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**The use of mobile phones for human rights protection: the experiences of Zimbabwean Human Rights Non-Governmental Organisations**

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The use of mobile phones for human rights protection: the experiences of Zimbabwean Human Rights Non-Governmental Organisations.

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Abstract

New technologies are emerging as a key part of the struggles for social change. In Africa, social change activists are increasingly relying on mobile phones to organise and mobilise protests for social change and to protect citizens from violence. Zimbabwe has experienced a long history of human rights violations stretching from the times of Rhodesia to post-coalition years. The violations have been in various forms, including the use of physical force and the constriction of political, media and electoral spaces. Human Rights NGOs, as part of civil society, have challenged the state over the violations in various ways, including through traditional and new media channels. Using case studies, namely the Zimbabwe Peace Project, (ZPP), Zimbabwe Lawyers for Human Rights (ZLHR), the Media Institute of Southern Africa (MISA, Zimbabwe) and the Election Resource Centre (ERC), the research investigates the potential of the mobile phone as a tool for contesting the constriction of media freedom, information access, freedom of expression and citizens' right to human dignity, to life, political choice and free movement and association.

The research is based on findings from interviews conducted between 2014 and 2016 with Zimbabwean human rights activists as well as from document analysis. The study established that the phone is a key tool through which NGOs and community activists (or volunteers) are offering protection to citizens by documenting, reporting and disseminating evidence of violence. It is also playing a significant role in legal interventions for victims of violence. Further, the device is empowering citizens to educate themselves about voting and mobilising for elections. Mobile technology is also facilitating the production of community media which is giving marginalised communities voices and opportunities to contribute towards, or participate in local and national dialogue and development. Equally important, it is opening pathways through which NGOs and human rights defenders are able to challenge state institutions that undermine the rule of law and justice. Finally, the study also established that in the face of legal, surveillance, interception and censorship strategies by the state, NGOs are mobilising networks, collaborative campaigns and circumvention and mobile-phone-mediated education and information tools to counter these strategies and tactics. The research is thus significant in terms of struggles from below in the context of new technologies for human rights and democratisation.

Declaration

I declare that this work- the ideas, the research, the analysis and the conclusion- is entirely mine and original. I further declare that the study, or any part of it, has not been published anywhere else.

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List of Abbreviations

AAG                         Affirmative Action Group (AAG),

ACHPR                     African Charter on Human and People's Rights.

AIPPA                      Access to Information and Protection of Privacy Act (2002)

BAZ                         Broadcasting Authority of Zimbabwe

BBC                         British Broadcasting Corporation

BSA                         Broadcasting Services Act (2001)

CiZC                        Crisis in Zimbabwe Coalition

CNN                         Cable News Network

CODE                       Criminal Law (Codification and Reform) Act. Chapter 9:23 (2004)

ConCourt                 Constitutional Court

CSOs                        Civil Society Organisations

DSZ                         Digital Society Zimbabwe

ERC                         Election Resource Centre

FAMWZ                    Federation of Media Women of Zimbabwe

FONGO                    Federation of Non-Governmental Organisations

GNU                         Government of National Unity (2008)

HRNGO Forum        Zimbabwe Human Rights Non-Governmental Organisation Forum

HZ                            Her Zimbabwe

HZT                         Heal Zimbabwe Trust

IBDC                        Indigenous Business Development Council

ICA                          Interception of Communication Act (2007)

ITU                          International Telecommunications Union

LOMA                      Law and Order Maintenance Act

MCZ                         Mobile Community Zimbabwe

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|---|---|
| MDC-T | Movement for Democratic Change-Tsvangirayi |
| MIC | Media and Information Commission (established under AIPPA) |
| MICC | Monitoring Information Communication Centre (established under ICA) |
| MISA-Zim | Media Institute of Southern Africa-Zimbabwe |
| MN | Magamba Network |
| NANGO | National Association of Non-Governmental Organisations |
| NPRC | National Peace and Reconciliation Commission |
| POSA | Public Order and Security Act (2002) |
| POTRAZ | Postal and Telecommunications Regulatory Authority of Zimbabwe |
| PTC | Posts and Telecommunications Corporation |
| WVA | War Veterans Association |
| ZACC | Zimbabwe Anti-Corruption Commission |
| ZACRAS | Zimbabwe Association of Community Radio Stations |
| ZANU PF | Zimbabwe African National Union (Patriotic Front) |
| ZBC/TV | Zimbabwe Broadcasting Corporation/Television |
| ZEC | Zimbabwe Electoral Commission |
| ZESN | Zimbabwe Election Support Network |
| ZFTU | Zimbabwe Federation of Trade Unions |
| ZGC | Zimbabwe Gender Commission |
| ZHRC | Zimbabwe Human Rights Commission |
| ZimRights | Zimbabwe Human Rights Association |
| ZINASU | Zimbabwe National Students Union |
| ZLHR | Zimbabwe Lawyers for Human Rights |
| ZMC | Zimbabwe Media Commission |
| ZPP | Zimbabwe Peace Project |

Chapter 1

Introduction

## 1.      **Background and rationale for the study**

There is an ever-increasing body of literature on the usefulness of new Information and Communication Technologies (ICTs) in promoting democracy and human rights. Even though it's heavily contested (Fuchs, 2012), scholars have put forward the idea of "liberation technologies" because of their capacity to "expand political, social and economic freedom," (Diamond, 2010:70). Research also shows that civil society organisations, including Non-Governmental Organisations (NGOs), are increasingly adopting these media to challenge authoritarianism, especially where governments are undemocratic, weak on governance and have a poor human rights record (Howard, 2010; Mudhai et al,2009; Mercer, 2002; Selian, 2002).

There has also been a steady stream of literature on the interaction between digital media, civil society, democracy and human rights by academics from the continent, or writing about the continent. Writers like Mercer (2002), Mudhai (2004; 2005; 2009) and Wasserman (2005, 2007, 2011) have explored the capacity of digital media and civil society in enhancing social change in Central, Eastern and Southern Africa. Other equally dynamic research explored the role of digital media in mobilising humanitarian efforts, in improving agriculture, education, health and business, in promoting inclusive political participation as well as in democratising media. For example Tufte et al, (2012) were researching how youth groups and other civil society organisations (CSOs) were adopting digital media for social transformations in East Africa; Goldstein and Rotich (2008) looked at the power of the Ushahidi platform in monitoring elections and violence in Kenya; Banda (2010) researched how digital media were spurring citizen journalism while Bratton (2013) and Obadare (2006), respectively, explored how mobile phones had become critical tools in promoting democratic citizenship as well as challenging state collusion with powerful telecommunications corporates who were cheating users.

In the case of Zimbabwe, digital media, including mobile phones, have played roles in enhancing media freedom and development (MISA, 2009; Mutsvairo and Columbus, 2012) in social protest (Willems, 2010), in identity setting (Mano and Willems, 2011) in election monitoring (Dumisani

Moyo, 2009), in supporting citizen journalism (Last Moyo, 2011, 2009) and in content production processes in broadcasting and print (Mabweazara, 2014,2011, 2010; Mare, 2013; Mhiripiri, 2011; Last Moyo, 2014). Some of this literature is reviewed further in Chapter 3. Though much of the research has added considerably to our knowledge of digital media and its potential, what is relatively absent in the case of studies on Zimbabwe, is a focus on the capacity of NGOs to use digital media to promote or protect human rights. Focus on civil society's engagement with digital media in this context, has been in the form of some contributions by Mare (2013), Mhiripiri (2011), Atwood and Clark (2010) and Mutsvairo and Mhiripiri (2013). A more recent but brief study on the use of e-media to monitor violations by one of my case studies, Zimbabwe Peace Project (ZPP) had just been published by Mashingaidze in June 2016, the time that I was also analysing my results. There was no study that I was aware of on the other three local non-governmental organisations that made up my four case studies: Zimbabwe Lawyers for Human Rights (ZLHR), Media Institute of Southern Africa, Zimbabwe Chapter, (MISA) and the Election Resource Centre (ERC).

Research on Zimbabwe has been conducted against a challenging background. The country's political environment has been one of the most polarised and most contentious on the African continent, with the government's human rights record abysmal from the mid-1980s onwards (Freedom House Reports, 2010-2015; Human Rights Watch, 2001, 2007, 2013; Zimbabwe NGO Forum Reports, 2001-2016; CCJP, 1999). International Human rights organisations like the UN Commission on Human rights and Amnesty International added their voices to the continuing criticism against the government on the issue. The country was suspended and subsequently withdrew itself from the Commonwealth in 2003; it also attracted EU and US economic sanctions in 2002 following heavy criticism by countries from these blocs for the same reason. The abuses have been bolstered by a plethora of repressive laws. The rights and freedoms negatively affected by these laws, introduced by the government between 2002 and 2008, form a long list but freedoms of the media, of expression, access to information, assembly and association, the right to political participation, to life, human dignity, security and privacy as well as access to water, food, sanitation and health stand out as the most critical. Despite these shortcomings, the country boasts a solid telecommunications infrastructure with a 103% mobile phone penetration by the end of 2016 (POTRAZ, 2016) and competitive tariff structures. There

is sufficient connectivity for human rights NGOs to strengthen their capacity to mobilise digital media to enhance human rights.

## 1.1    Research Topic and Objectives

Given this background the study sought to contribute further to the body of knowledge from existing research by investigating the potential of the mobile phone in the context of it being a liberation technology (Diamond, 2010) following four examples from the Human rights NGO sector. The cases have specific human rights mandates, and, to that extent, are unique. The spectrum of human rights under stress in the sector is wide and the study could only limit its investigation to a few. These cover freedom of expression and media and access to information, represented by the Media Institute of Southern Africa (MISA), political rights or freedom to participate in electoral processes, represented by the Election Resource Centre (ERC), and the rights to human dignity, to life, to liberty, free assembly and association, represented by Zimbabwe Peace Project (ZPP) and Zimbabwe Lawyers for Human Rights (ZLHR). These rights are also defined in various sections of the country's Constitution but of note are Sections 48,49.51,58,61,62 and 67 which can be read in Appendix 3. These NGOs appeared to be deploying the mobile phone in unique ways, in specific projects or initiatives, that research had either not explored before, or had not done so to a sufficient depth. There was therefore scope to believe that given the particularity of the cases, the inquiry would provide new insights into the links between human rights NGOs, mobile phones and human rights protection. The study also hoped that its findings would contribute to dialogue between human rights NGOs, the state, and the rest of civil society, in ways that would enhance human rights and democracy.

The study therefore used case studies as examples to answer the following research questions:
a) Why, how and with what implications are NGOs using mobile phones to protect human rights in a challenging environment like Zimbabwe's? Specifically, how are they appropriating the technology to contest human rights challenges in the following areas:

    i)      people's rights to privacy, security, life and human dignity

    ii)     media freedoms and people's right to access information

    iii)    freedoms of speech, assembly and movement

    iv)    people's right to participate freely in electoral processes

b) What political, legal and other challenges are the NGOs facing in deploying the mobile phone in such a restrictive environment?

c) How are the NGOs using mobile phones to facilitate interaction between themselves and their networks or partners to enhance human rights protection in the country?

The different foci in the NGOs' mandates necessitated some different interview questions for each of the case studies, targeted to elicit responses to particular, as opposed to general human rights problems. There were also other questions for participants coming from outside the case studies, questions designed to gauge more generalised perspectives on the NGOs' capacity to effectively use the digital media. I believed it was necessary to canvass perspectives external to the subject NGOs to obtain some balance. The questions form an integral part of analysis in each of the case study chapters and in the Discussion Chapter. The thesis is divided into 11 chapters.

**Chapter 2**    reviews literature around human rights, looking at their history and some of the contentions in the field, including the NGO and state roles in protecting them and the (potential) conflicts that may emerge in the process. The chapter also explores links between democracy, empowerment and human rights, to help establish the background against which the potential of mobile phones in human rights contention may be assessed.

**Chapter 3**    explores literature around the mobile phone including its roles in promoting and protecting human rights and democracy as well as in contesting repression and authoritarianism.

**Chapter 4**    gives a background to Zimbabwe: the challenges in the country's political, economic, social, legal, telecommunications and media environments, to put into perspective some of the factors that fuelled political violence, media repression and electoral violations and have necessitated human rights NGO responses for the protection of human rights. The chapter looks at the penetration and prevalence of mobile phones, mobile internet and social media, linking these developments to the adoption of these technologies by human rights NGOs. Further the chapter discusses some of the critical pieces of legislation that have negatively impacted NGO efforts to champion social change in general and human rights specifically, with focus on

seven of these laws, discussed in some detail in the chapter[1]. The chapter's presentation attempts to crystallise the direction of the study, to underscore why its focus is on the rights represented by the four case studies.

**Chapter 5** explores the Methodology used in the research. The study design involved using primarily qualitative methodology: a descriptive but analytical assessment of information from interviews, websites and case documents. The qualitative method was also designed in large part to elicit insights into how digital media has influenced or facilitated new relationships amongst NGOs, their targets and the Zimbabwean government. The method had three aspects to it. The first consisted of interview (face-to-face, WhatsApp text, WhatsApp calling and Skype) with personnel from the four case studies. The second involved further interviews with other actors - mobile network operators, other NGOs, human rights defenders, Internet cafe users, media practitioners and lawyers-to understand the factors driving mobile and general ICT growth, motivations for appropriating the mobile phone and public views about NGOs. The third aspect involved analysing documentary and archival material from various sources to complement the interview results. Lastly, the chapter also discusses some of the challenges of researching NGOs in the human rights sector, given the country's conflicted environment. There were sensitivities around the security of informants and the difficulty of an outsider seeking co-operation from professionals working under threatening or risk-prone conditions.

**Chapters 6-9** present the findings from the four case studies: the Zimbabwe Peace Project (ZPP) the Zimbabwe Lawyers for Human Rights (ZLHR), the Media Institute of Southern Africa (MISA, Zimbabwe) and the Election Resource Centre (ERC). The cases, identified by acronyms through-out most this study, present differences and similarities in how they deploy the mobile phone, and the findings are presented in such a manner as to distinguish them. Because a fundamental aspect of this study also explores the state's capabilities in using legal, surveillance, interception and censorship impediments to suppress alternative views the chapters also explore activists' experiences and perspectives on these issues.

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[1] These are the Criminal Law and Codification and Reform Act (CODE), the Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA), the Electoral Act (EA), the Broadcasting Services Act (BSA), the Private Voluntary Organisation Act (PVOA) and the Interception of Communication Act (ICA).

**Chapter 10.** discusses and analyses the findings in response to the research questions, placing the analyses within the context of relevant concepts and theories and drawing comparative threads, where possible, from relevant research elsewhere on the continent or from any other part of the world.

**Chapter 11** concludes the study by making recommendations and, where information or research gaps may have been identified, making proposals for possible future research.

Chapter 2

Human rights

## 2.     Introduction

This chapter reviews the literature around human rights as a lead into literature around digital media and human rights challenges. The chapter explores some contentions around the concept of human rights, their links with democracy and empowerment- critical concepts in interpreting and understanding human rights- as well as potential protection strategies and tactics. Non-Governmental Organisations (NGOs), another critical element of this study, are also reviewed briefly, including their role in promoting human rights and democracy, as well as the sources of conflict with the state. The discussion is introduced as one way of exploring the background to how and why these institutions use digital media to protect human rights.

## 2.1     The human rights concept: the contentions

Understanding the concept of Human rights has generally been problematic partly, as Morgan and Turner (2009:3) and Ishay (2004:6-7) argue, because of the belief amongst some, that the origins of human rights lie in the metaphysical disciplines of theology and philosophy which do not lend themselves well to empirical inquiry and partly because of contextual and cultural differences (Shivji,1989). There has also been little consensus on the foundations of human rights (how do we judge their rightness or correctness) because one of the arguments generally offered for their basis-that they are founded on natural law- is not considered as illuminating as arguments that appeal to the application of international law to interpret and understand the rights. Morgan and Turner (2009:3) however point to an increasing understanding of the field over the decades as it has opened itself up to empirical inquiry, moving away from arguments based on philosophical thinking (Ibid, 3).

The 'natural law' view, in its simplest form, suggests that human rights are rights enjoyed by individuals by virtue of their being human, thus they are Man's natural rights (Petrina et

al.,2004)[2] as decreed by God. In other words, they are owned by him and he therefore has a right to them (Morgan and Turner, 2009:187 and 6; MacDonald, in Waldron, 2009:21-24). They are, broadly, the rights to human dignity, life, liberty and property. Morgan and Turner's conception of the 'natural law' perspective thus suggests that state laws or legal jurisprudence protect-human rights better. But I see this category of rights as also defining the right to human dignity.

The 'contextual and cultural differences' perspective, subscribed to by many developing countries, is illuminating, suggesting as it does, that people's cultures, religion, experiences and histories-their contexts or their peculiarities- influence their conception of human rights (Hinz, 2009 in Bösl and Diescho, 2009:7). The world is populated by people with different religions, different histories, cultures, values, and practices which influence their views about what may be considered right or acceptable and what is not. This perspective, also described as 'soft or weak universalism' or 'soft or weak relativism' (a less rigidly legal view of the universalism of human rights) appeals for a legal anthropological approach to the issue of human rights: one that "…reflects on all sorts of rules and norms, irrespective of their sources," and is not bound by given sets of rules or what *ought to be* but by what *is* (ibid,7). In other words, what might be acceptable and practised in some society might appear, from a legal point of view, untenable in others. Human rights practices in those regions or societies should be judged in their specific contexts. The appeal from "soft or weak universalism" is therefore for an adoption of an anthropological approach, one that calls for an understanding of what religious, cultural, or other practices have influenced societies to accept what, from a formal legal point of view, could be deemed threats against individual rights. Donnelly (2007:281) holds the same view arguing that the world had to allow for national, regional, and cultural particularities and deviations from international norms in human rights interpretations. However, progress and development often lead to a review of old values and practices and thus an acceptance of new notions of rights.

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[2] Stephen Petrina, Kenneth Volk and Soowook Kim suggest that 'natural' rights are accepted by many to be rights that are "decreed by God, inherent in human nature or defined by reason." Natural rights include claims to life, liberty and property. Historically natural rights were enshrined in the English Bill of Rights in 1689, the US Constitution in 1787 and the French Declaration of the Rights of Man in 1789 and continue to reflect the foundation from which many other Conventions have been developed.

The arguments presented by these approaches may partly explain the reasons underlying the criticism of human rights and the founding declaration itself, the Universal Declaration of Human Rights, including by some developing countries whose reluctance to accept the 'universalism' of human rights is influenced by their colonial experiences. This may be why African governments, particularly those who have gone through liberation struggle experiences, appear slow or reluctant to adopt the West's definition of universalism or the spirit of international human rights. The following is Turner's (1993:499) summary of the challenge against the human rights concept, especially from the perspective of developing countries:

> It is seen by many to be biased and western; it provides western powers with an opportunity to intervene in the Third World under the auspices of the United Nations. The human rights movement has been criticised in particular for adopting western individualism as the underpinning for the modern exercise of rights.... human rights are still too closely connected to the justifications of the market and possessive individualism. For many critics of the concept of rights, the contemporary status of human rights, especially when it is institutionally and globally attached to the United Nations Universal Declaration on Human rights and the European Convention on Human rights, is in no significant way different from its seventeenth-century intellectual forebears.

Sen (1999:148-9) makes the same observation, but adds that some developing countries were further opposed to democracies and civil and political rights as touted by developed countries, because they felt poor people preferred fulfilment of their economic needs compared to having political freedoms. Some governments also argued that political freedoms tended to hamper economic growth and development. Sen's own argument though is that public debates made possible by political and civil freedoms allow for the formation of positive values, integral elements in democracy (Sen, 1999:158) and human rights.

Despite the appeal of the perspective that pushes context, religious and cultural traditions (or the national, regional, and cultural particularities and deviations perspective) as the basis for defining and protecting human rights, this thesis subscribes to the approach that acknowledges that human rights require formal legal protection. I take this approach because despite some of the developing countries subscribing to UN and domestic human rights conventions, the level of human rights violations is not showing any significant decrease. The thesis thus argues that a formal legal approach would force some of the nations, to exercise their obligations towards

human rights protection and promotion instead of taking refuge in arguments invoking contextual, religious, moral and cultural interpretations. The approach would also provide routes for violated citizens with little recourse to domestic legal support to seek regional or international interventions and relief at institutions like the Sothern African Development Commission (SADC) Court, the African Court on Human and People's Rights (ACHPR) or the International Criminal Court.

## 2.2    The Universal Declaration on Human Rights (UDHR), Conventions and their spirit

The Universal Declaration on Human Rights (UDHR) was the response of UN members to the atrocities committed during the Second World War (Johnson and Symonides, 1998:27). It was a declaration, non-binding, but still designed to ensure that similar violations that had been experienced by millions of people to their rights and lives would never recur. Although some participating nations had histories of violations against their own citizens, the UN presented the first platform where there was global acknowledgement that human rights violations could not remain the internal issue of individual states. The UN thus provided the UDHR declaration as the document which would identify and highlight standards for all UN member states.

The UDHR articles were drawn from contributions by, among others, NGOs, European, North, and Latin American countries when they negotiated the provisions of the UN Charter. The 30-article document became the spring board from which several key Human Rights Covenants and, subsequent, more elaborate, more specific, and focused human rights documents designed to protect specific rights, were drawn. At least seven Covenants and Conventions have been drawn since[3]. The treaties enhance the general spirit of the UN Charter, which is to promote peace and security, and that of the UDHR, whose major aim is to protect life and promote human dignity. Clapham (2006:317-346) draws special attention to some of the treaties' foci on protecting specific target groups like women, children, racial or ethnic minorities, refugees or any other groups located in foreign countries whose rights may be infringed by local or domestic laws.

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[3]  The UN Human Rights treaties include The International Convention on the Elimination of all forms of Racial Discrimination; Convention on the Rights of the Child; the International Conventions on Social, Economic and Cultural Rights as well as civil and political rights; Convention on the elimination of Discrimination against Women; Convention/Law on Refugees and the Convention against torture and other cruel, inhuman or degrading treatment or punishment.

In the case of Africa, the ACHPR provides the base line from which member countries can draw domestic legal frameworks to ensure the protection of citizens' rights[4]. The ACHPR itself draws its framework from the UN Charter. In fact, Keetharuth (2009 in Bosl and Diescho, 2009:166) contends that this Charter is viewed to be an even more compact document, synthesizing the contents of the UDHR and Covenants, as well as the special rights under one document. Regional African blocks like SADC have also agreed general principles that again guide each member state in formulating legal frameworks to protect the rights of its citizens. The rights, which cut across several institutional frameworks and form the foundation for democracy, include the freedoms that have formed a fair part of the foregoing discussion as well as to public services, health and education, to life, liberty, and dignity.[5]

Debate around the critical nature of the UDHR and Conventions argues for example that they reflect the universality, indivisibility, inalienability, interdependence, and interrelatedness of human rights (Vogelgesang, 1979; Turner, 1993; Donnelly, 2013, 2007, 2003; Morgan and Turner, 2009). These are also what Donnelly (2013:31) describes as the key features of the Universal Declaration Model. The argument is that all human beings are equal and therefore have or are entitled to the same international human rights (Ibid, 67). Whether as single or collective freedoms or duties, the rights have the same relevance and importance. None should be more important than another. The improvement of one right facilitates the promotion of other rights. Conversely the weakening or deprivation of one right adversely affects the others (Hope, 2011). The Millennium Development Goals, (MDGs) may serve as a useful example of the comprehensive approach to human rights issues. The goals are about fulfilling people's social and economic rights, and even though each goal focuses on improving specific areas of development, the overall focus of their implementation was designed in such a way that positive

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[4] Article 1 of the ACHPR says 'The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and *shall undertake to adopt legislative or other measures to give effect to them.*

[5] These and many other rights expressed in the UDHR and ACHPR are reflected in Zimbabwe's Constitution, Chapter 4, Part 1, Sections 44-78. Chapter 4 of Zimbabwe's Bill of Rights spells out a huge number of rights under 34 sub-sections. The Bill also outlines 26 Objectives of the government, in essence its obligations to its citizens. The obligations include promoting good practices and policies in/for education, labour and work, social welfare, youth development, the marriage institution, war veterans, sports, health services, shelter, traditional knowledge, children, and persons with disabilities.

outcomes in one area would influence or relate, directly or indirectly, to improvements in other sectors.

## 2.3    Types of human rights

Although the number of rights recognised by the various UN treaties and protocols is finite, they have tended to evolve with changes in development and technology. Technological and other changes increase society's knowledge as well as its expectations for increased human dignity and improved living conditions. It has already been intimated in the foregoing discussion that with improved knowledge and increased interaction amongst global actors what may have been viewed as morally acceptable in the past becomes questionable and even unacceptable. By increasing demands for protection against old unsustainable practices or policies, society in the process compels an increase in demands for more rights. Even the "…emergence of new techniques of repression, changing ideas of human dignity, the rise of political forces and even past human rights successes…" have helped shape human rights lists (Donnelly, 2003:58).

International human rights are divided into three broad groups contained in three Covenants. (Donnelly, 2011). The first group, made up of civil and political rights is also distinguished as 'first generation' rights. The second group, social, economic, and cultural rights, is also known as "second generation "rights. The third group, generally distinguished as minority, group or "third generation" rights comprises rights claimed by special groups arising from the notions of self-determination (Ishay, 2004:10-11), under privileging or dispossession. The sections which follow examine these covenants in a little more detail.

### 2.3.1    Civil and political rights.

Civil and political rights are enshrined in both the Universal Declaration and the International Covenant on Civil and Political Rights (ICCPR) (1966). While it is argued that all rights are equal there are some core elements, describing the essence of human dignity, equality, and freedom, which have given greater weight to civil and political rights. It could be argued that these are the most fundamental elements of the human rights model (Donnelly, 2003:34) allowing people to live in freedom and liberty, free from fears of persecution or any form of

injustice; freedom to enjoy political participation, to express opinions, to tell their own story, to assemble and associate. Embodied in both the UDHR's Article 21 and national or domestic constitutions in varying forms[6], the right of political participation reflects people's freedom to decide how they should be governed. Constitutions that seek to foster democracy attempt to capture the people's will which in its turn is expressed by facilitating citizens' participation in political activities (such as forming political parties, standing for public office, associating freely with others with similar political interests) as well as participation in regular, free, and fair elections. The challenge however is that the interests of political elites do not always coincide with those of ordinary citizens. Because the political elite invariably control or dominate electoral processes, in many cases electoral deficiencies emerge which result in the violation of electoral rights and the failure of democracy. The problem is exacerbated by the fact that these deficiencies give the appearance of genuine democracy but are in fact deficiencies cloaked in what Gautier (2000, in Hick et al, 2000:92-93) describes as a veneer of democracy shielded by judicial instruments and constitutional provisions.

The rights and freedoms to privacy, expression, assembly, and association, enshrined in such Articles as 3, 12, 13,18, 19 and 20 of the Universal Declaration model (Donnelly,2013:26-28; UDHR) embody citizens' desires for peace and personal security, to share and express opinions openly, to associate with people with similar (political and other) interests and to move around freely without fear. As noted elsewhere in this discussion, rights and freedoms are negotiated because their enjoyment impinges on other people's rights to enjoy the same. Donnelly (2003:25) observes that some of the freedoms, for example those of assembly and association, assume collective action and therefore involvement not only of one group of actors, but another with different agendas. Other groups' interests in such cases must be respected. But even in the case of collective action, everyone still has responsibility for their own action within the collective framework, but at the same time has a right to protection. Nickel (2007:11) describes these as *basic liberties,* that is rights which talk to the need for each person to be recognised as an individual, to be treated equally and with dignity. There should be no discrimination on any

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[6] There is a whole range of Articles (19, 4, 37,38,39) from which such constitutions as South Africa's, India's, USA, Argentina and Canada have borrowed. The list can be found on the Human Rights website: http:// www.hrcr.org.

grounds, although everyone is charged with the duty to recognise that other citizens' must be given the same treatment, that their rights must command similar respect.

Towards the end of the 1990s a broader interpretation of the right to freedom of opinion and expression, as expressed in the Universal Declaration's Article 19, emerged and was defined as 'the right to communicate.' The UN's argument in endorsing the 'right to communicate' as a human right, was that because of global inequalities in media development, access to information and the means of communication, nations had to go beyond the spirit of Article 19 and redress the inequalities across various groups, including in the same nation, and truly allow the citizens to have a voice. Mansell (cited in Klang and Murray, 2006) summarises the World Summit on Information Society (WSIS, 2003)'s view of the features of the right to communicate, features which underpin today's strands of alternative, citizen and social movement journalism, (Rodriquez, 2001; Atton, 2003; Downing, 2007, 2008) or any other terminologies that writers in this group have coined.

> Key elements of the right include the right to a diverse, pluralistic media; equitable access to the means of communication, as well as to the media; the right to practise and express one's culture, including the right to use the language of one's choice; the right to participate in public decision-making processes; the right to access information, including from public bodies; the right to be free of undue restrictions on content; and privacy rights, including the right to communicate anonymously.[7]

In a keynote speech at Community Media Festival, London, in November 2001, Andrew Puddephatt, Executive Director of the organization Article 19, which promotes Article 19 of the UDHR, framed his interpretation of this right in language that implied its capacity to empower citizens: '... every individual or community has a right to have its stories and views heard,' (Puddephatt, 2001; Article 19, 2003:1). I view this interpretation of the right as reinforcing the notion of the power of alternative or citizen media and its capacity to empower citizens (Atton, 2001; Rodriguez, 2001) by giving them a voice. Empowering people to tell their own stories is one of the elements that contribute to human dignity. People can articulate their contexts better when they read, talk, and write about themselves or their situation. When people create their own media, when media and content are embedded in their everyday lives, citizens are better able to

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[7] The World Summit on Information Society (WSIS) was by 2003, still debating the 'ideology' of the right to communicate, and the impact it would have on nations, technologies and other communities. While the notion was acceptable, as endorsed by the UN, it would not be easy to implement.

represent themselves, fight disenfranchisement and abuse of their rights. The discourse on citizen media is reviewed further in Section 3.4.3 of the next chapter which explores some of the digital media that citizen journalists are using.

However, just as with promoting electoral rights, telling 'our' story is not that simple. As Mansell (2012) cautions, despite the advent of digital media and prominently the internet, barriers continue to be imposed by global media owners or other elites who can influence how the story is told, for example by controlling content production processes. Critically, where the elites control the mass media and other forms of communication through legislation, ownership or other forms of co-ercion, the marginalised, "…the minorities, women, the poor and local communities lose an important cultural resource: the right to tell their own stories to their children and significant others," (Melkote and Steeves, 2001: 355). Even if it were argued that because the stories tend to empower people more at individual than group level, it is inarguable that because they emerge from personal and community experiences, in the long term they will create confidence in, and give self-respect to their creators. Invariably these stories reflect the levels of democracy, development and human dignity that exist in the communities.

### 2.3.2   Social, economic and cultural rights

For long the world's focus has been more on civil and political rights than on economic, social, and cultural rights. Economic rights relate to the rights to private property, to work and  leisure, rest and holidays. Social rights relate to food, health care and other living conditions while cultural rights relate to education, starting and maintaining a family and participating in the cultural life of a community. Donnelly, (2013:45) suggests that there are affinities between these and civil and political rights, in that they aim to assure life, dignity and a sense of liberty to the person as much as the other group of rights also aim to do. Cultural rights, he argues have an affinity to civil liberties while economic rights such as the right to work are instrumental in creating opportunities that are in the end valuable in political participation.

One of the reasons for the 'devaluation' of this group of rights was the fact that, according to Merali and Oosterveld, (2001:43), states did not think they were as important as civil and political rights, and therefore did not promote their content or significance. They ignored

instituting domestic laws to protect the rights in the manner civil and political rights have been protected and promoted. Merali and Oosterveld contend that the action exacerbated the situation by, sadly, creating a sense of entitlement to civil and political rights amongst citizens. That sense of entitlement also means citizens overlook or do not demand the other rights. At the beginning of 2000 one of the responses to correcting the deficiency created by the derogation was to adopt a development approach that focused on fulfilling as many rights as possible. The Millennium Development Goals (MDGs) offered the opportunity for UN members to adopt an integrated approach to social change and development as opposed to promoting specific rights. And as 2015 approached with recognition that there are still numerous economic inequalities and social injustices globally, world leaders agreed to pursue Sustainable Development Goals (SGDs) whose implementation also now encompasses the fulfilment of a few rights in the third group.

### 2.3.3. Minority Rights

Minority rights arise mainly from claims by minority groups for self-determination or the need to preserve their cultures, values, religion or ethnicities. This set of rights has tended to be controversial because they are often invoked by marginalised or minority groups claiming the right to exist in environments where other groups have contesting rights (Nickel, 2007:154-156). The groups may feel that if they are not granted the rights to exist in the constricting environment, their history and identities are threatened. Or, if the rights are granted, they must be accompanied by clear protective frameworks. With globalization, the challenge for self-preservation amongst these groups has increased further, because, despite crossing borders, the groups still want to retain their identities in the new borders. In the book **The United Nations and Human rights: a guide for a new era,** Julie Mertus (2009) summarises the challenge that accommodating this group poses to the UN human rights system: "Marginalized groups seeking the imprimatur of legitimacy within the mainstream human rights community continue to push for new treaties reflecting their concerns," (ibid, 2). My interpretation is that Mertus was highlighting the evolutionary nature of human rights more than the challenge of demands from special groups.

It is not cultural rights claims alone though, that fall into this group. Special-interest groups have also claimed special recognition for protection because of specific, defined needs, or because

they have become the targets of specific threats. The 1989 Convention on the Rights of Children for example, was one of the fastest moving international instruments because of the universal appeal of children's issues (Donnelly, 2013:187). Laws which deal with Women's Rights, issues of torture, racial discrimination and disabilities have been incorporated into the legal regimes of most UN members, again because of the readiness by members to be seen to be compliant towards issues with 'universal' support. Zimbabwe has domesticated laws dealing with disabilities, children, and women's issues. There are other examples of violations against specific gender, age, religious or other groups, many such examples quoted in numerous Human Rights Watch (HRW) and Amnesty International (AI) reports. The diamond-driven wars in Liberia and the Democratic Republic of the Congo, for example violated the rights of young boys by forcing them to become boy soldiers; in Somalia and other drought and war-torn regions in Africa, young girls have been forced into early marriages and require protection from circumstances that the UDHR did not envisage in developing countries, but which now require not just domestic but regional and even international interventions.

## 2.4    Democracy and human rights

Just as much it has been argued that human rights are interdependent, indivisible and interrelated (Donelly,2003:27-29) scholarship has also argued that democracy and human rights share strong links. The Vienna Declaration and Programme of Action, adopted on June 25, 1993 by the World Conference on human rights - reaffirming the indivisibility of human rights- and specifically Article 8 of the Declaration, highlighted the relationship between democracy, development, and human rights. Article 8 states:

> Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world (http://www.ohchr.org/en/professionalinterest/pages/vienna.aspx).

The link has become conceptually clearer with time though. Julie Norman (2005) summarises the dynamics behind the reconceptualization and convergence of the two fields, for some time regarded as unrelated[8].

> Specifically, definitions of democracy have expanded from the traditional procedural democracy to encompass the ideals of a substantive, liberal democracy. Likewise, the human rights framework has begun to further develop conceptions of social, economic, and cultural rights, in addition to civil and political rights, thus expanding the notion of human rights to include human security, and extending human rights to the collective as well as the individual level. These renewed definitions present opportunities for recognizing the convergence of the theories and fields related to human rights and democracy.

Norman makes this exposition in relation to the situation in Palestine as an emerging democracy but the interdependence between the two fields is as applicable to that country as it is to other emerging democracies. Beetham, (2002, cited in Murray, 2004) similarly criticises the fallacy of looking at democracy and human rights as "… distinct phenomena occupying different areas of political sphere: the one a matter of the organisation of government, the other a question of individual rights and their definition," (ibid, 73). Their spaces should be seen to be converging or at the very least overlapping. Democracy provides a fertile ground for human rights promotion and protection: ground which accommodates and promotes mechanisms which in their turn ensures that people have peace and freedoms.

The modern concept of democracy is based on the participation of every individual to determine the social, economic, and political system that is meant to influence their lives (Donnelly, 2013:220). Modern democracy elements include formal election processes, good governance, a constitution that provides a framework for accountability, separation of powers, rule of law, support for civil society (and even the opposition), implementation of sustainable development programmes and human rights protection (Murray, 2004:107-109). Democracy is particularly visible at national levels when there are clear indications of constitutional bills of rights protecting individual rights and freedoms. Beetham (2002, cited in Murray, 2004:73) correctly

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[8] Julie Norman focuses on how democracy and human rights issues intertwine in Palestine. However, the 'convergence' of the concepts of democracy and human rights apply universally and are not confined to developments in the Middle East country alone.

argues that democracy without freedom is a contradiction, going further to state that a country's political system is related to the standards of rights and freedoms that its citizens enjoy:

> Without freedom there can be no democracy. If people are to have any influence or control over public decision making and decision makers, they have to be free to communicate and associate with each other, to receive accurate information and express divergent opinions, to enjoy freedom of movement and to be free from arbitrary arrest and imprisonment.

The Vienna Declaration saw this link clearly and stated that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. The Declaration then enjoined the international community to support their strengthening and promotion in the whole world. The fact that the appeal was in the form of a declaration and therefore non-binding, did not detract from its significance.

Sachikonye, (cited in Bujra and Adejumobi, 2002:186) conceives democracy as "…a system or form of regime whose legitimacy derives from the principle of popular sovereignty.' Although the definition does not add substantially to the depth or breadth of the debate it still makes a useful contribution. The principle of popular sovereignty suggests citizens' ability and capacity to decide how they should be governed. In thus defining the concept of democracy, Sachikonye identifies several key attributes that themselves are the fundamental foundation of human rights: the right to vote, the right to belong to a political party of one's choice (freedom of association), the right to freely express oneself (freedom of expression) and the general observance of human rights. These and other attributes only become truly expressible based on the existence of other democratic frameworks: for example, the existence of Electoral, Media, Gender, Human rights, and Judicial Commissions to enforce state and non-state actors' transparency and accountability, citizen protection, media independence and various other protections.

Donnelly (2003:191) suggests another link which he describes as a "… commitment to the ideal of equal political dignity for all." I interpret this link to refer to the principles contained in the Articles articulating the rights to vote, to select political leaders and belonging to a political party of one's choice. Various forms of democracy have been criticised for one weakness or another, but procedural democracy, common in both developed and developing countries, is considered even less representative of citizen participation and influence in electoral processes (Beetham,

2002, cited in Murray, 2004:73). Under liberal democracy, which is the most celebrated form, all citizens are ideally allowed full participation and influence in the choice of their leadership. Procedural democracy on the other hand is criticised for focusing on the presence of voting structures and institutions, allowing incumbent office holders to manipulate the voting process to remain in office. This in effect circumscribes citizens' rights to objective and fair political choice, achievement of political dignity and, overall, undermining of democracy.

While acknowledging that human rights have a chance of thriving better in a democracy, Donnelly (2013) however disagrees that the link between the concepts is that straightforward nor as mutually beneficial (ibid, 223).

> Democracies have a significantly better average human rights record than non-democratic regimes. Some non-democratic states, however, perform better on many rights than some democratic states. Furthermore, human rights practices among democracies vary dramatically.

Donnelly argues that democracy only enhances human rights if people collectively make considerable effort to constrain and contain their interests and actions. The reality however is that this does not happen, with individual interests often overriding collective interests.

Another point relates to good governance as a key indicator of democracy in a state. Good governance is reflected in state transparency and accountability in decision-making processes, responsibility in the exercise of power as well as the state's responsiveness to people's needs. All these elements underpin good human rights practices. Conversely an absence of these factors reflects paucity of democratic practices and a potential for violation of human rights. Institutions like the UN and African Commission, through the UDHR, Conventions and the ACHPR (1986) require states to bind themselves legally to respecting the rights of their citizens.[9] If there is evidence that these legally binding obligations are being honored then they would become evidence that democracy is ensured. Ofcourse individuals must also fulfill complementary human rights obligations, but the larger portion of the burden lies with the state (An-Na'im, 2003, cited in Sarat and Kearns, 2004).

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[9]An-Na'im stresses that legal obligations towards human rights issues minimizes the deficiency of states being selective about which rights they will prioritize to promote and protect. States can be sued if they fail to protect citizens.

An-Na'im's observation about the role of the state in human rights protection is critical as much of the criticism leveled against Africa's failure in governance and human rights protection stems from authoritarian leadership's disregard for democratic conventions. What the preceding discussion has tried to do is to show that even if there was debate about direct causal relationships between democracy and human rights, it can-not be dismissed that, at the very least, there are affinities between the concepts (Donnelly, 2003:186-192). There is a mutual relationship between the two. Democracy not only offers the conditions for human rights protection but is itself enhanced when human rights are protected.

## 2.5    Empowerment, democracy, and human rights.

As much as it was important to discuss the links between democracy and human rights in the preceding discussion, it is also important to assess the links between empowerment, democracy and human rights. Empowerment is a concept that has not easily found common ground amongst practitioners and academics although traditionally the most common conception of empowerment relates to education and development. This is so because historically Latin American scholars, notably Freire (1993) led its debate when he was examining the role of education in delivering impoverished and disempowered Brazilians from a system fraught with economic, social, and political injustices. Freire's, and other researchers after him, perceived empowerment as a process, identifying three key steps towards its fulfilment: 'conscientising' the marginalised about their situation, 'inspiring' them to act- such as getting education and skills- and finally, 'liberating' them by encouraging them to use their capabilities to gain confidence, self-reliance, and self-worth (McAnany, 2012:96; Melkote and Steeves, 2001). Freire's exposition, that true democratic participation involves interactivity, problem identification and solution seeking could be argued to justify the push for such issues as the right to (access and disseminate) information and the right to free expression.

