



**F R E E M U S E**  
DEFENDING ARTISTIC FREEDOM

## STATEMENT

### UPR PRE-SESSION ON ZIMBABWE

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Delivered by: Paige Collings, Global Advocacy and Campaigns Coordinator, Freemuse

This statement is delivered on behalf of Freemuse, an independent international non-governmental organisation advocating for freedom of artistic expression and cultural diversity globally.

Freemuse previously submitted a report to the 2016 second UPR cycle on Zimbabwe with Nhimbe Trust, a Bulawayo-based non-governmental advocacy organisation working at the intersection of culture and development. In this submission, we called upon the Zimbabwean government to repeal or significantly reform legislations which were being used to violate artistic freedoms to bring them in accordance with its obligations under international human rights law as well as the 2013 Constitution. While the government has since undertaken a process of legislative realignment, we have documented a growing suppression of artistic voices by both state and non-state actors.

As part of this third cycle UPR, Freemuse and Nhimbe Trust spotlighted the following issues pertaining to artistic freedom in Zimbabwe: **first**, criminalising of artistic expression, **second**, censorship of artists and **third**, harassment and intimidation of cultural actors in Zimbabwe.

#### 1. Criminalising of Artistic Expression in Zimbabwe

**First**, we have documented an increase in criminal prosecution of artists preventing their free participation in cultural activities. Specifically, the provisions of the Criminal Law (Codification and Reform) Act are utilised by the government to restrict artistic freedom.

In February 2019, comedians Gonyeti and Maggie were arrested for performing a comedy skit depicting police brutality that was broadcasted online. This is symptomatic of a larger trend to suppress artistic voices that question and challenge state authorities.

#### 2. Censorship of Artists and artworks

**Second**, we have documented the use of the Censorship and Entertainments Control Act of 1967 as well as the Broadcasting Services Act of 2001 to censor artistic creations in Zimbabwe. These are legislations that provide for a range of grounds for censorship, which are broadly worded and vaguely defined to increase their scope.

In December 2019, the Broadcasting Authority banned the song 'Ngoro' on the grounds that the lyrics could be considered 'sexually suggestive, offensive and a negative influence for children'. The absence of strict standards to narrowly define restrictions constitutes a great violation of artistic freedom.

#### 3. Harassment and intimidation of cultural actors

**Finally**, there have been several cases of abductions and torture of activists and human rights defenders who voice their dissent against the state. Artists and cultural actors that have been critical of the government have faced intimidation and harassment, and the absence of robust institutional mechanisms for redressal greatly weakens the state of democracy in Zimbabwe.



**On these grounds, Freemuse and Nhimbe Trust recommendation the following:**

1. Re-align all existing legislation with the Constitution of 2013 as well as Zimbabwe's obligations under international human rights law.
2. Ensure the application of existing frameworks to prosecute state authorities for misuse of powers to harass or intimidate artists.
3. Develop a national strategy and action plan to uphold the safety of artists in advance of the next UPR Review, prioritising monitoring mechanisms.