



## **NGO Submission to the Human Rights Committee** **(Zimbabwe's Compliance with the ICCPR on Digital Rights and Inclusion)**

Submitted by the *African Internet Rights Alliance (AIRA)*

For Consideration at the Review of Zimbabwe's Second Periodic Report under the ICCPR at the 143rd session.



## **I. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

### **1.1 Overview of Digital Rights in Zimbabwe**

Under the reporting period, Zimbabwe has experienced increasing internet penetration and digital engagement, with government policies aiming to expand digital access. However, internet disruptions, repressive legislation, and digital surveillance have created a restrictive environment for online freedoms.

We wish to highlight the following concerns:

- Internet shutdowns and throttling during critical political events, including elections.<sup>1</sup>
- The Criminal Law (Codification and Reform) Amendment Act (Patriotic Act), which criminalises dissent online.<sup>2</sup>
- The Cyber and Data Protection Act, which facilitates surveillance and government access to personal data.
- High costs of internet access, limiting digital inclusion, particularly for rural and marginalised communities.<sup>3</sup>
- Online gender-based violence, with limited legal protections.

### **1.2 Zimbabwe's International and Constitutional Obligations on Digital Rights**

Zimbabwe ratified the International Covenant on Civil and Political Rights (ICCPR) in 1991, committing to protect freedom of expression, privacy, and access to information. The Constitution of Zimbabwe (2013) provides guarantees under:

- Section 61 – Freedom of Expression

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<sup>1</sup> Amnesty International, 24 August 2023, “Zimbabwe: Elections marred by arbitrary arrests and fears of internet shutdown.” Access here: [https://www.amnesty.org/en/latest/news/2023/08/zimbabwe-elections-marred-by-arbitrary-arrests-internet-blockade/?utm\\_source](https://www.amnesty.org/en/latest/news/2023/08/zimbabwe-elections-marred-by-arbitrary-arrests-internet-blockade/?utm_source)

<sup>2</sup> Amnesty International, 15 July 2023, “Zimbabwe: President’s signing of ‘Patriotic Bill’ a brutal assault on civic space” Access here: [https://www.amnesty.org/en/latest/news/2023/07/zimbabwe-presidents-signing-of-patriotic-bill-a-brutal-assault-on-civic-space/?utm\\_source](https://www.amnesty.org/en/latest/news/2023/07/zimbabwe-presidents-signing-of-patriotic-bill-a-brutal-assault-on-civic-space/?utm_source)

<sup>3</sup> Freedom House, “Freedom on the Net Report - Zimbabwe”, <https://freedomhouse.org/country/zimbabwe/freedom-net/2023> (Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?)



- Section 57 – Right to Privacy
- Section 62 – Right of Access to Information

However, legislative and policy developments since 2020 contradict these constitutional guarantees, curtailing digital freedoms and shrinking civic space.

### **1.3 Legal and Policy Framework on Digital Rights**

Zimbabwe has enacted several laws impacting digital rights:

1. Cyber and Data Protection Act (2021) – while intended to protect data privacy, it also expands government surveillance powers.
2. Patriotic Act (2023) – criminalises “harming national interests,” restricting online political discourse.
3. Interception of Communications Act – grants broad powers for surveillance, often used to target journalists and activists.
4. Broadcasting Services Act – limits the diversity of independent media in the digital space.

Despite Zimbabwe’s National Development Strategy (NDS1) aiming to increase ICT penetration, digital rights violations undermine the progress toward an open and accessible internet.

## **II. Specific information on the implementation of articles 1 to 27 of the Covenant**

### **2.1 Article 2: Constitutional and Legal Framework for Digital Rights**

Zimbabwe’s legal framework fails to align with its ICCPR obligations regarding digital freedoms.

- The Patriotic Act criminalises online discussions deemed to be against national interest, violating freedom of expression (ICCPR Article 19).
- Internet shutdowns during elections violate Zimbabwe’s obligations under Article 25 (political participation) and Article 19 (access to information).
- The Cyber and Data Protection Act lacks independent oversight, allowing arbitrary government access to personal data, violating Article 17 (privacy rights).

## 2.2 Article 17: Right to Privacy, Data Protection & Surveillance

Zimbabwe's digital surveillance regime contradicts ICCPR Article 17:

- The Cyber and Data Protection Act (2021) designates Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) as the data protection authority, creating conflicts of interest.
- Social media monitoring and state surveillance increased ahead of the 2023 elections, targeting activists and journalists without transparency or judicial oversight.<sup>4</sup>
- Reports of unauthorised access to citizens' mobile phone and internet records by state agencies raise serious concerns over personal data security.<sup>5</sup>

**Recommendation: The Government must amend the Cyber and Data Protection Act to ensure judicial oversight and limit arbitrary surveillance.**

## 2.3 Article 19: Freedom of Expression & Access to Information

Zimbabwe's freedom of expression online is severely restricted through:

- Criminalisation of dissent under the Patriotic Act.
- Arrests of journalists and activists for social media posts.<sup>6</sup>
- Internet disruptions during elections, limiting access to credible political information.
- Disinformation campaigns by both state and non-state actors, manipulating the online space.