The modern argument is that when citizens understand their rights they feel inspired and empowered: human rights empower citizens when institutional frameworks (for instance legal, judicial, media and other institutions) are invoked to demand adherence to minimum standards and norms for peace and development. Welch Jr (1995:54) frames his understanding of

empowerment to highlight the element of citizens' right to be politically involved. Political participation is one of the key pillars of democracy and a critical human right. The empowerment approach, Welch contends, entails '…deliberate political mobilisation' of historically, socially, and economically disempowered groups (ibid,54). Friedman (1992) also suggests empowerment is critical in mobilisation and transforming social to political power; Melkote and Steeves (2001:354-5) define empowerment as "the mechanism by which individuals, organisations and communities gain control and mastery over social and economic conditions and democratic participation in their community." Shalit (2004) and Banducci et al, (2004, all cited in Hyung Hur, 2006:525) refer to additional aspects of empowerment. Banducci, Donovan and Karp single out the capacity of empowerment to strengthen representational links and encouraging political participation while Shalit links it to intellectual capacity growth, problem solving and, as well, political participation. The range of interpretations that the term offers is relatively wide but through them all is a general inference to empowerment leading to social, economic, and political transformation. In all notions of empowerment, the element of individual and community struggle to overturn social and political disadvantage is also evident, and is reminiscent of elements in Freire's Brazilian model. Even development institutions debate the links between empowerment and democracy and human rights. The Swedish International Development Agency (SIDA, 2009) contends[10] that when democratic processes guarantee people what Tambin (1999, quoted by SIDA, 2009) describes as the four key transactions to democracy-access to information, the right to choose leaders of their choice, free deliberation, and free assembly- then a high degree of empowerment has been achieved. For the UK's Department for International Development (DFID,2000) empowerment means "... individuals acquiring the power to think and act freely, exercise choice, and to fulfil their potential as full and equal members of Society." Freedom to act and think, to make conscious choice and to participate and be accepted by society as a productive member, is the ultimate product of empowerment. Society accepts more a member who acts according to 'group' norms, such norms being the ones that are reflected in or by democratic practices. Loosely but relevantly aligned to the DFID definition is Kabeer's (2001,

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[10] The SIDA Department of Empowerment puts great stock in strategies to empower marginalised groups, especially in developing countries where a fairly huge portion of the organisation's resources are destined.

cited in Bartlett, 2004), which contends that the process of empowerment results in previously disadvantaged and marginalised groups cultivating the ability to make strategic life choices. Kabeer goes further to suggest that the strategic nature of the choices becomes evident when the actions taken benefit the whole group rather than individuals. Marginalised group actions make a difference when the entire group acts in a manner that transforms the fortunes of the group rather than individual group members, an inference to the importance of group empowerment and group rights. This view of what constitutes real empowerment is a response to arguments that empowerment only benefits individuals and is therefore not as important to pursue as democracy and human rights.

The common denominator in all the interpretations appears to be that empowerment culminates in people understanding that their condition of disenfranchisement is a result of lack of ability and capacity to influence social and political power and that social and political participation is a primary goal for those seeking recognition and acceptance in society. It can therefore be argued that empowerment creates power within the less privileged and forces them to define themselves as their own agents for change. Disempowered groups, according to Bartlett, (2004, in Hyung Hur, 2006) should have courage and capacity to mobilise resources, opportunities, and capabilities for 'political' participation so that, in the end, they are able to influence the direction of their lives.

## 2.6    The state and human rights protection

The interrelationships between democracy, empowerment and human rights debated in the foregoing sections are significant in understanding the role of various actors-the state, civil society organisations, the media, corporates and even citizens themselves-in relation to, for example, what responsibilities and accountability each actor must assume to promote and protect human rights. The role of the state is the most critical in this respect. The primary role of the state is to ensure that the country's laws, policies as well as institutions not only serve the demands of its citizens but do so in the spirit of international laws, standards and norms which protect international human rights (Hope, 2011). The objective in having institutional frameworks to protect human rights is to remind offending states or institutional actors that

breach of the rights can breed legal, political, social, and other sanctions at national or international levels. Response to violations could involve other states acting to protect human rights in the offending state, either individually or jointly with other states (Nickel, 2007:19). However, this is an area where, according to Keetharuth (2009 in Bosl and Diescho, 2009) African nations have failed because of reluctance by leaders to interfere in each other's internal affairs. Reluctance to protect human rights appears to be more prevalent amongst developing countries although, as Eric Posner argued in *The Guardian* of December 4, 2014, such countries as India, Brazil and South Africa-reputedly amongst the world's largest democracies-also represent cases with the worst judicial killings. Massive citizen abuses, including genocide and forced migrations have gone unchecked in countries like the DRC, Nigeria, Zimbabwe, Eastern and Horn of Africa and many more. But even more developed countries like the USA, the UK and other European nations have also been criticised for the massive losses to human lives when they have been involved in attacks in parts of the world, North Africa and the Middle East for example, where they have said they wanted to remove dictators.

A combination of factors converges to create conditions for effective human rights protection. Sarat and Kearns (2004:91) suggest that amongst several factors, the level and quality of political commitment to citizen welfare by the state, availability of economic resources and civil society activism can influence to a very large extent the level of human rights protection offered by governments. Political stability, economic resources and non-legal institutional capacities also need to be complemented by a combination of the rule of law, independent judiciaries, executive compliance with judicial determinations, a strong and critical media, and willingness and ability by the public to enforce human rights through the courts (Sarat and Kearns,2004:1,6,91; O'Donnell,1998). These are crucial observations because a suppressed public, a weak civil society and a politically compromised judicial system are likely to act more as barriers to the observance of human rights and good governance than promote them.

## 2.7    Non-Governmental Organisations: definition, history and roles

Non- Governmental Organisations (NGOs) form part of civil society which itself is made up of a large number of civic or special interest groups (Edwards,2004:63-64), notably churches, media, student bodies, political groups, professional groups, trade unions and other informal and formal

but non-political groups.[11] As members of civil society they are part of Habermas' public sphere, the space in which new communication platforms, unencumbered by state bureaucracies and barriers, for example, have shown capacity to open debate and interaction amongst the various individuals, groups and institutions that reside in the space. Scholars like Edwards (2004:70) however warn that much as the public sphere promotes democratic engagement, it can equally breed conflicts and contentions.

Kirk de Heliker's (2012) observation, that NGOs, as a subset of civil society, are "an instrument in the process of social and political democratization"[12] is a strong indicator of the institutions' role in supporting fundamental aspects of human rights. They represent general or universal interests, as opposed to the state which he argues pursues its own partial and particularistic interests. Although this view has been contested (Shivji,2007; Nelson and Dorsey, 2008:6-7; Last Moyo, 2013:213; Dickson, 2016) NGOs are defined by their independence and non-partisanship, their ability to act freely, devoid of political or other influence. They are also defined by having narrowly focused but clear objectives and agendas which enable them to press human rights concerns more strategically.

Mitlin et al., (2006) define NGOs as 'corporate entities acting according to the logic of the market-place,' a definition suggestive of economic or development imperatives. The general view of NGOs in developing countries though was, for a long time, one in which political leadership felt more comfortable associating the institutions with development issues than with human rights, although, ultimately, development encompasses human rights. This view of development in its turn has its origins in the post-World War 2 modernisation approach. At the end of the war, Europe, America, and multilateral institutions pushed a development agenda into developing nations (mainly the global south), an agenda into which Northern NGOs were incorporated (McAnnany, 2012; Melkote and Steeves, 2001). Western Europe and America

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[11]  Some people could see this as a dated conception of civil society, which has metamorphosed into new forms, dictated by new needs and global challenges. For example, Social Movements pursuing special interest or once-off issues are now common; they may have no offices, the mobilisation and organisation efforts dependent on and syncronised through new media platforms.

[12] Heliker's arguments were in the context of the situation in Zimbabwe, where civil society was at logger heads with the state and Human Rights NGOs in particular were being challenged to lead the fight against the state for social and political democratization. Heliker also contends that in Zimbabwe civil society is equated with progression while the state is equated with regression.

relied on the power of technology to diffuse knowledge and innovations, reflective of levels of development in their own countries. NGOs were thus incorporated into the development institutions' broad programmes for technology, culture and information transfer, an incorporation which also included ensuring budget support for the NGOs.

Serving in developing countries, NGOs were, as a result, viewed as proponents of more positive and effective development approaches, being less encumbered by bureaucracy, politics, and capital as developing governments were. Developing countries were then viewed as regressive while NGOs were viewed as agents of alternative development and more progressive. NGO programmes were aimed at improving people's living conditions and empowering people with skills, resources, and education for self- sufficiency. Although most programmes were launched after WW2, under what came to be known as the 'NGO decade' (Bratton, 1989, cited by Mitlin et al, 2006:3; Pearce, 2000) it was not until the 1980s and 1990s, that their role came under scrutiny from various quarters, including from development experts, scholars, and politicians. The modernisation agenda failed to offer developing countries the relief that people sought from underdevelopment and poverty and the NGOs' capacity too began to attract those mixed views.

The views that began to filter through then relate to the need to professionalise NGOs, demand more accountability and sustainability and encourage stronger cross-NGO ties and international partnerships (Edwards and Hulme, 1992, 1995 & 1996; Lewis, 2001; Fowler 1997 & 2000a Wallace et al.1997, all cited in Hyung Hur, 2006). The development role began to be interpreted essentially as an interventionist, reformist role, in which NGOs were viewed as donors and service providers (Mitlin et al.,2006). They were seen as offering partial solutions to problems instead of being real alternatives to development. Mitlin and her colleagues (2006) argue that alternatives to development needed to offer alternative ways of organising the economy, politics and social relationships in society, the role that human rights NGOs began to espouse as reflecting their objectives.

The role of NGOs and other civil society organisations in democracy promotion can be assessed against the background of their partnership with the state and private sector in improving citizens' social, economic, and political conditions. The NGOs' primary role is to be watchdogs

and monitors for society (Mercer, 2002; Edwards 2004:63-64). Lucan Way, (2014:38), underscores that role by describing NGOs as "traffic cops", "mobilisers" or "dispatchers" and facilitators of stability. The role involves facilitating, motivating and initiating public voice or action in positive and non-violent ways. In non-permissive countries, this role is associated more with human rights NGOs than with those in development. In these environments, the voices of local NGOs might infact be the only voices of reason. From the standpoint of liberal democracy, the NGO/civil society role is viewed as being complementary- as opposed to being confrontational- to the state (Edwards, 2004:13) while the state is considered as provider of accountable government. Accountable government is achieved in various ways including through co-operation with civil society, often the conduit of the public's concerns. Constant dialogue between the state, civil society and citizens, which creates a relationship of mutual trust between the partners, ensures that the state's capacity for good governance is strengthened and its legitimacy assured.

The advent and intervention of digital media technologies brought a considerable transformation of NGOs, turning them into a critical sphere of power that began to challenge the state, private sector and the media. In 2006 Cammaerts and Carpentier (cited in Servaes and Carpentier, 2006:36-37) predicted an even more pronounced shift in the balance of power towards NGOs and other civil society organisations as new technologies, under WSIS, opened communication space. In fact, drawing on the strength of their communication platforms and networks, some NGOs have become so powerful that they can influence considerable political, social, and economic changes. Transnational NGOs like Amnesty International, Human Rights Watch, the International Commission of Jurists, Oxfam and Doctors Without Borders have built such strong profiles that they can "…shape the agendas, policies and treaties of the UN through their participation and lobbying, and provide links between the international human rights system and politics at the domestic level," (Korey, 1998, cited in Nickel, 2007:20). Thus, by supporting regional and national NGOs who may lack international lobby and advocacy capabilities they can still influence the sanctioning of human rights abusers.

The issue however is that there are almost always conflicts between the state and NGOs because of the watchdog and monitor role (McPhail, 2009:73)-bringing attention to crises. Authoritarian

governments consider this role a challenge on their control and power (ibid, 69). When NGOs advocate for political and other rights for the people, non-permissive governments tend to view them as going outside 'development' and moving into the political sphere, something which these governments distrust and fear. The NGOs are then viewed as political actors, potential opposition, and thus targets of persecution. Their function as advocates for public policies and citizen participation ends up being challenged. Accusations that NGOs no longer serve the traditional development interests but are surrogates of Western interests, covers for rebellion, regime-change champions or perpetuators of colonial tendencies (McPhail, 2009:65,69; Gautier, in Hick et al 2000:69), are manipulated by repressive regimes to undermine the NGOs' democratising and human rights protection functions.

Accusations have also been made that the NGO/civil society space is no longer inherently democratic but one in which there exist various other interests (Mercer, 2002), particularly the interests of donors or funders. Sunit Bagree (2014) suggests that for example, for development NGOs, fear of losing funding inhibits them from criticising the policies of their sponsors, instead they advance their agendas. Additionally, because of the mutual recognition by governments and civil society that economic, social, and cultural rights are as important as civil and political rights, there is increasing pressure from traditionally quiescent development NGOs for governments to shift their policy priorities.

## 2.8        Strategies for human rights protection

This section discusses broad strategies adopted by NGOs for the protection of human rights. In discussing the strategies, the section also identifies some of the major actors, notably professionals, grassroots activists, and other types of human rights defenders (HRDs), and strategies and tactics, which include education, documentation and reporting, enforcements and litigations and international and domestic frameworks- such as networks and collaborations-supporting lobby and advocacy efforts.

The process that produces information and reports on violations- that is monitoring, documenting and reporting- is a critical component in the human rights protection chain. For human rights NGOs investigating, evaluating, documenting, reporting and disseminating information on

violations (in other words the monitoring process) to a large extent defines the key processes that underpin human rights protection. The effectiveness of global response to human rights abuses is a direct result or reflection of the timeliness, accuracy, and credibility of information from these processes. The processes must therefore be robust if reports are to yield positive responses from partners or networks. Human rights reports are designed to seek accountability from both governments and non-state perpetrators - another reason why accuracy and credibility are important. Welch (1995:61) suggests that for states these reports are likely to be more problematic because of the implications of being named and shamed (he calls it 'mobilisation of shame'). Media involvement in publicising the reports strengthens NGO monitoring activities at the same time increasing the potential for responsible actions from authoritarian regimes.

Protecting human rights effectively also depends on citizens' knowledge about relevant human rights issues as well as the processes of putting together information which informs those issues. Welch (1995) contends that one of the weaknesses of the protection process is the limited knowledge that citizens' have of their own responsibilities in protecting human rights. Citizens are likely to identify violations and abuses directed at them more clearly if their understanding of the subject is stronger. This can be achieved through education and collaborations between civil society, treaty bodies and human rights institutions (Horn, in Bosl and Diescho, 2009:67-69). Information, education and knowledge about human rights issues can also be gained from special human rights publications, through targeted, specialised training programmes as well as using traditional and new media. Some of the more crucial information relates to institutions that offer legal support in cases of violations, including those which offer free support.

Practically, at the forefront of the human rights protection system, are the 'foot soldiers', the grassroots activists, or human rights defenders (HRDs). Defined as 'people who, individually or with others, act to promote or protect human rights' (Nah et al, 2013:404; OHCHR,2004:2) HRDs are the bulwark of most successful human rights protection and promotion projects. In countries with repressive governments, HRDs often comprise volunteers from grassroots communities. These HRDs are thus the most at risk mainly from state actors, although non-state actors could also be culprits. Types and levels of risks help shape the activists' protection or promotion strategies as well as the tactics and tools they may adopt to achieve their results (Nah

et al, 2013). Mobile phones and social media platforms have increasingly become the tools of choice for HRDs as much as person-to person interaction also remains critical. Common risks from the state include physical violence, coercion, threats and intimidation, arrests, detentions, censorship and surveillance.

Effective human rights protection also requires enforcement which can be achieved through litigation, or the threat of such, using the power of international treaties against offenders. Litigation is often aimed at challenging a breakdown in domestic legal structures that are meant to protect citizens' rights. It is thus a reflection of state failure to uphold or maintain a system that promotes democracy. The system should include a framework of constitutionally guaranteed laws (rule of law), a truly independent judicial system and a state supported system that should guarantee free legal assistance to the poor or marginalised (Welch Jr. 1995:56). Absence of clear complaints channels may mean victims will continue to suffer in silence without state intervention.

In some countries the laws are there, but legal support structures for victims are not there. The political system must clearly define the boundaries of Executive and Parliamentary influence, and empower the Judiciary to uphold the rights enshrined in the constitution without fear of intervention from the other two (O'Donnell, 1998). In authoritarian regimes violations could go unreported or unprotected because there are no systems to support those without the means to fight injustice. Judicial systems are compromised, lacking the will to override executive power or afraid to direct or challenge law enforcement agencies. If protection frameworks are constitutionally guaranteed, but practically ignored, civil society has the responsibility to set up independent systems which provide free legal and other support for poor victims. Litigation is often an indication that normal, formal procedures or frameworks to seek justice quietly and peacefully by individuals or groups are compromised, and thus they resort to the courts. And where domestic judicial structures are compromised, are too weak of unwilling to dispense justice, litigation for human rights abuses could seek justice by appealing for intervention by regional or international justice bodies. Such bodies include the Southern African Development Commission court, the African Human Rights Council in the case of African countries and the International Criminal Court in the case of UN members.

Networks are an important element in human rights protection systems. Based on the theory of collaboration, openness and strategic alliances, networks bring value to the work of member organisations, improve their professional capacity, the quality of their interventions as well as mutual trust (Easley and Kleinberg, 2010:6) The connections and links they create between groups or individuals benefit both the members themselves and their targets. For human rights NGOs, the links facilitate information sharing for the protection of either citizens/targets or their own network members. Shared information can ignite domestic, regional, and global responses, an important requisite for organisations who may lack resources to implement sustained protection campaigns. Blazevic et al., (2013), who developed a policy and practice manual for HRDs from the East African region, observed that supporting national HRD coalitions helps bring down their need for protection. The effectiveness of networks relies on the strengths and ties amongst the actors. Organisations with strong actors tend to attract strong network partners such that, assured of their support, the organisation will also tend to solicit strong responses to their communication (Easley and Kleinberg, 2010:232). Strong networks also distinguish themselves through shared identities and shows of togetherness and solidarity. This approach applies in the case of NGOs as in other institutions.  As much as many NGOs want to ensure they build strong networks and coalitions I believe the need for these relationships may be more critical amongst those in the human rights sector because of the potential for conflicts with the state. And the urgency with which NGOs expect results from their networking efforts, probably has more significance amongst human rights NGOs than amongst NGOs in other sectors. This is because of the sensitivity of the human rights issues they deal with: mainly issues to do with respect for life and human dignity. Some of the network relationships emerge from social networks. The social network approach is pre-eminently associated with social movements (della-Porta and Diani, 2006:37; Kavada, 2005), notably during those times when interpersonal connections in the social networks help in driving collective action. From a social movement perspective then, social network members are 'socially' connected and have stronger ties within these structures than they would have within the broader network structure. It is the aspect of interpersonal relations amongst the small social networks and their potential to draw members from different NGOs towards areas of common interest that is relevant in this study. Some NGO staff may be members of the small networks which feed into bigger social networks as well as into their own NGOs' network structures.

Networks can be important for interventions in times of distress, especially so in repressed environments where HRDs are more threatened. Interventions could be at local level, where local partner NGOs may deploy legal or media partners to intervene, or at international level, where international NGO partners could mobilise global activist segments to mobilise, their own networks to support the local NGO. Lawyer-to-lawyer networks (Korey, 2001:494-502) for example are known to be quite effective in mobilising financial, technical, and even political support to assist smaller and weaker human rights NGO networks or to support each other. Network links with powerful human rights NGOs therefore make a difference for the cause of repressed local NGOs who can ride on the credibility and influence of established partners, including the latter's links with powerful governments pledged to fight human rights violations.

Collaborations and solidarity involve working with other institutions, including traditional media, to identify violators; to lobby institutions and governments with more effective links to support your campaigns, including campaigns to source financial and other resources. Even though they wrote way back, Keck and Sikkink (1999:93), proponents of the concept of issue networks, suggested that a 'boomerang' effect was likely if, for instance, transnational advocacy networks seeking to support smaller domestic organisations against intransigent states, influenced their own governments and other stronger actors to pressurize these offending states using tactics that leveraged information, symbolism and accountability (ibid, 93-95). Human rights NGOs in restrictive environments may need to seek support from regional and international alliances to force offending governments not just to observe minimum human rights standards but to comply with their own legal statutes. Networking and collaborations may result in any number of outcomes not least of which is the institution of sanctions against offending governments. Sanctions vary but according to Meernik et al (2012:234) they may include "naming" and "shaming" (the primary weapon of international human rights NGOs), economic embargoes, military interventions, and international criminal tribunals. The hypothesis behind these forms of sanction is that putting repressive regimes under the public spotlight forces them to reduce excesses. Results have however been mixed about this hypothesis, amongst them, those from studies by Hafner-Burton (2008) and by Meernik and his colleagues. Hafner-Burton's results showed that some countries reduced some violations- especially those relating to political rights- while others actually increased political terror. Yet others reduced the excesses, with the

intention that when they increased them again, as they invariably did, the impact would not be noticeable.[13] Hafner-Burton (2008:712) suggests that strategic behavior or capacity problems drive the responses. Her overall observation though, was that authoritarian regimes increase violations after naming and shaming (Ibid, 4). Meernik et al (2012) found out that the higher the number of perpetrator institutions in a country, the more 'name and shame' reports were generated by organisations like Amnesty International. They conclude that the stronger local NGO campaigns are against perpetrator regimes, the greater the potential for collaborative and supportive response from more powerful and influential institutions like Amnesty International and Human Rights Watch.

There are other strategies and tactics, depending on an NGO's primary mandate and its resources (its internal capacity) that may be used to enhance advocacy and lobby efforts. The choice of strategies and tactics will also depend, if we go by Meernik and his colleagues' findings, on the types and levels (degree) of human rights violations and the attitude of the offending regime towards criticism. Street demonstrations, sit-ins, picketing and disruptions of international conferences have become hallmarks of transnational activism. Transnational campaigns have been successful particularly when they were a result of transnational NGO structures using mutual relationships and the potential support of international norms and laws to push for universally acknowledged rights challenges (Gready, 2004:4-5). Even challenges that seemingly appear centred only in developing nations- such as landmine victims, boy-soldiers, and physically violated girl-children in war-torn and hunger-affected regions- assume transnational proportions because of the involvement of international institutions.

Human rights and peace initiatives will each have their own tactical approaches to promoting and protecting human rights but the following, from the United States Institute of Peace represent some 'standard' tactics adopted by most human rights NGOs. Social media and art can be used to keep the memories of those who have disappeared or been killed in people's memories; victim testimonies can be used to create public awareness, legitimizing the experiences, and

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[13]  Nigeria's Abacha is reported to have committed terrible excesses against the Ogoni tribe for example, despite massive global criticism by NGOs, media and the UN. Instead of reducing the violations Hafner-Burton (2008:711) notes that Abacha actually mounted his own media counter-offensive in the form of a video and books, dismissing the accusations and extolling the virtues of his government's policies.

encouraging positive action while collecting mass signatures to support a cause, challenges the community to ask themselves about responsibility, mobilising themselves as well as demanding accountability and action from perpetrators. When one engages the Zimbabwean context, where it is clear that the government for instance, was sanctioned by the international community from 2000 onwards because of human rights violations (Human Rights Watch, 2012; CNN, 2012; Howard-Hassamann, 2010; Raftopoulos, 2014)[14] what evidence exists to support the view that civil society's deployment of new media technologies played some part in producing outcomes that resulted not just in this international response but in a broader public awareness of the threat of continuing human rights violations in the country? It is my contention that the role of mobile phones, in relation to this issue, has not been evidenced sufficiently through carefully presented academic analysis and in that regard this study hopes to make some contribution.

## 2.9        Conclusion

This chapter has attempted to explore a few contentions around the theory of human rights, looking at the features and types of human rights. The chapter also explored the links between human rights, democracy, and empowerment because they assist in increased understanding of the challenges for human rights. Further the chapter briefly discussed the role of human rights NGOs in protecting human rights at the same time identifying some sources of the conflict between themselves and the state which may better inform the choice of communication strategy that the NGOs may adopt in responding to the conflict. The next chapter discusses literature around digital media technologies-with an emphasis on the mobile phone- seeking to explore that technology's potential for human rights protection.

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[14] Rhoda Howard-Hassaman's Zimbabwe Human Rights (2010) report is enlightening in respect of the amount and types of violations, which the discussion under the ZPP case study corroborates. Reference can also be made to the 2012 article 'UN Human Rights Chief: Sanctions Against Zimbabwe Are Backfiring' by Korva Coleman.

Chapter 3

Mobile phones and human rights

## 3. Introduction

This chapter discusses literature around the mobile phone and its potential in championing human rights in authoritarian environments. The mobile phone is one of those technologies regarded as tools with the potential for promoting democracy and empowerment, both of which create environments conducive for promoting and protecting human rights. The technological structure of the mobile phone allows the technology to incorporate features which have potential for promoting activism. The features, in the form of digital platforms and applications are also known to facilitate development in general. In discussing the potential of mobile technology this chapter thus looks at its links with the concepts or notions of democracy, empowerment, networking, and surveillance as they are sometimes connected in discussions on human rights issues, and, in the case of the NGOs in this study, particularly so. Many NGOs in repressed environments are appropriating mobile phones and other ICTs not only to protect human rights but to champion democracy in general.

## 3.1 Global mobile communications growth

Mobile communications have grown considerably throughout the world over the past two decades with the mobile phone recording the most significant growth. According to ITU (2015) global mobile subscriptions grew from 738 million in 2000 to 7 billion in 2015 and represented a 97% penetration. The greatest growth was in Asia and the Pacific where subscriptions grew from 833 million in 2005 through 2.614 billion in 2010 to 3.74 billion in 2015. Asia was followed by Africa where subscriptions rose from 87 million in 2005 to 366 million in 2010 and 685 million in 2015.

Although mobile phone growth before the 1990's was significant the device's importance in everyday life increased when GSM or 2G communications network was introduced then, with text messages, picture messages and MMS (multimedia messages) welcome highlights for users. GSM thus marked the entry of the early smartphone with more features than earlier models with basic platforms. In terms of increasingly pervasive mobile communication technology, the

smartphone has subsequently become the most appropriated, with 2 billion users worldwide by mid-2015, according to the ITU (2015) figures. Of the 2 billion smartphone users, ITU says 83% access their internet on their instruments. In 2015, there were 3.2 billion internet users globally, up from 400 million in 2000 (ITU, 2015). Two billion of these users were from developing countries, according to the ITU statistics.

## 3.2    Factors influencing the adoption of the mobile phone

Various factors have favoured the adoption of the mobile phone over other digital technologies, but two broad groups of factors can be distinguished from studies. One group relates to factors that have to do with the technical structure and usability of the technology itself (Schrock, 2015) the second to do with social and environmental factors such as affordability, user technical skills and state capacity to provide adequate and appropriate infrastructure. The first group of factors relates to the perspective of mobile phone affordances, an understanding of which can help with escaping the trap of technological determinism. The affordance perspective emphasises what the user can practically achieve with the medium or perceives he can (Schrock, 2015:1230); the value or utility he can get out of its utility. Mobile phones may be functional tools, but they are only as good as the users actually derive some value from them. In this context, Schrock (2015:1229) thus suggests that from a communicative point of view the mobile phone offers users four affordances: 'portability, availability, locatability (or locationality), and multimediality'.

As more advanced models of mobile phones with newer features emerge, improved uses have also emerged for users. The convergence of multi-media on the smartphone, has increased the technology's utility for users, thus the continued interest in what other, additional uses the devices can be put to. Multimedia convergence also gives old technology new life. New or additional features for example, strengthen the older technology on the platform, benefitting users by offering them new communicative experiences or additional opportunities (Mudhai et al, 2009:2-4). 3G technologies for example, have integrated high quality audio, video, and data while 4G technologies have, additionally, incorporated dynamic information access and wearable devices. In other words, integration of voice, text messaging, internet, GPS, photography and video cameras, keyboards, alarm clocks, radio, television, and social media platforms give the

user huge communication advantages. The capability of the mobile phone camera to take pictures and videos which can then be posted on the net or sent to news organisations, gives the mobile phone, as an ICT, what Howard (2011:41) would view as political relevance. The keyboard and editing functions on some new models of the new technology literally afford users the ability to produce their own content and where and how it can be distributed. This is of strategic advantage to citizen or freelance journalists, who can prepare their material in the field and transmit it to publishers of their choice. Mudhai et al (2009) also observe that the technology allows people to manage interactions and transactions expeditiously, relatively cheaply and with efficiency. Thus, in contrast to older modes of communication, mobile phones provide more cost effective, more interactive, and more convenient means of communication. As Karefelt and Hellstrom, (2012) observe, the capabilities enabled by the convergence allows the mobile phone to empower its users -grassroots communities and national groups - to influence economic, social and political policies and practices. Ultimately this also improves human rights and democracy.

There are more conveniences introduced by the technical structure of the phone. Improvements that have been woven into the device's structure facilitate an intimate personal relationship between it and its user (Goggin and Clark, 2009:586; Katz,2008), with consequences on how the user then shapes relations with his social environment. Over the years, the device has become smaller, lighter, more compact, conveniently portable, personal, and highly individualized, becoming an extension of the self (Schrock, 2015:1236; Campbell and Park, 2008:372; Goggin and Clark, 2009:586). It has so reduced in size that it is almost invisible and yet gives the user assurance, security, and comfort that it is there and easily reachable. Portability also enhances the potential for sharing the device in situations where others have no access to a phone. This is possible in situations involving family members and friends as long as issues of privacy are agreed and respected.  Even in those situations where it is shared, this does not happen in the manner that home or office landlines are shared, where privacy and personal control are lost. It is these characteristics and features that some users might regard the device as a powerful, functional communication tool.

Mobile phone adoption has also increased because the devices themselves have become more accessible. In many countries entry barriers to phone acquisition have been lowered particularly

for individuals (Hellstrom, 2012), increasing the number of sets and therefore their accessibility to users. Accessibility has thus become a direct result of affordability of the technology: the more affordable the devices have become, the more accessible they have also become. The fact however remains, that while they have become an almost indispensable 'everyman's' device for populations in the developed world, the situation is considerably different for people in developing countries. Despite leapfrogging (Alzouma, 2005) and what appears to be an impressive growth in subscriptions, there are still huge areas in developing countries where connectivity is still very poor. And lack of connectivity brings its own challenges, such as higher costs associated with contracting other means of keeping communication open. For example, costs could be incurred because of using transport to facilitate personal contact; or they could be in the form of consequences of delays in disseminating information or appropriate action not being taken.

As they have become more accessible mobile phones are facilitating ready, constant and consistent contact between people. Like landlines, mobile phones can also provide person-to-person connectivity, but have the advantage of accessibility. Without this capability, it becomes more challenging for individuals and institutions to keep each other updated often and expeditiously. This affordance, together with mobility, approximate Shrock's (2015:1237) 'availability' "…a combination of multiplexity, direct contact, and increased frequency." The mobile phone is able to keep lines of communication open but where there is no availability there would have to be greater reliance on direct personal contact, or information being communicated from one person to another over time. Where great distances are involved and there is lack or absence of transport, as many developing countries experience, inability to access mobile phones can impact service delivery, social relations, community, and national development. Where the phones may be useful in maintaining regular contacts with family and friends, or extending, maintaining, or strengthening community ties (Goggin, 2009), it could be argued that their absence on the other hand, could lead to a breakdown in social relations and, in extreme cases, failure in facilitating interactions that could promote human rights.

Related to the concept of accessibility is that of mobility, the notion that the mobile phone facilitates communication 'anywhere any time' (Lee and Perry, 2002). This discourse around

mobility not just being about travelling but about the way mobile phones support people's interactions with each other has become even more interesting beyond Perry and Levison's early observation. As users have become more mobile they are relying on the mobile phone to make communication easier and convenient (Rainie and Wellman, 2012:84; Donner, 2008; Overa, in Katz, 2008). The cell phone has shown capacity to make the world a 'smart' place, a place where information is at our fingertips, where-ever we are and at whatever time. People thus move with their cell phones both physically and spatially. The smartphone particularly, makes "…the world and its components stay in place," supplying us with intelligence and information and keeping us connected (Levison, 2004:118-119). Levison's conception of the relationship between people's mobility and the instrument's function in keeping people connected and informed may appear antiquated now but it is critical especially in environments marked by repression, distress and crises. A study by Porter et al (2014:19)'s of youth mobile adoption in Ghana, Malawi and South Africa, for example, established that virtual mobility resulted in 'leapfrogging' of problems as communication, once established and maintained, allowed the device to intervene in problems that, because of distance, could have appeared insurmountable. It is in similar contexts that the mobile phone could be viewed as a tool through which professionals, for example, could keep connected with their offices and with friends or allow activists to use the device to keep their finger on the pulse of human rights issues.

Related to the notion of mobility is that of 'virtual communities.' In today's world where communities may be separated and dispersed, mobile communications facilitate contact amongst them. The internet offers features which allow diasporic groups who for example share similar goals and interests, to interact with each other over the technology's space, giving prominence to the concept of dispersed citizens as virtual communities, (Kang, in Katz, 2008:419; Howard, 2010:132). The conventional conception is that virtual communities exhibit strong emotional ties and shared social conventions; they are in constant communication and active participation, sharing information about home or the diaspora, or even sharing material support for each other (Kang, in Katz, 2008:419). In developing countries because of increasing mobile phone connectivity virtual community interaction is prevalently on platforms on these devices.

The fact about the device having become a useful internet source can be explored further. In addition to enhancing reach and access, interaction and interactivity, mobile phones on 3G and 4G mobile networks have easier access to the internet. This capability enhances information availability and thus makes the technology more preferable, compared to other devices like laptops. Kreutz (cited in Ekine, 2010:23) refers to how the internet platform on the mobile phone can facilitate research, something ideal for activists. Finding out not just the latest news, but specific information is critical for mobile groups like human rights defenders or field monitors, who would rely on the internet to give them the most up to date information about their environment- be it geographic, political, or cultural- to facilitate their work. Goggin and Clark (2009:586) refer to the advantage of accessing radio and television on the mobile phone, noting that it is a cheaper and convenient broadcast medium that still manages to keep people connected with world events. And of the wide range of social networking sites that are internet-supported and accessed on the mobile phone, none are more popular than Facebook, Twitter, Instagram and WhatsApp (Ekine, 2010). The sites have increasingly become significant tools for enabling not only social interaction but political activism amongst groups.

In some countries mobile phone technology has also become the most adopted because it is the only optional technology. This is primarily because of the prohibitive costs of investing in landline infrastructure (Hellstrom, 2009; Aker and Mbiti, 2010:208; Raine and Wellman, 2012:88). The last two authors in particular, argue that even in developed countries, fibre optic cable required for landlines renders the technology considerably more expensive than cell towers. In developing countries, the situation is aggravated by the fact that infrastructure like railways, roads and electricity which could support landline infrastructure in rural areas, continues to be poorly developed. This means developers are left with little option but to invest in mobile phone infrastructure. Thus, for most people in these countries mobile phones have become the only devices for communication (Aker and Mbiti, 2010:208).

In a world described by Rainie and Wellman, (2012:84) as one of increasing "networked individuals" mobile devices with the capabilities explored above are expected to greatly enhance communication amongst a wide spectrum of users: urban human rights defenders, lawyers, grassroots volunteers, media activists and many others. Human rights activists, by the nature of

their work, benefit from being strongly networked using media which allows them to connect and interact quickly, easily, and relatively cheaply. Mobile internet and social media platforms provide spaces in which these groups can declare public engagement, a process that would manifest democracy and empowerment. Because these spaces and platforms are not easily manipulated or controlled by the political elite, the argument is then that they have the capacity to empower participants. It can be argued further that these spaces allow debate in an atmosphere that is free of coercion, offering autonomy and freedom of expression to individual or collective participants. Through the open debates- which Edwards (2004:59) calls "dialogic politics,"- civil society encourages protagonists to collaborate to resolve differences and citizens to demand accountability from their governments, including the protection of their rights. For Human rights NGOs, therefore the spaces are crucial for the dissemination of their messages and the promotion of democratic processes. They can as easily be turned into realms for potential seeding of activism as they can provide opportunities for dialogue with the state. It is however pertinent to acknowledge that the spaces opened up by digital media for the interaction of users are not without their challenges. Some of them, such as those opened up by the social network platforms Facebook or Twitter, have potential for attracting or starting conflicts, even amongst participants who share common interests or agendas. Even they may still have differences of opinion which can be disruptive. As a result of these shortfalls, it is important to heed the alarm bells sounded by Howard (2010), Bratton (2010) and Morozov (2011) that authoritarian states could manipulate their way onto online platforms and mobile communications spaces to spy on, undermine, distort or disrupt civil society messages and activities.

## 3.3    Mobile phones, democracy and human rights

In an address at a Harvard Forum in 2010 Amatya Sen (2010) said the following about mobile phones and related technologies' potential in supporting efforts that challenge oppressive regimes as well as protect people's freedoms:

> Not only can they help communication in the standard way, but they can also help in the political struggle against oppression. This is not just through the obvious routes of aiding communication among protesters—though that is important, too. There are big concerns about dealing with repression in, say, Burma, not to mention North Korea. The mobile phone can be an instrument of liberation even against heavy odds, and this is a subject on which the authorities are, understandably, scared. Communication is snapped in order to keep the population in a state of voice-less and communication-less submission. We

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know this is an important issue, but we need more understanding of how the mobile phone can be used better against the repression of oppressors. We should see more clearly how mobile information technology can be used to enhance the battles for freedom and against the viability of repressive regimes

What Sen describes here as one of the capabilities of the mobile phone, that of supporting political struggles against oppression, is what Larry Diamond (2010) also suggests 'liberation technologies' do. Diamond (2010:70) describes these ICTs as ones which allow "...citizens to report news, expose wrong doing, express opinions, mobilise protests, monitor elections, scrutinise government, deepen participation, and expand the horizons of freedom," (Diamond, 2010:70). This list of mobile phone-enabled capabilities highlights the fundamental issues of freedom, participation, accountability, and transparency which Diamond (2008:138) also submits affirm the presence of democracy. In other words, the mobile phone is one of those technologies which is being deployed to promote democracy and human rights. Sen's warning about authoritarian clamp downs on mobile communications when the technologies are used to challenge governments with these tendencies, brings up one aspect of what this thesis is exploring in the context of Zimbabwe: "…how mobile information technology can be used to enhance battles for freedom…" to quote him.

The potential in using the mobile phone to contest or promote various human rights issues is evidenced by various studies. Kaplan's studies (2006) show evidence of the mobile phone's capability to facilitate access to information and services aimed at transforming people's health; Chiumbu and Chinyamanhindi, (2012), Etzo and Collender, (2010) and Aker & Mbiti, (2010) explore the technology's usefulness in facilitating economic transformations which improve people's lives while Mabweazara (2011) Last Moyo (2013) and Mare (2013) have researched the technology's contributions in print media readership participation in news content production. Among other things Mabweazara, (2011:705), established that mobile phone deployment by Zimbabwe's mainstream journalists resulted in the broadening of news sources from the traditional elite-dominated practice to wider participation by ordinary citizens in newsmaking. With increased direct mobile-mediated interactions between ordinary citizens and journalists, government sources or the elite no longer had monopoly as news sources. The newsroom also no longer had monopoly in defining what constituted news as perspectives from ordinary citizens increased discourses that could not be ignored. SMS alerts from human rights NGOs always

presented credible news that official sources did not report. Mabweazara further established that SMS text messaging, beeping and hidden IDs played important functions in interactions with news sources, especially in receiving news/tip-offs or protecting news sources. Last Moyo (2013) established that radio was creatively tapping into mobile phone technology when the latter facilitated audience participation in content-making through phone-ins.

Wasserman, (2005, 2007, 2011); Dumisani Moyo, (2009) and Atwood and Clark (2010) also explored the technology's capability to influence transformations in African politics. For Dumisani Moyo (2009), the use of SMS by citizens to monitor and expose irregularities in Zimbabwe's 2008 elections had some influence in the decision by Southern African regional leaders to force Mugabe to accept a government of national unity with the opposition. These examples may relate to the African continent, but they are no doubt replicated in other parts of the developing world. The bottom-line is that in facilitating all these changes, which could be seen as social change, mobile phones can objectively be viewed as enablers of empowerment, (Heacock, 2009; Bennet, in Van de Donk, 2004:141) human rights and democracy.

Another example could be drawn from Patrick Meier's (2011) studies of the Ushahidi platform, although the platform is not closely distinguished in this study[15]. Seeking to establish if the ICT platform, as deployed in restive regions like Egypt, Kenya and other North African countries, could be viewed as a liberation technology, Meier (2011:216) established that it was the mobile phone's role in that platform that indeed qualified Ushahidi as one. He saw Ushahidi's dependence on the phone for voice and SMS in crowd-sourcing information which could be used by resistance movements in civil society to challenge repression and undemocratic tendencies, as proof of the device's significance. Meier held that increased access by civil society actors to ICTs like the platform and other mobile communications, would lead to information sharing, which in turn would result in shared awareness of problems. The shared awareness would ultimately result in synchronised response against repression (ibid, 216). Goldstein and Rotich (2008), who had even earlier researched the platform's use in Kenya's 2007-8 Presidential post-election crisis had also proved that mobile phones, SMS and other digital applications were

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[15] The Election Resource Centre (ERC) study points to the use of the Ushahidi platform during Zimbabwe's 2013 elections.

central in facilitating crowd-sourcing of information- particularly on ethnic violence and the perpetrators- as well as catalisation of citizen journalism and human rights campaigns (Goldstein and Rotich, 2008:1).

## 3.4 Mobile phones and some human rights challenges

Literature thus abounds that suggests the use of mobile communications to support democratic practices in general (Diamond, 2010). This study is about specific human rights and the sections which follow explore, further, literature in the context of some of these specific areas: monitoring electoral processes, litigating and enforcing fairness, ensuring the security and personal safety of activists, projecting a community voice by supporting or promoting citizen journalism, and facilitating network relationships. The function of the mobile phone in all these strategies or tactics is to facilitate the protection and empowerment of activists, ordinary citizens or even institutions.

### 3.4.1 Ensuring citizen participation in political choice

One of the more keenly contested fields in developing countries is that of elections. This is because of the prevalence of violence and electoral fraud. Mobile phones have become a strategic tool for recording violations as well as monitoring the entire electoral process. Their facilitation of the electoral processes, including the conduct of the elections themselves, have led to the conclusion that the technology facilitates citizen participation in these processes. The integrated services/capabilities discussed above are critical elements in electoral activism.

As the previous section suggests, the mobile phone's text messaging and video services (SMS, Messenger, WhatsApp, photo, and video capture) enable civil society groups to record and present not just incidents of election fraud but of other violations. Rheingold (in Katz, 2008:227) cites the example of the use of SMS by Kenyan electoral authorities to distribute news about the country's 2007 elections. Dumisani Moyo (2009)'s study of Zimbabwe's 2008 elections highlights how SMS proved a powerful medium for citizen journalists and civil society observers to expose electoral discrepancies which led to the rejection of the election results by the opposition and international community, and, in the end, formation of a Government of National

Unity. Some of the discrepancies were supported by mobile images of contested results posted outside polling booths. The images presented by the opposition as proof of the correct results, became instrumental in the party threatening litigatory action and mass civil unrest, convincing Southern African leaders that the elections had not been fair.

