



PULSE

Newsletter November - December 2021

HEADLINES IN THIS ISSUE

UPR REPORT

PAGE 2

OPINION: DEMOCRATIC SQUEEZE

PAGE 4

HERE THERE NOW REPORTS

PAGE 7

OPINION: 2020 BUDGET ANALYSIS

PAGE 9

PVO AMENDMENT BILL: NANGO AT THE ALL-STAKEHOLDER WORKSHOP

PAGE 10

- Freedom of Artistic Expression.
- **2020 Budget analysis and what it means for the Arts?**



www.nhimbe.org | info@nhimbe.org

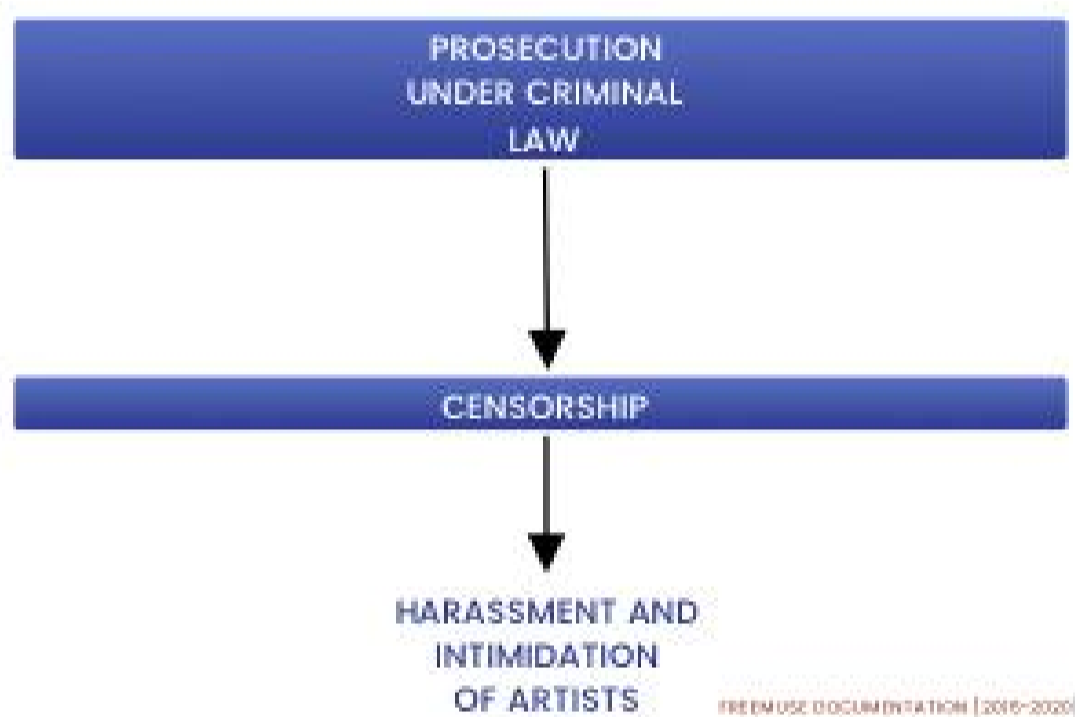
97A Lobengula St/8th Ave, Bulawayo, Zimbabwe +263 (292) 268931



Freedom of Artistic Expression

UPR SESSION 40: January 2022

MAIN VIOLATIONS OF ARTISTIC FREEDOM DOCUMENTED IN ZIMBABWE



LEGISLATIVE RE-ALIGNMENT

Since the adoption of the 2013 Constitution of Zimbabwe (Amendment no. 20), the government has undertaken a legislative reform programme aimed at aligning legislation to the new Constitution.

An Inter-Ministerial Taskforce chaired by the Attorney General was established in 2015 to lead the process, and in March 2021, the task force reported that as of January 2021, it had completed 20 bills, with 43 still outstanding.

Freemuse documentation demonstrates violations relating to the exploitation of pre-existing legislation and regulations to suppress artistic voices and to harass, intimidate and prevent artists from exercising their cultural rights.

CENSORSHIP

The Censorship and Entertainment Control Act [Chapter 10:4] of 1967 is invoked to censor artistic expression in Zimbabwe. Section 10(2) allows for the censorship of films or film advertisement content across a range of grounds. The Act contains various provisions that provide excessive powers to the Minister of Home Affairs and Cultural Heritage, with the absence of mechanisms for transparency and accountability.

