



# Commonwealth Lawyers Association

## **Statement regarding freedom of expression, the rule of law and support for fair and free elections in Zimbabwe**

The Commonwealth Lawyers Association (CLA) notes that elections are to take place in Zimbabwe later this year. In many countries elections can result in polarisation and tension. The CLA urges free and fair elections in Zimbabwe and for all participants to respect the election outcome.

For democracy to flourish, informed and tolerant debate is essential. Contrary views must be respected. Some events have occurred in Zimbabwe which cause concern to the CLA. The Private Voluntary Organisations (PVO) Bill which has passed Parliament has attracted much comment. The CLA considers the PVO Bill to be inconsistent with the Constitution of Zimbabwe stifling Freedom of Association and Freedom of Expression. The intrusive powers contained within the PVO Bill will inhibit and curtail legitimate activities of civic society operating through private voluntary organisations, putting at risk the valuable social and economic contributions of such organisations.

At the Commonwealth Law Ministers Meeting in Mauritius in November 2022 Law Ministers of the Commonwealth approved the “Commonwealth Principles on Freedom of Expression and the role of the media in good governance”. The CLA had assisted in the preparation of those Media Principles which state:

*“Freedom of expression is a cornerstone of democracy and underpins good governance, public accountability and respect for all human rights.”*

In a wider international context, the CLA notes that Article 19 of the Universal Declaration of Human Rights states as follows:

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.*

In this context, where freedom of expression is a cornerstone of democracy, the CLA are concerned to note the conviction of a lawyer, Fadzayi Mahere, a spokesperson for an opposition party in Zimbabwe. The charges were of “publishing falsehoods” and arose from a re-tweet which allegedly undermined the authority of the police and eroded public confidence in law enforcement agents. A previous decision of the Zimbabwe Constitutional Court in 2014 confirmed that there was in fact no proper legal basis for such a charge.

While the case may still be pending if an appeal is considered, the CLA are concerned that this case is emblematic of an approach of the authorities in Zimbabwe to constrain comment, to intimidate people from free and public discourse and to chill debate. The CLA very much hopes this will not prove to be the case in the run up to the elections.

The CLA notes Article 58 of the Constitution of Zimbabwe:

*“Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others”.*

And Article 61:

*“Every person has the right to freedom of expression, which includes-- a. freedom to seek, receive and communicate ideas and other information”.*

The CLA:

- **Urges respect for the right to freedom of expression;**
- **Urges the Government in Zimbabwe to ensure that journalists, and government opposition, and representatives of civil society in Zimbabwe can exercise their rights of freedom of expression and assembly;**
- **Encourages and supports initiatives which allow the people of Zimbabwe to work together and unite to improve their personal circumstances, healthcare, and economic advancement through organisations in civic society and urges reconsideration of the PVO legislation;**
- **Encourages a free and fair and transparent election process in which all can have confidence; and**
- **Calls upon the Government of Zimbabwe at all times to uphold the Zimbabwean Constitution and the rule of law.**

### **Commonwealth Lawyers Association (CLA)**

**26<sup>th</sup> April 2023**

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [commonwealthlawyers.com](http://commonwealthlawyers.com)