Ushahidi, as suggested above, is one of the better-known platforms for monitoring elections, although it has also become popular for monitoring and reporting crises (Meier, 2010, 2012). Apart from the studies by Goldstein and Rotich (2008), those by Rebecca Heacock (2009) and Meier (2013) are equally enlightening on the use of mobile communications by the platform in election monitoring. The studies almost replicated Goldstein and Rotich's in terms of crowdsourcing information, but also showed that incidents of post-election violence texted or called into monitoring centres in Nairobi were logged onto the Ushahidi platform to produce crisis maps. The maps became sources of media reports as well as government and activist interventions. Heacock (2009:2) also researched use of digital media in Nigeria's 2007 elections, establishing that the example of an NGO managing to collect 10 000 SMS text messages from voters about the elections, showed the platform could effectively facilitate citizen participation in electoral processes, both as evaluators and voters. Months leading up to the elections had been marked by violence, apart from fears of electoral fraud. When the losing party challenged the results of the election, it was mainly because of reference to the NGO's results that the Nigerian court upheld them (ibid, 2).

### 3.4.2 Assuring citizens and HRDs of security and personal safety

Human rights violations tend to increase in situations of stress, crisis or conflict and adoption of digital media by both individuals and NGOs working under these circumstances also appears to increase. Because it can easily be carried on the person, and is therefore capable of supporting physical and virtual mobility by users, the mobile phone can be seen as a strategic enabler of safety and security. Best (2011, in Poblet, 2011) gives an example from Liberia, West Africa, one of the world's worst sources of violence and human rights abuses, which reinforces the personal protection function of the device. "In Liberia people cling to their mobile phones as tools for security and safety. They use phones to combat crime, sexual violence and to help in

medical emergencies," he says (Ibid,5). Does the device have this potential in the Zimbabwean environment?

In addition to assuring users of their personal security, other empirical studies have added an empowerment dimension to the mobile phone's function in distressed situations. In Uganda for example, the NGO known as Women of Uganda NET (WOUGNET), encourages women, many of whom have subsequently turned activist, to use the mobile phone not only for personal security but as a means of empowering themselves (Madanda et al, 2009). Women whose phones are monitored by jealous husbands or boyfriends circumvent intrusion into their privacy by using a second sim-card, to report cases of harassment by the partners to relevant authorities, or discussing incidences and possible solutions amongst themselves (Madanda et al, 2009; WOUGNET). Yet other studies show that deployment of mobile phones and applications can facilitate immediate interventions. Hotlines for example, give human rights defenders (HRDs) a sense of immediacy which translates to a greater sense of security. This is a common feature of HRD protection strategy (Nah et al, 2013:412) where the facility provides immediate interventions for individuals in distress, particularly so in conflict environments (Shaver, 2016:4)[16].

Violations are not just against ordinary citizens. As a matter of fact most are against human rights defenders (HRDs) themselves, the activists who seek to protect others. One of the primary concerns of such activists in repressive environments, especially those involved in using the phone for interventions, mobilisation and other collective actions, is to be anonymous but, at the same time, be as effective as possible. Anonymity is almost guaranteed in situations where simcard registration is not effected. While in most developed countries users are not legally required to register their simcards-and thus use the phone anonymously- this is a mandatory requirement in several developing countries. The requirement poses privacy and security risks (Carly Nyst, 2013; NGO Forum, 2013, 2016:11). Simcard registration requirements include users providing their name, address, gender, and phone number, information which could be used to identify and track them. Where there is no risk or fear of being traced through this

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[16] Shaver's example of a conflict environment though, is more extreme, as the author refers to a war or insurgency environment rather than one filled with political tension.

process, activists can use the phone to plan and mobilise collective action, to document and report violations or to call for emergency interventions.

Mobile anonymity makes it difficult for authorities to track human rights defenders or demo organisers for instance, an outcome which makes it difficult for the state to undermine the activists or break up demos because of the technology's capability in viral messaging. One of the celebrated examples is ofcourse Rheingold's (2002) 'Smart Mobs' in which the author describes how thousands of mobile phone users were drawn into Manilla's streets by SMS texts in 2001 to demonstrate against the Philippine President, Joseph Estrada's corrupt government.

### 3.4.3   Citizen journalism, WhatsApp and giving communities a voice.

Citizen media, the practice of citizen journalism, according to Rodriguez (2001), is one dimension of what authors have variously described as alternative media (Atton, 2002); community media (Carpentier et al, 2003,2008), radical media (Downing, 2001), and, lately, critical alternative media (Fuchs, 2010). Associated mostly with social movements alternative media often challenge mainstream or dominant discourses (Mattoni et al. 2010), one explanation for Downing (2001: v) viewing his version, radical media, as expressing "… an alternative vision to hegemonic policies, priorities and perspectives." Whatever dimension of alternative media is adopted it is aimed at serving its community; it is free from state and market influences and offers discourses that are counter to current structures and practices of power (Carpentier et al.2008). It is however Fuchs' (2010) notion of alternative media, which is grounded in Marxism and has gained currency with African scholars like Mano and Mukhongo (2016:27-28), which has close resonance with what citizen or community journalism in repressed environments is meant to achieve: "…challenge the dominant forms of media, production, media structures, content, distribution and reception (Fuchs, 2010:178) as well as support the eradication of exploitation and oppression (ibid, 182). Media in these environments aims to respond to the information needs of marginalised, fringe, disempowered groups-which Mano and Mukhongo (2016:27) also describe as the 'have-nots'- groups of citizens also marginalised by state-controlled or institutionalised journalism. Mano and Mukhongo thus argue that Fuchs' definition

of alternative media "goes beyond alternative media activism, to encompass media literacy and other elements of media democratisation (2016:27).

At the centre of Rodriguez' notion of citizen media, is recognition that the practices and processes of producing information are driven by the communities themselves using available technologies, which often include digital technologies. Thus, in terms of practice, citizen journalism is characterised by the involvement of ordinary, independent citizens, who, unconstrained by traditional media practices and processes, take the initiative "… to report news or express views about happenings within their community," (Banda, 2010:26). Because they are often volunteers from the communities, the journalists rely on their own resources to source, produce and distribute news, unfettered by professional, institutional journalism strictures (ibid.28). Institutional or conventional journalism is held together by regulations, professional standards, shared values and teamwork, and institution-supported technologies used in news production.

The practice of citizen journalism also draws part of its attraction from the fact that even if the journalist lacks professional training, his personal involvement with events on the ground, the aspect of 'personal witnessing' (Allan et al, 2007:373) carries more value than perspectives presented by institutional 'helicopter' practitioners. For example, when the Egyptian government shut down the internet and mobile phone networks during the 2011 Arab Spring, Aouragh and Alexander (2011:1352) observe that it was citizen journalists, reporting from personal experiences, who became alternative sources of news/content for Al Jazeera. Allan et al (2007:382) suggest that through personal witnessing and online reporting citizen journalism has the capability to present "alternative perspectives, contexts and ideological diversity to news reports." Distant voices, which could otherwise be marginalised or even silenced, or human rights violations which could go unreported, can be broadcast. Mutsvairo (2015:51) drives the point of community involvement home when he explains his findings following a research in a rural Zimbabwe setting. He sought to establish if digital technologies, as deployed by citizen journalists in this setting could be considered trusted news providers as well as enablers of contests against repression. He concluded that while the technologies could be said to achieve these objectives, it was the involvement of the citizen journalist, as a member of the community deeply involved in its issues, that was of greater significance. Citizen participation in community

issues alone, even without the help of mobile phones or other digital technologies, was sufficient to guarantee the trustworthiness of the news.

Within the assemblage of digital media that citizen journalists rely on in news production, mobile phones now occupy the most central place, with social networking sites or applications Facebook, Twitter, You Tube and WhatsApp the most regularly accessed on devices with internet capabilities. Mano and Mukhongo, (2017:27) contend that on the African continent Facebook together with Twitter, as alternative forms of communication, are reshaping alternative media suggesting that proof of the significance of the platforms can be seen in the attempts by African authoritarian governments to control or censor the platforms because of fears that oppositional forces are increasingly using them to criticise the ruling elite. But experiences from crises zones have heightened the importance of WhatsApp. Despite its recency and scant research in its effectiveness, writers like Said-Moorhouse, (2016) Albaih, (2015) and Dempsey (2015) suggest that WhatsApp is emerging as one of the most essential communication tools for activists and citizen reporters operating in repressive environments. Said-Moorhouse (2016) observes for example that in war-ravaged Syria the application was being deployed by activists and ordinary citizens to document and share images and videos of violence, initially amongst themselves and then with the rest of the world so that people removed from the horrors of the Syrian war can understand the "crimes taking place" in the country. In this context WhatsApp could therefore be viewed as an instrument to document and expose atrocities, for local and global judgment. Albaih (2015) reports that in Sudan the application had fuelled a 'sharing revolution' in which activists, journalists, artists and many other groups shared views, news and critical artistic works without fear because of the application's encryption. Additionally, because of its affordability and the speed with which it can be used to document, report and transmit events, as well as the capacity to retain anonymity and security for users through encryption the application was replacing the more common platforms through which news had been passed: websites, newspapers and even the social mediums, Facebook and Twitter.

Significantly, with respect to citizen reporters and in parts of the world which are shunned by or inaccessible to mainstream journalists, the application has become the preferred tool to report election irregularities, conflicts, health crisis and other issues often misrepresented by mainstream state media (Dempsey, 2015). In Nigeria for example, where government troops

have been engaged in a protracted and violent conflict with Boko Haram, or remote constituencies where election processes have been contested, it is citizen journalists immersed in their communities and using WhatsApp, who have captured and reported aspects of the conflicts. Describing this type of reporting as 'reporting from the frontline', Dempsey (2015) posits that use of WhatsApp in these circumstances allows the world to read powerful, moving and authentic testimonies from the actual sources, at the same time empowering the journalists. This is because of the application's capabilities. But the point about reaching out to the world is also exactly the point that Allan et al (2007:382) make about the impact of citizen journalism. In Nigeria's case, supported by an NGO that promotes communication rights, *On Our Radar*, these remotely located citizen journalists are encouraged to utilise WhatsApp's capabilities to document and instantaneously transmit images, video, audio and text to the organisation, who moderate the stories before sending them out to reputable local and international media (Dempsey, 2015). The moderation process ensures credibility of the stories. From Southern Africa, Mujere and Mwatwara researched the role played by citizen journalism through Facebook, WhatsApp and Twitter in Zimbabwe's 2008 and 2013 elections and suggested that these social media supported the emergence of a counter publics resistant to state power (cited in Mutsvairo, 2016:x).

### 3.4.4 Networks and alliances: generating international support

Digital media platforms highlight human rights violations more glaringly than old media platforms. Where networks of local and international institutions and NGOs are strong, they can use these new platforms to more effectively expose and force accountability for the violations than old mass media could. Mobile communications can also stimulate stronger amplification of the voice of smaller actors by bigger or stronger network partners. For example, studies in Africa by Wasserman (2005) and Chiumbu (2012) established that national, regional, and international partnerships, properly managed in the communication and networking processes, can consolidate their power and resources to assume the cause of grassroots or domestic NGOs, amplifying their communication and helping put pressure on governments. Wasserman's 2005 study was about a South African activist group, Treatment Action Campaign (TAC), which sought to promote the right of South Africans to access and disseminate information about HIV/AIDS by using the power of consolidated local and international networks. The study also sought to demonstrate

'…how a network can be established which simultaneously consolidates African organisations around an issue while opening this Pan-African network, via postings to other email lists, to global users forming communities of interest (2005:176)". The HIV/AIDS challenge, has, for many developing countries, developed into an emotive human rights issue whose message can be amplified by strong and multiple networks. Although in this case e-mail lists were a primary platform through which links with other network partners were formed, Wasserman's study also worked with a mix of platforms, including the mobile phone, to enhance the diffusion of the messages. Chiumbu's study (2012), coming seven years later, looked at how the NGO, the Anti Eviction Campaign, used mobile phones and other digital media technologies to mobilise both local and international partners to respond to and intervene in the emotive issue of eviction of homeless groups in Cape Town. Chiumbu concluded that mobile phones work more effectively when combined with other media and that social movements' mobilization, identity setting and network strengthening campaigns would benefit from adopting technology mixes. The findings may point to the efficacy of technology mixes, but they also emphasise the potential of networks in amplifying messages about human rights challenges.

However, simply being a member of a network or coalition is not enough to ensure that the technology achieves its purpose. The networks must be relevant and generate public attention to the NGO's cause. Civil society may have the technology to monitor violations but there is, unfortunately "…a scarcity of both news media and public attention…" (Thrall et al., 2014: 136). In other words, information about the violations must get the attention of international media and international public. The approach of focusing on the role of digital media technologies that protect human rights is understandable but is not sufficient to achieve comprehensive protection. Apart from focusing on the technologies, the writers propose that emphasis should also be placed on why there is a lack of global news media attention to violations. Their proposal is based on findings from an analysis of the efforts by 257 transnational Human rights NGOs –a few of them in Africa-to generate attention in international mainstream news and social media on human rights issues. The findings suggest that global NGOs-such as Amnesty International, Doctors Without Borders and Save the Children -with strong brands and adequate resources (big budgets and global presence) are more able to generate news and political interest than smaller and poorer funded ones. They have global presence and professionals with skills and expertise "…to

demonstrate credibility on the issues and to interact effectively with legal, governmental, academic and journalistic audiences," (Thrall et al, 2014:144). In short, global response becomes a product of the quality of the reports from the smaller NGOs, as well as the profile (resource capability, size, networking, capability) of the initiating NGO. Smaller NGOs face disadvantages in reaching international media and networks because they are not well known and therefore spend more to build "brand" recognition or identity. They also lack resources to market themselves and attract people to their websites and Twitter feeds and, finally, the quality of their information cannot match that of the bigger NGOs (Thrall et al, 2014:144-5). In the context of this study the authors' findings and recommendations are relevant: given the country's poor human rights record, the results of human rights mobile phone protection efforts require international support.

## 3.5    Challenges to human rights protection

This section discusses state-initiated obstacles and risks that human rights NGOs face in deploying mobile phones to protect human rights. Most authoritarian regimes follow a broad strategy that involves censorship, deployment of surveillance technologies and structures- including co-opting private telecommunications providers, blocking or taking down SMS and GPS and GPRS tracking- the use of physical force, legal enforcements, and political threats (Zicardi, 2016; Morozov, 2011; Howard, 2010, MacKinnon, 2010, 2012). Surveillance however is the more pervasive element of the strategy.

### 3.5.1   Threat of censorship, surveillance and interception

Writers who have hailed the potential of the digital media as "liberation technologies" capable of mediating in democracy and empowering processes, have at the same time warned that there are challenges (Diamond, 2010; Meier,2011; MacKinnon, 2012). Some of the ICTs, particularly the internet, have a dark side, as Morozov, (2011) would put it, which implies risk for human rights and democracy. Heeks and Seo-Zindy (2013) and Howard and Hussain (2013:73) warn against developing a sweeping perspective about digital-driven democracy as ICTs can be used even by democratic governments to interfere with or censor digital networks. Besides warnings about the potential of new digital technologies to create divides between rich and poor nations, rural and

urban populations and gender and age groups (Fuchs and Horak, 2008; van Dijk, 2006;) there have also been concerns over their potential to be turned into socially divisive and politically repressive technologies (Bratton, 2013).

Authoritarian regimes' investments in suppression strategies and technologies, including collaborations with governments of similar inclinations, to neutralize activists have increased. Criticism and dissent are severely curtailed and human rights and democracy are heavily undermined. But why do authoritarian regimes use surveillance? Interception? Or censorship? Surveillance is a strategy often associated with attempts to conceal, repress, or dominate. Fuchs et al (2012:43) suggest surveillance aims to control the behavior of individuals or groups by warning them that their "…appearance, movements, locations or ideas are or could be watched by surveillance systems." Monahan (2006:12) makes a similar observation, arguing that State or corporate policing is meant to be a deterrent and to alter what the state considers to be deviant behavior. Surveillance and its technologies "…act as forms of social engineering that legislate norms for acceptable and unacceptable behaviors and actions, and they accomplish this by individualizing people," (ibid,12). Individualization would be associated with bringing division amongst individuals or groups who might share the same views. Individualisation disturbs consensus, with the result that each individual must then be responsible for their views and behaviour. People acting alone are more vulnerable and easier to influence. The notion of individualization also creates the impression of people being singled out for tracking and monitoring.

Fuchs and his colleagues (2012) also suggest that surveillance creates cultures of fear amongst those under observation. By creating these cultures surveillance overtly diminishes the potential for democracy, freedom, and human rights observance. They suggest that political electronic surveillance invariably threatens ordinary citizens and civil society groups with the prospect of violence and constant security harassment which could also involve the use of legal instruments- a suggestion, it could be argued, which serves to reinforce the point about technology creating cultures of fear and curtailing freedom and democracy. Monahan (2006:16) argues that surveillance appears to be more invasively applied to marginalized groups because their poverty appears to expose the failures of the elite, resulting in the latter being uneasy and fearful. Thus,

Monahan posits, the inherent politics of technologies or their capacity to generate power relations and possibilities gives the marginalized the appearance of a threatening force to corporate and political structures. He adds that for the elite the threat lies in the fact that information empowers marginalized groups to make demands on political and corporate structures. This tends to create a vicious cycle of fear, counter threats and repression.

In repressed environments, the state tends to turn its surveillance efforts against civil society because they are in the forefront of protecting the (rights) disempowered. In the case of authoritarian governments versus civil society, surveillance, interception, and censorship is a strategy used against the latter for challenging repression, dominance, and concealments by the former. Amongst authors who have written about this challenge to democracy and human rights, Howard (2011) offers sufficient theoretical grounding and empirical evidence in his analysis of examples from the Muslim world. To him the technologies are part of states' toolkit to manage information flow and restrict political opinion (2011:175). Focusing on Zimbabwe Gwagwa (2013), Tendi (2016) and McGreggor (2013) suggest that the strategy, bolstered by legislative and administrative proscriptions, has the effect of curbing citizens' freedoms and curtailing challenges against the hegemony of the regime.

### 3.5.2   Other state tactics that compromise human rights protection

Authoritarian states use a wide variety of other tactics against civil society activists. Hope (2011:9) identifies a comprehensive list of the tactics, the most invasive of which involves co-optation of telecommunications services to assist law enforcement agencies with investigations of user accounts and GPS tracking of cell phones and mobile devices with location-based services. Operators may also be instructed to install network equipment which could either restrict certain content or allow data to be collected by network managers. Hope adds that other tactics include state invasion of websites to remove, block or filter undesirable content; deactivating user accounts; forcing companies that host data "in the cloud" to gate-keep the data, or provide it to recipients who are not entitled to it; installing equipment which could either restrict certain content or allow data to be collected by network managers when it should not be

and, finally pre-installing software in consumer electronics which can restrict access to certain content, unscramble encrypted information or allow for surveillance.

MacKinnon (2010) and several other authors (Su et al,2013; Jones, 2014; Li, 2010) have identified China as one example of states using some of these tactics. MacKinnon (2010: xxii) gives the example of China co-opting private operators, a strategy that she says creates 'Networked authoritarianism.' Li (2010:73) refers to self-censorship amongst website moderators. The co-optation gives the semblance of being voluntary on the part of telecommunications operators, but it is really because they fear losing licenses, being shut down or facing other forms of state harassment if they refuse to co-operate. MacKinnon also observes that this co-optation has become so entrenched that some operators may no longer see the practice as unethical and even repressive towards users of their networks. Activists find this form of harassment difficult to circumvent technically as the network of surveillance and interception is wide, invasive, and unpredictable. The tactics also present security and privacy risks. The risks invariably increase when legislation bolsters the surveillance and interception strategy, or, as argued by O'Donnell (1998) and in the Human rights chapter, when the judicial system is reluctant to prosecute offending state institutions or actors.

Enforcement of simcard registration, which has been discussed in a preceding section, is another strategy which has the potential of exposing HRDs to state surveillance and potential repression (Crowe, 2013). The registration process exposes subscriber information to state security institutions, putting activists at risk of surveillance. In extreme cases, like in Zimbabwe, the requirement for involuntary sim registration is enforced by threats of imprisonment (NGO Forum, 2013). In some cases, the risk is sometimes disguised in governance projects such as mobile voter registration. Crowe (2013) in-fact warns that citizen voter registration and crime and corruption reporting via cellular phones might appear progressive, but can just as easily expose personal data to state surveillance and possible persecution. She observes that some technical features of the device make surveillance more sophisticated and threatening: for example, file size has grown, databases are dispersed and easily accessed by central institutions and the speed of data flow has increased. As Gary Marx (2002, quoted in Fuchs et al., 2012:2) warns, the 'surveillant' can now know more about the person being monitored than the person knows about themselves.

The foregoing discussion can be viewed against the backdrop of two schools of thought on the usefulness of ICTs in contesting repressive regimes. One maintains that networked communication, particularly where cellphones are used, vastly reduce costs enabling activists, for example, to more easily organize or co-ordinate against repression (Christensen and Garfias, 2015:27; Pierskalla and Hollenbach, 2013). The other counters that repressive governments have, at the same time, become increasingly knowledgeable and competent in developing counter strategies which may involve acquiring and using surveillance technologies, censorship, or regulating ICT use by activist groups (Meier, 2011; Morozov, 2011: 82,145). The list of risks and threats outlined above by Crowe is instructive. Mobile phones can also be tracked by GPS or have their text messages traced through their registered numbers. Linnet Taylor (2014) makes this threat even more compelling when she argues that because the mobile phone can be tracked, and therefore its user, it must leave traces that can be used to control it, thus exposing the user to surveillance. For human rights activists, the development could make the device as dangerous as it is useful. NGOs respond differently to these aggressive authoritarian tactics but a notable response has been to mobilise circumvention resources. Sabry and Ftouni (2016) describe the successful use of the Tor circumvention software by activists during the Arab Spring uprisings, and parallel interest in the use of similar software by Tactical Technology Collective. Stepanova, (2011), Aday et al, (2012) and Monacardo and Tersei, (2016) highlight other examples on the usefulness of digital activist tools in challenging repressive regimes and impacting democratic processes in general, but still Howard's (2011) warning about state capabilities in countering activist tools should be heeded.

## 3.6    Conclusion

This chapter has discussed several issues relevant to investigating the usefulness of mobile technology in contesting human rights violations. There has been a simple but comprehensive assessment of some of the affordances of mobile phone technology which gives insights into why civil society adopts the device. Notions of public communication spaces for NGOs, virtual communication, phone accessibility and mobility have been explored, given that the communication experiences of actors within the operational structures of the case studies may be influenced by these circumstances of phone deployment. The discussion has also touched on the concept of networks and alliances and how they function to facilitate interventions and group

support in situations of human rights violations. Some views on the efficacy of the device in offering personal protection and security to activists and ordinary citizens under conflicted environments have also been canvassed. Fuchs and his colleagues' observation (2012) that authoritarian governments use repressive tactics to achieve particular goals, the primary one being to create fear, is important in this study, as I would argue that in Zimbabwe, civil society and citizens' fear of government reprisals appears to have entrenched human rights abuses. It is necessary to have some understanding of the psychology behind authoritarian tendencies of using violence to instill fear amongst voices of dissent, and these authors' theorization does that.

Chapter 4

Zimbabwe: the context

## 4.    Introduction

This chapter looks at some of the issues that impact the observance of human rights in Zimbabwe, and is meant to allow for a better understanding of the environment in which digital media, especially the mobile phone, are being deployed to protect human rights. The chapter explores several broad areas: the political environment; the mobile communications environment, the legal environment- specifically some of the laws which have impacted human rights observance- NGOs and the human rights environment, including the role of human rights NGOs and their relations with the state, and a brief assessment of human rights violations since independence. The chapter also explores the state's surveillance capabilities, highlighting their potential to impact civil society oganisations' protection efforts.

## 4.1    Political, social and economic environment

Since the country's independence in 1980, the political landscape has been dominated by the Zimbabwe African National Union (ZANU PF), a merger of the political parties ZANU and Zimbabwe African People's Union (ZAPU). The country enjoyed only five years of post-independence peace before entering years of political, electoral and economic crises from 1985. Political challenges included the violent clashes between elements of the former Zimbabwe African People's Union (ZAPU) military fighters and government forces in Matebeleland which led to the loss of almost 20 000 civilian lives, and marked the country's blackest episode of human rights violations (Sachikonye, 2011). Political challenges were compounded by droughts, government involvement in regional military ventures, economic mismanagement, corruption, and the entry of serious political opposition in the form of the Movement for Democratic Change (MDC) in 1999.  It was however the ruling party's response to MDC's entry that sparked off other crises. For instance, the land reform programme that was launched then, much as it has been lauded for addressing racially-based land inequalities, was chaotic and resulted in massive displacement of families from farms and mines as well as a drop in agricultural productivity between 2000 and 2009 and then after 2013 (Figure 4.5). The biggest challenge though has been

the ruling party's reluctance to review a legal environment with several laws that have severely curtailed citizens' rights and democratic processes.

Although these developments affect the entire population, they have particular significance to rural populations because they form the ruling party's electoral stronghold and at the same time civil society's major constituents for welfare services, development programmes and human rights protection. At the last census in 2012 Zimbabwe had a population of 12.97 million [17] of which 61.7% lived in rural areas and 51.9 % were women (Zim Stats, 2012)[18]. The map and table below show the population distribution by province and gender. The country also has one of Africa's highest literacy rates (94% for women and 96% for men) (UNICEF Report for 2010-2011). Almost 70% of Zimbabwe's population depends on agriculture for their livelihoods which means it is the sector that also assures stability for the country. Male migration has resulted in 60% of rural households being female-headed and thus the major contributors to family-farming. The statistics are thus significant for two reasons: first they may explain the prevalence of development and welfare NGOs in rural areas and the need to empower women. Second, as prime victims of inequalities and oppression (Mazingi and Kamidza in Jauch and Muchena, 2011:334) women become a major concern for human rights organisations.

Figure 4.1- Zimbabwe's Provinces & Population Ratios (2014)



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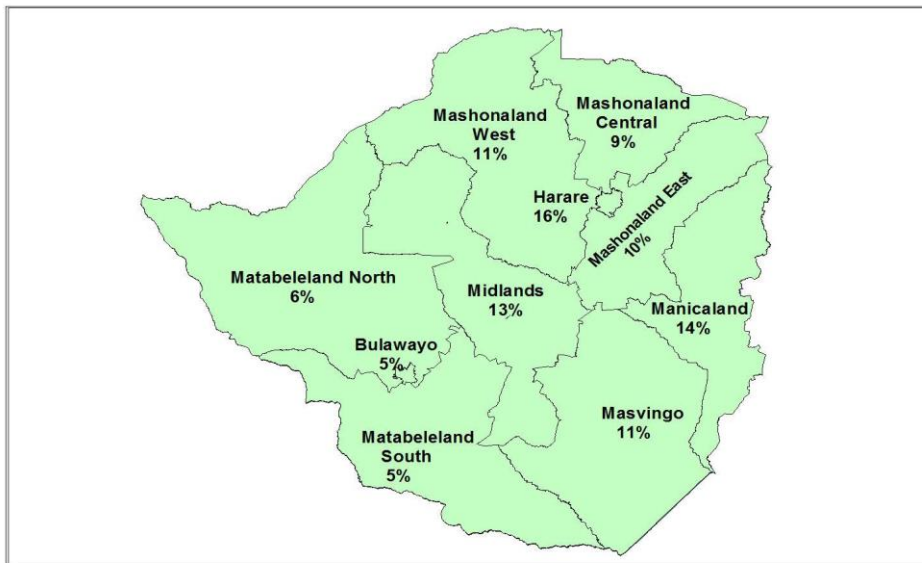
[17] The population is located in ten provinces: Midlands, Mashonaland East, Mashonaland Central, the Midlands, Harare, Bulawayo, Manicaland, Mashonaland West, Masvingo, Matebeleland North and Matebeleland South.
[18] Zim Stats still publishes the figure of 12 973 8008 but says as at 18th August 2012 population was 13 061 239

Table 4.1        Population per province by gender (Figures courtesy of ZimStats 2012)

| | | *Figure 2: Total Population by Sex and by Province, Zimbabwe 2002 -2012* | | | | | |
|---|---|---|---|---|---|---|---|
| | | Census 2012 | Census 2012 | Total 2012 | Census 2002 | Census 2002 | Total 2002 | Growth Rate |
| Province | | Males | Female | I | Males | Females | | 2002-2012 |
| Bulawayo | | 304 446 | 351 229 | 655 675 | 323 550 | 353 100 | 676 650 | -0,3% |
| Manicaland | | 831 762 | 923 238 | 1 755 000 | 747 242 | 821 688 | 1 568 930 | 1,1% |
| Mash Central | | 559 702 | 580 238 | 1 139 940 | 488 695 | 506 732 | 995 427 | 1,3% |
| Mash East | | 648 207 | 688 852 | 1 337 059 | 545 898 | 581 515 | 1 127 413 | 1,7% |
| Mash West | | 721 218 | 728 720 | 1 449 938 | 609 778 | 614 892 | 1 224 670 | 1,7% |
| Mat. North | | 359 173 | 384 698 | 743 871 | 340 475 | 364 473 | 704 948 | 0,5% |
| Mat. South | | 328 009 | 357 037 | 685 046 | 309 316 | 343 738 | 653 054 | 0,5% |
| Midlands | | 779 233 | 843 243 | 1 622 476 | 703 831 | 760 162 | 1 463 993 | 1,0% |
| Masvingo | | 691 350 | 795 254 | 1 486 604 | 702 429 | 618 009 | 1 320 438 | 1,2% |
| Harare | | 1 011 831 | 1 086 368 | 2 098 199 | 947 386 | 948 748 | 1 896 134 | 1,0% |
| Total | | 6 234 931 | 6 738 877 | 12 973 808 | 5 718 600 | 5 913 057 | 11 631 657 | 1,1% |

## 4.2    The media environment

For NGO targets, as indeed for the rest of the public, a well-developed, non-partisan media infrastructure is important for effective information access and dissemination. Zimbabwe's media infrastructure is however predominantly state controlled and at the same time not highly developed. As at the end of December 2016 the state controlled one television and six radio stations, had influence in six commercial radio stations because the owners had links to the ruling party and controlled 11 national and regional newspapers and one news agency. The media landscape also featured six independent newspapers, two foreign-based radio stations and over 50 internet/online news outlets. However, it was mainly urban populations who had access to the private media as the papers were banned from rural areas by ruling party structures.

Radio has remained the primary means of accessing information (Mano,2004, 2009) for most rural and urban populations but because all state radio stations broadcast on medium range frequencies, and only inside the country (MISA, 2015), civil society regards this as a form of information control by the state. Inadequacies in physical broadcasting infrastructure are not helpful. In 2010 radio uptake in rural areas was 35,8% while television penetration was only 12,5% (ZIMSTAT, 2010: xiv). Some rural areas with weak ZBC signals resort to foreign broadcasts on short frequencies but government censors them by jamming the frequencies (for

example Radio Voice of the People, Voice Of America) or confiscating the radio sets from rural populations. The state controlled media has ostracized human rights NGOs, forcing them to consider alternative communication platforms. Mobile network operators provide those platforms.

## 4.3    Transport and telecommunications

Transport and telecommunications infrastructure have significant influence on NGO programme delivery, thus on human rights promotion and protection. Road, rail and telecommunications infrastructure, which had deteriorated during the crisis years underwent rehabilitation (Zunguze, 2009:6). Telecommunications network upgrades ran parallel to highways and railway lines, connecting cities and towns, an infrastructural growth pattern that some NGOs simulated when they were establishing offices and projects. The country's major telecommunications companies also located in cities and towns, taking advantage of the electric grid, transport, street, and other service infrastructure to grow their ICT products and services further. Most NGOs are located in the peripheries of city Central Business Districts.

Three Mobile Network Operators (MNOs) Econet, NetOne and Telecel have dominated the country's telecommunications landscape since the mid-90s, the last two wholly or partially-owned by government. State-owned TelOne is the sole provider of fixed lines although the landscape was opened for competition. Econet forced telecommunications liberalisation after a court win in 1997 (Takavarasha and Makumbe, 2012). Thereafter mobile phone and internet communications grew considerably. The biggest growth though occurred from 2009 (POTRAZ Post, June 2013) when the Government of National Unity superintended over considerable investments into telecommunications by the operators and government. Econet for example spent $1,2 billion between 1998-2013 in network and infrastructural development and expansion, (with over $600m alone spent after 'dollarisation')[19]; Net One spent $200m while government spent $34 million. Econet's investment paid off most, resulting in the operator holding twice the mobile and internet subscriber market of Net One and Telecel combined by 2015, despite the two

[19] Econet's huge investment has forced it to resist government attempts to force infrastructure sharing amongst the operators to solve connectivity problems. Government argues that sharing would reduce resource inefficiencies, monopoly and tariff manipulation by stronger operators and ultimately benefit consumers.

being beneficiaries of political patronage (Makumbe & Takavarasha, 2012). Mobile subscriptions between the networks grew from 266 441 in 2000 to 9.0 million in 2011 and 11,9 million by July 2015 (POTRAZ 2015) while active mobile internet subscriptions stood at 6.8 million by the end of 2016 (Internetworldstats, 2016). POTRAZ also reported a 90.8% active mobile penetration by July 2015.[20] Mobile and internet growth were also boosted by huge investments in fibre optic especially in urban areas where, as observed, most NGOs and their staff are located. The maps in Figure 4.2: Econet Mobile Expansion; Figure 4.3: Net One Mobile Expansion and Figure 4.4: Telecel Mobile Expansion- show attempts by operators to strengthen the country's connectivity through mobile networks. 2G network is widely distributed by all operators and is the most prevalent. Econet's 3G network is stronger in large parts of the country and 4G in the major cities. The 3G and 4G network patterns are replicated by the other operators. Interviews suggested that most NGO staff are on the Econet network, preferred because of its reliability and higher connectivity throughout the country. Last Moyo's observation (2009, cited in Mudhai et al., 2009:59) that the telecommunications growth presented Zimbabwe's CSOs with opportunities for digital democracy, is consistent with these developments.

Growth was also spurred by increased demand for phones by youths, the influx of new, cheaper models from the Asian region- particularly from China because of government's 'Look East'[21] policy- and reduced tariffs. Sim cards for example dropped from US$100-$150 each in 2007/8 at the height of inflation to $1 by 2010; mobile internet access costs dropped from $1,50 per Megabyte in 2011 to $1 per megabyte in 2013 and 3G subscription services to 10 cents per MB on a pay-as you-go basis. According to POTRAZ, by 2013 between 90% and 98% of mobile subscribers were on pre-paid tariff plans, a development that would clearly have been of tactical benefit to NGOs and activists. Appendix 5 shows major landmarks in ICT growth that would have influenced the adoption of these technologies by NGOs. Of relevance to this study is the growth of Facebook and WhatsApp between 2010 and 2016, state and POTRAZ bans of social

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[20] POTRAZ however cautions that with the emergence of the multi-sim phenomenon, subscriber figures do not necessarily reflect increased user access to mobile phones or mobile internet. Because of lower connectivity in rural areas, some mobile phone users either use multi-sim phones of purchase multiple lines from the different networks to assure themselves of consistent connectivity.

[21] Government's 'Look East' policy was its response to sanctions placed by Europe and the USA. The government then turned towards China with whom ZANU PF had developed relations during and after the liberation struggle. The Chinese trained units of the country's army and Arts groups and also built the National Sports Stadium and Heroes' Acre, the burial ground for Zimbabwe's heroes.

media in 2013 and 2016 during crises and the emergence of independent voter-information websites in July 2013,

Figure 4.2    Econet mobile expansion map- up to 2016 (source, Econet)
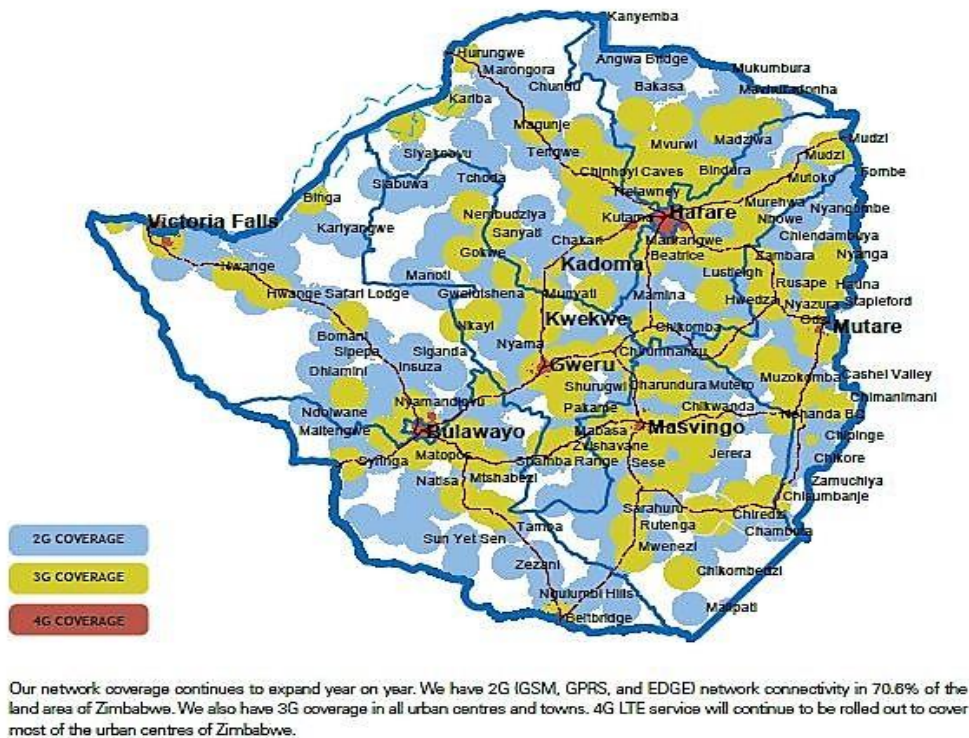


Econet has the most extensive mobile network coverage in Zimbabwe, with 2G, 3G and EDGE connectivity in 70% of the country and 4G connectivity in urban areas, as at the end of 2016. State-owned Net One had 2G and internet coverage dominant throughout the country, but with 3G and 4G connectivity predominantly in urban areas. As a state-owned enterprise Net One benefitted considerably from Chinese telecommunications hardware and software brought in as part of Chinese investment in that sector. These investments were however to raise concerns amongst civils society and opposition politicians that the technology could be used to spy on citizens.

Figure 4.3       Net One mobile coverage 2016 (source,NetOne)
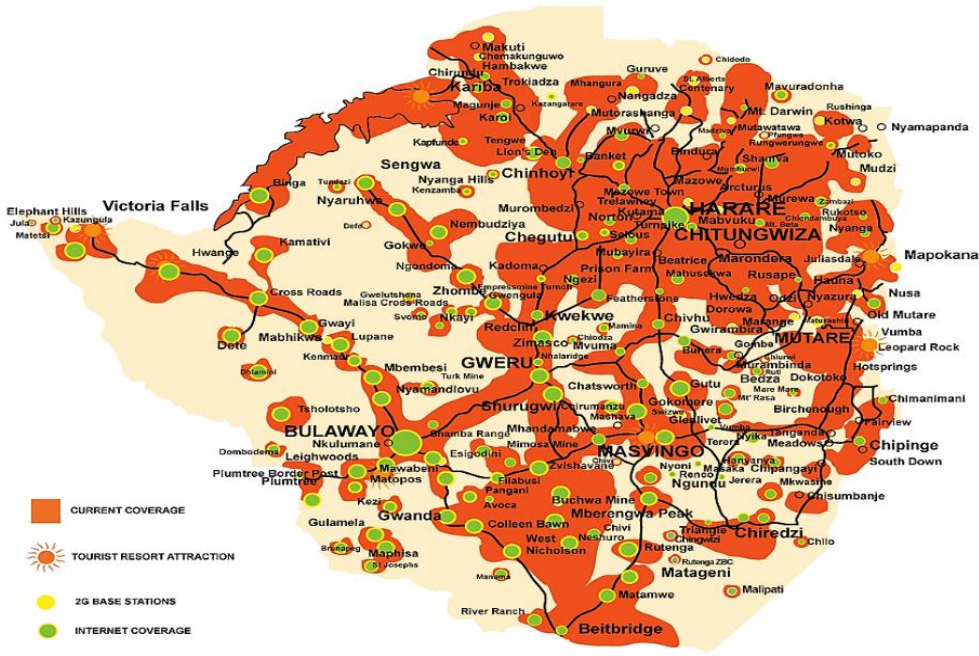


Telecel 2G, 3G and 4G coverage is less extensive compared to the other two, but the operator has been targeting mining and agricultural communities. These form prime hubs for the ruling party's political activities which coerce workers.

Figure 4.4       Telecel coverage 2016 (source, Telecel)
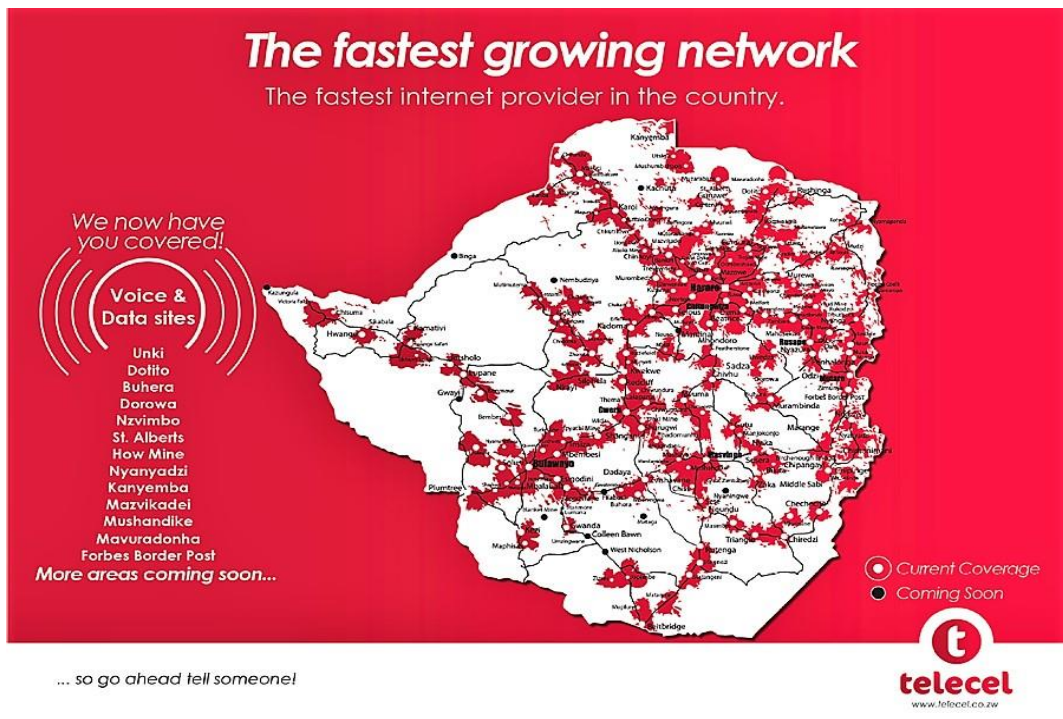
This significant growth in mobile communications, however only becomes significant when it is viewed in the context of what potential the technology offers to activists and institutions working in a legally repressive environment, one full of massive human rights abuses, of complex relations between the state and civil society, and even civil society itself. In a way mobile communications are a key mediating factor in the issues discussed in the rest of the chapter.