On 12 May 2018, Zimbabwe dancehall musician Seh Calaz (given name Tawanda Mumanyi) was arrested for publicly distributing a song that had not been cleared by the Board of Censors under the Act and was considered to have contained lyrics that are indecent, unethical and undesirable to the public. The musician was fined 85 euros by a Harare magistrate.

The Broadcasting Services Act [Chapter 12:06] of 2001 empowers the Broadcasting Authority of Zimbabwe to restrict freedom of artistic expression. The Broadcasting Services (Licensing and Content) Regulations [Statutory Instrument 185 of 2004] provides that programmes must observe 'good taste and decency, uphold public morality and protect children from negative influences.'

On 29 December 2019, the Broadcasting Authority of Zimbabwe banned Ngoro, a song by musicians Enzo Ishall and Rachel J, from being broadcast on radio and television platforms, on the grounds that the lyrics could be considered sexually suggestive, offensive and a negative influence on children.

Freedom of Artistic Expression

UPR SESSION 40: January 2022

ZIMBABWE - UPR40

CRIMINAL LAW of 2004

The Criminal Law (Codification and Reform) Act [Chapter 9:23] of 2004 is invoked against artists in Zimbabwe. This includes:

- Section 31 - which criminalises the publication or communication of false statements prejudicial to the state.
- Section 33 - which criminalises expression that undermines the authority or insults the President.
- Section 37 - which criminalises the participation in gatherings with an intent to promote public violence.
- Section 37 - which criminalises breaching peace or bigotry.

On 16 June 2020, Victor Majoni was arrested for sharing a cartoon video portraying a character criticising the President of Zimbabwe and his response to the COVID-19 pandemic. He was charged under Section 33 of the Act for expression undermining the authority of, or insulting the President.

On 26 February 2019, comedians Gonyeti (given name Samantha Kureya) and Maggie (Sharon Chideu) were arrested for performing a comedy skit depicting police brutality that was broadcasted on the Internet. They were charged with 'criminal nuisance' under Section 46 of the Act on the grounds of illegally impersonating police officers.

HARASSMENT AND INTIMIDATION

Civil society organisations in Zimbabwe have documented several cases of abductions and torture of activists and human rights defenders. Freemuse too has documented cases of government intimidation and harassment, as well as inaction on the part of governmental bodies to investigate and prosecute non-state actors who use violence.

On 21 August 2019, Gonyeti (mentioned above) was abducted from her home in Harare by unidentified men who claimed that they were police officers. She was beaten, stripped of her clothing, made to drink sewage water and left in a bushy area in an urban setting at Crowborough North in Harare. The comedian later reported that her registered complaint with the police did not lead to any subsequent investigation.

SUGGESTED QUESTIONS

- What measures is the Zimbabwean government taking to reform or repeal legislation that censors and criminalises artistic expression contrary to international human rights standards?
- How is the Zimbabwean government going to uphold its responsibility of protecting artists and cultural actors from violence, intimidation and harassment from non-state actors?


Freedom of Artistic Expression

UPR SESSION 40: January 2022

ZIMBABWE - UPR40

RECOMMENDATIONS

1. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which establishes the complaint and inquiry mechanisms of the covenant.
2. Re-align all existing legislation with the Constitution of 2013 and Zimbabwe's obligations under international human rights law. This includes reforming or repealing in part or its entirety, the Broadcasting Services Act, the Censorship and Entertainments Control Act and the Criminal Law (Codification and Reform) Act, insofar as they contravene international human rights law, standards and principles.
3. Ensure the application of existing legislative and criminal law frameworks to prosecute state authorities for misuse of powers to harass or intimidate artists and cultural actors. This extends to actively establishing measures on the sensitisation and training of law enforcement personnel.
4. Develop a national strategy and action plan to uphold the safety of artists and cultural workers.



FREEDOM

**YES WE
NEED YOUR
HELP.**

Please consider making a financial donation towards this important work. A monthly, quarterly or annual donation gives us the stability to see this advocacy campaign through.

TO MAKE A DONATION TAP BELOW

READ MORE...





DEMOCRATIC SQUEEZE: DISSECTING THE PRIVATE VOLUNTARY ORGANISATIONS AMENDMENT BILL

By Tinashe Gwariro, Policy Analyst Fellow, Nhimbe Trust

AT A GLANCE

Democracy as we know it is under immense pressure all around the world. Special interest groups, mostly corporate, are threatening the foundations of independent institutions. Political decision-making has been plagued by endemic corruption. Governments are increasingly squeezing the civil society space through repression and the use of the law. All these global trends are not so different from the Zimbabwean political climate.