Example:

- In August 2023, on the eve of Zimbabwe's general elections, internet services were throttled, affecting millions of users.<sup>7</sup>

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<sup>4</sup> IRI, "Zimbabwe 2023 Elections: A Risk Assessment of the Online Information Space"

<https://www.iri.org/resources/zimbabwe-2023-elections-a-risk-assessment-of-the-online-information-space/>

<sup>5</sup> USAID "2022 Country Reports on Human Rights Practices: Zimbabwe"

<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/zimbabwe/>

<sup>6</sup> Paradigm Initiative, "Coalition statement on persistent arrests of journalists and threats on media freedoms in Zimbabwe"

<https://paradigmhq.org/pin-and-thirteen-others-organisations-issue-joint-statement-on-persistent-arrests-of-journalists-and-threats-on-media-freedoms-in-zimbabwe/>

<sup>7</sup> MISA Zimbabwe, "Internet degrade on the eve of elections"

<https://zimbabwe.misa.org/2023/08/22/internet-degrade-on-the-eve-of-elections/>



- Social media platforms such as Twitter, Facebook, and YouTube were partially inaccessible, preventing citizens from accessing electoral information.

**Recommendation: Zimbabwe should repeal the Patriotic Act and ensure unrestricted access to the internet, particularly during elections.**

#### **2.4 Article 21 & 22: Freedom of Assembly and Association in the Digital Space**

- Crackdowns on online activism through social media monitoring.
- Censorship of opposition political content, including blocking of livestreams during protests.
- Intimidation of civil society organisations engaging in digital advocacy.<sup>8</sup>

**Recommendation: The Government must stop illegal and unauthorised digital surveillance of activists and CSOs and ensure equal access to online platforms for all political groups.**

#### **2.5 Article 26: Non-Discrimination & Digital Inclusion**

- Rural and low-income communities remain digitally excluded, with only 34.8% of the population having internet access.<sup>9</sup>
- Women and girls face higher digital exclusion and online harassment.

Example:

- There has been a rise of “blatant sexist and misogynistic” online attacks against women journalists in Zimbabwe.<sup>10</sup>

**Recommendation: The Government must implement policies to reduce data costs and enhance digital literacy for marginalised groups as well as the protection of women and girls online.**

### **III. Key Concerns & Violations**

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<sup>8</sup> FIDH, “Zimbabwe’s civic space in crisis: New report details growing operational obstacles and legal threats to civil society”

<https://www.fidh.org/en/region/Africa/zimbabwe/zimbabwe-s-civic-space-in-crisis-new-report-details-growing>

<sup>9</sup> DataReportal, “Digital 2023: Zimbabwe”, <https://datareportal.com/reports/digital-2023-zimbabwe>

<sup>10</sup> MediaDefence, “Violence Against Women Journalists In Sub-Saharan Africa 2024”

<https://www.mediadefence.org/ereader/wp-content/uploads/sites/2/2024/06/Modules-on-Online-Violence-against-Journalists-in-Africa-2024.pdf>



1. Internet Shutdowns & Throttling – used during elections and protests, restricting access to information.
2. The Patriotic Act & Criminalisation of Online Speech – creates a climate of fear, violating freedom of expression.
3. Government Surveillance & Privacy Violations – lack of data protection safeguards.
4. Gendered Digital Exclusion – high data costs and online violence disproportionately affect women.

#### **IV. Recommendations to the Human Rights Committee**

1. To Ensure Free and Open Internet Access – Prohibit internet shutdowns and throttling, especially during elections.
2. Amend the Cyber and Data Protection Act – Establish an independent data protection authority.
3. Repeal Repressive Legislation – The Patriotic Act must be abolished to protect freedom of expression.
4. Promote Digital Inclusion – Reduce data costs and improve internet access in rural areas.
5. Combat Online Gender-Based Violence – Enforce stronger laws against cyber-harassment.

#### **V. Conclusion**

Zimbabwe has made some progress in digital access, but state-imposed restrictions, legal threats, and internet shutdowns have significantly undermined digital rights. The Human Rights Committee must urge the Government of Zimbabwe to take immediate steps to align its digital policies with ICCPR obligations.

#### **About Reporting Organisation**

The African Internet Rights Alliance (AIRA) is a coalition of 10 leading internet rights CSOs in Africa with a strategic focus on influencing regional and global policies and addressing critical digital rights challenges emerging on the continent, particularly around issues of network disruptions, information integrity, and the protection of digital rights in electoral and democratic processes.



Our key goals are to build a rich and Afro-centric network of stakeholders and promote collaborative learning, peer support, and actionable policy engagement.

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Pollicy

## Contact Information

Alliance Coordinator: Adebora Odunlami

Email Address: [coordinator@aira.africa](mailto:coordinator@aira.africa)

Phone Number: +2348096192819

Website: <https://aira.africa/>