## 4.4    Legislation: 'Zimbabwe's assault on basic freedoms through legislation'

One of the more serious limitations to human rights protection in Zimbabwe, and hence one of the factors motivating this study, is the restrictive legal environment. The birth of the National Constitutional Assembly (NCA) and the Movement for Democratic Change (MDC) and subsequently that party's relatively strong showing in the 2002 elections, contributed to ZANU PF adopting a strategy that used legislation to control the opposition, the media and civil society. The strategy also created pro-state institutions[22] and communication platforms which would complement and supplement its propaganda. The state would also use surveillance and interception tactics which either directly threatened civil society or created an environment of risk and fear. This and other sections which follow explore these issues beginning with the laws which have been heavily criticised for what Jamal Jafari (2003) describes as an "Assault on Basic Freedoms". Each of the legal instruments has relevance in one or more of the case studies. To highlight the impact of the laws I present, in Appendix 6 a select list of human rights defenders (HRDs) whose rights were violated under some of the instruments between 2007-2013. Of note though is the wide nature of 'crimes' under which the Criminal Law (Codification and Reform) Act (CODE) could be used, giving rise to its notoriety as a law that could criminalise anything.

The laws fall into three broad groups: those relevant to media freedom, free expression and access to information; those relating to freedoms of assembly and association, and finally the

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[22] One of them was the Federation of Non-Governmental Organisations-FONGO- led by Goodson Nguni, a ZANU PF stalwart, was one of the CSOs strongly pro-ZANU PF and believed to be sponsored by that party.  At the end of June 2014 Nguni urged government to deny South African Public Prosecutor, Tuli Madonsela permission to enter Zimbabwe to address civil society about her report which followed investigations into Jacob Zuma's alleged abuse of state funds.

Electoral Act, with relevance to political participation. Zunguze (2009:229) described laws regulating the media and ICT environments as having the potential to paralyse the media and civil society's capacity to advance human rights and democracy. These include the Postal and Communications Act (2004), the Broadcasting Services Act (BSA) (2001), the Access to Information and Protection of Privacy Act (AIPPA) (2002), the Interception of Communications Act (ICA) (2007) and the Criminal Law Codification and Reform Act (CODE) (2004). The other laws, but non-media related, with similar constrictive power are the Private Voluntary Organisation Act (PVOA) (2002) and the Public Order and Security Act (POSA) (2002).

One of the reasons for the criticism against the media laws was the restrictive power invested in authorities regulating their operations. Table 4.2 shows these authorities whose Board members were all chosen by the Ministers administering the Acts.

Table: 4.2     Regulatory Authorities

| Existing Laws | Regulatory Authority |
|---|---|
| ❖ Postal and Telecommunications Act | POTRAZ |
| ❖ Interception of Communications Act | MICC |
| ❖ Criminal Law Reform and Codification Act | Courts/NPA |
| ❖ Broadcasting Services Act | BAZ |
| ❖ Censorship and Entertainment Act | Censorship Board |
| ❖ Public Order and Security Act | Min. of Home Affairs |
| ❖ Electoral Act | ZEC |
| ❖ Access of Information and Protection of Privacy Act | MIC |
| ❖ Private Voluntary Organisation Act | Min. of Labour. |

MISA Zimbabwe, one of the case studies, saw the Access to Information and Protection of Privacy Act (AIPPA, 2002) as "…the leading weapon of the government and the ruling ZANU PF party in their campaign to stifle independent media reporting in Zimbabwe," (MISA Zimbabwe and Article 19, 2004). The instrument stifled media freedom and free expression by controlling media outlets and censoring information. Between 1999 and 2007 the instrument was used to harass dissenting medias voices so much that there was a great trek to the diaspora

(Ruhanya, 2014; Dumisani Moyo, 2010; Manganga, 2012). AIPPA's impact in this case was therefore not all negative. The journalist trek to the diaspora spawned a vibrant innovative media, beyond the control of ZANU PF, creating space for the voices of Zimbabwean human rights NGOs and political opposition back home (Chari, 2009). Other media NGOs like Zimbabwe Association of Community Radio Stations, Media Monitoring Project of Zimbabwe and Media Alliance of Zimbabwe emerged to support MISA's contests against this and other restrictive media laws. And despite the requirement by the 2013 Constitution for the creation of a free media environment, the law had still not been completely repealed by the end of 2016. The diaspora-based paper, *The Zimbabwean* of November 5, 2014, noted MISA's concern that AIPPA was going against African media freedom instruments: the African Commission's Declaration on the Principles of Freedom of Expression and Access to Information in Africa specifically.

The Broadcasting Services Act (2001/2) regulated licencing, ownership and broadcasting content, the licencing element being regulated by the Broadcasting Authority of Zimbabwe, BAZ. At face value, the Act appeared to open communication space (Ncube 2010:123 citing D. Moyo.2004) with potential for democratising the broadcasting environment. CSOs however criticised the power the law gave regulatory authorities to rule out external media ownership as well as external content from broadcasters like CNN and BBC. This effectively entrenched ZBC's monopoly (MISA, 2010; Ruhanya,2014:256) and inhibited media freedom, freedom of expression and access to any other information sources-other than that disseminated through state controlled media (ZBC/TV and Zimbabwe Newspapers Group). For human rights NGOs ZBC's monopoly sadly meant NGO-government conflicts were reflected in NGO-broadcaster relations because of the state media's partisan stance. Both the Minister and BAZ Chairman were also ZANU PF appointees and anti-NGO, their views therefore likely to be reflected in the policies and practices of the broadcaster.

The Criminal Law (Codification and Reform) Act (CODE) of 2006 gained notoriety as the most consistently invoked piece of legislation between 2007 and 2015. It also became commonly known as *the* insult law under which almost any criticism of the President was interpreted as an insult and became criminalised. Willems (2010:5) notes that some elements from POSA,

detrimental to the cause of free association and expression, were discretely moved from that instrument and sneaked into CODE. Between 2014 and early 2016 the Constitutional Court (ConCourt) made several judgements which struck down sections of the CODE criminalising defamation and insulting the President. One was in July 2014 dismissing the case against journalists Constantine Chimhakure and Vincent Kahiya charged with criminally defaming police by accusing the force of abducting opposition and human rights activists in 2008. The second in January 2015 dismissed a case against Gilbert Dokora, a political rights activist accused in 2010 of undermining the authority of, or insulting the President by using local language words which were interpreted to suggest threats against the First Family.[23] The third was in January 2016 when, in dismissing criminal defamation as a charge not to be levelled against journalists in future, the ConCourt gave MISA its biggest win for media freedom and freedom of expression.

Like AIPPA, the Interception of Communication Act, (ICA), has implications for privacy (Gwagwa, 2013). The instrument has invested the power to monitor and intercept online, postal, radio, telephone, and e-mail communications in the Monitoring and Interception of Communications Centre, MICC. The Act enforces operators to install interception hardware and software (at their cost) and to store data and content in case the MICC, police or revenue collection authorities require it during investigations into national and economic security threats. Through the Postal and Telecommunications Regulatory Authority, the law also enforces operators' storage of mobile subscriber data (such as subscriber names, ID and address) obtained through sim-registration.[24] Human rights organisations argue the requirement impinges on privacy rights and could expose HRDs to state surveillance (ZHR NGO Forum, 2013; Gwagwa, 2013; Gwagwa & Mudavanhu,2014). A parliamentary committee used the argument below to recommend the removal of the empowering Statutory Instrument (142 of 2013):

> Regardless of their stated objectives, the Regulations infringe on people's right to privacy by eliminating the anonymity of communications, facilitating location tracking and simplifies

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[23] Kagodora was an MDC-T activist who, in his address to party supporters in Mashonaland Central province on 11 March 2010, was alleged to have said in Shona "Mugabe mudenga, Grace mudenga, vabatanidzei, roverai pasi," translated by police as "Mugabe up, Grace up, bring them together and drop them on the ground." Police interpreted the statement to be a threat against the President.

[24] On its part POTRAZ argues that sim registration increases security for users, combats criminal activity, abuse of mobile phones by individuals, combats transmission of offensive, obscene or threatening messages and stops falsehoods which could cause annoyance, inconvenience or unnecessary anxiety to other persons.

communications surveillance and interception by using the powers granted by the Interception of Communications Act. This is achieved by the creation of data bases by the service providers who, in turn, are required to hand over the collected data to a government agency, POTRAZ.

The committee's recommendation was never implemented though.

The Public Voluntary Organisation (PVO) Act governed the activities of NGOs in the country and some of its sections created challenges for the sector. For example, requirements that NGOs must have organisational structures, established and physically traceable offices, constitutions to guide their operations and clear sources of (local) funds to support their operations, created vulnerabilities for them, one of which was that they exposed the organisations to easy monitoring and surveillance by the state. The Act gave the Minister so much power to determine how NGOs would operate that, according to Cornelius Ncube (2010:107), it was "an attempt by the regime to outlaw civil society advocacy on governance, democracy and human rights issues." It made it difficult for NGOs to demand state accountability in governance and human rights issues, including in issues where the NGOs themselves were the primary sponsors of rural projects. Provincial Ministers and lower political elites for example, acted as though the law gave them authority and power over NGOs in their areas. In 2008 and 2010 for example two Ministers banned the field operations of several human rights NGOs accusing them of involvement in illegal activities and therefore breaching the Act.[25]

State media and state apparatuses also colluded, both spurring claims that CSOs were deliberately violating the Act and attempting to destabilise the government. On July 29, 2013 for instance *the Zimbabwe Herald* published what it called 'evidence' of EU and International NGO financial support to CiZC and ZESN to distort the election results and thus subvert the Electoral process. This example is discussed in another section in this study. As I note under the ERC Case Study, Director, Tawanda Chimhini believes his arrest on July 31, 2013 on the eve of elections may have been spurred by the Herald article as his NGO was also considered to criticise the

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[25] On 4 June 2008, the then Minister of Labour, Nicholas Goche suspended the field operations of all NGOs involved in humanitarian work in the country citing breach of Section (10), Subsection (c), of the Act: "...if the organization has failed to comply with any condition of its registration." Although ZLHR won a court challenge against the Minister's powers, NGO rural programmes were disrupted for months. In mid-February 2012, Masvingo Provincial Minister, Maluleke banned 29 NGOs from operating in the province, accusing them of operating without registration. ZPP was one of the victims.

electoral processes and involved in voter education activities which breached the PVO and Electoral Acts[26].

The Public Order and Security Act (POSA) replaced the Law and Order Maintenance Act which had been used by Rhodesian authorities to contain the political activities of black citizens. From that law, POSA however retained provisions which criminalised a host of forms of communication considered to undermine the President, his office, security forces or the country's economic interests. Some comments, statements broadcast or printed material were deemed negative, derogatory, indecent, obscene or false (Jafari, 2003; POSA, 2002). Wendy Willems (2010) said POSA's prohibition of some communication material or statements was a form of control on public speech, and therefore on freedom of expression. Other sections of the act strangled civil activity by constraining demonstrations and public gatherings or through limiting the number of people that could be seen gathered together. Police permission to hold public meetings by civil society was required, but often denied or withheld, forcing organisations like Women of Zimbabwe Arise (WOZA) to have running battles with them. The example is also quoted of POSA being used by the police during the 2008 elections to allow only three rallies for the opposition Movement for Democratic Change (MDC) to ZANU PFs 80 rallies. In short POSA's regulation of public gatherings, public statements, and communication materials, which essentially form the organisational, mobilisation and action platforms for many NGOs, undermines activism.

The Electoral Act, designed to facilitate citizens' participation in the choice of their political leadership, was repealed seven times, but, despite the reviews, has remained contentious in terms of application. Civil society and opposition political parties have protested election outcomes since 2000, charging unfair electoral practices and thus violation of citizens' political rights. The Zimbabwe Electoral Commission (ZEC), charged with overseeing electoral processes, describes four principles of democratic elections: efficiency, freeness, fairness and transparency; the right of the citizen to participate in peaceful political activity and the voting process; the right of political parties to access information and participate in lawful political activities and finally the

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[26] It was the ERC's argument that one of the points of conflicts with the government stemmed from the fact that the state views the organisation's programmes designed to encourage citizen participation in electoral education as a strategy designed to mobilise citizens to vote for the opposition.

right of candidates to access information.[27] These are the principles embodying the spirit of the rights captured in Section 67 of the Constitution as political rights and ZEC has been accused of failing to uphold any of them. Human rights NGOs have consistently demanded that the Electoral Act ensure what it promises through ZEC: that voting methods be made simple, accurate, verifiable, secure and transparent and that all political parties be given opportunity to campaign freely and through-out the country. These are also amongst regionally and internationally accepted standards of elections that NGOS and political opponents criticise the government for failing to uphold, or deliberately subverting.

## 4.5    Civil society and NGOs in Zimbabwe

The Franklin Pierce Law Centre's understanding of civil society as an arena of diverse organisations but with shared interests, purposes and values and where collective action is not forced, shares close affinity to the understanding shared by Zimbabwe's organisations. The arena embraces diverse actors, spaces and institutional forms with varying degrees of formality, influence, autonomy and power. Zimbabwe's civil society organisations are divided into three broad groupings: organisations involved in general development, welfare, relief and community services, church, or faith-based activities; second, those involved with political, democracy and human rights issues and, finally, international NGOs (Moyo et al., 2000). The NGOs in this study are in the second broad group of CSOs.The term NGO is understood to mean, or equate with, not-for-profit or charity organisations, a definition which aligns the organisations to the requirements of the Public Voluntary Organisation Act. The definition also embraces political parties (Moyo et al, 2000). This study however applies the term NGO to non-political organisations to create a distinction. It is also to distinguish between activists belonging to political parties and those without political alignment but still fighting for human rights, although both will be referred in this study as human rights defenders (HRDs).

Civil society activism in the country has tended to grow in response to political, economic, and social developments, beginning with the era of Rhodesia through to Zimbabwe (Tendi, 2010;

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[27] ZEC is the successor to the Electoral Supervisory Commission. The country's supervisory body has always been accused by CSOs as being partisan, pro-ZANU PF and manned senior security agents who could bend standard practices to ensure positive election outcomes for the ruling party.

Ncube, 2010:108). Black activism to Rhodesian oppression, for example, was reflected in the formation of cultural and social associations which were effectively designed to hide aspirations for political rights. This was followed by the liberation struggle in which various civil society groups played critical (covert) mobilisation, welfare, violations monitoring and healing roles (Dorman, 2002, 2003). Some NGOs showed slow but clear shifts from purely development and service orientations to strong lobby and advocacy orientations designed to pressure government to pay more attention to human rights. Now there are between 2 000-3000 NGOs in the country although this figure is difficult to confirm because of the multiple centres under which they are registered: Ministry of Labour- which administers the Public Voluntary Organisation Act- and the Ministries of Justice, Finance, Education, Sports, and Culture. But Moyo et al (2000) offer a fairly distinct typology of NGOs and the focus of activities up to 2000 when the three authors wrote their book, **NGOs, the State and Politics in Zimbabwe,** arguably the country's prime source of information on the history of NGOs. The researcher-summarised typology which follows highlights the various foci of the NGOs.

Table 4.3 Researcher-summarised typology of Zimbabwean NGOs (source Moyo et al,2000).

| |
|---|
| ❖ Community Based Organisations (CBOs)-which are primarily community organisations involved in marketing and supply activities to sustain community members. Co-operatives are a key element of this grouping. |
| ❖ Intermediary NGOs which existed to facilitate the activities of smaller groups, or to mediate between the small groups and government (many of which have vanished, for example ORAP). |
| ❖ Service NGOs which provided support services like project design and implementation, consultancy, specialist training and education. |
| ❖ Trusts and unions which aimed to facilitate access to credit and funding for individuals and groups to implement income generating projects. |
| ❖ International and regional NGOs which were involved in various activities, including volunteering, social welfare, relief and development and often competed with national NGOs. |
| ❖ Human Rights NGOs involved in advocacy and lobbies to pressure the state to respect human rights, rule of law and good governance. |

Of specific interest to this study is the typology's last grouping which, according to Moyo et al (2000:125) involves those NGOs with a lobby focus on "Human rights, justice, and peace through-out the country," including gender rights and the rights of people infected with

HIV/AIDS.[28] Ncube (2010:134) describes this group and other post 2005 CSOs as the counter-hegemonic group because they became the most active, most critical, and even antagonistic towards state failures. Matyszak, (2008)[29] says that with time, it is this group's activities in monitoring, documenting, exposing violations and aiding victims, that brought it into more conflict with the state.

On their part ruling authorities attempted to subvert the NGOs by using an empowerment agenda pushed by party-aligned constituents like the Federation of NGOs (FONGO), Indigenous Business Development Council (IBDC), Affirmative Action Group (AAG), Zimbabwe Federation of Trade Unions (ZFTU) and even student bodies like the Zimbabwe National Students Union (ZINASU). Even though some of these institutions had genuine agendas to promote black empowerment or support marginalised groups, the majority adopted a strongly pro-state attitude. The challenge for human rights NGOs was that when these NGOs criticised government, both state and media often tolerated their voice because many of their leaders were either within the ruling power structures or were viewed to be empathetic. Some, like the War Veterans Association, became the party's storm troopers, subverting elections and generally committing numerous acts of violence against civil society and the public with impunity (McGregor, 2002; Moyo and Yeros, 2007; Kriger, 2003)

## 4.6    ZANU PF hegemony: the right to rule in perpetuity, source of human rights abuses.

This conflict between the state and human rights NGOs has a history, in small part spurred by top government statements against the sector, but in large part emanating from the ruling party's post-liberation political ideology of entitlement. In 2006 Zimbabwe's then Minister of Justice,

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[28] Within this broad group fell such institutions as the Catholic Commission for Justice and Peace (1972), Legal Resources Foundation (1984), Zim Rights (1992), MISA-Zimbabwe (1995), Transparency International (1996), Zimbabwe Women Lawyers Association (1995), Zimbabwe Lawyers for Human Rights (1996) and the Zimbabwe Human Rights NGO Forum (1998).

[29] Matyszak (2008) says the Human Rights NGOs' programmes include "measuring the extent of freedom of assembly, association and expression, and freedom from arbitrary and wrongful arrest; examining the nature, extent and effect of undemocratic legislation; documenting and providing legal and medical assistance to victims of political violence; and assessing the framework, context and conduct of elections in Zimbabwe against democratic norms."

Patrick Chinamasa said this about Zimbabwe's civil society organisations (CSOs) to the UN Human Rights Council:

*"Their (NGOs) objectives include destabilisation and interference with the evolution of our political processes, undermining our sovereignty, creating and sustaining opposition groups that have no local support base, and promoting disaffection and hostility among the local population against their popularly elected government," (Human Rights Forum. 2007:37).*

In July 2009 Zimbabwe's President made similar comments at the Global Dialogue conference at Munyonyo resort on Lake Victoria, Tanzania.

*"We have now a phenomenon of NGOs, or shall I call them phenomena, for they really are a type of government in the background of a formal government. I don't know whether this creature is for the better or for the worse, but in our country, we have seen a situation where they have exceeded their terms of reference, and perhaps we might have to reconsider the advisability of NGOs." (President Robert Mugabe, July 27,2009, Lake Victoria)*

Both views reflected a continuing shift from the liberation and post-liberation struggle relationship between the state and civil society organisations. Several other ruling party leaders repeated the sentiments whenever human rights NGOs conflicted with the party's position on human rights. Mashingaidze (2016:4) says government saw and continues to see NGOs and the opposition as 'stooges', 'puppets', 'dissidents', 'neo-colonial agents', 'unpatriotic' and 'enemies of the state', particularly when they are viewed as recipients of Western sponsorship. Tendi (2010:210) says government saw the opposition and CSOs as sell-outs.

The early years after independence had been marked by cordial relations between the state and NGOs. They reflected a relationship of NGO accommodation of government's failures due to what Brian Raftopoulos described as a "...perspective of shared goals and a belief of having emerged from a common tradition of struggle,' (2000, cited in Moyo et al, 2000:45). The accommodation resulted in a degree of NGO subordination to government thinking and programmes and did little to disabuse ZANU PF of its sense of political entitlement to rule the country because of its role in liberating it. Jonathan Moyo (1993:7-8) charges that ZANU PF believed that because of the liberation role it alone understood and represented the will of the people and entitled it to govern for as long as it chose to. Heather Chingono (2010:68) describes the stance as 'partocracy', the notion that as the liberator, ZANU PF alone knows the needs of the Zimbabwean people and therefore that it alone can build providence, the future of the people.

In a paper titled "From Liberation movement to government: past legacies and the challenge of transition in Africa," Clapham (2012) says the issue of entitlement, is a problem with post-liberation governments in Africa: they have 'an intense sense of entitlement to the state and exclusive vision for its future,' which makes them intolerant of opposing views. While liberation ideals provide strong foundations when transiting into post-struggle governments, they can equally trap these governments if they are not prepared to move towards new (liberal and democratic) ideals.

In an article "Zimbabwe's Long Agony," Bratton and Masunungure (2008:41-42) make the same point, that ZANU PF had an ideological belief in a right to rule in perpetuity, that its staying power depended on what they described as a destructive mix of ideology, patronage and violence. State structures were heavily politicised, and, critically, a conflation or fusion of the party and government resulted in "… a party machinery that penetrates the organs of state; a corrupted economy vested in the hands of party loyalists; an instutionalised role in policy making for military commanders, and a heavy reliance on violence, increasingly outsourced to auxiliary forces" (ibid,42). The auxiliary forces included war veterans and the para-military youth group commonly called 'Green Bombers' because of their affinity to violence, especially amongst rural communities. The toxic concoction was bound to present a disastrous recipe for Zimbabwe's human rights.

Tendi (2010a and 2010b) suggests that the liberation narrative was part of the ruling party's narrative of 'patriotic history', one also used to justify ZANU PF's stance that human rights were subordinate to patriotism and nationalism. Tendi argues that ZANU PF in-fact viewed the issue of human rights as a threat to nationalism, a form of 'moral imperialism similar to the historical justifications for colonisation of Africa,' (Tendi, 2010:2,5). Sovereignty was seen as a means to defend against external criticism or threats. Tendi's observation is neither an oversimplification nor under-simplification. The ruling party's view of human rights appears to differ from that of the UN, the African Charter on Human and People's Rights (ACHPR) and other human rights institutions, despite the government being a signatory to several conventions subordinate to the broader instruments. ZANUPF's overarching imperative was patriotism (to the land ownership and racial equality themes) (Tendi, 2010:2), while that of human rights organisations was that the

state should protect and respect the rights of citizens. Land ownership and racial equality were undoubtedly critical issues, given that they were the drivers of the liberation struggle, but the issue was that there was no improvement in human rights. Analysts also argued that the issues were compounded by conflation of the party and state. The party had captured the state, making the latter less accountable for citizens' rights. When military structures, which often brutalise citizens, also claimed a symbiotic relationship with the party, as the country's defence chiefs often did, then human rights totally lost state protection.

Human rights lawyer Farai Chiweshe said in an interview on January 23, 2014 that there are other issues such as lack of capacity (funds) and will and commitment, which inhibited government from following through UN and African Union human rights protocols and directives which it had ratified. At the October 2011 UN Universal Periodic Review of human rights, Zimbabwe agreed to implement 130 recommendations to improve human rights. Five years later, in 2016, Zimbabwean NGOs pointed to 25 broad areas where implementation still lagged. Most important though was the non-ratification of the UN Conventions against Torture and Enforced Disappearance and the failure to align domestic laws with several ratified human rights treaties. Three years after introducing its new Bill of Rights, the government had also not repealed in full the laws discussed in this thesis.

One of civil society's responsibilities in promoting democracy and human rights is to mobilise domestic and international pressure against recalcitrant governments. Some Zimbabwean academics have criticised civil society for failing to reclaim critical civil spaces occasioned by the GNU in 2008, a period in which regional and international "oversight" was strongest on ZANU PF and during which human rights NGOs could have resisted state power more strongly. Gwagwa (2014:2) observed that civil society should have focused beyond the problems of the constitution, transitional justice, and elections, or enmeshing itself in opposition politics, at the expense of broader issues of long-term justice, governance, and democracy. Ruhanya (2014:6) of the Zimbabwe Democracy Institute agreed with Gwagwa on the issue, arguing that civil society's effort was instead diverted from mobilising citizens in a bottom-up approach which would have forced good governance and accountability. The mis-focus, instead, gave ZANU PF additional ammunition to trumpet its old song of 'NGOs and their regime change agenda' while violations

continued. Raftopoulos (2013:986) infact saw the post-July 2013 election period introducing new social and political challenges for civil society because of ZANU PF's new total political dominance. The opportunity for civil society organisations to push for democracy presented by the balance of forces under the GNU was lost.

## 4.7    A plethora of violations (2000-2014)

Zimbabwe enjoyed fair stability for a little more than a decade after independence but went into crisis after 1998. Lasting until 2008, when the Government of National Unity was installed, the crisis had its genesis in several developments. Key among them were droughts, Structural Adjustment Programmes- the major one being in 1991-1993 (Rich-Dorman, 2001:166; Zhou and Zvoushe, 2012)- corruption, unbudgeted pay-outs to war veterans in August 1997, costly military interventions in the Democratic Republic of the Congo (DRC) in 1998[30], social protests mobilised by the coalition of CSOs, the National Constitutional Assembly and the political opposition, the Movement for Democratic Change,[31] commercial farm seizures by war veterans, massive displacement of farm workers from these farms, and several other events. Farm invasions resulted in the deaths of many white farmers and black farm workers and decreased agricultural productivity (Howard-Hassmann, 2010:900) as work on the farms stopped[32]. The productivity graph in Figure 4.5 shows the plunge. The displaced workers and their families largely became the burden of NGOs who then had to provide welfare relief as well as protection from political violence. The productivity plunge between 2001 and 2008 coincided with violence on farms which peaked in the 2008 elections. At the same time, NGO interventions in these crises brought them into more conflict with Provincial political structures who sought to control the NGO relief

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[30] It has been suggested that Kabila's war cost Zimbabwe $4 billion but Zimbabwe's then Finance Minister, Simba Makoni gave a figure of only $200 million in the two years 1998- July 2000. CSOs were deeply opposed to Zimbabwe's involvement in the DRC war, one of the root causes of the conflict with ZANU PF.

[31]At its formation in 1999, the MDC had a broad base of alliance partners who included trade unions, student movements, Human Rights and Faith based Organisations and white commercial farmers. By 2014 however, the MDC leader, Tsvangirayi's allies and lieutenants like Elton Mangoma, Elias Mudzuri, Ian Kay, Tendai Biti and Bennet were demanding his resignation from the Presidency after three successive losses to ZANU PF in 2000/2, 2008 and 2013.

[32] Howard-Hassmann says 60 white farmers and hundreds of black farm workers had been killed by 2006. Productivity dropped because black farmers who took over the farms lacked farming knowledge, skills capital for agricultural inputs and production. The land seizures also displaced farm workers who had the skills, but who, displaced and without any other source of income or food, became desperately hungry and impoverished. They also became vulnerable to political manipulation!

programmes both as tests of power and as vote inducement tools.

Figure 4.5   Agricultural production graph (copied from *NewsDay*, Sept. 19, 2013)
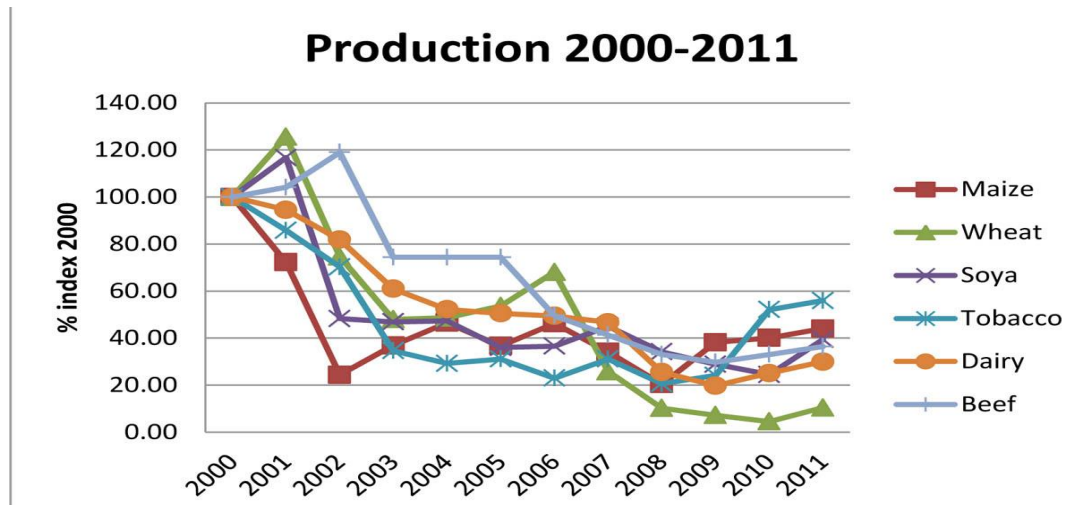


Although Zimbabwe experienced massive killings during Gukurahundi between 1983-88 (CCJP, 1999 Report; NGO Forum Reports 2000-2003; New Zimbabwe, June 2003; Sachikonye, 2011), the period 2000-2013 saw many other violations. Major milestones on the country's bleak human rights road included abductions of activists, displacements and co-erced voting. An operation to clean up urban centres described as "Murambatsvina" or "Operation remove the scum" in 2005 displaced over 700 000 people and made many of them destitute (Howard-Hassman, 2010). Similar operations occurred when diamonds were discovered in Chiadzwa, in the Eastern part of the country in 2009/2010, leading to the eviction of thousands of villagers to pave way for mining companies. Up to 2016 the villagers were complaining over broken promises of compensation and relocation. In 2014 over 14 000 alleged squatters were evicted from the Harare satellite towns of Epworth and Chitungwiza while another 18 000 families were moved from an area called Tokwe Mukorsi to pave way for a dam. The problem with all these evictions was that poor families were not properly relocated or compensated, inviting criticism from local and UN human rights agencies (Freedom House Report, 2015, Chitagu, 2014). Civil society groups also criticised the ruling party's reluctance to accept accountability and culpability for human rights abuses perpetrated during election-related periods. The military for example launched an operation in 2008 to force private satellite dish owners to pull them down and stop watching foreign tv stations. There were also violent campaigns to identify and punish those suspected of having voted for the opposition during the first round of the 2008 Presidential election and intimidating them to vote the ZANU PF leader in the run-off. Other campaigns such

as "Operation Chimumumu" (keep dumb, don't express your views) were orchestrated in 2010 by state agencies to intimidate citizens from expressing views on the constitution when civic society and the constitutional team were soliciting the public's views on what should be included in a new constitution (Sachikonye, 2011; Raftopoulos, 2013).

The levels of ruling party violence against human rights defenders between 2000 and 2016 was unprecedented, no doubt intended to intimidate and quell dissent relating to the crises discussed above. According to the civil society report for the 2016 UN Universal Periodic Review, 3 629 HRDs were arrested and detained by police between January 2012 and December 2015, of whom 1005 were released without charge. In the same period 520 victims of torture received treatment. Another report, titled 'Political Abductions in Zimbabwe 2000-2016,' published in *the Zimbabwean* of 10th March 2016 by opposition politician, Eddie Cross, gives a figure of 5894 documented abductions in the 17- year period. Of this figure 300 abductees were ***disappeared***, 80 of them later found dead, the rest never found. Amongst the abducted were 13 children and 21 human rights activists from CSOs which included ZimRights, the Zimbabwe Election Support Network (ZESN), the Zimbabwe Union of University Students, ZINASU, and Women of Zimbabwe Arise (WOZA). The report presents the following graphs and map (courtesy of *the Zimbabwean*) to show the extent of the violations. The month of the Presidential run-off, June 2008, alone recorded 3000 abductions, (Figure 4.7**)** or 51% of total abductions in the 17-year period, something reflective of the ruling party's behavioural pattern of unleashing violence during elections or crisis periods. The peak in 2002 (Figure 4.6) reflects the violence in that year's elections, while the rise in 2007 reflects the violence unleashed in the build up to the 2008 elections. In the period 2009-2015, (Figure 4.8**)** the year 2011 recorded the highest abductions (80) but the figure was still less than the 110 recorded in 2007.

Figure 4.6     Politically motivated abductions 2000-2007 (from *The Zimbabwean March 2016*)
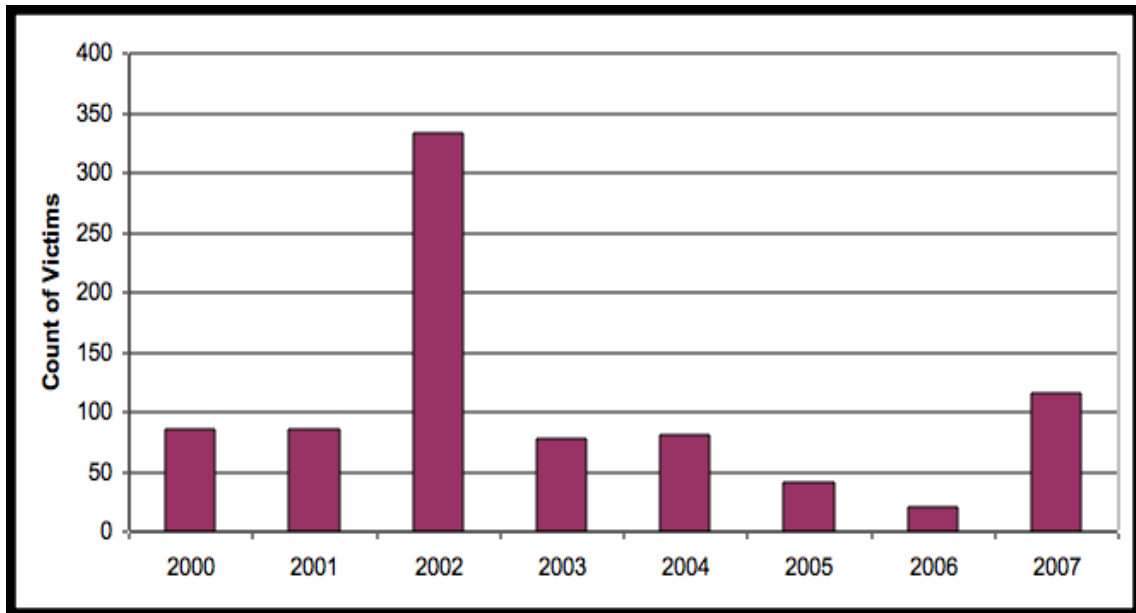
Figure 4.7      Politically motivated abductions- 2008 (from *The Zimbabwean* March 2016)
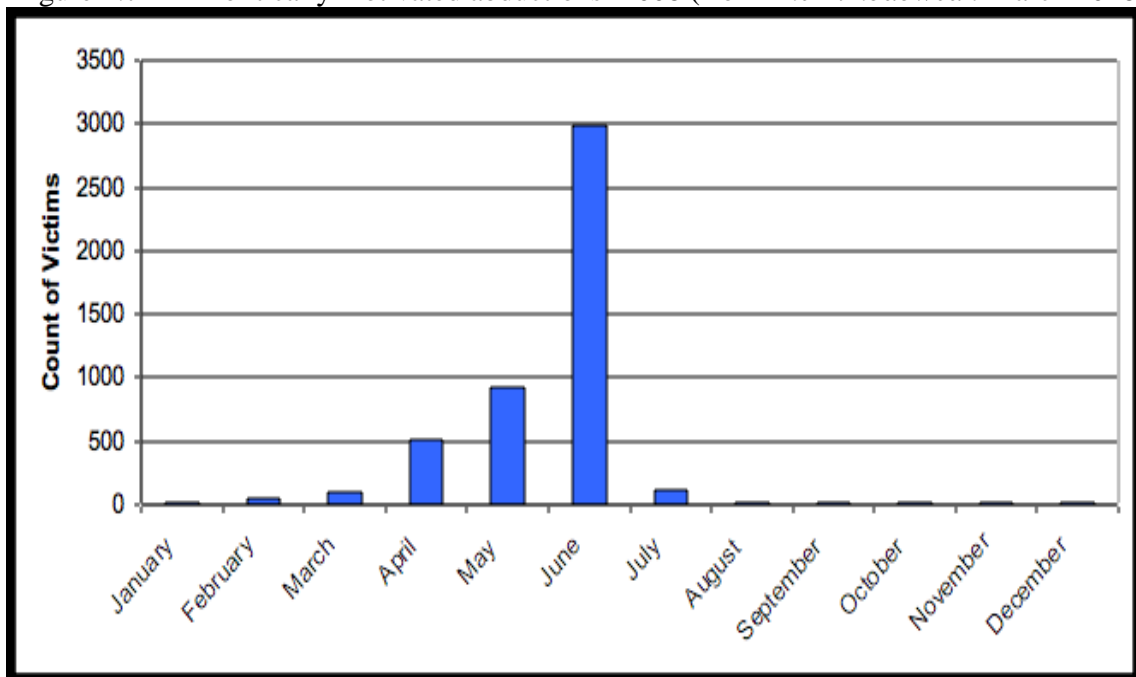


Figure 4.8      Politically motivated abductions 2009-2015 (courtesy of *The Zimbabwean*)
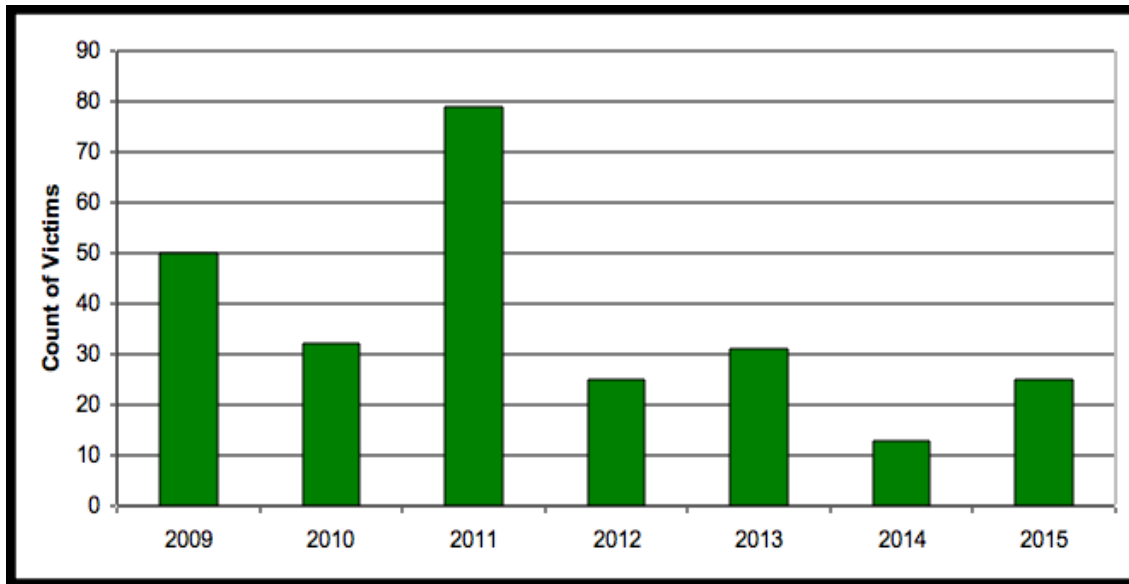
Figure 4.9          Distribution of politically motivated abductions by district, 2000-2016.
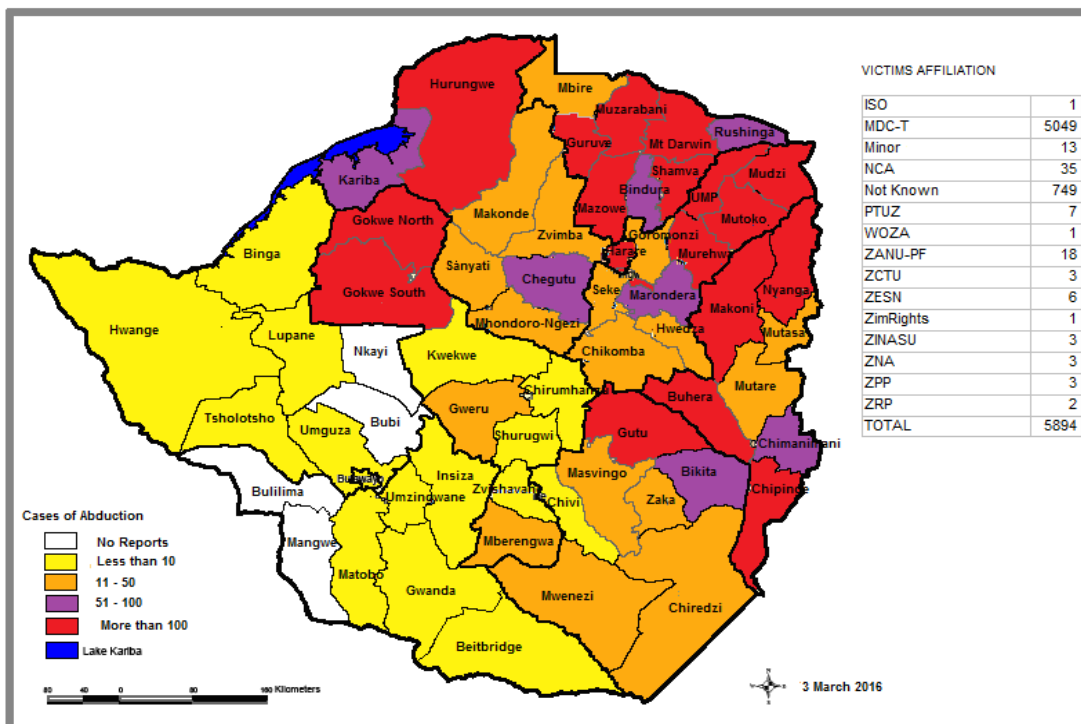


(Map courtesy of *the Zimbabwean,* March 2016*)*

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When this study discusses the MISA Case, it will be noted that there are overlaps in the location of the Newsletter publications and the districts which have recorded high violations. The most violent districts were in Manicaland, Mashonaland East, Masvingo, Mashonaland Central, Midlands and Mashonaland West provinces. To me the overlaps suggest a sync with MISA's attempts in 2007 and 2008 to introduce alternative information sources, other than state media, in the marginalised and violated communities in these districts.