Civil society's relationship with the government of Zimbabwe has historically been strained. Collective citizens' actions, especially those that involve politics, seem to be viewed with suspicion and hostility. Harassment, criminalization and now the use of the law have been used to strike at the core of the civic space in Zimbabwe. Despite The President of Zimbabwe signing the African Union Charter on Democracy, which encourages the universal principles of democracy, liberal ideals and human rights, the recently-passed Private Voluntary Organisation Amendment Bill 2021 (PVO) is an aberration against the signed charter.



image courtesy of: www.freepik.com

EFFECTS ON THE ARTISTIC FREEDOMS

As highlighted before, the limitation of Civil Society Organisations participation on political activities puts into question of promoting artistic freedoms within the context of elections. As Kajsa Ravin the Director General of the Swedish Arts Council said, "Contemporary art is often found at the heart of public debate...". It is through the arts that educates the public on the political issues of the day, creates a platform for public discourse through artistic expression. The broad definition of political participation will make it difficult for organisations to straddle the fine line between promoting the rights and freedoms of artists while also abiding by the law. Essentially this law has stifled the free expressions protected by the Zimbabwean Constitution without explicitly stating it in black and white.

The PVO bill grants the Registrar to require institutions that obtain foreign funds to halt this, pending a registration as a PVO which makes it difficult because that organisation can be deemed high risk and be denied registration. This regulatory complexity makes it difficult for current Trusts to operate. They will require new registration and be deemed not high risk by the Ministry. This limits the constitutional right of association by forcing existing Trusts to change operations that goes against their interests as an organisation. It will also limit Trusts ability to raise funding from the public and outside the country without raising suspicions and being deemed as "high risk". Given the start of the election campaigning for 2023, this law seeks to close such organisations that promote rights and freedoms without explicitly stating it.

OPINION

READ MORE...



LEGISLATION TRACKER



CONTINUED TO NEXT PAGE



It is imperative that creative civil society organisations, especially those registered as Trusts and receive foreign funding, to begin to apply pressure in a coordinated effort to amplify the broader civil society actions against the Bill. Nhimbe Trust already has established a Legislative Tracker which is a product of Nhimbe Trust's research on leverage rights to artistic freedom in Zimbabwe. It outlines legislation that has a bearing on the promotion and protection of cultural rights in Zimbabwe. It tracks the progress or lack thereof by the Government of Zimbabwe in aligning this legislation to the 2013 Constitution (Amendment No. 20). An Inter-Ministerial Taskforce (IMT) was set up by the Government of Zimbabwe in 2015 to align the country's legislation. In addition to this Tracker, Nhimbe Trust is part of the CSO Constitutional Consortium that conducts legislative analysis and makes recommendations on legislative amendments to the IMT.

One can question if this PVO bill was intended to regulate PVOs or provide the state with a legal weapon to further limit democratic norms with the 2023 elections now just over the horizon. From the looks of it the latter is more likely. Post 2008 the government of Zimbabwe has resorted to Rule by Law instead of Rule of Law. Utilizing and manipulating the law and legal procedures to reduce democratic and civic spaces. It's cleaner and less chaotic than overt violent oppression. It will not be surprising that in the coming year more laws similar to this will arise. In one year, we have seen the constitution amended now a bill limiting civil spaces has arrived. Zimbabwe is edging closer to erasing the little gains it has made since the implementation of the 2013 Constitution. That should worry us all!



HERE, THERE, NOW

BULAWAYO >
< LONDON



A DIGITAL STORYTELLING COLLABORATION | BULAWAYO-LONDON
#blacklivesmatter #blackwomen #SHEroes



See more at www.nhimbe.org

Facebook/[here-there-now](https://www.facebook.com/here-there-now)

info@nhimbe.org



HERE, THERE, NOW: SUCCESES & CHALLENGES

The HERE, THERE, NOW digital collaboration and storytelling project by Nhimbe Trust in partnership with Lyric Hammersmith Theatre, London, drew to a successful close with the final report submitted to funding partner British Council, and a wrap-up meeting on 24 November 2021.

Bringing together 20 women artists aged between 18 and 25 from Bulawayo and West London, it's aims were to give young women the agency, power and platform to share their voice and stories; explore the theme of identity in relation to race, sex and gender; have conversations on issues of race between Zimbabwe and UK, and find the commonalities between the participants in spite of their different environments – and to create artistic works that explore these conversations.

