2020 and 2021, journalist and critic, Hopewell Chin'ono was arrested and charged to court under section 31 of the Criminal Law Code on allegations of communicating false information, inciting public violence and obstruction of justice through online posts.³

● Immediately halt the practice of implementing internet shutdowns and any other arbitrary actions that limit access to the internet.

- Ensure that any restrictions on internet access, online expression, assembly and association are consistent with international and regional human rights standards.

On 6 July 2016, amidst online campaigns under the hashtag #ThisFlagMovement which challenged the rampant abuse of state resources and corruption, the Zimbabwean government temporarily blocked access to the instant messaging application WhatsApp.⁴

In January 2019, Zimbabwe experienced a second restriction to access to social media platforms and major websites following public protests against a 150% increase in fuel prices.⁵ The Zimbabwe High Court later ruled that the state-initiated internet shutdown was illegal⁶ following a case filed by the Media Institute of Southern Africa (MISA) and Zimbabwe Lawyers for Human Rights (ZLHR).⁷

● Reduce the cost of Internet access and facilitate affordable access for under-served groups like women and school children.

- Implement sections 74-79 of the Postal and Telecommunications Act with respect to the Universal Access Fund to provide cheaper Internet access for under-served groups.

Only 30% of schools in the country have internet access.⁸

In February 2020, there was a 25% increase in mobile data tariffs and a further 48% increase in May 2020.⁹ By September 2020, despite increased reliance on technology as a result of the COVID-19 pandemic, mobile data charges further went up by up to 190%.¹⁰

Online gender-based violence including cyberbullying and harassment is on the rise, further limiting women's use of the internet. The bullying and harassment online has mostly been targeted at prominent female media personalities¹¹ and politicians.¹²

● Uphold the right to privacy by implementing and enforcing the newly enacted data protection law.

- Review section 5 of the new Data Protection Act to establish an independent and separate Data Protection Authority and not saddle the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) with additional data protection responsibilities.

In 2018, the ruling party sent text messages to millions of Zimbabwean citizens encouraging them to vote for now president Emmerson Mnangagwa. The text messages were addressed to recipients by their full name, voter registration number and constituency, which raised concerns about unrestricted access to the Zimbabwe Electoral Commission's database of registered voters. There were accusations that the mobile network operators shared this data in disregard of privacy and data protection standards.¹³

In December 2020, Zimbabwe was listed as one of the customers of 'Circles', a surveillance firm that reportedly exploits weaknesses in the global mobile phone system to snoop on calls, texts, and the location of phones around the globe.¹⁴

In 2018, Zimbabwe made a commitment to send vast amounts of biometric and personal data to CloudWalk Technology, a China-based entity that was providing the country with facial recognition technology.¹⁵

FOOTNOTES

¹ Media Institute of Southern Africa (MISA), 'State of the media report: 2020'
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² MISA Zimbabwe, 'Masvingo journalist charged with undermining authority of President'
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³ NEWS24, 'Hopewell Chin'ono arrested for third time in six months'
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⁴ Collaboration on International ICT Policy for East and Southern Africa (CIPESA), 'Zimbabwe Becomes the Latest Country to Shut Down Social Media'
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⁵ NetBlocks, 'Zimbabwe Internet shutdowns amid fuel price protest'
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⁶ MISA Zimbabwe, 'High Court sets aside internet shutdown directives'
<https://zimbabwe.misa.org/21/01/2019/high-court-sets-aside-internet-shut-down-directives/>.

⁷ Kubatana, 'The Internet shutdown: The High Court's ruling of 21st January – Court Watch 2019 / 1'
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⁸ NewsDay, 'Lack of internet connectivity affecting govt e-learning programmes'
<https://www.newsday.co.zw/06/2021/lack-of-internet-connectivity-affecting-govt-e-learning-programmes/>.

⁹ Freedom House, 'Freedom on the net: Zimbabwe'
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¹² Zim Metro, 'Linda becomes victim of cyber bullying, abuse'
<https://www.zimetro.co.zw/linda-becomes-victim-of-cyber-bullying-abuse/>; Spiked, 'Women in politics must challenge cyberbullying'
<https://spiked.co.zw/women-in-politics-must-challenge-cyberbullying/>.

¹³ NewsDay, 'Zanu PF breaks into Zec database'
<https://www.newsday.co.zw/07/2018/zanu-pf-breaks-into-zec-database/>.

¹⁴ Citizen Lab, 'Running in Circles: Uncovering the clients of cyberespionage firm Circles'
<https://citizenlab.ca/12/2020/running-in-circles-uncovering-the-clients-of-cyberespionage-firm-circles/>.

¹⁵ Biometric Update, 'Implementation of CloudWalk facial recognition technology in Zimbabwe progressing in stages'
<https://www.biometricupdate.com/201805/implementation-of-cloudwalk-facial-recognition-technology-in-zimbabwe-progressing-in-stages>.

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UPROAR is coordinated by Small Media, in collaboration with a network of digital rights organisations working internationally.

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