Yet another report on 28 February 2014 by ZLHR and the Zimbabwe Law Society, indicates atrocious treatment of prisoners and their children by the prison system:30% of the prisoners comprised pre-trial detainees; female inmates were incarcerated with their innocent children; the prisons were overcrowded, run down and poorly resourced for food, clothes, and other basic prison services (Dzimbabwe Chimbga, ZLHR, 2014). These revelations are an indictment on the government's indifference to standards demanded by international human rights statutes which it ratified (Makwerere et al., 2012) notably the African Charter and Article #6, which enshrine the rights of citizens: *"...to liberty and security of his person including freedom from arbitrary arrest and detention."* The NGOs' findings also hint at what O'Donnell's (1998) vertical and horizontal theory suggests is a result of the failure of judicial and law enforcement systems to network, monitor, correct or sanction each other in pursuance of justice and the rule of law. To the credit of the Judiciary however, in January and February 2015, Chief Judges of the Zimbabwe High Court and the Constitutional Court acknowledged failures in the system and urged expeditious, just, and fair processes to ensure justice and respect for victims' rights. Appendix 4 highlights UN and African Union treaties, together with policing standards, that Zimbabwe has ratified while Appendix 2 and Appendix 3 show UDHR and Zimbabwe's lists of human rights. Zimbabwe's list almost mirrors the UDHR list. However, the gap between the spirit of ratified conventions and the actual implementation has been the cause of concern for civil society. In that respect, and in the context of this study, it is useful to note that one of the criticisms against the government relates to its failure to uphold policing standards, such as those relating to illegal detentions, arrests and imprisonment, which it has ratified.

What compounded the violations was what opposition politician and human rights lawyer, David Coltart described as the Zimbabwean psyche of accommodating a culture of ZANU PF violence. On May 26, 2006 Coltart wrote:

> We have become so accustomed to violence being used as an acceptable political weapon that we have lost sight of the fact that the democratic world has moved on and that such methods are anathema elsewhere (http://www.davidcoltart.com/2006/05/the-reasons-why-i-cannot-join-the-tsvangirai-faction/).

The tragedy of this psyche was that it greatly undermined people's aspirations for a democratic dispensation. The use of violence was compounded by the culture of impunity which has been encouraged by the absence of punishment for perpetrators:

> Those responsible for use of violence have never been brought to book. Not only is there a long history of violence being used successfully to achieve political objectives but also those who have committed horrendous crimes have prospered through their actions. (http://www.davidcoltart.com/2006/05/the-reasons-why-i-cannot-join-the-tsvangirai-faction/)

The need to create new or re-inforce existing institutions to protect citizens' rights, democracy, transparency, accountability in public institutions and remediation of injustice was highlighted during the Government of National Unity (GNU). The 2013 Constitution concretized this need by enshrining the creation or re-vamping of six independent Commissions, whose functions and responsibilities also straddle some of the areas covered by this study. These were the Zimbabwe Human Rights Commission (ZHRC), Zimbabwe Electoral Commission (ZEC), Zimbabwe Gender Commission (ZGC), Zimbabwe Media Commission (ZMC), Zimbabwe Anti-Corruption Commission (ZACC) and the National Peace and Reconciliation Commission (NPRC). The institutions' names describe what they are mandated to do in terms of human rights promotion. By the end of 2016 all the Commissions had indeed been established although there was controversy about the NPRC. Civil society expressed concerns over the impartiality of members of this Commission in national reconciliation issues, particularly given that Vice President Mphoko, to whom the commission would report, was viewed as impartial after he repeatedly exonerated the President and government of the Gukurahundi killings. Civil society argued that whether he was directly responsible or not, as leader of the ruling party, the President needed to publicly acknowledge the genocide, to encourage national healing. In any case given the history of the Executive ignoring recommendations by some of its institutions, setting up the

Commissions was not viewed as necessarily truly allowing them independence. This became evident when in 2016 the Executive criticised ZACC for bringing corruption charges against some politicians, and the HRC for criticizing police heavy-handedness against civilians during public protests that year.

## 4.8　Shooting themselves in the foot: NGOs undermining the potential to protect.

Several 'internal' challenges confronted human rights NGOs in their quest to promote and protect human rights. Matyszak (2008) for example criticizes them for being "notoriously fractured;" lawyer Farai Chiweshe (Interview 23/1/14) criticises some for being obsessed with self-preservation while some activists themselves agree that some NGOs have allowed donor funding and interests to divide the sector, preventing them from building efficient collaborations and networks. Diaspora-based Zimbabwean journalist Lance Guma, interviewed in October 2014, suggested that cross-membership amongst NGO leadership can also negatively impact institutional positions, the activities of the NGOs and relationships amongst the individuals or with state actors. It is not uncommon for a director at ZimRights to be chairman of Zimbabwe Election Support Network, or a programme manager at that NGO to be a board member at ZimRights or ZPP. While such cross-membership is generally expected to result in positive information sharing, antagonism amongst the leadership could just as easily cross over into and poison institutional relationships. The state has naturally manipulated these fractures to its advantage, for instance by encouraging or supporting the formation of parallel or counter NGOs.

Cross memberships could also promote collusion and what some activists described as "factionalism" amongst the NGOs. An instructive example emerged in early 2016 when international sponsors discontinued support for the NGOs over alleged abuse of millions of donor funds by the umbrella NGO Crisis in Zimbabwe Coalition (CiCZ). A boardroom battle ensued between the NGO's chairman and the director following an audit of the funds. Affiliate NGOs took sides along what the media and civil society saw as factional lines, resulting in the 350 affiliates almost splitting up and personal social media platforms being deployed by either individual and their followers as they attempted to defend their positions. These internal conflicts blinded the organisations, for almost a year, to critical human rights issues while external funding was also lost. Another challenge arose from NGO relegation of economic and cultural

rights to secondary position in favour of political and civil rights, something that writer Bertha Chiroro, (2013, in Raftopoulos, 2013:136-137) criticises as a negation of those bread and butter issues that reflected the true and realistic needs of the common person. Chiroro's criticism was to be echoed by Mukoko and other activists in my interviews with them.

## 4.9    Activism and coping with elite threats and surveillance

In addition to physical violence civil society dreads the threats of surveillance. This is particularly so given the big number of activist abductions and disappearances, which meant they were under surveillance. McGreggor (2013)[33] and Tendi (2016) contend that state security structures like the Central Intelligence Organisation (CIO) and Military Intelligence (MI) have such invasive surveillance and intelligence gathering tentacles that urban and rural populations, public institutions, and civil society are all threatened. McGreggor points to an expansive CIO intelligence infrastructure that co-opts militia, War veterans, retired military officers and ZANU PF Youths to surveille and intimidate rural populations. Tendi (2016:16) observes that Military Intelligence was using surveillance technology which included electronic bugs, hidden cameras, phone monitoring technology, voice cloning software and drone cameras.[34] They were also importing chemical poisons (ibid,16). Their involvement in the subversion of human rights was also alleged in May 2016 when Partison Dzamara, brother to the disappeared human rights activist, Itai Dzamara, presented a picture of his brother allegedly in MI captivity. The picture was the first 'evidence' by Dzamara's protest group, Occupy Africa Unity Square (OAUS), of military intelligence involvement in clandestine, subversive activity against civil society. The Military denied involvement but OAUS insisted they had obtained the picture and other information from sources within the security structures.

The *Zimbabwe Independent* of August 30, 2013 said the Central Intelligence Organisation (CIO)'s surveillance methods and tactics included interception of e-mails, listening into and

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[33] JoAnn McGregor (2013) has written extensively about the threat of the CIO to public service structures and opposition parties, describing how they can be undermined and co-erced, through various forms of threats-including being placed under surveillance.

[34] Tendi reports his findings in a (2016) report titled "State intelligence and the Politics of Zimbabwe's Presidential succession," that was later widely quoted by Zimbabwean independent and international media.

taping phone conversations and scrutinising citizens' activities on Facebook and Twitter. In 2016 ZLHR reported that between 2010 and 2016 more than 150 citizens had been arrested for allegedly insulting the President, including on WhatsApp and Facebook platforms, suggesting that these platforms were being monitored. Appendix 11 describes a few cases, if only to illustrate state online interception capabilities. Online activities of hacktivists were also targeted. The Africa Chapter of the hacktivist group, Anonymous, for example, feared that their hacktivists in Zimbabwe were being monitored by intelligence agencies in 2015. The group itself had, between 2008 and 2016, brought down websites belonging to government ministries and ZANU PF-aligned institutions for electoral fraud, government brutality and SMS ban and WhatsApp block in 2013 and 2016 respectively[35]. *The Herald,* military intelligence, and ZANU PF were among the institutions whose websites had been brought down 7 times in 2016 alone. Local media and Freedom House reports in August 2013 and 2014 also said the CIO was conducting surveillance from listening posts in Mount Pleasant, a suburb in the capital. There were also reports from *New Zimbabwe,* AFP, Al Jazeera and the UK's *Guardian,* covering the years 2006 and 2014, about collaborations between Zimbabwe's CIO and South Africa's State Security Agency (SSA) in monitoring and exchanging information on media and NGOs considered rogue and subversive in the two countries. The information was reported to be shared with other world intelligence services, including MI6, CIA and Russian intelligence. Police were also involved, monitoring NGOs and independent media. Fifteen journalists, several of whom now work for human rights NGOs, had been put under a government surveillance hit list. In February 2013 a senior police officer, Innocent Matibiri told a Parliamentary Committee that NGOs were being placed under surveillance (under an "intelligence network" as he put it) because 99% of them were considered a threat to national security. He accused some of them of clandestinely importing radios and distributing them to rural communities in breach of the country's laws, an admission that the state was controlling information flow.

Most significant though were threats by the President himself in early April 2016 that government might adopt a Chinese-style clampdown of social media to curb a surge in the use of WhatsApp and Facebook by activists protesting government's failure to contain corruption. The

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[35] The article 'Mugabe websites hacked, activists claim revenge for protest bans,' suggests these counter tactics by hacktivists in support of civil society because of the SMS and WhatsApp bans showed anti-state online activity could be successful.

President's threats brought fears amongst CSOs that government would use Chinese surveillance and interception equipment and strategies, given that there was already a history of Chinese support for Zimbabwe's military and intelligence. In 2012/13 China had bankrolled the construction of a $98-million-dollar National Defence College (Mano, in Zhang et al, 2016:163-180) to train Zimbabwe's defence forces, CIO, MI and regional intelligence operatives with the support of Chinese intelligence services and equipment. Media reports suggested the facility would also be used to monitor diplomatic, domestic, commercial, and military communications (Karombo, 2013). The reports had some credibility especially given that Chinese companies ZTE and Huawei have supplied most of the country's internet equipment. Freedom House (2016) also warned of a Chinese style 'Great Firewall' following government intentions to introduce Cybersecurity acts and warnings against the use of social media to criticise it.

## 4.10    Conclusion

As the study moves towards a discussion of the Methods used in the research, this Chapter has attempted to present issues in four key areas that I believe influence the use of digital media technologies: the country's political, social and economic background, media and telecommunications opportunities and challenges, the limitations to human rights claims placed by constrictive legal instruments and human rights violations and threats to NGO coherence and effectiveness. The threats include internal fissures within CSOs and state surveillance. There are landmarks of both physical and non-physical violence against citizens which bear testimony to the authoritarian character of the state and restrictive nature of some of the legal instruments and surveillance strategy deployed to intimidate dissenting voices.

Chapter 5

Methodology

## 5. Introduction

This chapter explores the research methodology that was adopted by the study. It explains why particular methods or techniques were selected and some of the challenges faced in implementing some of them. Recognizing that the political environment in Zimbabwe was constrictive, the study sought answers to three broad research questions. These were why and how the country's human rights NGOs were deploying mobile phones to protect citizens' rights to life, human dignity, and personal safety; to free expression and accessing information; to uninhibited interaction with others and to free participation in politics, including free choice of political leadership. It also sought to explore legal and other impediments that inhibited the potential of the technology in the contest for these freedoms, and finally, how the NGOs were using the medium to facilitate interactions with networks of partners that would enhance efforts to protect these freedoms.

## 5.1 Qualitative research and case study design

The study adopted a qualitative research approach which used case studies (Travers, 2001; Yin, 2014) and interviews to understand the phenomenon of mobile phone deployment in the protection of human rights in restrictive environments. Creswell (2013:44) has argued that qualitative research is a form of inquiry which seeks to find answers to a social or human problem by collecting data "in a natural setting sensitive to the people and places under study," something that Yin's 'real world' (2014:2) explanation also suggests. Creswell further suggests that data analysis from this type of inquiry is inductive and aims to establish patterns or themes, with its final output incorporating the voices of the participants, the researcher's reflexivity, and what he also describes as a complex description and interpretation of the problem (ibid, 44). Burns (2000:391) makes similar arguments, contending that qualitative research sees reality as being socially constructed and the researcher's understanding, interpretation, or contextualization of the phenomenon, is based on the perspectives of the informant. Creswell (2014) suggests that qualitative research may be suitable when one is investigating unknown variables or if the

subject is new and has not been addressed with a known group or sample. Human rights NGO conflicts with the state over human rights abuses were a matter of global record, but the institutions' use of new technologies in the restrictive Zimbabwean context had not been sufficiently explored. It was also important that the study be undertaken in an environment as closely representative of the actual setting as possible.

Although there are still arguments that qualitative research methods have expanded with the advent of new technologies from the primary five- identified by Travers (2001) as observation, interviews, ethnography, discourse analysis and text analysis- to include digital storytelling, internet ethnography, digital media, interaction analysis and dilemma analysis (Marshal and Gretchen, 2016:179) scholars maintain that the new methods can still be incorporated in the primary five. These incorporated methods, techniques or materials are what researchers now commonly employ to get information or data to support their findings and conclusions (Baxter and Jack, 2008). This study's design incorporated a primarily descriptive but analytical interrogation of information and data obtained from interviews with staff and volunteers from the case studies, other NGOs and activists, ICT users and media and legal professionals as well as from documents and archived material. More details on these data sources is provided in subsequent sections.

Where a decision has been made to use qualitative research, it can be implemented through a variety of designs, one of the more popular being the Case Study. This format can in turn be adopted as a study of single or multiple cases. There are various reasons why the case study, seen as a qualitative methodological approach, is preferable over other methodologies, but one stands out. In general research practice, if researchers require a detailed understanding of complexities, circumstances, and dynamics of institutions, they may focus on one or a few selected cases, for in-depth study. The results from the study are then used to make inferences about other cases with similar characteristics. I chose multiple cases for study because I felt that investigating the deployment of mobile phones by organisations which referred to different and specific aspects of human rights protection would yield more informative results than one case. Although not necessarily always the case, instructive case studies tend to use multiple data sources and Baxter and Jack (2008:554) suggest that this strategy enhances the credibility of the data as a whole.

In proposing the case study approach, Yin (2014:2) suggests that some conditions should exist for the researcher to adopt it. Among the conditions are that the focus of the study should be to answer "how" and "why" questions; that it must not be possible for the researcher or research to manipulate the behaviour of those involved in the study (the respondents) or the events, and that the study focuses on a contemporary-as opposed to a historical- phenomenon (ibid, 2). Further, that the phenomenon being studied should also be in its real-world setting. Contextual conditions should therefore be important or relevant and the distinction between the phenomenon and the context needs to be sufficiently unclear to warrant an investigation. Of particular relevance in this study was that two of the critical questions were "how" and "why" NGOs were using mobile phones (as opposed to other digital media) to protect human rights. The 'phenomenon' was also contemporary and other contextual conditions significant. The study was premised on an environment characterised by human rights violations since Gukurahundi (1983-87), an active human rights NGO sector and a growing mobile phone network. However, there was also the fact that the four cases identified for study could, broadly, be considered representative of other NGOs in Zimbabwe involved in promoting and protecting human rights. Under those circumstances, it became relevant to see whether any findings from the four case studies could be used to make inferences about other human rights NGOs. If inferences could be made, it would be in the context of how Thomas (2011:23) defined case studies:

> ..analyses of persons, events, decisions, periods, projects, policies, institutions or other systems which are studied holistically by one or more methods. The case that is the subject of inquiry will be an instance of class of phenomena that provides an analytical frame-an object- within which the study is conducted and which the case illuminates and explicates.

Thomas definition draws from Stake's (2005) which highlights the aspect of focus on a singular subject or object:

> Case study is not a methodological choice but a choice of what is to be studied...By whatever methods we choose to study *the case* (Stake, 2005, cited in Thomas, 2011:9).

Stake suggests that a case study calls for investigation into "particularity and complexity of a single case" so that one can have an in-depth understanding of it and within particular circumstances (Stake, cited in Thomas, 2011:10). A case study is good for "getting a rich picture and gaining analytical insights from it," (Thomas, 2011:23). In-depth exploration especially in social research projects, helps in understanding complexity and uniqueness of a particular project

and, for professionals, "to (then) generate knowledge and/or inform policy development, professional practice and civil or community action," (Simons, 2009, cited in Thomas, 2011:10). In the case of multiple cases, the concept of a case study is expanded to case studies, where multiple cases can become subjects although the search for particularities in each case remains.

The programmes or activity agendas for the four NGOs represent three broad areas in civil and political rights. These are electoral rights, represented by ERC; rights to privacy, free expression, media and information access, represented by MISA; and rights to human dignity, life, liberty, movement and assembly, represented by ZPP and ZLHR. It nonetheless remains that for the NGOs these rights represent very specific agenda areas: each NGO focuses on promoting and protecting specific rights, although ZPP efforts may straddle more areas. While I hoped that I would use the findings to make comparative analysis of the case studies, I also hoped that I could use them to make inferences and generalisations about the link between human rights NGOs and mobile phone use in repressive environments elsewhere.

## 5.2    Reviewing research direction.

Field work was conducted between early 2014 and early 2016 in short separate visits to Zimbabwe. However, during my first trip developments with the initial list of case studies forced a review of the cases studies, participants and the direction of the research. When I arrived in the country my initial research focus had been on how NGOs were adopting ICTs to promote social change and development. Then I sought to solicit responses from a wide spectrum of actors, including CEOs or communication officers of NGOs, executives of Zimbabwe's mobile network operators (MNOs)-namely Econet, Net One and Telecel- internet cafe users and legal and media professionals. From the first group of respondents I hoped to get insights into the digital technologies that NGOs were deploying in general to promote social change and development. MNOs could offer insights into factors driving ICT and internet growth as well as challenges they faced. I also believed internet cafe managers and users could offer insights into the nature and motivations of internet surfing. It was during the interviews with internet café surfers though and other non-NGO participants, that I realized that the mobile phone, SMS and WhatsApp applications were much more prevalent in daily use, in online activity and social and other communication than I had believed might be the case. In-fact even as they used PCs in internet

cafes I noticed that many surfers were also using mobile phones to go online and communicating through WhatsApp. The move from investigating the internet and other media towards investigating the mobile phone, specifically, thus had its genesis in the internet café and other early interview experiences.

But another development, even more significant, also emerged, one that led to a shift from an initial list of generalized NGOs towards the specific human rights NGOs in this study. During pre-field work planning, and using non-probability convenience sampling, I had settled on six NGOs for my case studies. These were the ZLHR, the Girl Child Network, the umbrella NGO body, National Association for non-governmental organisations, NANGO, the radio station, Radio VOP, the community wildlife conservation organisation, Campfire and UNICEF. I preferred this sampling method because it involved a controlled, managed selection of NGOs operating in fields I was keen to research, had indicated willingness to co-operate, and were easily accessible in the capital, Harare.

However, when I arrived in the country for face-to-face interactions only ZLHR and Radio VOP were accommodating despite earlier indications of willingness to support the research. The opt-outs left me in a difficult position, which was partially resolved when the contact from ZLHR offered to introduce me to his colleagues from other human rights NGOs. These in turn introduced me to yet others whom I later deduced were in their interpersonal networks, but still in the human rights sector. Referrals thus became a useful technique not just for building up the final list of cases, but for introductions to several other NGOs and activists, outside the human rights sector, whose contributions enriched my findings. These developments became a significant factor in reshaping the focus of the research topic, target participants and research techniques. The research focus now shifted specifically to human rights NGOs and specific human rights issues. But this was also the time when issues around democracy came more clearly into focus. The final list of case studies thus became representative of NGOs whose work focuses on human rights issues now explored by this study. Additionally, I also had to appeal to personal relationships with some of the participants, a typical example being how past professional and personal relations with the ZPP Director resulted in her willingness to support the research. The final list of case studies became:

- ZPP, which has developed a reputation for monitoring and producing the most reliable reports on politically motivated violence in the country as well as for promoting peace and harmony.

- ZLHR, which focuses on protecting political and civil rights by challenging unconstitutional acts by state actors and giving free legal support and information to human rights defenders (HRDs) and ordinary community members.

- MISA Zimbabwe, which has championed review of repressive media laws to achieve democratisation of the media, freedom of expression as well as information access by marginalised communities.

- ERC, which champions review of electoral laws and any practices undermining democratic electoral processes.

## 5.3    Selecting more representative voices

During discussions with my Supervisors on my findings from the field visits in 2014 and 2015 some weaknesses in the representativeness of my samples (participants) came to the surface. The major weakness however was reflected by the limited presence of the "actual voices" from the communities, what Holliday (2007:165) describes as the "ordinary" voice of the people from the research setting. The need to have more voices of the community monitors, human rights defenders and community journalists- the ones that could be described as the mobile phone activists who were more exposed to the threats of a restrictive political system daily at grassroots became an important issue. The problem of accessing these people- and hence the reason for the limited number of participants from the case studies- arose from the organisations' reluctance to expose their grassroots activists to unknown and unquantified factors like myself, and the overriding need to maintain their anonymity because of hostilities in the politically polarised village environments (Fielding, in Seal et al., 2007:25). When eventually the respective organisations agreed on the participation of a few of their volunteers- ZPP monitors, ZLHR-recommended HRDs from the organization Occupy Africa Unity Square (OAUS) and Community Newsletter journalists- an ethical consideration that then arose was how best to ensure their safety, security, and anonymity.

Three possible solutions offered themselves: protecting the identities of the participants by using pseudonyms or numbers, protecting some of the information which NGOs might consider risky if it was to be included in the thesis, and interviewing willing participants in safe environments. In the last case, for example, the interviews with ZPP monitors were conducted at a location considered safe by the organisation. The participants were also not randomly selected. They were purposely chosen and represented experiences from some of the most violent and violated communities/provinces, and in this case Mashonaland East, Harare, Mashonaland Central and Mashonaland West. The selection also considered gender and secular representation. The participants were all consulted by the NGO on the phone and agreed to the interviews. It was also considered neither wise nor feasible to select monitors from very remote parts of the country when provinces evidencing both high mobile penetration and violations could be conveniently selected, and the volunteer monitors easily brought to a central venue for the interviews. They were therefore, additionally, selected for the convenience of managing travel costs and time. I had initially planned to conduct a focus group-type discussion because I thought the method would allow interactivity and sharing of experiences amongst the group which I thought might yield better results than individual face-to-face interviews. However, the participants arrived at different times, leaving me to opt for a one-on-one and semi structured interviewing format. I believe these arrangements would have influences on personal reflections or reflexivity. Hennink et al. (2011:20) suggest that personal reflexivity emphasizes the establishment of interview settings in which both interviewers and participants feel sufficiently comfortable to participate in an intercourse that creates genuine knowledge. I believe the location for the interviews and the fact that I also had the 'blessing' of ZPP made the participants feel more comfortable, and our interaction productive. I was introduced as a friend of ZPP. In the case of MISA, in addition to the NGO's officers, media activists producing community newsletters were considered the most representative voice to talk about their medium, its role in the communities and the challenges of producing it. This group was also difficult to access, but, as a later section observes, access was eventually facilitated and the journalists contributed considerably to knowledge about the risks of sourcing and producing content for polarized communities, among other things.

Where case studies presented few informants, as with ERC, I had to turn to information obtained from interviews with other activists, media and other NGOs. Interviews with institutions like

Zimbabwe Election Support Network (ZESN), MISA, *Daily News* and the radio station ZiFM, media articles and other documentation provided information which became invaluable in building a more comprehensible picture of the activities of ERC. For example, because they work in the same field and often co-operate, ZESN could talk intelligently about the NGO; the radio station ZiFM could confirm ERC broadcasts and MISA could talk about digital security training for the NGO. Documents from Kubatana.net archives also became sources of additional information on ERC's conflicts with the state.

## 5.4    Data sourcing methods

Yin proposes that evidence used in case studies in general, comes from six sources which he lists as "documents, archival records, interviews, direct observation and physical artifacts," (2014:102). It may not always be the case that all sources are used in a study but it is highly probable that triangulation, or a mix of these sources will be considered a more trusted form of information sourcing. Documentary evidence may be in the form of e-mails, news articles, administrative documents like annual reports, internal reports, organizational plans, legal instruments or laws and activity reports. Many such documents are now located online on the websites of organisations, in digital media format or as hard copy. Archival records may be in the form of organizational records, computer files and maps and charts amongst several. Data from these sources presents various advantages for the researcher: the information is clear and precise; it can be reviewed as often as possible and easily checked for accuracy. Archival records are important for a researcher who may be seeking links between the present and past, using historical data to help understand present phenomenon. The case studies in this thesis found Yin's observations applicable and relevant. Yin (2014:102) warns though, that in relation to archival records, the researcher must understand the circumstances under which the data/information was compiled to be assured of its accuracy and relevance. As with documentation, many organisations now store their archival material on their websites, apart from keeping it as hard copy or on computer files, storage modes that make access reasonably easy for researchers. Interviews were a crucial source of information in the triangulation method I employed and are discussed in subsequent sections. Observations and artifacts did not form part of my evidence sources.

### 5.4.1    Interviews as a qualitative research tool

The shift from researching a mix of conservation, services, gender, and political rights NGOs to NGOs primarily involved in promoting and protecting human rights, required a reassessment of some of the data sourcing methods. My initial aim had been to use face to face, semi-structured or open- ended interviews, as the primary tools for sourcing information but I eventually adopted several other interview formats, discussed in more detail in subsequent sections. These included conducting interviews through Skype, WhatsApp calling, voice calls, email, and WhatsApp text. The choice of tools for inquiry was dictated by such circumstances as whether the participants also had access to similar technology, whether they had the time, whether they had the financial means (airtime) to meet the costs of conducting interviews with me and whether they felt comfortable.

According to Berger (2000, cited in Burns, 2000) interviews allow researchers to obtain data that they may not be able to collect through observation alone. Berger identifies "informal" and "semi-structured" interviews as examples. The semi-structured interviewing technique allows the interviewer flexibility in directing the interview. I preferred the technique's format where the interviewer has some broad guiding questions to help him focus on key research issues while retaining flexibility to go outside the structure to encourage "… valid response from the participant's perception of reality," (Burns, 2000:424). In the process of interviewing, I explained to the respondents the research topic, the reasons behind the study, its objectives. I also explained that because I was aware of the sensitivity of their sector, I needed their consent for the interviews and, where they felt my questions made them uncomfortable, they should advise me. With some I even showed them the letter of introduction from my University Programme Director, Dr McNicholas. I recall that in the case of one respondent based in the UK, Arthur Gwagwa, he decided to seek independent confirmation with the University that I was indeed a registered student. Afterwards he became a particularly useful contact in terms of suggesting additional sources of information on human rights, including his own work published on Academia-edu. But Kavada (2007:107, citing Blee and Taylor, 2000) also hints at how semi-structured questions can influence new shifts in the direction of a study. Because analysing data from semi-structured questions is an ongoing process, the analysis can influence a shift in the researcher's perspectives and thus in the study. To some extent I would argue that this was

another cause of the 'change of direction' in my research after the interviews with café internet users and a few other respondents.

With human rights defenders, particularly ZPP's monitors as well as HRDs assisted by ZLHR, I wanted their experiences to come out freely but also strongly, not to be forced out or constrained by structured questions. This was not easy, as understanding the potential of a new technology like the phone in resistance and social change campaigns might not be that easy given the varying literacy and skills levels amongst the HRDs. I found this evident in at least one interview with a ZPP monitor who preferred to be interviewed in the local language even though her English was good. She expressed herself much more effectively in her understanding of the usefulness of the technology in the local language. The interaction encouraged by semi-structured interviewing appears limited compared to the openness promoted by open-ended or in-depth interviewing (Burns,2000:423) but a focused researcher should still be able to affect a relaxed enough atmosphere for the participant to feel comfortable and open up. Open-ended interviewing was therefore the method I used in the majority of interactions with participants.

There were also interviews with participants whose personal experiences with state agents I felt could be motivated to yield far better results through open-ended interviewing. Open ended, in-depth interviews yield better results because they allow for conversational- style interactions between interviewer and interviewee, creating atmospheres that encourage personal experiences to reveal the interviewee's true attitudes and views (Burns,2000:423). Tending to be longer than semi-structured interviews, they allow the interviewer to adapt questions to suit the informants' experiences, expertise, backgrounds, and languages thereby building up mutual trust and empathy between researcher and participants (ibid,423). Flexibility, rapport with interviewee and active listening are thus critical interviewer characteristics of this qualitative method of inquiry (Silverman, 2014:166). I had two interviews each with the ZPP and ERC directors, the first ones, more informal, more relaxed and more conversational than subsequent ones. Even though both interviews focused on their organisations' use of the mobile phone, I encouraged the activists to explore their personal experiences more than using my questions to push the discussions towards particular experiences. Kavada (2007:107 again citing Blee and Taylor, 2002:100) also discusses the issue of personal experiences in the selection of candidates for open-ended interviews,

suggesting that samples for such interviews are often deliberately chosen and often based on the subjects having had particular experiences rather than experiences representative of the larger population. Jestina was the country's first female HRD to be abducted, tortured, and incarcerated for months by the state. Her experiences were unique. In the case of the ERC director, although he had also been arrested, his experiences in leading an organisation targeting youths, its orientation towards the use of new communication platforms and being engaged in the hostile area of electoral reforms, made his experiences also significant. With Jestina the two interviews were face to face while with the ERC director, the second interview was conducted through Skype during a period he was outside Zimbabwe and I was in the UK.

Naturally using information or data from interviews has its own challenges not least of which is that internal generalizability derived from the method could lead to wrong inferences or conclusions. An interview is recognised as a social interaction, subject to influences imposed by the relationship between the interviewer and the informant (Huberman and Miles, 2002:54). It cannot therefore be assumed to yield perfect results, especially results that could be used to generalize.

> An account based on an interview may be descriptively, interpretatively and theoretically valid as an account of the person's actions and perspectives in that interview, but may also miss other aspects of the person's perspectives that were not expressed in the interview and can easily lead to false inferences about his or her actions outside the interview situation.

The list of 83 respondents who participated in the interviews is shown in Appendix 8. From an interviewer perspective, I found the experiences of some of the participants overwhelming and sufficiently expressive and informative to help shape opinions about the experiences of other activists involved in similar work. Because I was not an activist, and had been out of the country for several years- except for very brief periods- I did not feel that I had personal experiences which could influence my interpretation of the information I was collecting. I also believe that, despite being regarded as an 'outsider' my experiences as a former broadcast journalist helped in creating atmospheres in which participants could interact with me with more relaxation than had I not had interviewing experience and could also speak in local language.

### 5.4.2   Using social media applications WhatsApp and Skype as information-sourcing tools

The methods employed for sourcing data/information from the next groups of informants-HRDs, ERC staff, professional journalists and community newsletter journalists, involved using different techniques and tools. The OAUS informants recommended by my ZLHR contact had used the hotline facility several times and were willing to participate in the research. However only three, out of an initial six who had expressed willingness to be interviewed, eventually did. One agreed to a face-to-face interview, which I recorded on a tape recorder; the second to an interview through WhatsApp calling and the third to a WhatsApp text chat. I only managed to communicate with the third through WhatsApp text when I was back in the UK, having failed to make physical contact while I was in Zimbabwe. The other three eventually either pleaded busy schedules or simply failed to respond to calls or WhatsApp texts. I have already pointed out that my second interview with the ERC director was through Skype while he was outside Zimbabwe. I also conducted Skype interviews with an activist from Crisis in Zimbabwe Coalition and a professional journalist with the *Daily News*. The Skype conversations, all conducted from the UK, were recorded on tape.

With regards to the newsletter journalists it was only when I was about to return from a seemingly unsuccessful trip to Zimbabwe in early 2016 that a meeting with one of the MISA community media officers yielded the telephone contacts of 17 of the group co-ordinators. Email, which I had then thought would be a more productive form of communication for sourcing information given our different locations, was not available to over 90% of them. Many of them however were on WhatsApp. Given MISA's concerns with journalist protection and the distances between us, I sought the NGO's permission to open a WhatsApp group with the journalists. Regular WhatsApp text conversations with the MISA advocacy officer suggested I might be able to use the application and method of communication to guide a group discussion with the journalists. Intention to use the platform was also motivated by the fact that for the journalists it was almost free[36] and did not suffer the disadvantage of employing limited text that SMS did. In using this mode of communication, the journalists had the option of responding either through the group platform, or directly to my inbox. The latter would offer more privacy

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[36] WhatsApp was not totally free because mobile operators only allowed its use through data bundles.

for individuals. I texted and broadcast several questions with the objective of motivating group conversation, as opposed to individual chats without group participation. Another objective of this method of sourcing information was to approximate a semi-structured-interview type of interrogation. Unfortunately, the strategy was not successful.

Only 12 out of the 17 journalists became actively involved, but responded mainly to my inbox rather than through the group platform I had set up. The response forced a reversion to direct communication with each individual journalist, something that lengthened the interview process as I now had to carefully assess different responses from the 12 participants, following up on each with modified questions. The WhatsApp mode of inquiry was bound to have its challenges. Although WhatsApp conversations are instantaneous, they do not allow the researcher opportunity to capture the nuances that interviews do. It would not, for example, have been possible to capture useful nuances, inflections that the journalists' voices could have manifested, or the body language that could have enriched interpretations from face to face interviews as in the case with ZPP monitors or indeed other participants that I interviewed face-to-face or over the phone. Having made this observation I was however clear about the general direction my questions should take, something that helped me 'control' the direction of the conversations. Going over the thread of the early group WhatsApp conversations, I also concluded that there might have been several reasons for the minimal enthusiasm in a group discussion: some participants had begun to dominate the discussion; some typed poorly and lost others in the discussion, who then stopped responding; others showed grammatical deficiencies; still others moved away from the conversation most likely as they became involved in other commitments and were lost by the time they tried to re-join the conversation.

### 5.4.3   Analysing social media platforms to establish the link with mobile phones

As my study progressed it emerged that social media platforms like Twitter, Facebook and You Tube might be playing some important role in complementing, if not strengthening, the mobile phone's reporting function. For example, the content of MISA's *Zimcitizenbuzz*- a web platform for pictures, audio clips and news about what was happening in Zimbabwe before and after the 2013 referendum and elections-was a direct output of using the mobile phone by community

media journalists. The NGO's Facebook page was also using a link to facilitate discussions on the issues. As a follow-up to the interviews therefore, and to understand what links might exist between the platforms and the mobile phone, I decided that a small investigation into how the NGOs and a few of their key staff were using these platforms, might yield useful information. I thus settled on conducting a simple and brief analysis of the use of Twitter. I should make it clear that this therefore was not one of my main methods of analysis, but one adopted merely to help with reflecting the link between social media and the objects of phone deployment or the usefulness of the platforms as additional communication channels on human rights issues.

The analysis involved compiling figures relating to the number of **Tweets** made by each NGO since it opened its account, the number and profile of individuals or entities following it (**Followers**), those it was **Following** itself, number of **Likes** and a simple assessment of the contents of the tweets. The same format was used in analysing the Twitter accounts of some NGOs staff. The results of the analysis are contained in Table 7.1 in the chapter on ZLHR. The selection of this group was determined by the position or responsibilities of the individuals in the organisations. In the case of ERC, Tawanda Chimhini is not just the Director but also the most prolific twitterer at the organisation, as indeed amongst Zimbabwe's NGO sector. Tabani Moyo and Kholiwe Nyoni of MISA were leading MISA's two key community media initiatives. I also decided to include a few additional accounts outside the case studies as one way of highlighting comparisons with institutions or individuals who share links or similar sectoral interests or, as in the case of #263Chat, institutions showing important influence in Zimbabwe's social environment through their use of social media.

## 5.5    Selecting documents and archival material for study

The aspect of employing the qualitative method which involved document analysis was as critical as other qualitative methods. Conducting a comprehensive analysis of documents from primary sources such as media articles, government documents like the legal instruments, and NGO documents, was an approach designed to yield information which might corroborate findings from the interviews as well as allow informative comparative analysis of the digital media choices by the NGOs. The analyses would therefore provide information that would

answer aspects of the research question, for example mobile phone growth and what effect it had on NGO approaches to confronting human rights challenges.

My selection of primary documents, website and archival material for analysis was influenced by various factors amongst them the willingness and readiness of the organisations to assist, the availability of the relevant documents and the currency of the material. Documents that I analysed included monthly, quarterly or annual reports from ZPP and other NGOs, Posts and Telecommunications Regulatory Authority (POTRAZ) and mobile operator Econet. Net One and Telecel, the other two mobile operators, were not forthcoming with their annual reports. Some information like mobile internet statistics and tariffs was however available on the two providers' websites or in online magazines like *Techzim* and *Technomag*. Government printers provided copies of Zimbabwe's laws and new (2013) constitution. This last has been produced in abridged and full versions in some of the local languages to cater for language diversity as well as literacy differentials. The media NGO Kubatana which archives news releases, statements, and activity reports from 350 human rights advocacy and lobby NGOs and also creates links to the respective websites of the NGOs, was another rich source of information. A lawyer with Veritas also directed me to two unique mobile applications on Zimbabwe's Constitution and list of human rights by two legislative watchdogs, Veritas and Centre for Applied Legal Research (CALR). The lawyer said both applications, downloadable from Google Play Store, have become invaluable tools for law students, lawyers, and activists with mobile phones.

There were some challenges though with accessing some website content. Some websites containing information and quantitative data that I considered important, would lose the content when they were taken down for maintenance. When they came back some of the data would have been discarded, perhaps because it was no longer considered relevant. In any case it was no longer retrievable. A case in point was the difficulty in retrieving important ZPP reports for March 2008 which, after the website had been updated, were no longer available. Overall, analysing information from all these sources, as a method, helped with exposing developments in new media uses in the country and subsequently shaping interview questions that were designed to answer the research questions.

## 5.6    Challenges

Creswell (2013) warns that one of the problems with the qualitative research approach is that the researcher's personal experiences and background can introduce complexity when it comes to interpreting findings. Because the approach often requires that the researcher explain his research problem and findings in detail that is mainly descriptive, without using data or information that could be scientifically tested, this could introduce personal bias or prejudice into the study. Subjectivity thus becomes one of the shortfalls of the approach and hence the need for reflexivity (Hennink et al., 2011:19). The argument is that just as much as the 'perspectives of study participants reflect their subjective views of their social world,' (Hennink et al.2011:19) the researcher too may also bring his own subjective influences into the research process, particularly during data collection and interpretation. Reflexivity thus permits the researcher to reflect on how best he can manage his own pre-knowledge, pre-conceptions and subjective influences so that they do not intrude into the research process with undesirable consequences. In the case of this study adopting an ethnographic approach would probably have been more reflective of Creswell's suggestion, of a research conducted in its natural setting, (Creswell 2013:44) but the design that I adopted still managed a close approximation of an inquiry with participants in their natural settings, respecting the sensitivities of these settings and tapping into the participants' experiences and drawing out their voices.

There was also a challenge in obtaining background information from government about NGOs in general. NGOs are registered under two major Acts: the Private and Voluntary Organisation Act (PVOA) and the Deeds and Registries Act. Two different Ministries with different record keeping capacities administer the acts. The Ministry of Labour and Welfare, which administers the PVOA appeared more organised in registration and data management processes. It is computerised and makes it easy for researchers to locate information and data around NGOs registered under the Act. Infact officials simply downloaded the list of NGOs and relevant details onto my mobile disk. The Ministry of Justice, which administers Trusts, on the other hand, appeared disorganised in its filing and data management systems, and made it difficult to obtain corroborating information on Trust NGOs.

Because of state harassment, many human rights organisations have moved out of the city centre to locate their offices in low density areas on the outskirts. The NGOs agree that this move is part of attempts to keep their locations as low profile and as secretive as possible. Many offices do not carry any signage on their premises, including street numbers, making it difficult to locate them. It is a legal requirement by city councils though that residential premises carry locator numbers. Additionally, physical access is constrained by high levels of security. High security walls or fences protect some offices; they are gated and entry can only be gained after a screening process by security guards or CCTV. Use of CCTV may be a security guarantee but one which some NGOs acknowledged intimidates, frustrates and irritates state agents, such that the NGOs are suspected to be attempting to conceal something. Agents also believe activists switch off their phones to avoid being tracked because they want to conceal illegal activities. Or they accuse them, if the activists have phones with GPS, of having the capability to track state agents themselves, although this seems far-fetched. In the case of CCTV screening I recall being held at the gate of one of the NGOs for half an hour until my identity was confirmed over CCTV by my interviewee who had been involved in a meeting. But there is a positive side to the deployment of the technology: in the same manner that it can be used to deny entry, I found that CCTV could also facilitate easy access to the NGO premises once a rapport has been established with the institution.

Another challenge related to the level of mistrust by the NGOs towards anybody they were not familiar with, somebody considered an outsider. Under the suspicious environment in which the NGOs are operating, it appears difficult to have access to key human rights NGO activists unless you have some form of referral or prior clearance by another activist or NGO. One has to 'conform' or be a member of the circle to have easy access. Even amongst the activists themselves, there appear to be enclaves within which some remain outsiders. Under the circumstances, and although disappointing, it did not come as a complete surprise when I spent more than six weeks before I could conduct any interviews with activists. It was not until former journalist colleagues, and their own friends, recommended me to other activists that I could confirm new meetings. For instance, I could only interview Kubatana.net staff after being introduced by the Director of Radio Voice of the People (VOP) a colleague from my old days in broadcasting. I could also only interview several other activists after being introduced by the

ZLHR communications executive. Interviews with staff from Media Alliance of Zimbabwe (MAZ), Heal Zimbabwe Trust, Mobile Community Zimbabwe and Digital Society Zimbabwe could only be confirmed after I was vouched for by MISA participants, former media colleagues. As this study will show I was later to establish that all these institutions were involved in citizen journalism and digital security training for volunteers and HRDs. Pedzisai Ruhanya, yet another former media and University of Westminster colleague, opened doors for me with activists from Zimbabwe Human Rights NGO Forum and Crisis in Zimbabwe Coalition. Although I requested introductions to NGOs in specific human rights fields, when I had lost my initial case studies, I also realised latter that personal relationships, collaborations and partnerships amongst the individuals and NGOs played a significant part in those introductions and referrals. In short this is when I discovered the value of interpersonal networks amongst the country's human rights activists.