UK-based theatre director and writer Monique Touko and Zimbabwe based award-winning actor, creative, poet and director Lady Tshawe led a series of workshops online which culminated in the exchange of monologues by the participants, and filmed performances of each other's work. The resulting filmed products were released online on YouTube on 24 August (UK) and 3 September (Zimbabwe) 2021, and the final artistic product, 20 filmed monologues by 20 women artists of Bulawayo and London, uploaded to



Behind the cameras, the balance of the project rested on media, with running commentary, information and visual/graphics online up to and after release of the final products, and to print and social media, and social media. In all, output for the project included besides the videos, press releases, newsletters, blogs, and artwork for 37 digital posters.

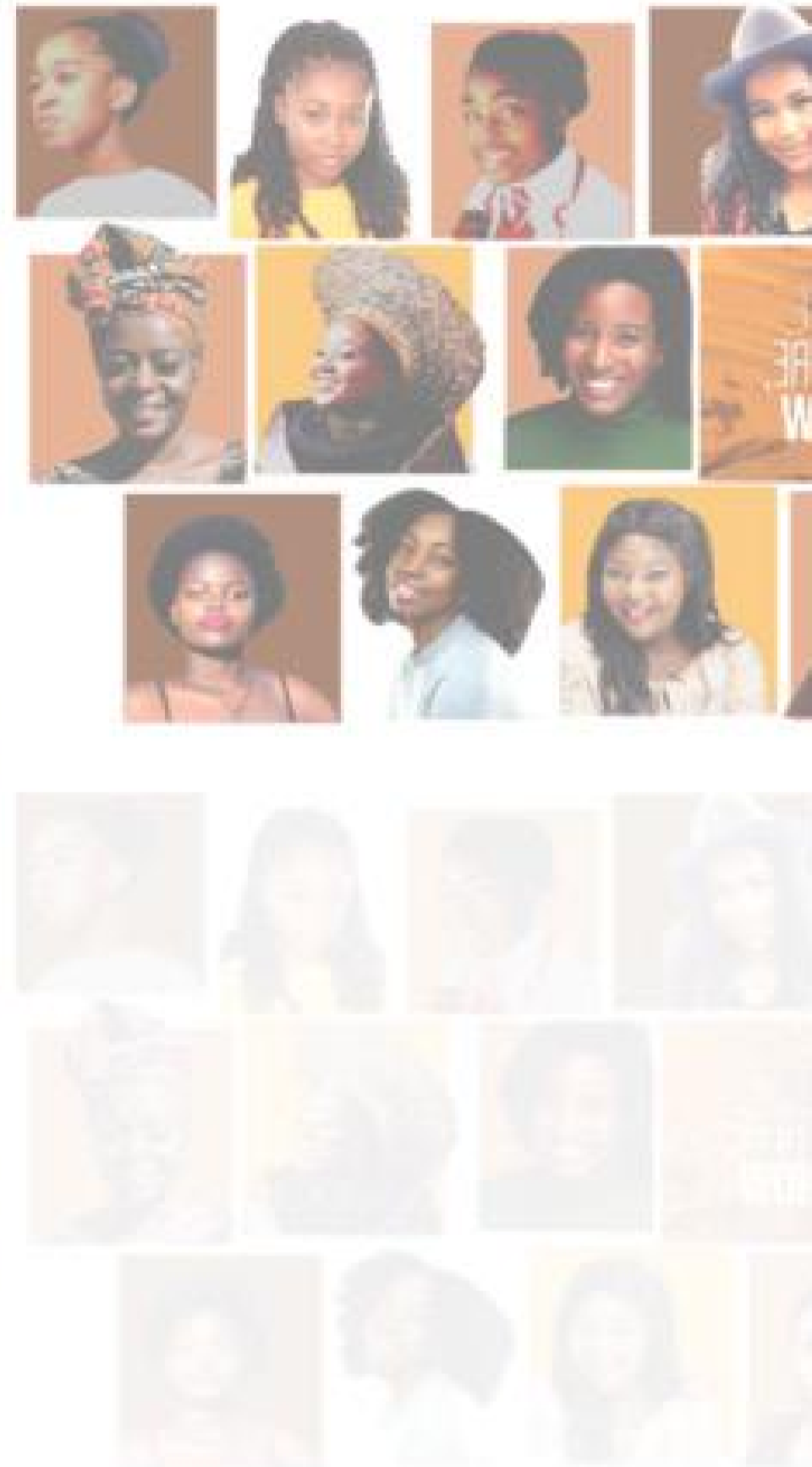
SUCCESES

In post-project assessment, successes recorded were the meaningful relationships made between the participants; a voice was given to 20 young people to express BLM internationally with their peers; a strong introduction to acting for film for some, and sharpened and improved their digital skill sets for both organisations and artists. A digital legacy was created beyond project engagement, and the establishment of a new partnership between Nhimbe and Lyric Theatre created a foundation to build upon for the future.