There were also challenges with organizing meetings with the NGOs to allow for more comprehensive investigations and better understanding of the organisations. Except for ZPP and MISA, who accommodated two visits each to their offices, the other NGOs were reluctant to accommodate me for more than the one meeting for interviews which often lasted less than an hour. There also appeared a 'gatekeeper' syndrome amongst some NGOs, where only the spokesperson could give out information; some also ignored e-mails, SMS, or WhatsApp messages, or were unable to keep appointments for interviews.

Having made these observations, I should acknowledge that I was not the first researcher to face the challenge of minimal co-operation from Zimbabwean NGOs. Researchers like Smelter (2012), Tshabangu (2009), Mandiyanike (2005) and Rich-Dorman (2001) note that researching in conflicted environments like Zimbabwe depends on the researcher demonstrating to participants that he is not an 'outsider' by being up to date and intimately familiar with current local events. In seven years, I had been visiting home for very short periods, mainly for meetings at my employers' head office. Rich-Dorman (2001) and Mabweazara (2010) respectively researching NGOs and media institutions, circumvented this dilemma in Zimbabwe by adopting an ethnographic approach, immersing themselves into the participants' environment for some time. Even if the environments were not restrictive, an approach that draws from experiences of

immersion and familiarity is advantageous, a point sufficiently proved by Kavada's (2007) study of the European Social Forum.

## 5.7 Data Analysis

This research involved analysing data from the four cases and other sources. After the interviews, during which I used a digital recorder, I transcribed them into Word and then archived them. The data consisted of descriptions of personal experiences of community monitors, HRDs and community media activists in deploying the mobile phone in their natural settings. It also consisted of violations figures from ZPP; copies of community newsletters produced by MISA's journalists and SMS and WhatsApp texts on various issues from all the NGOs. It also encompassed my own personal experiences of the challenges of researching NGOs operating in this environment, which I had made in note form. I filed all this information into marked folders. I viewed all this data as reflecting and summing up the environments or settings in which the phenomena being studied existed, and was meant to strengthen my understanding of them, offer new interpretations, new perspectives, new meanings and deeper insights (Yin, 2003, cited by Mhlanga, 2010:80).

Because the focus was on how each individual NGO was deploying the mobile phone, one approach to analysing the data presented itself: identifying themes or key issues, comparing and contrasting evidence from the cases, noting similarities and differences (Creswell,2013) and, overall, assessing if and where generalisations could be drawn. The format of themes and categories of key issues was structured in such manner as to respond to the research questions and subsidiary questions. In other words, to show connections with the objectives of the study or reflection with any issues identified in the foundational chapters comprising the literature review. Except in the case of ZPP where some statistics were analysed to support monitors' reports the analysis was mainly narrative and descriptive.

## 5.8 Limitations of the study

This study has a few limitations. The account of the challenges with getting sufficient or indeed the most appropriate respondents in some of the case studies suggests one. The ERC case study

is built on the 'evidence' (interviews) of only two participants from the NGO. While the information from the interviews is useful in making some credible conclusions, the case's lack of the perspective of participants from the 'real world' setting, the volunteers from the voter clubs and citizen reporters, for example, is bound to be absent. A similar argument may be made about the absence of more concrete figures or statistics relating to the use of the ZLHR hotline from the NGO itself. I believe such statistics, much as an overall figure is quoted, would strengthen the case for the potential of this tool. Having made this point, it is also important to acknowledge the desire of the institutions to protect their constituents and sensitive information.

Second, I also make the point that I was viewed as an 'outsider' by the NGOs, something that I believe limited interactions with more important sources of information. Conducting interviews, which call for interactions at personal level and where the primary method of sourcing information, under circumstances of limited trust, is likely to produce results which may not be as patently representative as the researcher would hope for. Third, the research was based on convenience rather than random samples, which could limit generalisability, even though I hoped that the final selection was such that the case studies might stand for others because they came from the same sector. In reality though, human rights is still a broad sector and generalizability, if it was possible to make, might be limited to enclaves within that sector.

## 5.9     Research ethics

Research ethics can have considerable impact on how we design and conduct our research as well as how we report our findings (Nalita James, 2013). Deciding how best to handle issues with the potential to bring harm to respondents, to disrupt or change their lives, to create problems for them once the researcher has left, presents a very significant challenge to somebody carrying out research in authoritarian environments. Although every one of the four cases had its peculiar challenges - some of which, as I have already indicated, limited my ability to interact with the most relevant, most appropriate respondents- the one common overriding challenge, as I have highlighted, involved the need to protect the privacy and anonymity of my informants. In **Designing Qualitative Research** Marshall and Rossman (2016) caution researchers to guard digitized data closely, as new digital media used in collecting and storing data can be accessed even though researchers are convinced the technologies are robust. I made certain that I kept

recorded interviews, transcriptions and data collected from the cases under PIN-protected formats.

All the four NGOs want to protect the identities of their volunteers or HRDs because of the volatilities and polarization in the communities in which they work. Although I took their names and in some cases contacts of the participants during interviews I promised to protect their identities. I was concerned that even though some of them work as embedded activists, it is possible to inadvertently give details (of incidents) which could lead to the identification of some of the volunteers or HRDs. My research established however that some of the community journalists are known in their communities, for example those in towns controlled by the opposition political party, or in places like Chipinge where disenfranchisement of the community tends to bond the members, and the community ignores that the journalists may be a threat or nuisance. In-fact some communities chose to work with and protect the activists.

A different ethical issue arose when it came to the ZLHR. The organisation initially politely pleaded lawyer-client confidentiality when I asked for names of HRDs whom it had assisted through the hotline for me to interview. Although I had picked, through the organisation's Annual Reports, its publication the *Legal Monitor*, and media reports in general, names of activists who had been assisted in courts by the volunteer lawyers, I could not be certain that the hotline had played any part in ZLHR's intervention in the victims' cases. The same polite refusal was repeated when I requested interviews or information from senior lawyers managing HRD issues and statistics and data on the hotlines. I was advised that the Executive Director's permission was required for interaction with them, but it was never granted. Writers like Moira Carmody and Byrne-Armstrong (1999, both cited in Kerry Carrington, 2010), who researched non-political but still sensitive areas, warn researchers to understand and appreciate the sensitivities around their topics so that they know how to negotiate with those in positions of power over target respondents or other team members. I had not anticipated this form of resistance from an organisation which had shown readiness to open its own and other NGO doors for me. The polite 'gate-keeper' refusals may explain the challenge that I was subsequently faced with when it came to interpreting the perspective of only one interviewee from an organization whose work has had the most profound influence on the country's human rights

defense activities. However, I believe the participation of OAUS activists helped in enriching information on hotline deployment.

Nigel Fielding (2007, cited in Seale et al., 2007:241) observes that resistance and cooperation in field work are continually re-negotiated and therefore hardly "invariant" or intractable. On my third trip to Zimbabwe my ZLHR respondent relented and gave me contacts from OAUS, the organisation of young people whose activism since its birth in 2014 had made it a high-profile target for police action. Although the activists themselves expressed no concern over either their names or their activities appearing in my report, I still had concern over their well-being and decided to hide their identities. These NGOs also manage sensitive personal mobile based data on volunteers or members of the public, some of whom send them field reports in the form of SMS or WhatsApp texts. One of the reports I was given by ERC was a screen shot of SMS texts with user phone numbers visible, a development which clearly would pose a threat to the users should the reports be presented in my study without erasing or blocking the numbers.

## 5.10    Conclusion

The methodology was influenced by qualitative research and used the case study approach as the primary method of inquiry. In discussing the methodology this chapter also examined, among several issues, strengths and shortfalls of the case study method, challenges that a restrictive environment could pose for a researcher and how he can respond to minimise their effect. The challenges relating to researching in a restrictive environment included fear of the state machinery and bureaucracy within the NGO sector itself. A range of interviewing techniques and tools were deployed to best accommodate the circumstances of the various participants. Some of these tools, for example WhatsApp calling and WhatsApp texting, were, interestingly, services that the participants were already using for social and other interactions but had not been within the framework of my initial data sourcing tools.

Chapter 6

Zimbabwe Peace Project

## 6.     ZPP history and mandate

The Zimbabwe Peace Project, ZPP, was formed in 2000 by a group of faith-based and human rights organizations[37] as a response to the high levels of violence in the 2000 elections which had gone unreported and undocumented in any formal ways. ZPP was therefore a mechanism to document such violence in the future. The 2000 elections marked the first most serious challenge to ZANU PF's stranglehold on power by an opposition political party, the Movement for Democratic Change (MDC), after a challenge in 1995 by the Zimbabwe Unity Movement, (ZUM)[38] also failed (Sachikonye, 2011). ZPP's founding members had diverse knowledge of and experiences in human rights, democracy, and community empowerment issues, having worked with rural and urban communities implementing relief, welfare, peace building, civic education, and counselling projects. Two of the members, the Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ) and Zimbabwe Liberators' Platform (ZLP) had even more unique backgrounds. CCJPZ had investigated the 1980s Gukurahundi atrocities in Matebeleland while ZLP comprised former freedom fighters from ZANU PF but who disagreed with its intolerance for divergent political views. ZLP's involvement, according to a ZPP advocacy officer I interviewed on May 5, 2015, gave credibility and an enhanced identity to the NGO:

*Because the stereotyping from the party (ZANU PF) was that this (ZPP) was a western sponsored organization, with a western agenda, the presence of an organization with liberation history forced a different reflection. ZLP were nationalists… these were pan-Africanists with proven credentials of having fought for the country. (Yet) they were coming for this cause. That would do very well for the profile of the organization, and the credibility of the organization.*

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[37] The founding NGOs comprised Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ)[37], the Zimbabwe Council of Churches (ZCC), the Evangelical Fellowship of Zimbabwe (EFZ),the Zimbabwe Human Rights Association (ZimRights), Civic Education Network Trust (CIVNET), the Zimbabwe Election Support Network (ZESN), the Zimbabwe Civic Education Trust (ZIMCET), the Zimbabwe Liberators Platform (ZLP) and the Counselling Services Unit (CSU).

[38] ZUM was led by former ZANU PF Secretary General, Edgar Tekere and, although challenging his former leader, Mugabe, Tekere and his party were not seen as, at this point in 1995, as a powerful enough alternative to dislodge ZANU PF and provide a credible leadership for the country. Tekere was viewed as a Machiavellian figure, unpredictable and ruthless, having ruthlessly gunned down a white Zimbabwean soon after independence in one of Harare's suburbs.

From my appraisal of documents, interviews and public comments, I believe the NGO gains efficiency and effectiveness from several factors, among them a clear governance structure, (made up of board members from the founding NGOs) which gives the NGO clear leadership and policy direction, an efficient administration/secretariat, permanent deployment of volunteer monitors throughout the country's 210 constituencies, adoption of a credible communication strategy and a high level of staff commitment to the organisation's objectives, values and tasks. ZPP's profile has also become stronger since the Director, Jestina Mukoko's arrival in 2007, because of her people and communication skills, her courage, and the respect she commands amongst human rights defenders, the media, and other female professionals. Her abduction experiences in 2008 typified the human rights violations that her organization was profiling.

One of the criticisms often leveled against Zimbabwean civil society organisations (CSOs) is their lack of serious commitment to, and consistency with their core purposes[39]. ZPP advances a Vision of peace, justice, dignity, freedom and development, commitment to the defense of human rights, protection of the vulnerable and marginalized from violence, gender empowerment, integrity, tolerance of diversity and public accountability. The NGO's work in documenting and reporting political violence has gained it respect and trust amongst local and international institutions. For example, the aid agencies World Food Programme and Care International have adopted food aid distribution recommendations made by ZPP because they trust the NGO's commitment to and demands for transparency and non-partisanship by both government and other NGOs in welfare services provision.

As is the case with the founding members, the bulk of ZPP's work is with rural communities, where the ruling party's political structures seek to co-opt or silence dissenters through physical violence or denial of food, drug and education aid[40]. In these areas, infrastructural and resource challenges make issues of human rights, equality, democracy and empowerment imperatives

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[39] Lawyer F. Chiweshe and Jestina Mukoko both agreed in interviews that many Zimbabwean CSOs/NGOs were indeed "singing for their supper" and gravitated towards their sponsors' agendas, rather than keeping faith with their objectives. This explains why NGOs end up following multiple programmes many of which are in conflict or duplications of other's projects.

[40] There were reports that rural school children with parents suspected to be aligned to the opposition parties were denied access to education funds provided by the British and European governments as part of their aid to the country to support the revival of the collapsed education system. The funds, food and drugs provided as aid were reported to be benefitting only those aligned to ZANU PF.

(Dren Nupen, 2008).[41] Advocacy and information officers are, as result critical actors in the NGO's outreach programmes where they constantly interact with volunteers and other community members.

Since its inception in 2001 ZPP has produced numerous human rights violations reports. By December 2011 it had produced 96 monthly and four Annual reports, 43 information alerts, three research documents, two bi-annual reports and 15 bulk SMSes (ZPP Annual Report, 2011:27). The reports are uploaded onto ZPP and, until 2013, Kubatana.net websites, and circulated to founding members, other human rights NGOs, international partners, sponsors, and the media. These institutions in turn use their distribution channels to ensure wider dissemination. The organization is acknowledged as one of the most reliable sources of information on politically motivated human rights violations in Southern Africa.

## 6.1    Deploying the phone and distinguishing the monitoring process

The findings on phone deployment are presented in several sections. The early sections present the steps in the NGO's monitoring process, followed by organisational and social dynamics that shape the relationship between the NGO and its volunteers and against which the outcomes of digital media use may be assessed. Subsequent sections assess how the device is deployed, including risks inherent in the process and the environment in which the volunteers work. I believe it is also important to put into perspective the import of volunteer service, about volunteer autonomy and embeddedness and how these issues, negotiated under a formal organizing structure with specific mandates, may affect phone use.

The NGO views the monitoring process to involve three steps: monitoring or observing, documenting and reporting. Observing involves the monitor simply assessing events and incidents in the community, drawing mental pictures of the contexts and noting what may need to be documented. The second step involves documenting, or gathering evidence using the tools that the monitors have, including the phone. The third step involves reporting the events during which the NGO verifies incidents then compiles reports in the form of monthly monitoring

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[41]  Dren Nupen in 2008 looked at the Civic Education Network Trust's operations in rural Zimbabwe and identified these issues as key challenges for the state and NGOs in these areas.

reports, media statements, alerts, and other formats. The whole process, described by the NGO as MONITORING, is a multilayered approach, which often occurs ***concurrently***. How these steps actually manifest, the details of what role the phone plays in the process, is the subject of this investigation.

Figure 6.1       Diagramatic representation of ZPP's monitoring process

**1.Observing**

Monitor observes events in community, movements of violators; aid distribution patterns; makes mental note; liaises with HQ or other monitor/s

**2.Documenting**

Record violations, take pictures, audio, names of victims, perpetrators, places and times; compile report on digital smartform on phone; transmit to server when there is signal; advise HQ if necessary; update HQ through calls, WhatsApp, SMS.

**3.Verifying & Reporting**

HQ downloads reports from remote server; Officers verify reports; compile monthly reports, alerts etc using monitor information; compile maps, stats to support reports; distribute reports to constituents; upload reports and pictures onto website & social media platforms; Mount domestic and international advocacy and lobby programmes .

## 6.2    The organising structure: distinguishing the professionals and volunteers and volunteer embeddedness

ZPP's work relies heavily on two levels of the organizational structure: the secretariat's professionals and volunteers. The professional staff- who include Senior Programmes Officers, Advocacy Officers, Provincial and District co-ordinators- are charged with liaising daily with the public, supporting community volunteers, putting together monitor reports and ensuring they are put in the public domain where they expose violations. Volunteers are made up of community monitors and Peace Defenders, another group of volunteer activists drawn mainly from urban and peri-urban centres but with links to communities.

Figure 6.2    ZPP's organizing structure
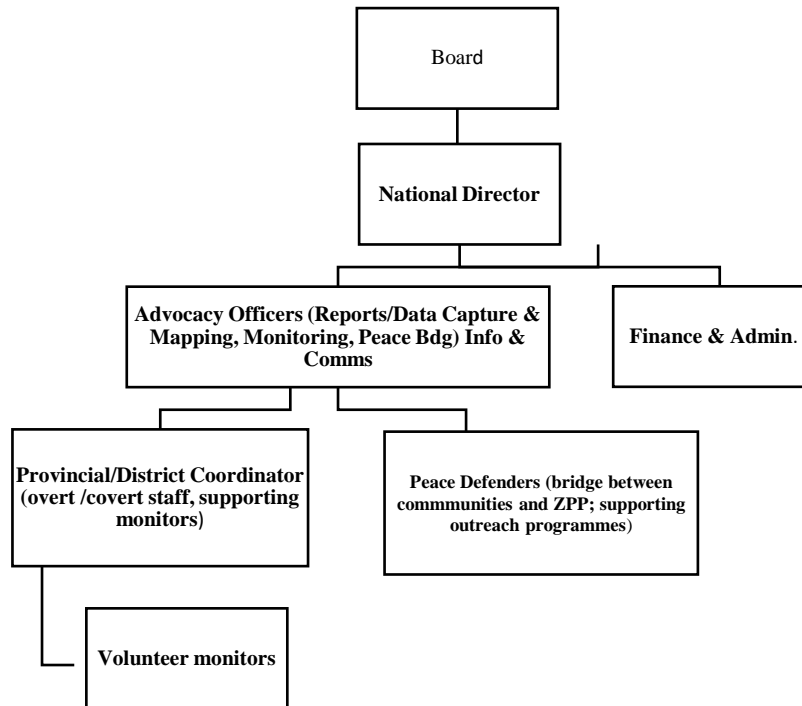


Conversations with staff indicated that the NGO uses the community-based networking experiences of some of its founding members to develop its own network of community volunteers. Two local (grassroots) volunteers observe and document violations in each constituency, with populations ranging between 15 000 to 25 000. The placement highlights the embedded and covert nature of the monitors and their mobile devices. Because they come from within the communities, use their own or ZPP-furnished phones, the volunteers understand the contexts of their environment, the faces, the community idiosyncrasies, their peculiarities, the political structures and power centres, the community 'culture', economic and other challenges. The mobile phones are an extension of the volunteers, supporting the monitors' social and work-related communication needs. In one instant, they are sophisticated pieces of hardware, installed with sophisticated software for documenting incidents; in the next they are ordinary, everyday technology facilitating social communication, for example Christmas and birthday messages, family interactions and more. The recruitment and operational strategy thus suggests tactical thinking on the part of the organisation: using embedded locals removes problems associated with suspicions towards strangers and possible ethnic, language or cultural misunderstandings. The Director's explanation confirms this assessment:

*We want them to be resident in those places because it is easier for them to know the dynamics in the area in which they are resident…and at times it is very easy to immediately identify personalities...ah…who are involved in incidents that take place in their areas (Interview, Jestina Mukoko, Sept 8, 2014*)

The Director's response to police accusations when she was abducted in 2008 shows further how deeply impenetrable volunteers can become to the state:

*When I was abducted in 2008, during interrogation...ah...one officer said to me, some incidents happen well after midnight, maybe around one or so, but you get them correct. How do you get them correct? And my simple answer to him was that well, we have people who are concerned Zimbabweans…who live in the same communities with you. And these are the people who bring out this information. The next thing was they brought out a piece of paper and they wanted me to give them names. I said "There are 420 of them, I don't know where to begin. And actually I don't even know them. I know they are concerned Zimbabweans who will give the organisation information but I don't know their names. I don't even know where they live. So I can't even begin to write their names."*

But as I discuss later, embeddedness is not totally free of risks and threats especially when it comes to using the phone in documenting evidence.


My analysis of the recruitment of the permanent, professional staff also suggests a tactical approach by the organisation, to support monitoring activities. Cultural, ethnic, and linguistic representativeness amongst professional staff facilitates two things: first, productive conversations with other CSO activists; second, effective moderation of monitor reports by the organisation in case there are queries about their accuracy, credibility or integrity.   The Advocacy officer explained in a telephone interview on May 5, 2015, that the diversity invests a high degree of empowerment in their constituents:

*It (ethnic, linguistic and cultural diversity) then allows us to reach out to a broad section of people. It means anyone is able to directly get in touch with us and present what they have observed in a language or in a way that we and they are both familiar with, (in a language) that makes them comfortable* (Telephone Interview, Advocacy Officer, May 5, 2015*)*

At the time of this study the NGO had at any time, one staff member who spoke or understood at least one of the 14 official languages, in addition to English and Shona. As a matter of fact, ZPP is one of very few NGOs with such diversity in Zimbabwe. The Director herself is fluent in at least four of the official languages and has some understanding of more. The same is the case

with the data officer who handles numerous reports a month, some of which often require verification and moderation in different languages.

Some of the monitors are also drawn, on 'secondment,' from founding member organisations or new partners. 'Seconded' volunteers are HRDs or activists in their own right, some directly employed by, or volunteering for other NGOs. However, there is an understanding amongst the partner organisations that for the protection of the monitors only ZPP must know the identities of such volunteers. Their reports must never be used with the other NGO. This also avoids cross monitoring, cross reporting, and the potential confusion that report duplication and inconsistencies in reporting styles could cause. Two monitors in this position confirmed to me that the arrangement did not create conflicts, threats or compromise their work. ZPP however still trains these volunteers in telephone skills and digital security, reporting and documentation although previous experience is still invaluable.

## 6.3    Gender, age and blending in.

Considerations like age, gender, education level and financial capacity are important factors in recruitment, but ZPP says ultimately it is the monitors' understanding of and commitment to human rights issues that overshadows all else. In general monitors are from all walks of life-teachers, church goers, township residents and nurses-from both sexes with age ranges between 20 and 60 years. I was told that rural volunteers are predominantly female and middle-aged. My male and female informants ranged between 42 and 60 years old, were high school educated or above, rural and urban based and eloquent in both Shona and English (although one preferred to converse primarily in Shona). Urban areas are dominated by younger volunteers, a sizeable number reportedly clergy, a point also confirmed by one participant. One of the interviewees was a university-educated highly placed church leader.

The mix partly reflects the country's gender spread as well as employment challenges. Women form 51% of the country's population; live mainly in rural areas and represent a larger percentage of the country's marginalized and vulnerable groups. Here politics has created the most violated and polarized communities. Unemployment is highest in urban areas where most youths and males live. ZPP said young male monitors from constituents along the country's

southern borders with Botswana and South Africa form a sizeable percentage of these unemployed youths. The Director said in an interview on September 8, 2014, that the organisation is however careful not to recruit politically-aligned volunteers because of the need to maintain objectivity. My interactions with participants, though, showed volunteers with very high degrees of political sensitivity.

Traditionally, in rural communities, older women attract less attention and demand more deference than younger ones, ideally making it easier for them to blend in to investigate and document incidents. A comment by 42-year old volunteer No 3, from Bindura, suggests she finds it easy to blend in as a vendor in both town and village markets, rich sources of information.

*It's easy for me to go into the society and socialise with people, talk to people. I stay in Bindura. I can go into town or the farming areas to sell my things. By selling my things I am an ordinary vendor…I appear like anyone else…any other woman vendor. But I know what I am looking for…what I am doing (Monitor No 3. Jan 14, 2015).*

The 60-year old female monitor (No.1), from Mhondoro Ngezi, operates in the same manner, using the marketing of household wares in other villages as a cover to investigate and document incidents. This monitor has also 'subcontracted' a friend in another village to assist her because of the large size of the communities and number of violations she must cover. Typically, it appears the volunteers engage in activities that people of their age or gender would be expected to, so that they do not become conspicuous and attract attention. I interpreted these actions as attempts to *blend in,* a critical factor of embeddedness. The 60-year old male monitor (No 2) from Mashonaland East reported that when there were events organized by war veterans in the province-which often presaged violence- he posed as a war veteran or supporter, attending their events in their regalia: *"Kana zvasvika pekuti ndirikuda kunatso tsvaga nyaya ndinopfekawo makhakhi ema war vet ndichirowa slogan zvekuti ndinongonziwo Comrade. (When it comes to it and I need to get my story, I wear the khakis worn by war veterans. I chant their slogans such that they think I am also one of them and they call me Comrade…"*). Church leaders, monitor No 4's category, are protected by a general Zimbabwean convention about religious leaders: the public has a natural deference and respect for them; they are considered pillars of society, involved in ministering to the spiritual needs of the people and therefore shepherds rather than threats, to society.

**6.4     Professionals, volunteers and 'virtual' relationships and volunteer hopes.**

Before turning to explore the deployment of the mobile phone itself I look at the link between the NGO's organizing structure and volunteerism. The issue is relevant because in the case of ERC and MISA a similar relationship maintains. By having professional staff and volunteers, it can be argued that ZPP is operating two "structures": one, the formal structure run by the professional staff who are physically containable within the office space and 'bonded' through constant, daily co-ordination; the other, an informal desegregated structure of the independent, autonomous volunteers, free from daily office routines and rules but nevertheless maintaining a constant relationship with the main structure through the mobile phone, occasional meetings, workshops or community engagement activities. Both structures are bound by broad organisational objectives and internal organisational functions. Desegregation of the volunteer 'structure' and the 'virtual' nature of the relationship with the 'centre' means the volunteers lack the daily protection and guidance that professional staff enjoy.

The question that emerged when I was examining these dynamics was: could they breed tensions or challenges between the organization and volunteers which could impact the deployment of the phone and inhibit effective monitoring? I believe some responses by some volunteers pointed to potential sources of tension or challenges. When I asked the volunteers what they expected their reports to achieve in protecting human rights one said he expected ZPP to use the reports to mobilise network collaborations as well as challenging political leadership:

*ZPP at its highest level has quite a number of people who can make our mind felt, make our mind seen….and make our mind probably be put into action. I am simply saying ZPP works with other human rights organisations such as Zimbabwe Human rights Lawyers…so our perception or hope would be that if we share our stories with our leaders here, these stories would then be taken up…either engage the government if it is possible…engage the state. (Interview Monitor 4, Jan 14, 2015)*

Monitor No 1 hoped the reports would be useful in empowering citizens to seek freedom, motivate local solutions to local problems, force national leadership attention and stimulate or provoke international intervention in human rights abuses in the country.

*The objective of our reports is to achieve freedom for ourselves, for our children and grandchildren. We want peace for Zimbabweans…We want our reports to go beyond our leader Jestina, to get to our President...to the United Nations, to help us to get to other organisations to*

*help us. But we (also) want the reports to get the problems in our area here sorted out (Interview Monitor 1, Jan. 14,2015)*

Monitor 2, from Mashonaland East, wanted ZPP to use the reports to educate the public about the evils of violence, but more significant, to force government to accept accountability for violations and responsibility for citizen protection.

*I want to know that my reports have assisted the violated. I want the uninformed in Zimbabwe and anywhere else to know that violence is not good. It destroys others, the weak and the innocent. I want ZPP to tell government to protect its people so that they are less violated, so that there is less violence … (Interview Monitor 2, Jan. 14, 2015)*

Another possible source of tension arose from lack of financial resources for volunteers. The volunteers appeared driven to match or exceed head office expectations in terms of the quality of their output. This means they often need more cash than they can raise for transport and airtime to investigate, document and transmit reports. One participant said she was unable to document as many violations as she would like to because she lacked resources to travel to incidents. This was a recurrent theme with MISA's journalists as well, who also reported that transport challenges restricted their sources of news to hearings at headmen and chief's courts, district health institutions, growth points, NGO outreach activities, community and church meetings, school events and the occasional political rallies. The ZPP monitor complained that mainstream reporters were beating them to incidents in their own constituencies because of this incapacity. By the time they arrived to report incidents mainstream journalists would have taken pictures and even transmitted details of the incidents. She said this made them look ineffective to HQ. I thought this could be compounded by the fact that most newspapers now had online editions which reported incidents 24 hours a day.

This complaint raised interesting questions though: were monitors beginning to compare themselves to conventional journalists? Were they considering themselves sources of credible, competitive information or news? Was an alternative competitive journalism developing? The study did not follow this line of investigation because it did not fall within the purview of the research but I believed an explanation for this disposition could be traced to the emergence of training in report writing and digital security for activists involved in producing reports and general human rights defence. I explore this issue in subsequent case studies.

My interpretation of volunteer comments was that if ZPP failed to use the reports to achieve envisaged objectives, then the organisation and other CSOs could be viewed to be failing the monitors. The comments could therefore reflect possible sources of tensions between the volunteers as a collective, and the organization, arising from a volunteer perception that ZPP and civil society should do more to prevent human rights abuses. Having given this background, which I view to be useful in understanding the motivations for volunteer commitment, the next sections analyse findings relating directly to the phone's deployment.

## 6.5    The smartphone, reporting platform and their significance

The monitors use a smartphone introduced by the NGO in 2013 just before the elections (and replaced every 2-3 years with newer models) to enhance the monitoring and documentation process as well as their coordination with head office and provincial coordinators. The Huawei Y100 and Y336 smartphone models host standard digital media convergence capabilities: internet, email, GPS, Facebook, Twitter, SMS, MMS, WhatsApp, sound, radio, image and video recording and transmission and camera flashlights, which the monitors indicate have made their work more productive. The models are installed with software designed to circumvent intrusions by facilitating instantaneous transmission of reports via the web to secure servers outside the country. Before 2013 monitors handwrote or typed their reports, then delivered them to Provincial Supervisors or directly to head office. That route involved undertaking long, time consuming, costly, tiring and risky journeys on public transport to the offices, a process immediately removed by the introduction of the circumvention tool. I gleaned from interviews that the platform was introduced to reduce transmission costs, standardize reporting (using digital forms) and facilitating quick interventions or follow-ups where necessary. Most important though was the hope that by using an external server and end-to-end encryption, the NGO would avoid state interception of its reports and, in the process, enhance their security and that of the monitors. Instantaneous transmission would minimise the risk of data/information interception on the phone or on the person of the monitor, reduce fear and improve morale and confidence amongst the volunteers. The tool's robustness was enhanced further by the use of data access protocols. The diagram below shows how the tool, Martus, works. The diagram is copied from Martus' website.

Figure 6.3    Martus Platform (copied from Martus.org website)



The encrypted data is copied to a network of secure servers around the world. The keys to decrypt the data are never stored on the server and therefore the data remains unreadable by unauthorized users.

Data is automatically encrypted by the app.

The user can choose how to use the data. This includes analysis, reporting, graphs, or other data visualizations and sharing of information.

XML
CHARTS
IMAGES

It is also useful to note that government, through POTRAZ, in 2011 banned providers from offering services that use encryption technology, even though there was no legal basis for it. Then, POTRAZ targeted Blackberry which was offering encrypted messaging services (NGO Forum Report, 2016:10) presumably because government was failing to de-crypt them.

## 6.6    Coordination and other uses

Staff indicated that co-ordination is mainly through voice calls, WhatsApp and emails, and less through SMS because of high costs as well as the application's limitations with letter characters and inability to support other media like videos and pictures. Outreach activities and urgent issues are often arranged through calls and WhatsApp; long term agendas through e-mails (for purposes of archiving later). The Director however said some of her staff avoid using SMS and emails fearing interception of their communication by state surveillance, something I also noted with ERC staff. The fear stemmed from ZPP office raids by police in February 2013 during

which some mobile phones, laptops and other office equipment were confiscated[42]. Staff were concerned that police wanted to access information on the equipment.

With Peace Defenders, volunteers who link the NGO with rural communities my assessment was that communication is mostly top down and horizontal, with the mobile phone providing Voice, SMS and WhatsApp services for co-ordination. In supporting head office programmes Peace Defenders have formed their own WhatsApp groups to better co-ordinate activities in the communities. Operating openly, they share their contacts with community leaders whom they trust can help them mobilise their members to participate in the peace-building initiatives. These contacts are then shared with HQ and added to ZPP's data base. Although the peace building programmes are structured by the organisation, I understood these volunteers enjoy some fair autonomy in mobilising the community participants. However, the study cannot claim this with certainty because Peace Defenders did not form part of my interview sample.

Monitors said they can initiate communication (upwards) with Provincial Supervisors or head office as much as the latter can also send messages down directly to them. They also communicate amongst themselves, where they have each other's contacts, often exchanged during workshops. The general position from the organisation though was that the critical need to maintain anonymity and therefore safety of volunteers, demanded minimum direct communication amongst the monitors themselves, except for the pair in each constituency and their supervisors. However, the section discussing how rural monitors network to communicate warnings about the movement of violators suggested to me that there is much more interaction amongst the volunteers than the organisation acknowledges.

Monitors and other respondents indicated they also use the mobile phone for money transfers through 'EcoCash', 'Telecash' and 'One Wallet' the money-transfer facilities run by the mobile operators. These mobile financial services, now spread to all corners of Zimbabwe, are critical in a country where banks are located mainly in urban areas and growth points. Monitors in dire

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[42] February 2013 reports in the online media *Nehanda Radio* and *NewZimbabwe* suggested these were police tactics to intimidate human rights NGOs, just before the July elections against mobilising citizens to demand a fair vote. In early February 2013 police had also raided offices of the Bulawayo-based National Youth Development Trust, searching for alleged voter registration certificates and other documents which police claimed might contain subversive information.

need of cash for transport or airtime find the services extremely useful. Monitors however said they hardly used the entire range of functions or capabilities on the phone because of connectivity and technical skills problems.

## 6.7    Documenting, verifying and reporting violations

The UN High Commission for Human Rights (UNHCHR) says effective human rights monitoring must be built on accuracy, precision, impartiality, objectivity, sensitivity, integrity, and professionalism (UNHCHR Training Manual, 2001). Documentation is meant to provide evidence which can also be left as a record for posterity. When using the mobile phone ZPP monitors said they are drilled on the importance of keeping the process impeccably accurate. Incidents are captured and recorded on the digital formats of the Event Form (EF) and Person Form (PF) installed on the phone as part of the circumvention software. Every monitor stressed that it was important to present reports with corroborating evidence in the form of images, videos, or voice recordings. Some of the images and videos, of which I viewed a few, would later be uploaded onto the NGO's website and social media platforms. One monitor said the requirement for corroborating evidence has become so entrenched in the documentation routine that if she lacks the evidence she would rather delay sending off/uploading the report, or not transmit at all. This was understandable, in case the organization was challenged, for example with litigation. The challenge however was in getting that evidence because of the risk of exposure when using the phone to record violent incidents, or if the volunteer arrived late to witness the incident, or being unaware of the incident altogether.

A rigorous verification or moderation process bolsters the documentation process, where there may be doubts about the accuracy of monitor reports. ZPP's multi-lingual staff fulfil this function by seeking confirmation of the reports with other NGOs in the field, trusted community members or provincial coordinators. Verification is done mostly through the phone because of constraints imposed by distances, travel costs and time. The results of this process explain why media as well as international institutions like Human Rights Watch, Amnesty International and Commonwealth Foreign Office have faith in the organisation's reports. Or, on the other hand why the reports raise concern within government: because the process would have ensured sufficiently high levels of integrity to deter any criticism. The data office compiles and converts

the information from the monitors into maps, tables, and statistical graphs, complemented or supplemented by photographic evidence, which makes the reports highly illustrative and informative. The tables and graphs in this chapter form part of the incontrovertible evidence that Mashingaidze (2016) refers to as the 'footprints' of violators.

My examination revealed numerous reports in the 'name and shame' mould, but I did not come across any evidence of the organization being challenged legally for presenting inaccuracies or falsehoods. Only evidence of intimidation and harassment of its staff. I would conclude that absence of such evidence suggests a near fool-proof personal witnessing, documentation and reporting process built on some of the UNHCR's principles of effective human rights monitoring: accuracy, objectivity, and precision. In some sections below I discuss a few examples of the deployment of the mobile phone in events that some of my respondents 'witnessed' and documented.

## 6.7.1  Value of 'Event' and 'Person' smart-forms to human rights protection.

This section presents a brief description of the structure (contents) and value/usefulness of the Event and Person smart (digital) forms on which monitors record violations. The new software supplied by an international IT company[43] highly experienced in developing circumvention software for grassroots organisations, and installed on the monitors' smartphones, carries digitalized versions of the organisation's standard pre-2013 hard-copy forms on which Incidents (Events) and Persons (both perpetrators and victims) associated with human rights violations, were documented. The Event Form (EF) records details of the Events or Acts/Incidents themselves and the people involved: such details as the location (province, constituency, district, village) where the violations occurred, the date and basic information about the victim/s and perpetrator/s. The Person Form (PF) contains much more detailed information about the victims and perpetrators, including details about the victim's close relatives.

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[43] The company, Tactical Tech, has vast experience developing effective secure circumvention software for NGOs working in sensitive, high surveillance regions in the world.

Figure 6.4        Event Form

**E** Event Form

! Note: One E-form only is to be used for each event submitted by a Field Monitor. Attached beneath it are sheets recording information about all the persons connected to this event (P-forms).

**1** Event outline and summary information

Event title
(Concise, memorable, etc) ........................................................................................
....................................................................................................

Location of event
Province...................................................
Constituency...............................................
District.....................................................
Village......................................................

Start date (dd/mm/yy)

End date (dd/mm/yy)

Filled in (dd/mm/yy)

Monitor code

Total person Forms (number of P-forms)

**2** Acts within this event
("who did what to whom" in this event)

| Date of Act (dd/mm) | Perpetrator (surname/initials, or name of group) | Aff | Act (code) | Victim (surname/initials, or name of group) | Aff |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Unique perpetrators (Number)

Unique victims (number)

Monitor code        Log        Date filled in        Form        of

137

Figure 6.5        Person Form



The Director and Data Officer said Event/Incident reports help in suggesting appropriate interventions to heal physical and psychological wounds and bring peace to violated communities. They become sources of information for follow up actions such as litigations or further medical treatment, counselling, and healing for victims. Because of the sensitivity of some of the reports ZPP has set up data/ information access codes and protocols to allow access only to and by relevant staff, for example staff who verify, moderate or compile the monthly

reports, alerts, or updates. Only the Data officer is permitted to change the data access codes regularly to ensure data/information security. The Director explained on September 8, 2014:

*We want as much information as possible on the victim, and as much information as is possible on the perpetrator, so that in the case of the victim if they need medical attention or psychosocial support, or may be support with litigation, we can then assist them* (Mukoko, Sep. 8, 2014).

The following example from ZPP's 2013 Annual Report illustrates the utility of the information collected through these forms in mobilizing interventions. In 2011, a monitor in Masvingo discovered a group of villagers who had been tortured by ZANU PF activists during the 2008 Presidential run-off, but had been warned against making reports or seeking medical help. For three years, the victims and their families endured the physical and mental wounds with some children becoming so traumatized that the cause of their poor performance in school was only discovered after ZPP had carried out further investigations into the monitor's findings. Amongst the victims was a 78-year old man who had wasted gravely from a deep festering wound. The group was recommended to the Counselling Services Unit (CSU)[44] whose efforts showed huge improvements within a short time **(**ZPP 2013 Annual Report; Interview Mukoko, Sept. 8, 2014**).**

Video testimonies revisiting memories of violations are considered critical complementary aspects of the healing process. In 2015, the organisation commemorated 'Sixteen Days of Activism Against Violence Against Women' with a video campaign featuring testimonies from 16 female survivors of the 2008 political violence. The survivors were identified and recorded by monitors or professional staff using mobile phones or video recorders. Audio versions of the testimonies could be accessed on the ZPP website in 2016. In March 2016 Jestina threatened to sue the former Minister of Intelligence, Didymus Mutasa, for refusing to disclose the names of her abductors or those responsible for other disappeared, abducted and murdered activists. She argued that as head of Intelligence Services for years Mutasa knew the perpetrators and was accountable for the violence attributed to the Services in numerous NGO reports.[45] Mutasa pleaded protection from the Official Secrets Act, a defence however quashed in March 2017 when courts ruled that (former) Ministers or Public servants could now be sued in their individual capacities for violations which occurred when they were in office and in charge. The import of Jestina's attack was that information from these reports was crucial, but if leaders like

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[44] The CSU has been harassed by police a number of times. In the first week of November 2012, the NGO's offices in Harare were raided by police and their computers, containing records of victims undergoing treatment for trauma and torture were seized, according to the global organisations World Without Torture and International Rehabilitation Council for Torture Victims. www.worldwithouttorture.org. Accessed April 4, 2016.

[45] In March 2016 Mukoko argued that Mutasa had actually issued a certificate prohibiting the release of the names of her abductors when he was still Minister. His defence that he was bound by the Official Secrets Act was unacceptable given that he had been expelled from the ruling party and government and therefore had a greater duty to tell the truth and offer closure for victims.

Mutasa failed to reveal the identities of perpetrators, there would be no emotional healing or closure for victims or their relatives. Civil society made the same argument about the 1980s Gukurahundi killings, charging that a new Commission on National Healing should provide the platform and opportunity for confessions and national healing. Mukoko insisted in our September 8, 2014 interview on accountability "*Because as an organization the ethos we work with is that there are supposed to be consequences for what you have done...*" The NGO's message below, to commemorate the 2015 'International Day in Support of Torture Victims' reinforced Jestina's position:

> The healing process for victims of torture is long, expensive and affects most of those around them. If perpetrators of torture are either protected under the guise of acting to safeguard state security or are simply allowed to walk scot free, the healing process on the part of victims is delayed even further by fear of the acts being repeated (ZPP message commemorating the International Day in Support of Torture Victims, 2015).

## 6.8    Examples of documented incidents

The monitor from Marondera told me that he had used his phone to take pictures of bodies of political murder victims who had been dumped by Intelligence agents (CIO) in Wenimbe dam in Mashonaland East Province during the June 2008 election violence. He gathered intelligence about the murders from friends working at the Marondera provincial hospital mortuary whom he said facilitated his taking the pictures following the retrieval of the bodies from the Dam. However, because of the risk of interception by state authorities or ruling party youths he deleted the images after a while. His report though, appeared to be corroborated by a Wikileaks report of September 5, 2008 quoting dispatches by the American Embassy in Zimbabwe (Figure 6.6 below) as well as by the Zimbabwe diaspora-based publication *The Zimbabwean* of September 6, 2008 and July 14, 2009[46]. Both gave accounts of the recovery of political violence murder victims from the dam in 2008.

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[46] The incident was reported by Veritas and MISA in two separate articles which were published by *The Zimbabwean* in September 2008 and July 2009 respectively.

**Figure 6.6** American Embassy dispatch on the Wenimbe dam bodies: Source: Wikki Leaks

| DETAILED ACCOUNTS FROM WENIMBI DAM | |
|---|---|
| **Date:** 2008 September 5, 13:25 (Friday) | **Canonical ID:** 08HARARE779_a |
| **Original Classification:** CONFIDENTIAL | **Current Classification:** CONFIDENTIAL |
| **Handling Restrictions:** -- Not Assigned -- | **Character Count:** 11114 |
| **Executive Order:** -- Not Assigned -- | **Locator:** TEXT ONLINE |

Classified By: Charge d'affaires, a.i. for reason 1.4(d). ------ SUMMARY ------ 1. (C) Two survivors of beatings in Mashonaland East with knowledge of bodies found in Wenimbi Dam near Marondera and one man who witnessed bodies allegedly retrieved from the dam at a local morgue recounted their experiences to poloff (ref A). While their stories are compelling and believable, particularly given that Marondera remains one of the most tense areas in Zimbabwe, additional facts and eye-witness accounts would further strengthen the allegation that numerous bodies were intentionally thrown into Wenimbi and other dams in eastern Zimbabwe. Given their lack of first-hand knowledge, Post does not believe at this time that their public testimony, if given in the U.S., would significantly highlight the violence that has occurred since April. Furthermore, public exposure could subject them and their families, as well as neighbors, to violent retaliation. END SUMMARY.

Source: Cable: 08HARARE779_a - WikiLeaks          https://wikileaks.org/plusd/cables/08HARARE779.html

In 2008, and again in September 2013, the same monitor took pictures of huts that were burnt down in Mutoko and Suswe (Mashonaland East Province) in politically motivated violence. After sharing them with the organization, he deleted the pictures *"...because I feared I might be caught with the pictures on my phone,"* he told me in the interview on January 14, 2015. In another incident in Marondera in 2014, the same monitor, afraid of being discovered using his phone openly, discretely kept the line open to allow the Communications Officer at ZPP HQ to overhear violent threats by war veterans demonstrating against their ZANU PF Provincial leadership. In this case, he said he was allowing head office to act as a listening and recording post. He was also aware that his action would allow the 'listening post' to act as an intervention point should there have been a threat against his person. The demos were covered extensively by national media between 4th and 5th November 2014. On 27th March 2017 one of the urban monitors captured pictures of ZANU PF youths in Mbare, the capital's most populous high-density suburb, attacking Movement for Democratic Change-T youths and destroying their property. Both pictures and monitor's report were captured, almost verbatim, in the online editions of *The Zimbabwean* and *New Zimbabwe* of 28th March 2017. Both media have links to over 100 media and human rights organisations, including all major UK papers, the BBC, CNN, New York Times, Human Rights Watch and Amnesty International.

In December 2015, the monitor from Bindura District transmitted a report, supported by pictures, about deaths arising from violations in small scale mining in an area called Kitsiyatota. From media reports Kitsiyatota is one of the richest gold mining areas in Mashonaland Central

province, many of which mines are owned by political elites. Published in the organisation's January 2016 Report- but which only came out in March- it is one of the organisation's most articulate and informative accounts of the dangerous and life-threatening practices in small- scale mining which government was ignoring. To my knowledge, the images are the only ones published by any media in the country illustrating the dangers of open-pit mining in Bindura at that time. The country's top financial weekly, *the Financial Gazette* followed up on the report on April 18, 2016 with its own story with a slightly different slant, accentuating the dangers of land degradation from open pit mining, not on the risk to human life.

I also sought to establish evidence of the capacity of the phone in documenting violence in archived ZPP reports. The NGO's March 2008 Report proved illuminating, showing graphic pictures of victims of political violence taken by the monitors. The images included those of people with knife wounds, body burns and burnt down homesteads in Maungwe and Mutoko constituencies, the latter co-incidentally the constituency served by one of the participants. In 2008 alone the organisation produced 30 reports, the highest number ZPP has ever produced in a single year. The development could be explained by the numerous incidences of violence precipitated by the elections and the Presidential run-off. ZPP and RAU tables and graphs in other parts of this thesis also confirm this historical fact. The images in Figure 6.7 below are from the NGO's archives and depict (a) a burnt-down hut in Mashonaland East (b) the face of violence at a growth point (c) a resident from Epworth urban suburb protesting the demolition of his 'illegal' home by Council (c) police beating up a civilian during civil protests in July 2016. (e) outreach campaign on human rights. The first four images were taken by ZPP monitors, the last by ZPP staff.

Figure 6.7: Five images-four of violence- captured by monitors' phones (ZPP website)



Burnt hut in Mash East          Violence at a growth point          Epworth houses bulldozed

July 2016 protests-police attack a civilian          ZPP outreach campaign on human rights



When I saw the sizeable number of images and videos on the organisation's website and social media platforms- Facebook, Twitter and You Tube- I decided to go further and conduct a brief analysis to establish what role the platforms might be playing to complement the monthly monitoring and other reports, although they did not form a big component of this study. I observed that from 2013 all the platforms became particularly active in sharing the images and videos of violations taken by monitors and uploaded by the organization, a development that may be explained by the fact that this was the year ZPP also introduced the smartphone and digital forms. The organization's website archives though carried more images because they have been up longer than the social media platforms, which were launched in 2012 but became

more active from 2013. Among many the platforms carry harrowing images of families shattered by the destruction of their homes in Epworth[47] in forced evictions in 2014/5; youths terrorizing villages during by-elections in various parts of the country in 2015; war veterans being water-cannoned by police in Harare in 2016 and vendors and activists being beaten up by police during public protests the same year. Over 40 images and videos are shared on the four platforms, almost all of them reportedly recorded by monitors, according to a clarification on November 21, 2016 by one of ZPP's advocacy officers. The rest, by professional staff or from other sources. The officer said each of the images can also be matched to a ZPP report.[48]

## 6.9    Mobile phones and protection

Mobile phones facilitate monitors' personal safety from two angles. The Director and Data officer said if monitors who are known for maintaining regular contact with head office suddenly cease communicating this could indicate that they are in distress. Total silence or late submission of reports flags that a field monitor may be facing challenges. When this happens a follow up process involving direct calls or direct visits to the volunteer, is immediately instituted through the second monitor, provincial supervisor, or a trusted NGO, to establish the cause. Some monitors have indeed been found to have lost interest, others to have exhausted their air time and one or two in constituencies along the borders with Botswana and South Africa are known to have crossed the borders in search of greener pastures.

The second aspect relates to monitors recognising direct physical danger to themselves or their constituents, and then using the mobile phone to call for intervention. The NGO operates two mobile hotlines, which are safety channels for monitors and members of the public in distress. ZPP communicates this advice to the public: *If you are concerned about acts of violence in your community, ZPP encourages you to get in touch with us on Hotline and WhatsApp numbers +263 774 883 406 and +263 774 883 417; Toll Free: 080 80199.* Although monitors can also

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[47] Epworth is a town adjacent to Harare which developed as an informal settlement accommodating families migrating from rural areas in search of urban lifestyles as well as some who had historically been settled here. Even though it has its own Town Board the town is severely underdeveloped, compared to the capital, Harare. It should be noted that the same Epworth evictions provided the 'evidence' of images used by ZLHR in litigations.

[48]  However, as I note in the study one of the issues that frustrated investigations was that when some NGOs updated their websites, they lost some material. When I went back to retrieve it some of the NGOs were unwilling to assist or indicated they no longer had the material.

use the hotlines they often phone directly to the Director, data or communications officers. In one example, the Director described how a monitor from Matebeleland North Province, threatened by a group of ZANU PF activists in 2008, rang her directly and kept his line open as the group invaded his homestead and dragged him off to a torture camp. Human Rights Watch corroborated the existence of such camps in reports in April 2009. The Director said she was helpless to intervene but was relieved when, after inquiries and interventions by NGO colleagues in the region, the monitor was released from the torture camp and returned home a few days later. In another incident the monitor from Mashonaland East province, who had witnessed ZANU PF activists attacking an opposition supporter with a knife, was able to save his own and the victim's lives when, on noticing that the monitor was trying to make a call, the attackers panicked and ran away. The monitor then phoned head office to call for an ambulance to take the victim to a hospital in Marondera town. The monitor told me that the victim still bears scars from the knife attack, but the perpetrators, who the monitor could identify, have never been brought to justice.

The Director's own abduction in 2008, provides another example although she did not trigger the intervention herself. The intervention however typifies how the technology can be used to mobilise local and international networks to intervene in the longer term. Soon after the group of state abductors had dragged her away from her house, Jestina's son accessed the contacts on her phone to seek their assistance. In their hurry to take her away, the abductors had forgotten to confiscate Jestina's phone. Her son's action started a chain reaction:

*... ...I have a colleague who was at Amnesty International in the UK...he said by the time he got to his office in the morning, he had already drafted a statement because he knew about my disappearance before he got to the office because of the phone....It was from this guy from this organisation (ZPP) who then (also) got in touch with the Board members...and he also phoned the lawyers, Zimbabwe Lawyers for Human rights, who were just there and information just went like wildfire* (Interview Mukoko, Jan. 9, 2015)

I later established that the statement by Amnesty International became the source of BBC and CNN news reports on the day of abduction.

Another subtler but equally significant mode of monitor communication with head office for personal and constituents' security involves the use of pre-negotiated communication in the form

of beeps, calls or texts (Hahn and Kibora,2008; Donner,2007; Chiumbu, 2012). Mukoko insists that losing or ignoring phone calls, beeps, 'call-me back' texts, or missed calls from monitors cannot be countenanced. They must be followed up immediately for the sake of the monitors' or constituents' safety: "…*because there is always a reason for them, and we will not take chances with people's lives. It could be that call that we ignore, that spells the difference between helping save a life or being sorry afterwards",* she said in a September 8, 2014 interview. The ZLHR case study shows a similar communication tactic between the organisation and Occupy Africa Unity Square (OAUS) activists but with different outcomes because of ZLHR's more aggressive emergency intervention tactics. But phone calls also boost morale and confidence on both sides:

*"Many phone the Director simply to chat. I know that it could be a security risk given that fone calls could be traced but I do not discourage them. It motivates them to feel that they have talked to the Director herself and she knows they are alright. It is also good for me to know that my field people are still smiling and safe." (Mukoko Interview, 8 September 2014)*

I also understood that monitors use the phone to assure the security of vulnerable communities by surveilling known violators and then issuing warnings to potential victims. I was told that some of the volunteers have acquired sufficient experience monitoring violations that they can predict impending violence by discreetly and accurately *tracking and reporting the movement of violators*. I was quoted the example of monitors tracking and constantly communicating with each other and head office the movements of ZANU PF war veterans Jabulani Sibanda[49] and Biggie Chitoro[50]. These two, the first of whom was placed on the European sanctions list for human rights violations, were amongst the ruling party's shock troopers during the 2000 and 2008 election campaigns. Telephone calls and SMS messages between field monitors and HQ, working in a form of network, effectively kept the two and their groups under surveillance, with alerts sent out to warn other communities of their movements. In this way, vulnerable communities were given opportunity to prepare to protect themselves, sometimes by hiding or sending away community members they felt were potential targets. In the case of Biggie Chitoro, the Director said the volunteer tracking/surveillance system was so efficient that when the war veteran became ill and disappeared from 'political and public radars' to his home village in

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[49] Jabulani Sibanda was Chairman of the War Veterans Association and expelled from ZANU PF in late 2014 for making remarks deemed disrespectful of the First Lady and the President. He was on the US sanctions list.
[50] Reporter Nomalanga Moyo in 2014 chronicled several heinous crimes, including murders, that Chitoro committed particularly during the elections in 2000 against Movement for Democratic Change supporters. When he died Chitoro was declared a Provincial hero by ZANU PF, an honour that activists and families of his victims attacked for its insensitivity.

Mberengwa, Midlands province, in early 2014, it was the only one, apart from his immediate family and friends, which knew his exact location and the condition of his health.

## 6.10   Challenges and risks in deploying the mobile phone

Deploying the mobile phone is not without challenges and risks and their seriousness varies depending on such factors as connectivity, community politics, volunteer's age, gender and education, commitment to human rights issues and technical and mechanical aspects of the mobile phone itself. The challenge of connectivity has been discussed, so too volunteers' financial capacity. This last can perhaps be elaborated. Volunteers receive little allowance to cover communication (mobile top ups) and travel costs. They also spend many hours investigating and documenting incidents. This means monitoring processes can only be as good as the monitors are prepared to show commitment, including through using personal resources. Self-subsidization is thus common and, often, not an issue: *"I love and enjoy what I am doing in my community"* volunteer No 3 from Bindura told me. *"Kana zvanetsa ndinobata kahuku kangu ndotengesa ndoona mari yekufambisa," (If it becomes necessary, I sell off one of my chickens to get transport money to travel to report incidents...")*. The quote illustrates a level of commitment that I found reflecting in most rural volunteers, including in the MISA case. In a case I believe is illustrative of this level of commitment, one of the monitors I interviewed in Harare had spent **seven** hours on buses from her rural home 75 miles away, leaving home at 0500 hours and changing buses three times to fulfil her interview obligation with me at mid-day.

In terms of phone skills, older monitors tend to be more challenged. Their slow grasp of the technical capabilities of the phone can compromise their ability to use the tool competently enough to produce quality work, a point stressed by the monitor who holds a university degree. There was also general agreement amongst younger interviewees, that "gogos" (older women) in rural communities were less skilled in manipulating smartphones than their urban counterparts. Literacy levels, connectivity and the digital divide could explain the disparities. Rural women show lower literacy rates than their urban counterparts (Zimstats, 2013), and, as the study acknowledges in Chapter 4 poor infrastructure has also resulted in digital disparities.

Monitor No.3 also highlighted mechanical and technical challenges which included phone freezing and battery depletions, the latter compounded by lack of recharging facilities. Depletions are quite common in rural areas where phone charging facilities are scarce and usually located only at growth centres, schools or clinics, which may have electricity or solar-energy charging sources. The monitor said her phone also often froze when she opened too many applications.[51] These problems could also occur when the monitor was in the middle of documenting evidence, and could be compounded by loss of signal when she was about to send off a report. The monitor said she prefers to compile and send off her reports at night when she is relaxed. But I also deduced that this was an ideal time as there is minimal phone traffic and signals are stronger. For volunteers in remoter areas, where there is no electricity, or persistent electricity disruptions, ZPP introduced an incentive where consistently good, credible reports were rewarded with solar lamps. These help monitors manage household and professional chores at night. Infact monitor No.1 from Mhondoro said she has one such lantern.

There are also risks associated with age and gender and the phone's use in closed community environments. Just as much as culture demands respect and deference for older women, there was agreement amongst young participants and the monitors themselves that patriarchal dispositions and cultural inhibitions, also prevent elderly women from openly using mobile phones to record incidents. It is even riskier in polarized communities where perpetrators and victims know each other and taking pictures of violence, by any age or gender, would immediately arouse suspicion and possibly incite more violence. "*You have to protect yourself. You must avoid being too transparent. You must be careful, avoid showing excitement and taking pictures openly for example,*" warned Monitor No 3 from Bindura. However, one monitor argued, as did MISA journalists, that recordings could be made, for example, by hiding the phones in top undergarments (bras), in bags or in pockets. One female monitor gestured to her breast area during our interview and said she can record with her phone hidden in her top undergarment. The journalist from *Mhondoro Pachena News,* another lady*,* confirmed similar tactics when they are recording proceedings at political rallies or other sensitive events.

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[51] I could not however determine if this problem was a result of a technical competence or skills challenge on the part of the monitor or a technical problem with the phone's hardware.

## 6.11    Using the circumvention platform to neutralize risks of information interception

ZPP introduced the circumvention platform, among other things, to minimise the risk of having its reports intercepted. This study has discussed how the Interception of Communication Act, by legally permitting information and data interception by state institutions, is a key source of risk for civil society (Gwagwa, 2013). Citing the examples of countries like Egypt, Kazakhstan, and Tunisia, where media, civil society and opposition parties have faced deep state surveillance, Howard (2011:3) however suggests that some of these groups had learned to circumvent interception and censorship by moving their online content to servers in safer, more democratic environments. ZPP appears to be following this strategy when it adopted the Martus platform. In the quotes which follow the monitors present different perspectives on the advantages of using the Martus platform and telephone the key point of consensus though, being that the platform removes threat of interception.

The volunteer from Bindura (No3) highlighted the platform's capacity to allow sufficient time and opportunity for careful analysis of collected data/information to ensure accuracy, relevance, and reliability, before transmitting and clearing the phone.

*When I have collected my information, I go home, settle down and put my report together. I then send the report after which it immediately disappears from my phone. Nothing remains on the phone. You could be raided or it could be intercepted somehow (but) Once the report goes it could be like any ordinary personal phone...for myself alone, or my personal use.* (Interview Monitor 3, Jan 14, 2015)

The monitor from Mhondoro (No1) said the platform minimises the risk of interception specifically by political activists who are amongst the most serious threats to this group of human rights defenders.

*Zvakatiitira nyore kunyanya pakunyora mareports. Taigara takatya nekuti tainge takangoviga. Tainge takangoviga tichingoti mai wee tiri padhuze nema activist vakangoda kungouya padzimba vachiita misindo amheno!!! Saka zvakatiitira nyore zvakanyanya.*
*(It became easy for us (having these phones)...for writing reports. We were always scared and kept the reports hidden...scared of interception by political activists...worried that if political activists came to our house they might discover the paper reports..and all hell would break loose. So it is a relief to us to have these phones. (*Interview Monitor 1, Jan 14, 2015)

Paper-work and paper load are also reduced, reports can be compiled at the monitor's convenience, the risk of being intercepted with the material is reduced, and the security of

sources, report contents and the organisation, are enhanced. Additionally, PIN protection on the phone reduces risk further.

*.... I can lock the phone using a secret password known only to myself. Only I would be able to access the reports in my home, so I can save the reports if there is no signal or connectivity. It becomes easy for me. I don't move around carrying heap of papers and if I am ready to send the reports I simply press send and they are gone.* (Interview Monitor 3, Jan. 14, 2015)

Some comments also highlight the strengths of the phone itself as a technology, particularly in enhancing evidence gathering and documentation, in addition to guaranteeing personal safety

*It is quick, it is efficient and as you are aware in Zimbabwe when you are dealing with human rights issues you literally or basically become an enemy of the state. I think the use of the mobile phone, if we are looking at the security of the monitor himself or herself is quite a useful tool. There is no likelihood of some papers being confiscated or those kind of situations* (Interview Monitor 4, Harare, Jan. 14, 2015)

The fear of interception was so real that Jestina recalled an incident in 2008 when a monitor, afraid for his safety and that of his report, wrapped it up in plastic, and tried to hide it in a dug-up hole in a field while it was raining. When he wanted to retrieve the report, he could not identify the spot a development that heightened the monitor's anxiety. The incident partly explained why it was necessary to adopt the new platform.

## 6.12    Risk of physical surveillance

There appears to be some physical surveillance of activists too. Fears of both car and less invasive surveillance were expressed by Mukoko, the ERC Director and other activists. The monitor from Harare told me that he and a colleague at one time had been trailed by an unidentified car from the Women's Training Bureau to the ZPP offices. The car sped off when they drove into the organisation's compound. One of the activists with the OAUS group said he was certain he was being followed by unidentified persons:

*Q. Do you feel sometimes that you are being followed? That you are being watched?*

*A. I know that I am being followed. I know they will be following me…*

Itai Dzamara[52], the OAUS founder was abducted in broad daylight from one of Harare's low density suburbs, presumably having been under physical surveillance. MISA, ERC and some HRDs pointed out that whenever they were in workshops or meetings, they turn their mobile phones off as a precaution against remote access, because their whereabouts might be known through physical surveillance.

## 6.13    Networks, information distribution, message amplification and alerts content.

### 6.13.1  Local and international links

ZPP's Information Office at the time of the study had two key distribution lists: one comprising sector colleagues (former journalists now working in the human rights sector) and mainstream media; the second comprising contacts from international media, international human rights watch groups, embassies, research institutions and strategic civil society organisations like Kubatana, ZLHR and the Non-Governmental Organisation (NGO) Forum. The NGOs are in networks which share reports and experiences opening their links with international partners. The NGO Forum for example, has wide international reach, having offices in London which then liaise with international human rights watchdogs. Its representative for many years, Arthur Gwagwa is an international human rights lawyer, researcher, and activist with an elaborate list of international contacts with whom he shares Zimbabwe's human rights reports.

ZPP considers international partners as important as local networks in terms of sharing information and seeking interventions. The NGO is amongst the most media-quoted human rights organisations in Zimbabwe because of the consistency, regularity and integrity of its reports and accessibility of its key communicators. The 2014 Commonwealth Foreign Office for example, adopted ZPP's report almost in its entirety to represent the human rights situation in the country. Jestina herself has received numerous human rights awards[53] and addressed many local, regional, and international platforms. Between 3rd December 2008 and 30 December 2009, I

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[52] Up until the beginning of 2016 Itai Dzamara had not been found. Members of the group I interviewed, although harbouring hope that he might still have been alive by then, were doubtful that he still was. In May 2016 the brother showed pictures of Itai in Military Intelligence captivity but the forces denied any involvement in his abduction.
[53] Jestina has received no less than seven local and international awards, including the Governance & Democracy Award by Crisis in Zimbabwe Coalition, the National Association of NGOs Peace Award, The German City of Wiemer Human Rights Award, the International Women of Courage Award by the US and France's Human Rights Prize, "Liberty, Equality, Fraternity."

counted 25 broadcasts by BBC News, 21 broadcasts by CNN and five reports by Human Rights Watch, about Jestina's disappearance[54], while former UN luminary, Mary Robinson, led the global lobby for her release, making her first appeal for Jestina's release on BBC News on December 9, 2008.[55] These actions can only be interpreted as shows of solidarity with the activist.

### 6.13.2  Disseminating information and SMS content

Both lists received alerts and updates through email or Bulk SMS. A few select media and sector colleagues were also on a WhatsApp list for sharing alerts and other information. Some of these distribution channels then used their own links to amplify original messages. The highest figure of Bulk SMS recipients I noted for 2013 was 744, although the office indicated between 1500 and 2000 SMS subscribers. In 2011 ZPP produced eight information alerts all of which were picked up by the media. Appearances on google and other web analytics were another means of assessing the effectiveness of the NGO's communication strategy although I noticed that the interactivity of the website was rather low. Public and media feedback in the form of requests for additional information was yet another indicator of the interest and reliance people had on the NGO's information.

Bulk SMS was used predominantly to communicate alerts in 2008 and 2013. A brief analysis I conducted of the contents of the 2008 alerts showed that they mainly gave warnings about actual or potential hot spots of violence, perpetrators, impending hunger amongst rural communities who were being discriminated in food-aid distribution programmes and the possibility of post-election retributive violence. As things turned out the warnings were confirmed as the year recorded the country's worst post-election-related violence (Hafner-Burton et al, 2014:22-26; Cheeseman & Tendi, 2010; Sachikonye, 2011). Tables 6.1 and 6.2 and Figure 6.8 below show 2008 and 2009 as recording the highest violations in the 14-year period. Table 6.1's significance,

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[54] This figure emerged from brief counts I conducted from the BBC News and CNN websites, trying to assess the number of times Jestina Mukoko news items had been run by the influential global broadcasters.
[55]  Mary Robinson spoke to the BBC on December 9, 2008, to mark UN Human Rights Day. Mrs Robinson also visited Zimbabwe between April 29 and May 2, 2010 (at the invitation of Women's Coalition of Zimbabwe) during which she criticized Zimbabwe's poor human rights record. Radio VOP said Mrs Robinsons had been summoned and attacked by the President during the visit for raising issues of human rights abuses. The visit had the effect of raising the profile of human rights abuses.

compared to Table 6.2, lies in identifying the types of violations that are monitored by the NGO. The tables and graph also show that the largest number of violations occurred in Manicaland, Midlands, Masvingo and Mashonaland provinces.

Table 6.1          Cumulative acts of human rights violations 2001-2014

| Violations | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Murder | 7 | 129 | | 53 | 21 | | 21 | 207 | 8 | 4 | 2 | 5 | 6 | 0 | 463 |
| Rape | 1 | 106 | | 95 | 21 | | 33 | 61 | 69 | 24 | 11 | 2 | 7 | 0 | 430 |
| Abductions | 3 | 14 | | 158 | 44 | | 99 | 511 | 147 | 43 | 18 | 3 | 6 | 1 | 1047 |
| Assault | 29 | 2573 | | 2114 | 1079 | | 2240 | 4886 | 3296 | 1929 | 1505 | 732 | 550 | 161 | 21094 |
| Theft/Looting | 1 | 190 | | 181 | 77 | | 167 | 611 | 598 | 283 | 195 | 150 | 97 | 24 | 2574 |
| Discrimination | 1 | 65 | | 3 | 166 | | 290 | 366 | 1314 | 263 | 991 | 657 | 695 | 273 | 5084 |
| MDP | 1 | 232 | | 98 | 90 | | 156 | 1009 | 294 | 1051 | 222 | 46 | 74 | 15 | 3288 |
| Torture | 2 | 202 | | 48 | 28 | | 82 | 452 | 157 | 111 | 43 | 46 | 74 | 15 | 3288 |
| Unlawful Detention | 0 | 0 | | 4 | 78 | | 80 | 514 | 284 | 35 | 79 | 69 | 45 | 11 | 1199 |
| Intimidation | 15 | 1354 | | 1772 | 1216 | | 240 | 12593 | 7865 | 91 | 6778 | 3312 | 533 | 1196 | 39785 |
| Displacement | 1 | 459 | | 208 | 129 | | 4234 | 2508 | 680 | 6839 | 306 | 97 | 131 | 33 | 15625 |
| Attempted Rape | 0 | 0 | | 0 | 2 | | 0 | 23 | 3 | 0 | 0 | 1 | 1 | 0 | 30 |
| Attempted Murder | 0 | 0 | | 0 | 4 | | 0 | 14 | 10 | 0 | 0 | 0 | 2 | 0 | 30 |
| Banned Mtgs | | | | | | | | | | | | 14 | 8 | 4 | 26 |
| Disrupted. Pty Mtgs | | | | | | | | | | | | 7 | 24 | 12 | 53 |
| Total violations | 61 | 5324 | 0 | 4734 | 2955 | 0 | 7642 | 23755 | 14725 | 10673 | 10150 | 51070 | 5012 | 1730 | 91869 |

Source- ZPP Data and Statistics. Department
*2001 figures are only for December 2001
**The 2005 figures are only for 6 months. The data for the remaining 6 months was lost.
***Figures for 2003 and 2006 were not available
****2014 figures were up to August only

Table 6.2        Violations by Province 2008-2014 (Source: ZPP)

| Province | 2008 | 2009 | 2013 | 2014 | Total |
|---|---|---|---|---|---|
| Bulawayo | 391 | 356 | 111 | 93 | 951 |
| Harare | 1979 | 2126 | 217 | 90 | 4412 |
| Manicaland | 10842 | 3057 | 1152 | 317 | 15368 |
| Mashonaland.Central | 1299 | 1110 | 601 | 341 | 3351 |
| Mashonaland East | 1749 | 1869 | 462 | 240 | 4320 |
| Mashonaland West | 2493 | 1268 | 483 | 259 | 4503 |
| Masvingo | 2516 | 1972 | 601 | 238 | 5327 |
| Matebeleland North | 584 | 345 | 139 | 77 | 1145 |
| Matebeleland South | 447 | 336 | 140 | 56 | 979 |
| Midlands | 1955 | 2286 | 1106 | 746 | 6093 |
| Total Violations | 24255 | 14725 | 5012 | 2457 | 46499 |

Figure 6.8        Graph of Violations by Province 2008-2014. (Source: ZPP)
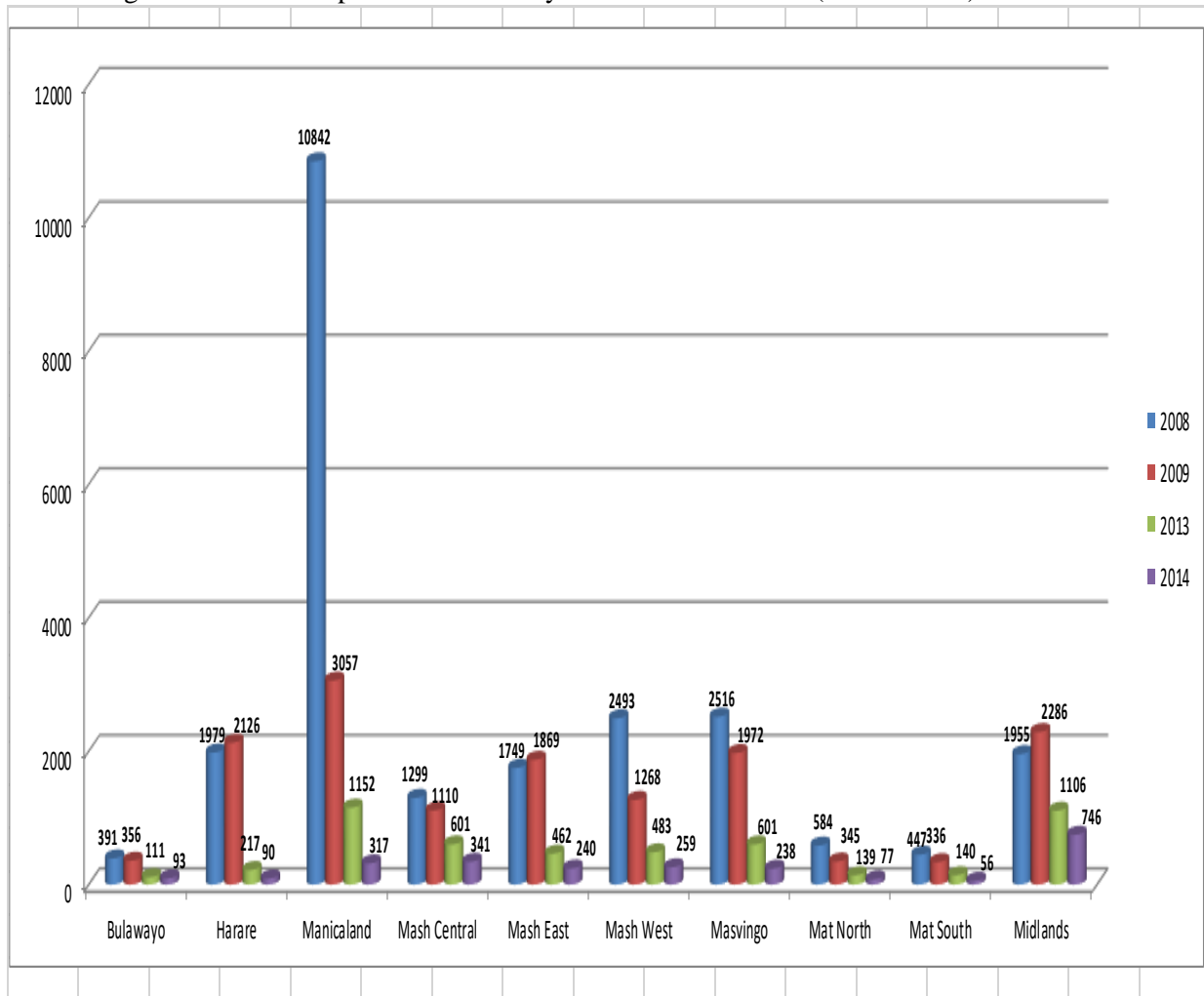
An examination of Figures 4.6 to 4.9 in Chapter 4 reveals a replication of this pattern in the case of abductions: that is, the same provinces record the largest numbers of abductions. The monitor from Mashonaland East (No 2) attributed the high levels of violence in Mashonaland East, Midlands, and Masvingo Provinces to the fact that they are "the homes of the top people in the security forces" and being partisan, the officers allow violence to be used to ensure that their provinces vote the ruling party. Army generals declared on many occasions that they would not give their allegiance to a person who did not participate in the liberation war. The violence in Manicaland may be explained by the province's historical resistance to ZANU PF political dominance. The alerts in 2013 invited people to tune in to radio broadcasts on peace building; others were about community leaders' violations of their villagers' rights. 50% of the 36 alerts were issued in July alone, an indicator of political tensions during the election period. There were several about party loyalists committing violence on villagers in the districts of Chipinge, Marondera, Upanayana, Mvurwi, Bubi, Mberengwa and Mhangura, possibly because these districts were not too easily intimidated by the ruling party. There were 'name and shame' alerts, one of them recounting traditional leader Chief Mahenye dismissing 22 of his village heads for allegedly allowing their subjects to vote for the opposition in the July elections; another of war veterans evicting a woman and her disabled husband from their home. The alerts could be interpreted to be violations of people's rights to political choice, property and human dignity. Other alerts reflected inter-sectoral or network solidarity as they appeared to have been shared with several human rights NGOs. In January, April and July of 2013 the organisation sent out alerts on the arrests and court appearances of prominent human rights activists Okay Machisa of ZimRights, Beatrice Mtetwa of ZLHR and youths from an NGO called Youth Initiative for Development in Zimbabwe (YIDEZ). Other alerts were about a police raid on the offices of the Zimbabwe Election Support Network (ZESN). Machisa and Mtetwa's significance to the sector was evidenced by the large number of alerts circulated by the sector amongst themselves, the media and international community, by solidarity court appearances and street marches. Some of the solidarity events were captured and reported in the ZLHR newsletter *the Legal Monitor*.

## 6.14    Conclusion

This chapter has discussed how ZPP has adopted a strategy which draws from the experiences of its founding members, the commitment of its volunteers and the language skills within its

professional staff and the proliferation of mobile phones in the country to support their efforts to monitor politically motivated violence. Significantly though is the organisation's reliance on the volunteers, who, because of their embeddedness in the communities, are best placed to observe, document and report violations using mobile phones which have also become part of their daily social communication tools. WhatsApp service and bulk SMS have become dominant means of communication. The chapter has further highlighted how the integrity of the organisation's human rights reports have made it a respected contributor in this area on the international fora. But the chapter has also explored financial, cultural, technical, and political challenges and risks for the volunteers and the NGO, which affect the effective use of the mobile phone. In response to the challenges and risks ZPP has adopted circumvention software/encryption technology, international lobbies, networking, and collaborations with other organisations to publicise and challenge the violations.

Chapter 7

Zimbabwe Lawyers for Human Rights

## 7.    Introduction

On its website ZLHR describe its core objective as that of fostering "… a culture of human rights in Zimbabwe as well as encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law." Headed by one of Zimbabwe's top female lawyers, Irene Petras since 2007[56], the NGO's core values include "… the unimpeded administration of justice, free and fair elections, the free flow of information and the protection of constitutional rights and freedoms in Zimbabwe…" Put in other words, respect for the Bill of Rights or the Constitution. In attempting to foster the culture of human rights ZLHR uses the templates of the Universal Declaration of Human Rights and the various UN Conventions, the African Charter on Human and People's Rights and its subordinate protocols. Within the Southern African region ZLHR has worked with other civil society organizations and Southern African Development Community states for the adoption of a Southern African Human Rights Charter and a Court of Human Rights.

The organisation can trace its roots back to 1996 when three lawyers, Arnold Tsunga, Otto Saki and Irene Petras got together to foster and encourage the growth and strengthening of human rights law observance in the country. Soon other practicing lawyers and law students joined the trio, forming a loose association which would assist individuals or organizations, on an ad hoc basis, whose human rights were being violated (ZLHR, 2006:4).[57] The ZLHR 2003 annual report explains that following increasing demands for its services as well as recommendations of a 2001 evaluation, the association formalized itself and opened a secretariat in July 2002.The secretariat worked towards ensuring that the organization functioned more smoothly, responding more

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[56]. Irene Petras and ZLHR have been the recipients of international awards in recognition of their work in defending Human Rights defenders and ordinary citizens affected by some of ZANU PF's actions, such as the uprooting and destabilization of close to 800 000 urban and peri urban families under what is now known as Murambatsvina. From the article 'Zimbabwe Lawyers for Human Rights' (no author); Accessed on Feb 14, 2014.
http://www.jus.uio.no/smr/english/research/projects/ripoca/workshop-april-2010/zimbabwe-layers.pdf

[57]  One of the early cases handled by ZLHR and Law Society of Zimbabwe-when Tsunga was then Secretary General-was that of Murambatsvina in 2005 (Operation Drive out the Filth) which left between 700 000 and 800 000 Zimbabweans homeless when their structures were destroyed by government. (ICJ, Canada, February 2006 Newsletter)

effectively to the changing economic and political environment. By then the Movement for Democratic Change (MDC) had become a powerful and credible opposition, while civil society groups and human rights activists were increasing pressure on the ZANU PF government for various reforms. Irene Petras took over from Arnold Tsunga in 2007, retaining her position as the Director of the 160-member NGO up to now.

## 7.1     Structure, projects and recognition for human rights defence

The organisational structure in Figure 7.1 features a secretariat manned by the Director and her team of professionals most of whom are specialists in human rights issues. The general membership comprises over 160 of the country's human rights lawyers, many of whom will assist the secretariat lawyers to offer free legal aid. The programme staff are the most important, working daily with human rights defenders (HRDs) and dealing with institutional accountability, access to justice, human rights defense, human rights literacy, regional office and communications issues.

Figure 7.1        ZLHR organizing structure
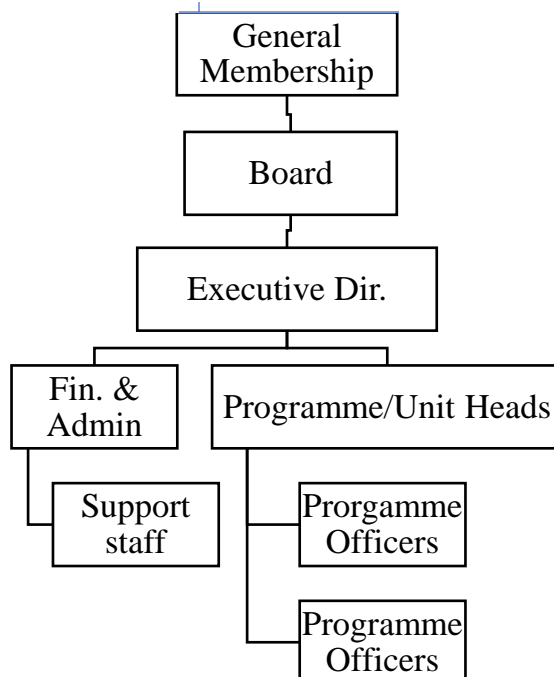
As an institution espousing democracy, governance and human-rights the NGO's activities are designed to promote an understanding of these issues from the lowest (grassroots) to the highest institutional levels. The NGO's human rights training has however tended to focus on civil and political rights at the expense of economic and social rights, something I found to have been typical amongst the country's human rights NGOs. The rights to privacy, free expression, association and assembly, the right to justice, education and shelter[58], to protection from arbitrary and forced evictions and the right to work have been prioritised in the organisation's human rights defense activities. In an environment where democracy has been constrained by seemingly purposely crafted constrictive laws, ZLHR's strategic units Legal Aid and Litigations, Public Education and Training, Human Rights Defenders and Publications have launched programs which have often challenged the government. The NGO's work in public interest and international litigation, HIV/AIDS, human rights and law, institutional reform, human rights defense, public education, communication and information, has established the pillars that now hold up the NGO to international respect. The following briefly discusses the projects and their objectives.

The first is Litigation projects. Although international litigation is an important element in demanding state accountability and adherence to international human rights practice, public litigation is probably more relevant because in the main it challenges state compliance with its own (domestic) laws and international conventions it would have signed and ratified. Some of these are shown in Appendix 4. Civil society has been critical of the culture of impunity and aversion to accountability and transparency in state institutions. By demanding personal accountability from state actors like the police, war veterans, militias, soldiers, intelligence officers and other public officials, public interest litigation is designed to protect, promote, deepen, and broaden human rights provisions enshrined in the constitution. Most important, it attempts to restore respect for the rule of law, public confidence in the justice delivery system,

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[58] The 'right to shelter' has resulted in numerous conflicts between ZHLR and government, particularly whenever the latter demolished illegal structures or forced people off their lands for relocation. The infamous Murambatsvina of 2005 created displacement challenges that were still being felt in 2014. In 2013 there were further displacements of farm workers during further farm invasions in Mazowe and Goromonzi. In 2014 ZHLR challenged government over threats to demolish some homes in Chitungwiza and Seke, a satellite town and communal lands bordering the capital. ZHLR was also involved in negotiations with government over humane relocation of families displaced by floods in Chingwizi. Another case involved the forced removal of families on land that the First Lady had acquired for a wild game sanctuary in Mazowe, discussed in this chapter.

professionalism in policy-making and depoliticization of public institutions. Litigation is often undertaken by members of ZLHR who are experts in litigation and have a right to appear in Zimbabwean courts.

International litigation focuses on cases where domestic remedies have been exhausted or are inaccessible, forcing the organization to seek remedies for its clients through regional and international tribunals such as the African Commission on Human and People's Rights (ACHPR) and the Southern African Development Community court. Because litigation lends itself to international lobby and advocacy initiatives, the process minimises government's attempts to politicise human rights disputes. For example, between 2003 and 2005 ZLHR petitioned the ACHPR to find Zimbabwe guilty in at least eight cases involving infractions on freedom of expression, press freedom, the 2000 Parliamentary elections and forced evictions of families from Hopley Farm outside Harare. The NGO also managed to mobilize regional law societies and legal NGOs to petition ACHPR against Zimbabwe's land/property rights laws.

The second project deals with institutional reform, public education and training in human rights issues. Many of the country's human rights challenges stem from institutional weaknesses, including from politicization of institutions by the state. Some weaknesses stem from poor understanding/interpretation of the laws by the actors in institutions like parliament, the senate, human rights commission, the police, even law firms. Several laws are also clearly deficient, or have been manipulated to serve political ends. Police and security agents have been partisan, handling cases with impunity and applying justice selectively, mostly on the basis of political affiliation. Indigents and non-Zimbabwean citizens were discriminated under citizenship laws, while the judiciary was politicized (Feltoe,2003; Sachikonye, 2011; Simbarashe Moyo, 2013). These and more are among the issues that the NGO's reform and education officers have sought to address over the years through outreach mobile legal clinics in rural communities and through seminars for parliamentarians, HRDs, media, policing and correctional services.

The third deals with laws and rights for victims of HIV/AIDS and other vulnerable groups. With one of the highest cases of HIV/AIDS on the continent, Zimbabwe's civil society has been concerned over the rights of this vulnerable group. ZLHR was one of the first NGOs to structure

a programme in 2004 which offers free legal support services and rights education to the group. The NGO tracks all new legislation-local, regional, or international- on HIV/AIDS, strengthening the victims' knowledge and expertise on the issues through education, collaboration with other civil society organisations, community based organisations, support groups as well as through legal representation. Additionally, the organization also looks at the plight of other vulnerable groups- women, youths, street children, orphans- its ultimate objective being to provide them with information, lobbying and advocacy support to empower them to claim or defend their rights.