CHALLENGES

In post-project assessment, challenges recorded were the prohibitive cost of data in Zimbabwe for both the participants and general viewers/followers; COVID lockdown restrictions, and often poor internet connections in Bulawayo which interrupted the group sessions.

Participants of the Here, There, Now project are:
BULAWAYO, ZIMBABWE - Lady Tshawe (Director), Getrude V Munhamo, Sidumisile Mthethwa, Privilege Mathema, Laura Ngwenya, Thandy Dhlana, Pamela Mnkandla, Hazel Moyo, Edith Masango, Antonatte Maphosa, and Shammah Banda
LONDON, UK - Monique Touko (Director), Hannah Balogun, Amaliyah Allison-Pounder, Na'eemah N'Diaye, Felicia Akin-Adaramola, Yiga Gaolou, Taga Obano-Cox, Hannah Balogun, Deja Linton, Joanita Markin and Nyasha Hernandez.





Sidumisile Mthethwa

“

Sidumisile Mthethwa of Bulawayo said: “I had a lot of fun learning and sharing my experience with my colleagues from the UK. ...What challenged me the most was that I had to get my monologue in my head within a short period of time. I accepted the challenge and overcame it because the topic of my partner’s monologue was interesting and relevant to what other people need to hear out there. It spoke about purpose, one has to live a purposeful life. It really pushed me to work extra hard because someone out there needs to hear this message because it has a good lesson behind it. ... Writing my own monologue was fun because it was my first time writing something that was going to be done by someone from another world.

”



Deja Linton

“

Deja Linton of West London said: “The opportunity to collaborate and create with other black females from not only London but also Zimbabwe has been very empowering and beautiful, and to know that we are creating something so authentic really excites me. I wanted to be a part of Here, There, Now as I thought this would be a great opportunity as a Black female to be a part of a production that shares and celebrates black stories, also the chance to collaborate with other black females and share stories about womanhood, identity and race creating something special and relatable for audiences across both nations. But also the opportunity to work with Black creatives, Monique Touko and Lady Tshawe.

”

NHIMBE’S REPORT ON HERE, THERE, NOW CONCLUDES WITH THIS:

“The Here, There, Now project has amplified the voices of women at a time in the world when it is increasingly and urgently necessary. The operating field for the arts has changed drastically and dramatically and we are all launched into electronic media for all purposes. There is still need for training, learning, re-thinking and re-imagining in the area of digitalization. The project provided a crucial learning platform for the advancement and effectiveness of all involved.”



Hazel Moyo

“

The youngest participant, Zimbabwe’s Hazel Moyo said, “I appreciate being given an opportunity to be part of this program... it’s a lifetime opportunity for a young actress like me.... and it is going to make a difference not only to me, but to all young ladies in the Art Industry.”

VISIT US



FOLLOW US





BUDGET

AN ANALYSIS OF ZIMBABWE'S 2020 BUDGET

By Tinashe Gwariro, Policy Analyst Fellow, Nhimbe Trust

Key Highlights

Projected GDP growth of 5.5%

Budget deficit set to increase to 1.5% and 1.7% of GDP to fuel growth

Youth, Sports, Arts and Recreation – ZWL\$7.8 billion targeting rehabilitation of sports facilities

Average annual targeted to decline from 94.6% in 2021 to 32.6% in 2022

On 25 November the Finance Minister of Zimbabwe Mthuli Ncube unveiled the national budget for 2022. The key highlight was the expenditure increase which nearly doubled from ZWL\$509 billion to ZWL\$927.3 billion (approximately \$8.70 billion). This increase indicated an intention by the government in Harare to utilize fiscal policy as a main driver of growth. With infrastructure and recapitalization of state-owned companies receiving much of the spending, the increase in spending is predicted to generate growth target of 5.5%.

The cracks

The budget increase from 0.5% to 1.5% in 2022 and projected 1.7% in 2023 will be funded by the issuance of dollar denominated government bonds of up to \$100 million to be issued on the Victoria Falls Securities Exchange, taxes, borrowing of \$76.5 billion and utilization of special drawing rights from the IMF \$1 billion.

The increase in money supply will only further weaken an already unstable Zimbabwean dollar. On October 28 the Reserve Bank of Zimbabwe had to tighten monetary policy by increasing interest rates to a staggering 60% to curb a plunge in the currency of 29%. The finance minister aims to reduce inflation and grow the economy at the same time. This not an easy task with the amount of money injected into the economy through fiscal stimulus. With the currency trend only going up there is a likelihood of another rate increase to curb a further decline in currency and increase in inflation. This will cause a chain reaction and trickle-down effect to consumers borrowing capacity and spending. With consumption spending low already it could hurt the growth projection of 5.5%.

The stability of the foreign exchange market is further threatened by increasing imports, an inefficient foreign exchange auction system and will certainly be affected by the injection of money supply in 2022 through this increase in fiscal spending. It's yet to be seen how the government will wrestle with balancing growth and inflation given the current economic conditions.

Youth, Arts, Sports and Recreation

As an organisation that promotes cultural rights and artistic freedoms, we always take note of government spending or the lack thereof on the youths, particularly in the arts. Spending on Youth, Arts Sports and Recreation will be pegged at ZWL\$7.8 billion which targets rehabilitation and upgrading of sporting facilities. We will wait to see how the Ministry of Youth, Art, Sports and Recreation will distribute this money and link it to the National Cultural and Creative Industries 2020-2030 strategy and leverage the economic potential that the sector can bring. Given the minuscule allocation that has been budgeted, the arts sector will still have to rely on their own enterprising and innovative efforts to grow with minimum government support.

At Nhimbe Trust we have had the privilege of participating in the Ministry of Youth, Arts, Sports and Recreation 2022 STRATPLAN to develop a performance contract to monitor the Permanent Secretary's priorities. Nhimbe Trust will use the Bill Tracker to monitor 2022 National Budget contribution towards the Arts and Culture Development Fund, as the budge seeks to "support the implementation of the Cultural and Creative Industries Strategy 2020-2030, the National Budget is establishing an Arts Fund with initial seed capital amounting to ZWL\$100 million". The Bulawayo Arts Festival of the City of Bulawayo was supported by the Arts Fund, and we hope this support will continue in 2022.

2022

The governments' ambitious attempts to restart the economy can be commended but the country still has multiple fundamental problems that have not been resolved. With a lack of trust in the financial system, to runaway inflation, a lack of concrete economic strategies, COVID's impact on global supply chains and new variants presenting threats of future lockdowns, it will be interesting to see if that 5.5% growth will be achieved.

[READ MORE...](#)





PVO AMENDMENT BILL: NANGO AT THE ALL-STAKEHOLDER WORKSHOP

Itinerary of public hearings - 12-17 Dec 2021

Following the publication of the Private Voluntary Organisation Amendment Bill in the Government gazette on 5 November 2021, the National Association of Non-Governmental Organisations (NANGO) has engaged the key line ministries and parliamentary portfolio committees on the need to review the current state of the bill.

The Parliament of Zimbabwe, through the Parliamentary Portfolio Committee on Public Service, Labour and Social Welfare, therefore organised a 3-day all-stakeholder high-level workshop to unpack the bill, and solicit views, perspectives and positions from different stakeholders prior to the public hearing meetings scheduled to take place from 13–17 December 2021.

In November NANGO invited members to contribute to their presentation at the workshop, on the topics 'The PVOs experiences of working in Zimbabwe since Independence: Opportunities and Challenges' and 'Analysis of the Private Voluntary Organisations Amendment Bill: A PVO's Perspective'.

By an online survey NANGO invited inputs and contributions from its membership and any other interested stakeholders, to represent the voice of the CSOs, stakeholders and beneficiaries of the CSOs interventions for the process. After the engagement, NANGO will organise an open webinar to share feedback and major takeaways from the workshop.

Interested in any of the initiatives presented in this newsletter? Reach us directly at info@nhimbe.org to express your interest or share your thoughts with our team.

OUR PARTNERS



Government of Zimbabwe



City of Bulawayo



Ministry of Education, Sport and Recreation



funded by

This project is co-funded by the European Union



Artists at Risk Committee