Of the NGO's initiatives that this study explores, the Human Rights Defenders (HRDs) Emergency or Rapid Response project is the most critical. It is a network initiative under which activists can access ZLHR's emergency legal services 18-24 hours in the day if they are attacked or arrested for defending and advancing human rights (Hanzi, 2016). ZLHR defines an HRD-an abbreviated form that the rest of this study will adopt- as "any person who actively champions the promotion of any of the constitutionally guaranteed rights and, in the process, becomes the subject of attack by any organised group, including but not exclusively state agents and other functionaries," (ZLHR website, Hanzi, 2016). On its website, the NGO ZimRights defines HRDs as anyone "…who risks or suffers harassment or disadvantage for exercising the rights expressed in the international Bill of Rights, and who, in conformity with these instruments, promotes and protects the human rights and fundamental freedoms of others, individually or in groups." The two NGOs' definitions, very similar, are inclusive of any individuals, or groups, working to promote and/or protect "fundamental rights and freedoms as provided in the Constitution of Zimbabwe, the International Bill of Rights and the 1998 United Nations Declaration on human rights defenders," (Gwagwa,2013:16).

The NGO's annual reports show that the lawyers are geographically spread, operating into the country's 10 provinces from regional offices in Harare, Mutare and Bulawayo. The geographic spread gives the NGO capability to react speedily to violations, no matter the remoteness of the area, an aspect which also highlights the critical nature of ZLHR's Rapid or Emergency Response system, which is at the heart of this case. The regional offices also facilitate the NGO's massive outreach programme which involves mobile legal clinics teaching grassroots

communities their legal rights under the country's constitution. The relevance of defence and litigation may be reflected in these statistics from the NGO's 2014-2016 Annual Reports. In 2014 the NGO gave legal support services to 1386 people, 600 of whom where HRDs. In 2015 it assisted 1016 people, 459 of whom were HRDs. It litigated in 247 cases, dealt with 40 constitutional cases and 138 anti-impunity cases. In 2016, it gave legal help to 1663 people, 1031 of whom were HRDs. The NGO enjoyed a 93%-97% success rate in all litigations. The annual reports show that the Criminal Law (Codification and Reform) Act and the Public Order and Security Act were the most frequently invoked instruments

HRDs come from a variety of backgrounds but ZLHR adopts the Front Line (2010) and Gwagwa's (2013:16) classification of HRDs as individuals who include protestors, human rights lawyers, rural and urban activists, students, journalists, and trade unionists and are involved in defending citizen rights. In Zimbabwe these are typically, groups which are constant targets of state persecution and harassment. ZLHR's literature refers to training organised for these and targeted government institutions and professionals, with the strategic objective of increasing general awareness of the rights and freedoms of HRDs, the risks they face and the legal and other frameworks that can protect them and other victims.  Mobile phones (**hotlines**) and **HRD guides**, as educational and protection tools for HRDs and other victims, are an integral part of the legal framework and thus occupy a significant position in the project.

The NGO has done such tremendous work in championing respect for the rule of law, the dignity of the courts and in protecting the constitutional rights of individuals that it has won professional recognition amongst local, regional, and international organizations. For example, ZLHR was nominated to host the Secretariat of the Human Rights Committee of the Southern African Development Community Lawyers Association; it was granted observer status at the ACHPR and was accepted as an affiliate of the International Commission of Jurists (ICJ). In December 2007 then U.S. Secretary of State, Condoleezza Rice, awarded the NGO the first annual US Freedom Defenders' Award in 'commemoration of International Human Rights Day,' and for being an outstanding foreign NGO to exhibit exceptional courage and leadership in the defense of human rights. In 2008 ZLHR won the John Humphrey Freedom Award, given by the Canada-based International Centre for Human Rights and Democratic Development for "courageous

pursuit of justice for victims of human rights abuses inside Zimbabwe." The Canadian group was particularly impressed by the fact that up to 1 500 Zimbabweans at that point were benefitting from ZLHR's free legal services each year, and its volunteer lawyers had yet to lose a single case. As the annual reports suggest the NGO's voluntary and free legal services have been benefitting close to 2 000 victims annually with a less than 3 % failure rate!

## 7.2    Mobile phones and co-ordination

The secretariat's lawyers spread out in the country's provinces often call on the services of experienced volunteer members from the general membership. This means the organization could be described as functioning with two structures, as in the case of the other NGOs: one where the internal staff represent the formal structure; the other, where volunteers from the general membership, who work from their own law firms, represent the 'informal' structure. They are working independently but at the same time with legal counsel from, and therefore obligated to the parent structure. Because both structures are made up of professionals, there is a distinct difference with ZPP and MISA structures where the external ones comprise grassroots volunteers. Almost 75% of secretariat staff are lawyers in specialized areas like domestic and international litigation, policy, research, drafting, gender and other specialisations. The secretariat's lawyers however take up a major portion of HRD cases.

My experiences at trying to engage with staff within the organization, other than the communications officer, were not particularly successful such that I found it difficult to establish a clear picture of the communication patterns within the NGO. However, the NGO's literature, website content and conversations with the communications officer, combined with my assessment of the NGO's involvement with various institutions and HRDs, were indicative. Interface between the two groups of lawyers is horizontal and facilitated by various modes of communication, but particularly through the phone or face-to-face interactions. A bottom- up pattern of communication emerges with HRDs as they are the ones who initiate contact through distress calls. SMS, WhatsApp, and e-mails are dominant communication platforms for internal communication, while the hotlines are the key platform for communication with activists.

## 7.3 Deploying hotlines

In non-activist situations, business for example, hotlines are often seen as useful tools for demanding confidential means through which corporates can be reported for non-compliance with business practices that protect specific human rights (Ruggie, 2008). Rees and Vermijs (2008), also suggest that they are one of various mechanisms that can be used for mapping grievances in human rights arenas. For human rights organisations they play much more aggressive roles, which the next sections attempt to explore.

### 7.3.1 Using hotlines to document information

ZLHR operates three **mobile** hotlines: one in Harare and two at the regional offices in Bulawayo and Mutare, the country's second and third largest cities respectively. The numbers are popularized by advertisements in national media, on e-mails, at workshops, community meetings, through HRDs and networks of individuals and institutions that have been assisted or participated in the organisation's programmes. The phones are managed, as much as possible, by experienced human rights lawyers. Although the organisation is keen to keep details of its "clients" confidential, I was advised that more than 60% of the NGO's annual HRD case load comes through the hotlines. Other clients walk directly in to the ZLHR offices where they fill in forms asking for details about the complainant and the complaint itself. Lawyers are then assigned to read the notes left by each client, and, after deciding whether they can take the case or not, contact the complainant on the phone with the NGO's decision. Responding to the emergency calls on the hotlines is what the organisation refers to as Emergency Legal Support or Rapid Response Services.

By being the reception point for calls from distressed persons, the hotline also documents and creates a record of information which lawyers can then use to follow up complaints or which the NGO can use in its official publications the *Human Rights Bulletin*[59], in Annual Reports, or in *the Legal Monitor.* Hotline managers who receive distress calls are required to take as many details as possible about the victim, the incident, the place, time, and source of the threat which

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[59] The *Zimbabwe Human Rights Bulletin* reports on human rights-related legislation in Zimbabwe. Together with the *Legal Monitor*, they are also currently the only sources of documenting and archiving cases of human rights infringements in Zimbabwe.

they will then pass on to the field legal team. Although I was not able to interact with a hotline manager, comments by the communications officer were again suggestive. The organisation can only instruct a field lawyer to intervene in a distress situation once the hotline manager is satisfied with all this information, a lawyer with relevant competencies to handle the case has been identified and can be dispatched as quickly as possible to intervene. I concluded that this screening process made it vital that regional lawyers be equipped with efficient mobile communications, and be ready to travel to remote areas. The NGO's annual reports for 2014-2016, which detail contributions of regional offices, are also suggestive.

### 7.3.2 Emergency response: protecting citizens and promoting the rule of law

From conversations with the communications officer and activists, I concluded that the effectiveness of ZLHR's Rapid or Emergency Response system depends on the lawyers' quick responses, their readiness to commit time, energy, and sometimes personal resources to provide legal assistance. It also depends on the coincidence and convenience of the lawyers' proximity to incidents. The communications officer's exposition on January 21, 2014 distinguishes hotlines' tactical and strategic advantages in contesting human rights abuses.

*…Making the number of the hotline available bridges the information dissemination gap. It makes communication quicker. It also makes us alert to violations…The mere ringing of the hotline alone alerts us to the fact that there is a need for a very quick reaction.*

*…Because we have a wide network of lawyers, once our hotline is reached instead of saying 'I am in Karoi...I'm being arrested for such and such …I feel my rights are being violated…' our lawyer who manages the project Rapid Reaction Response will deploy a lawyer immediately to handle such a case. Or where it is a legitimate demonstration which is being blocked by the police, because of our wide network of lawyers we quickly deploy lawyers to immediately intervene. For example, if somebody is arrested in Machipisa and we know that one of our lawyers is at courts in Mbare we ask him if he is available to quickly cross to Machipisa[60] to intervene. It is faster that way. What we sometimes have is a situation where even then… before these guys are at the police station, Alec who is our lawyer is already at this station waiting for the arrest team and the human rights defender, ready to represent the client.*

ZLHR's speedy legal response not only challenges and frustrates police when they try to build cases against their victims based on flimsy evidence extracted through physical torture, threats,

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[60] Mbare and Machipisa are high density townships about 10-15 minutes' drive from each other and can therefore be accessed by ZLHR lawyers very quickly in case activists are arrested or detained.

and intimidation, but it places them at a psychological disadvantage. The communications officer says police are thus forced to reduce excesses and respect justice and the rule of law.

*...This (intervention) often unsettles authorities because the speed with which news is communicated to our provincial members, and they react to be at police stations or in courts to represent people, frustrates and scares them. That is how quickly we want our Rapid Response system to work. In the past, our fears were that during the time when somebody is in police detention he is being subjected to harassment... He is also being forced to give information...and the harassment may include torture. That is why we are saying the quicker and immediately we deploy a lawyer the quicker we limit the time somebody risks his rights being violated. (Interview Communications Officer, ZLHR, Jan. 21, 2014)*

The experiences of Election Resource Centre (ERC) activists arrested in early May 2013 and charged under the Electoral Act with conducting unlawful voter education, not only bolsters the communication officer's observation, but suggests another dimension to the convenience of the hotline's intervention. It is that the hotline's intervention relieves NGOs and victims' families of immediate financial stress obviated by the need to pay for immediate legal defence processes. ERC activists arrested over one weekend in May 2013 in three different cities posed serious logistical and financial challenges for the organization and the families of the victims. The ERC Director explained in a Skype interview on February 27, 2015 that the immediate involvement of ZLHR lawyers in response to the hotline, relieved ERC of the stress of organizing funds for the defense of the activists over a weekend when banks are closed. ZLHR lawyers were also able to force law enforcement to permit relatives of the victims to have access to them to offer emotional and other support. These are part of the rights of all detained persons. One danger though highlighted by the communications officer was that lawyers responding to hotline distresses could themselves be harassed, or the cases could take so long to resolve that the lawyers themselves could end up being exposed to physical, emotional, and judicial harassment by state actors.

### 7.3.3 Promoting personal safety of HRDs: some incidents.

My discussions with the NGO staff and activists indicated that HRDs have become increasingly aware of the protection guaranteed by the intervention of the hotline. I will quote a few examples to illustrate the usefulness of the tool in mobilising interventions for activists. One involves a small but very active, youthful group called the Occupy Africa Unity Square (OAUS); others

involve a teenager, Gumisai Manduwa, human rights lawyer, Beatrice Mtetwa, ZPP director Jestina Mukoko and staff from the ERC. In Beatrice Mtetwa's case the communications officer had been directly involved in efforts to seek her release from police detention in 2013. Mutetwa is also amongst the country's most celebrated female HRDs and chairs the NGO's board. Jestina's abduction is discussed elsewhere in this study. OAUS was the only activist group ZLHR was willing to connect me with directly because, according to the communications officer, the activists were young and not deterred by police intimidation. I also use the OAUS case to explore risks associated with using the mobile phone, its role in protecting the HRDs and in informing the world about human rights abuses in the country.

The OAUS group was formed at the end of 2014 by a former journalist Itai Dzamara. It had several brushes with the law when it began a campaign protesting the President's failure to repair the economy and demanding his resignation. On March 9, 2015, Itai, like Jestina, was abducted by an unknown group of people in broad daylight, but, unlike the female HRD, and despite intense international civil society and diplomatic interventions for his release, has not been seen since. ZLHR consistently represented OAUS members whenever they were detained or arrested. In the two years between 2014 and 2016 OAUS built a formidable profile of activism. It became Zimbabwe's first youthful protest group to 'capture' Africa Unity Square- a large open square in the capital so named to symbolise the unity of African states- and turn it into a peaceful protest zone. Every day between 5pm and 6pm the group would congregate in the square- also symbolically opposite Parliament, the President's and main government buildings- to address Zimbabweans on grievances against the government. The evening mobilization, organised through WhatsApp, other social media platforms, word-of-mouth, and messages in the independent media, was intended to attract the attention of hundreds of workers leaving their offices for home and passing through the square. Itai's brother, Partson, was also the first and only person to demonstrate, singly, against the government, on Independence Day, 18th April 2016. The day celebrates the country's independence in 1980. Symbolically draped in the country's flag, Partson carried a placard demanding the return of his abducted brother and decrying the loss of freedom for Zimbabweans. Described by many as daring and provocative, the demonstration was in the country's National Sports Stadium, in front of the President, the country's security chiefs and more than 30 000 civilians and armed forces members. It was also

captured live on local TV and international media and, no doubt, by thousands of private mobile phones in the stadium. I was told by media friends that the demonstration went viral on WhatsApp. After my interaction with the members during research, I was 'co-opted' onto their WhatsApp group for a short while, during which time I received invitations to public meetings, demos, as well as alerts on arrests of their members.

Between themselves and hotline managers, the two groups agreed tactics which, in addition to making direct calls, involved using "coded communication" over the hotlines to trigger lawyer intervention. Communication in the form of pre-agreed cryptic SMS or WhatsApp texts or calls to the hotline number would set the Emergency Response in motion. According to one activist the "coded" communication could also be used by ZLHR to identify the caller or text sender, and in some cases the import of the message. The activists also used similar communication tactics amongst themselves, for example to advise each other where they were being detained by police. *"If I say on the phone 'meet me in Mandela Avenue' to my Chairman, they know I am in trouble with police on that street and need help immediately,'* one of them told me. On 26 November 2014, four OAUS members were detained by Parliament Security after sneaking into Parliament to present legislators with a petition demanding the President's resignation. Fearing for their safety the activists said they called and beeped the ZLHR hotline in addition to sending text messages to their Chairman's mobile number, seeking their intervention. The participant said ZLHR intervened shortly afterwards. On November 30, 2015, five members of the group were arrested in Harare after protesting a one-year hotel stay by one of the country's Vice Presidents, at tax-payers expense, while millions of Zimbabweans were starving. A call to the hotline while they were detained at the dreaded Law Enforcement offices resulted in ZLHR's intervention although the NGO's pressure was not sufficient to spare the activists a 48- hour police detention under Section 46 of the Criminal Law (Codification and Reform) Act. Activists charged that most times they have been detained or arrested, police have invoked this piece of legislation. One activist was convinced that had it not been for the intervention of ZLHR they would have been brutalized physically while in police custody, or even disappeared. The demonstration against the Vice President, planned to coincide with the 2015 'UN Conference on HIV/Aids and STIs in Africa' was viewed by the political leadership as an attempt to embarrass and undermine the government to the 5 000 international delegates attending the conference. Like other activist

groups OAUS regards arbitrary arrests, incarcerations and 48-hour detentions as part of police intimidation tactics against HRDs, and the ZLHR hotlines become the most immediate interventionist tools to assure their personal safety and justice.

Gumisai Manduwa, an 18-year old teenager was arrested by police in Mutare on January 18, 2014, for posting on his Facebook page a message that President Mugabe had died and was being preserved in a freezer in the Far East. The teenager was charged, under the Criminal Law (Codification and Reform) Act, with insulting the President and passing falsehoods. Friends phoned the Mutare hotline whose administrator then set up a rapid response process which intervened but only managed to get a bail release of the youth after two days in police custody.

In the case of Beatrice Mtetwa the lawyer was herself detained by police on Sunday, March 17, 2013 when she intervened to stop an illegal police search of the offices of the Movement for Democratic Change-T legal adviser. On being arrested Miss Mtetwa immediately phoned the communications officer who activated the Rapid Response system through the hotline. Despite this intervention and a High court injunction for her release by the police the same day, the HRD was only released after seven days of local civil society solidarity demonstrations and international political pressure on the government. There were media reports that to frustrate ZLHR lawyers over the weekend police moved the activist around police stations and only released her whereabouts on the Monday. The hotline's intervention however revealed several key issues. It inspired a speedy release judgment from the High Court which, unfortunately, was subverted by the police's refusal to release her: a classic case of the failure of horizontal accountability (O'Donnell, 1998). The intervention also threatened the police system against brutalizing or disappearing her. Finally, it inspired a 'Free-Beatrice-Mtetwa' campaign by civil society organisations which roped in foreign embassies, international media and human rights bodies. The campaign used alerts, *Legal Monitor* updates, emails and news items on CNN and Canadian Television to force the Zimbabwean authorities to release her. Despite these pressures, Miss Mtetwa still faced judicial harassment for more than seven months during which time she could not practise.

**7.4      Phone evidence in litigations**

Much as this part of the study shows that hotline information can be used by ZLHR lawyers, the NGO also relies on the use of other mobile phones in other areas of its work. One such area is litigation where mobile-phone-generated evidence is crucial. Local media and CSOs highlighted several cases in which the state has used mobile phone evidence to put citizens on trial, cases which show state capabilities in intercepting citizens' SMS and Facebook communications, but such use has not yet found traction amongst civils society organisations. However, in the paragraphs that follow I briefly discuss four cases which illustrate ZLHR's use of mobile phone images in litigating against state institutions for violating people's rights to shelter, personal safety, security, and free expression.

The first case involved demolitions of residents' houses in the shanty suburb of Epworth, approximately 16 kilometres to the east of Harare City. The suburb is home to some of the country's poorest workers who settled here after migrating from the rural areas. In 2014, the Epworth Local Board sought to evict some it called illegal residents (although many of them had lived in the settlement for a decade or more. As in the case of Murambatsvina in 2005, Chingwizi in 2014 and several other cases, ZLHR intervened on behalf of the families, charging that the government and Epworth Town Board had an obligation to find alternative settlement for the victims before evicting them. Arguing that every citizen had a right to shelter, ZLHR lawyers used mobile phone pictures of the demolished houses in a court application seeking to interdict the board and the police from demolishing their houses. A temporary interdict was awarded.

The second case involved the violent evictions in January 2015 of almost 200 families[61] from Arnold or Manzou Farm in Mazowe area, one of Zimbabwe's rich agricultural regions. The farm was home to a mix of former farm workers, farm invaders and a few original settlers from the area. Independent media charged that the evictions were being instigated by Zimbabwe's First Lady who was seeking to move wild game onto the farm. The state denied the allegations, arguing that most of the families were illegal settlers. Arguing that all citizens had a right to

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[61] The 200 families were part of an initial 1000 families, over 900 of whom had already been relocated to another farm. Even up to early 2017 some of these families were still on the farm, having won another court order to stay on the farm, after representation by ZLHR.

shelter and the state had an obligation to provide it, ZLHR interdicted the evictions in the courts in early January 2015. It used images of the evicted families' demolished huts and property, as well as those of the 'big five'[62] game scheduled for relocation, as part of evidence to argue human rights violations. The court ordered temporary suspension of the evictions, and, even later, awarded compensation to five of the families for the loss of land and property. The incident attracted wide publicity in both local and international media, as well as among human rights watchdogs like Amnesty International. However, as the images in Figure 7.4 show, ZLHR continued to be involved in more interdictions up to 2017.

The third case involved litigations against the police for the brutal handling of citizen protests against economic hardships and government corruption. In August and September 2016, the NGO presented the court in Mbare, one of the capital's suburbs, with (mobile phone sourced) video evidence of police brutality against civilians during the protests staged between July 4-6, 2016. The protests marked Zimbabwe's first massive social-media-instigated civil unrest which was, at the same time, marked by equally massively brutal police response. In one of the September court appearances of the protesters, ZLHR lawyer, Harrison Nkomo, forced the court to take images of brutalized victims on trial that day, and accept them as evidence of police brutality.

The fourth case involved use of the image below, and others which ZLHR says were circulated on social media, to litigate against police for brutally assaulting a 63-year old lady, Lilian Chinyerere in August 2016. Mrs Chinyerere was, ironically, assaulted while sitting in front of the magistrate's court. The case was heard at the end of May 2017 when ZLHR also sent out an alert to inform HRDs and other NGOs of the court appearances. The images were taken by a citizen journalist who passed them on to the NGO. This image has also appeared on the NGO's Facebook and Twitter pages, a multi-media use approach which appears to be designed to capture the attention of a wide audience. The alert headline possibly intimated ZLHR's approach in the litigation.

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[62] Zimbabwe's 'big five' game are the lion, elephant, rhino, leopard and buffalo.

Figure 7.2        Armed riot police assault 63-year old Mrs Lilian Chinyerere of Chitungwiza



## 7.5      Using other mobiles: documenting for other communication channels

NGO staff and HRDs use their personal handsets to document events, with the images afterwards used with the organisation's multiple communication platforms. Staff for instance, take images and videos of street demonstrations, HRD court appearances or the organisation's outreach activities which they then use with the other platforms: *the Legal Monitor*, the NGO website and the social networking sites. In the case of activists, one of the OUAS activists said they use their phones to document their activities, including taking images of violence against their members or other HRDs. This mobile 'evidence' is then transmitted to regional and international contacts as part of the group's campaign to inform and educate these contacts about Zimbabwe's human rights situation as well as to lobby their support. In addition to the online editions uploaded onto the website, the organisation prints between 600 000 and 1 100 000 copies of *the Legal Monitor* annually (ZLHR annual reports 2014-2016) to distribute to law students, journalists, urban activists, embassy staff, the public, and rural populations during outreach activities. In 2014 for example, 1 080 000 copies were produced and distributed (ZLHR annual report 2014:40). During my field work I came across numerous copies of the magazine in university libraries, NGO offices and news rooms. The publication is considered a highly reliable source of news and information on HRD cases, legal and human rights issues in the country. I was told by my respondents from *Newsday* and *Daily News* that they often use it as a source of diary items. Its articles are often more detailed than alerts because the communication staff enrich the alerts

through further research, court appearances and direct conversations with victims. By early October 2016 the newsletter, distributed free, was in its 356th edition. I also established that the same images appearing on the ZLHR's Facebook, Twitter and website archives also appear on the communications officer's social media platforms. The images below and several others were sent to me by the communications officer through WhatsApp and illustrate the range of human rights issues the NGO attempts to highlight.

The image in Figure 7.3, showing villagers from different political parties in the volatile Mutoko district attending a ZLHR free legal clinic to discuss citizen's rights in April 2017, is from the NGO's and communications officer's social media platforms. The clinics are thus also meant to bridge political differences amongst grassroots communities.

Figure 7.3        ZLHR discusses citizens' rights with Mutoko villagers under a tree



The image in Figure 7.4 from *the Legal Monitor*, relates to Manzou (Mazowe) farm evictees, whose case ZLHR had been litigating since 2015. The images represent the NGO's work in promoting or protecting citizens' rights to shelter, property and dignity. The four top images on the page again appear on the Facebook and Twitter pages of both ZLHR and the communications executive, effectively meaning an appearance on multiple platforms with wide and varied readership.

Figure 7.4 Manzou farm evictees whose houses were demolished, living in the open in 2016.

I noted that the NGO also uploads some of its key documents- which include legal instruments, court outcomes, training and security manuals, brochures, and fact sheets- on its website. The presence of the massive documentation online makes the website a key platform for interactions with stakeholders. Communications staff said Google analytics showed that there was significant interest in pre- and post-election reports, HRD cases as well as other human rights challenges in the country. For example, they said there was massive traffic to the website during Beatrice Mtetwa's detention in March 2014 when the NGO kept updating the world about her case. Of ZLHR's social media platforms the Twitter following comprised mainly individual Zimbabweans and institutions while the Facebook following, according to the communications officer, was initially opened selectively because of fears of being hacked, surveilled or attracting

offensive posts. Although such posts could be mediated, he said ZLHR was concerned that the page could be captured and manipulated by state agents. Between 2012 and December 2015, the NGO grew a following of 11 300, was itself following 227 people, had recorded 116 likes, and had made 1039 tweets. Most of the tweets were about trending political, human rights and economic issues: for example, HRD court rulings and Constitutional Court rulings which the NGO had championed. Some of the issues were simultaneously featured in *the Legal Monitor*. Table 7.1 shows the levels of Twitter uptake amongst a few select NGOs and their activists. The Table, which I also referred to in the Methodology chapter, can therefore be read with the other case studies. The table could be used to show that social media platforms have potential to complement the mobile phone, as well as highlighting that they are also accessible through mobile internet. Activists can post while 'on the go' as long as there is internet connectivity.

Table 7.1 - Twitter use by select NGOs and activists. December 2015

| Twitter Account | No of Tweets | Followers | Following | Likes | Content | Year Joined |
|---|---|---|---|---|---|---|
| ZPP Information | 148 | 261 | 456 | 5 | Political violence & aid discrimination | 2012 |
| MISA Zim | 7651 | 6557 | 524 | 237 | Media freedom, info access, media laws | 2012 |
| MISA-Community media officer (kn) | 359 | 553 | 740 | 16 | Media freedom, community media | 2013 |
| MISA-Community media officer (tn) | 2564 | 1855 | 501 | 209 | Media freedom community media | 2010 |
| ERC | 8589 | 4096 | 1210 | 406 | Electoral issues | 2010 |
| ERC director (tc) | 13.8K | 3838 | 2588 | 9385 | Electoral democracy, | 2010 |
| ZLHR | 963 | 11,3K | 227 | 67 | Human rights | 2012 |
| ZLHR communications Officer (km) | 8 | 127 | 33 | | Human rights Democracy | 2013 |
| Zimbabwe Election Support Network | 1424 | 6165 | 517 | 15 | Democractic elections | 2012 |
| Voluntary Media Council of Zimbabwe | 2410 | 5133 | 301 | 122 | Media freedom | 2011 |
| Media Monitoring Project of Zimbabwe | 1170 | 4656 | 4103 | 33 | Media freedom | 203 |
| **Prof J. Moyo | 13.9K | 56.4K | 395 | 8475 | Education, politics | 2015 |
| Tech Zim | 13.3K | 38.6K | 1761 | 1165 | ICT | |
| *263 Chat | 124K | 96.8K | 32K | 1126 | Social, political issues | 2012 |
| Digital Society of Zim (DSZ) | 931 | 356 | 381 | 106 | Digital security, Cybersecurity laws | 2015 |
| CM (DSZ) | 4475 | 964 | 976 | 679 | Digital security, Cybersecurity laws | 2011 |
| ZimRights | 6090 | 11,3K | 3334 | 54 | Human rights | 2012 |
| Heal Zimbabwe | 458 | 1089 | 2301 | 13 | Human rights, counselling | 2012 |
| Veritas Zim | 2129 | 2451 | 162 | 152 | Legislature | 2014 |

## 7.6    Threats to mobile communication: the OAUS experiences

OAUS activists indicated there were other threats linked to the use of the phone. Outside the communication with the hotline the three activists I interviewed were concerned that their phones were being intercepted: *"It's not a suspicion. It's a certainty. Echoes on the line means they are listening (in),"* one explained in a WhatsApp exchange on 24 June 2016. Another said in an interview on January 26, 2016, at one time he had complained to his network provider because "*there were funny sounds on my line that had never been there."* At other times attempts are made to disrupt communication between the activists, especially if they are planning protests. '*Sometimes, during action days they will actively jam the calls with strange noises so we can-not communicate,*' was a response I received from the June 24 2016 WhatsApp text conversation, confirming what his colleague had told me in the January 26, 2016 interview: *"People cannot hear them(selves) properly...We expect that there are bugs or those things...buffers on our lines so that they can hear our conversations...what we are planning, what we are thinking and interfere with our conversation.***"** The activists again view these threats as part of state intimidatory tactics rooted in its surveillance and interception strategy.

*Q. You talked about being tracked or hacked. How serious do you feel surveillance is against HRDs?*
*A. Looking at this Robert Mugabe regime, they try by all means to surveille, especially HRDs, those activists, because they know that activists dig and they say it as it is…without fear or favour. Especially some of us who do not belong to any political party. So, they try by all means to track you, hack you, surveille on you to try by all means to suppress you so that you cannot say anything. If they find something on you, they turn it to be criminal (HRD 1 on.20/1/16)*

To get around these risks and threats, particularly where voice calls are concerned, OAUS members communicate mainly through WhatsApp, in which they have more confidence because of the application's end-to-end encryption. They cited two potential risks in using WhatsApp though: first, if one's phone was confiscated and somehow accessed, and second, if the group was infiltrated and their WhatsApp conversations leaked to a third party. In fact, some of their phones had been confiscated before. One of the participants was also concerned that some members who had been participating in WhatsApp group conversations, afterwards wanted to engage her in separate conversations through her *Inbox*. She interpreted this move as untrustworthy and subversive.

## 7.7 Networks, partnerships, and collaborations

An NGO's networking with both local and international partners can be a test of its potential in protecting human rights. Among other things networks facilitate access to partners' links, broadening theirs in the process. Their messages subsequently benefit by being amplified from multiplier effect. Partnerships with local NGOs like NANGO, the NGO Forum and MISA facilitate 'bonding' on human rights. There are hardly any local human rights organisations, any HRD group, or as late as 2015/6, hashtag groups, that have not relied on the ZLHR for legal interventions. The 1000-1700 activists that the annual reports for 2013-2016 indicate the organisation defends every year are testimony to its importance in the human-rights-promotion agenda. As with the other three cases my observation was that ZLHR also benefits from collaborations created by personal relationships amongst activists and cross-memberships at Board or special committee levels within the sector. International partners include UK based Sigrid Rausing Trust[63] and the well linked human rights lobby groups Human Rights Watch, Trocaire, OSISA and Frontline Defenders. Human Rights Watch and Frontline Defenders are amongst international human rights groups that the NGO also follows on its Twitter account, the others being The Open Society Justice Initiative, the Ford, Gates and Knight Foundations, the African HRDs Network, the Center for Human Rights and Global Justice, Oxfam, Amnesty International, CNN, BBC, the Committee to Protect Journalists (CPJ) and even UK politicians like David Cameron.

## 7.8 Information, education and protection tools

Because of the increasing number of HRD abductions and enforced disappearances as well as constant harassment- particularly arbitrary arrests and detentions, ZLHR has developed two key guides to educate activists about their rights as well as possible tactics to avoid persecutions. Two handbooks, *ABCs Following Arrest and Trial Procedures (ABCs)* and *Guide for Enforced Disappearances (GED)* have been incorporated into the NGO's training and education programme, and are accessible as hard copy or electronic versions. With 5 894 abductions

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[63] Sigrid Rausing Trust (SRT) is spending £480 000 between 2014 and 2017 to support the NGO's research, advocacy and litigation programmes. The organisation also supports the NGO Forum (£1,150,000 since 2008, and an additional £450 000 for 2013-2016 to support the Forum's HRD programme (https://www.sigrid-rausing-trust.org/Grantees/Programmes/Human-Rights-Defenders)

documented between 2000 and 2016 according to figures released by Eddie Cross, the Guides are also seen as useful information and advocacy tools for getting justice for HRDs. The *ABCs* is a short, simple, concise, but at the same time invaluable guide for HRDs, many of whom do not know their rights and what to do to protect themselves from police harassment, illegal arrests or detentions. These rights include the right to be informed about the charges, to be allowed access to relatives and a lawyer; the right to have access to medicines, exercise, decent food and to be released within 48 hours if they have not been brought before a court. At the same time, the guide can also be viewed as an advice to HRDs about which of their activities could, equally, be considered unlawful and therefore make them targets of police action.

The *Guide for Enforced Disappearances,* introduced at the beginning of 2016, expounds strategies and tips for activists to keep themselves safe from potential enforced disappearances, as well as what civil society organisations themselves should do to minimise risks for their staff. Enforced disappearances infringe on such rights as rights to liberty, life, security, recognition as a person before the law, not to be subjected to torture or inhuman treatment and to fair trial. Being disappeared also deprives the victim of their right to access by friends and relatives who could assist. These are fundamental rights under the UN Convention on Civil and Political Rights as well as under the ACHPR. Zimbabwe's own Constitution (2013) holds up these rights in Chapter 2, Part 2 Sections, 48 to 53. But clearly disappearances continue.

## 7.9    Conclusion

This chapter has explored a distinctly different use of the mobile phone compared to its deployment by the other case studies. Under normal service circumstances a hotline is a tool for employees, service, and product users to raise concerns over services or products. In this case, the instrument facilitates interventions in the much more serious issues of human rights violations. The phone, in this case, is specifically deployed by legal professionals as distinct from its deployment, in the other case studies, by volunteers who in most cases, lack the skills, the education and sophistication of the legal professional. In the act of intervening the phone also appears to prompt behavioural traits of resistance as well as confidence building. The chapter suggests that the NGO uses the mobile hotline to protect victims from arbitrary and unfair state actions as well as to warn the elites that they are also being monitored.

Chapter 8

## MISA, Zimbabwe.

## 8.    History and Vision

 MISA, Zimbabwe is the Zimbabwe Chapter of the Media Institute of Southern Africa, the Windhoek-headquartered body set up by Southern Africa's media organisations to champion access to information and media freedom, diversity and pluralism. The chapter was championed and steered, from 1995, by veteran Zimbabwean journalists Geoff Nyarota, Tonic Sakaike, Vincent Chikwari and Sarah Chiumbu. The NGO's early years, according to Annie Musemburi-Musodza, one of the three founding staff, were devoted to creating synergies amongst Zimbabwe's media houses, facilitating a harmonious working environment between the Ministry of Information and the media and championing the professional interests of journalists. Relations between the media and the state, as well as amongst media institutions themselves, were fairly harmonious until the late '90s when the entry of the National Constitutional Assembly (NCA) and Movement for Democratic Change (MDC) forced a cooling of relations as the state accused the independent media of supporting critical civil society and opposition, both of whom were demanding improved governance and human rights. The government's reaction was reflected in the introduction of the restrictive media laws, the bombings and closures of *Daily News* and Capital Radio in 2003 *(*D. Moyo,2005) the closure of *the Mirror* stables, and the general harassment of independent journalists.

These developments precipitated a re-appraisal of the previously close relationship with government, such that between 2000 and 2002, MISA's work centered around lobbying parliament and policy makers for the reform of the media environment[64]. MISA Director, Nhlahla Ngwenya said in a February 2014 interview that the situation was not helped by the fact that civil society viewed issues of media freedom and the right to information as "mere media issues and they did not engage the repressive laws Access to Information, Privacy and Protection Act, the Broadcasting Services Act and the Public Order and Security Act in an effective manner." The developments also forced a re-assessment of the expertise that the NGO required

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[64] In a document on its website MISA says government's stance towards it increasingly became more antagonistic as the media NGO criticised it for its treatment of independent newspapers.

to remain relevant to the country's media industry. The organisation reviewed its structure to include the National Director and specialists in community media, media law, research, and administration. The organogram reflects the re-appraisal. Of critical relevance in this study, however, are the officers and volunteers (media activists) involved in community media projects.

Figure 8.1        MISA organising structure
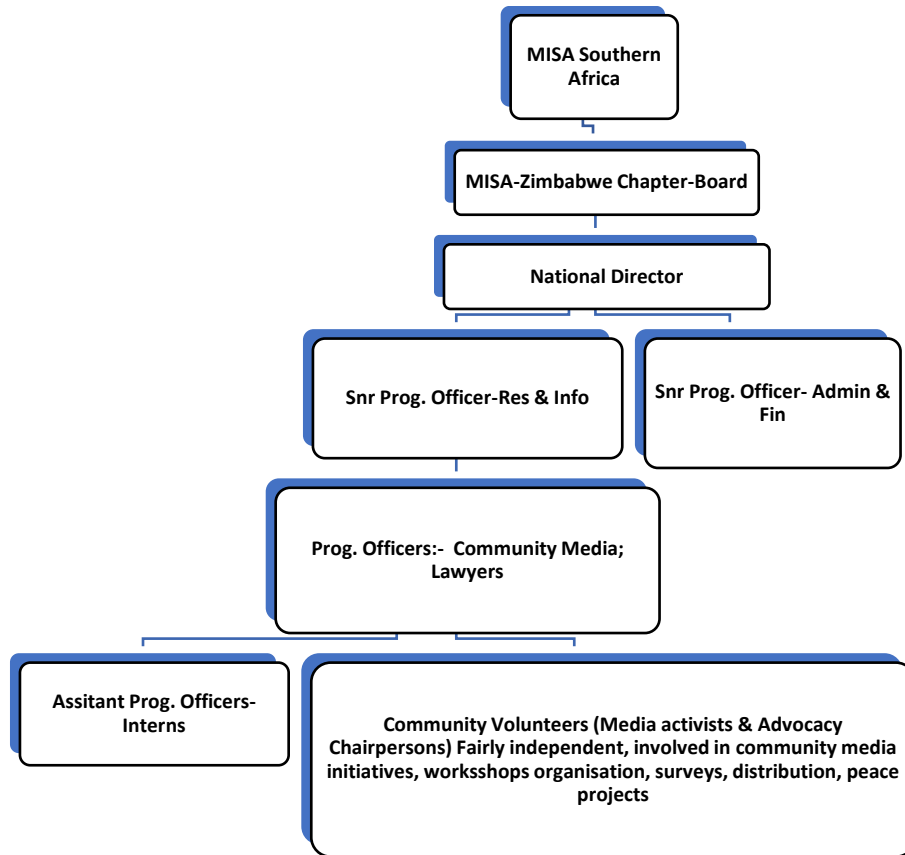


The organisation's objectives include promoting access to diverse media and information channels, promotion of a free, independent, diverse and pluralistic media and the implementation of legislation and policy reforms that support this ethos. A self-reliant and non-partisan media that informs, entertains and educates, working in an environment free of fear, harassment and victimization is thus at the centre of the organisation's lobby and advocacy campaigns. It researches legal frameworks, produces model media laws and champions alternative (and existing) media platforms for marginalised groups such as the community media that are the focus of this chapter of the study.

## 8.1 Media environment post-2013 elections

Apart from media reforms, MISA's criticism of government over the years has also centred around the state's bias in propping up partisan media institutions that nonetheless still marginalize rural communities, by constraining information access and monopolizing broadcasting and print spaces. Although Sections 61 and 62 of the new (2013) Constitution vastly improved the potential for promoting and protecting media freedoms, actualization of the necessary changes was slow. By the end of 2016 the only indicator of 'media reform' was government's granting of commercial radio licenses to three out of eight provincial stations. But even then, all three had links to the ruling party. Despite government's obstinacy in repealing laws, civil society leaders like the then MISA Director Nhlahla Ngwenya, cautioned against a radical or confrontational approach, advocating a multipronged approach involving launching a legal challenge, complemented by increased adoption of digital media platforms which were beyond state control.

*… What civil society's best bet would be, is to try and push for legal processes that will open up the space. Of course, I am not going to discount other activities that civil society and other Zimbabweans are undertaking now… to say okay, in the meantime, while we still haggle over the realignment of laws, can we then be enjoying our right to freedom of expression? Which is why we have seen the emergence of citizen journalism in this country, where (we have) community radio initiatives. Before they have been licensed, they are producing material for their own communities. We have community newsletters, civil societies producing dozens of newsletters to express themselves, to cater for their constituencies and their beneficiaries* (Interview Nhlahla Ngwenya, February 18, 2014).

Community media activism or citizen journalism thus became one of the alternatives, while the outcome of the legal-processes approach resulted in the Constitutional Court (ConCourt) setting aside Sections 61 and 62 of the Criminal Law (Codification and Reform) Act in June 2014, the biggest MISA and civil society win for media freedom since independence.

## 8.2 Expanding the search for media freedoms: Media Lawyers' Network and others

MISA's efforts to expand media freedom gave birth to digital media NGOs. The Media Monitoring Project of Zimbabwe (MMPZ), the Media Centre (MC), the Media Alliance of Zimbabwe (MAZ), the Voluntary Media Council (VMC), the Media Lawyers' Network (MLN) and the Zimbabwe Association of Community Radio Stations (ZACRAS) were all MISA

creations, and, despite following different mandates, still do so under the same MISA objectives. The Media Lawyers' Network (MLN) is the more relevant in this study because of its role in advising the NGO, MISA Southern Africa, and protecting community journalists. MISA's two lawyers at head office collaborate with independent and ZLHR provincial lawyers when interventions become necessary. The Network "…whose purpose is to ensure that there is a pool of lawyers who are there to protect freedom of expression and of the media wherever it is threatened," according to the NGO's website, has helped reduce media fears of arbitrary arrests or detentions. It is a rapid response system like, and indeed supported by ZLHR's Rapid Response facility.

The 'network' is supported by a Media Defense Fund established by MISA in 2002 to source funds for the defence of journalists at the height of media persecutions. In-fact the fund protected several journalists, the Associated Newspapers of Zimbabwe (ANZ) and Association of Independent Journalists, Zimbabwe (IJAZ) against Access to Information and Protection of Privacy Act and Public Order and Security Act in lower and Supreme Court challenges (Dumisani Moyo, 2005:108). Appendix 8.1 shows a few select cases in which MISA and its lawyers were involved in some capacity to assist persecuted media activists. Regular interaction with HQ colleagues and other lawyers in respect of media laws and best practice keeps the duo alive to challenges in the media environment.

## 8.3    Community initiatives and volunteer roles

MISA runs three key information initiatives for marginalized communities, direct products of the NGO's community empowerment programme. The initiatives are Information Kiosks, Community Radios and Community Newsletters, but the last two depend heavily on the involvement of volunteers from the communities themselves. The community radio initiative is organised together with Zimbabwe Association of Community Radio Stations (ZACRAS), the umbrella body for the grassroots radio stations. Except for the group that MISA calls Advocacy Committees, the other volunteers are young, high school graduates but with no training in broadcasting or newspaper production. They are therefore prime targets of the repressive media laws if they are caught producing or disseminating any form of regulated information. Advocacy Committee members are also young but mostly trained, registered journalists working in

provinces but are volunteering to mediate for the NGO in its outreach programmes. In terms of visibility, this latter group operates overtly in the communities while the other two are meant to operate discreetly, only revealing themselves where they feel the communities are accommodating.

In terms of access to information, marginalised communities are not only those in remote rural areas but even those in peri-urban and urban areas but with limited access to news and information. For many, newspapers and television are beyond their reach, leaving radio as the predominant source of news and information (Mano, 2009; Mhiripiri, 2011). The three projects are therefore attempts to democratise media space and empower the marginalized communities by opening up new, independent platforms through which their voices can be heard.

MISA officers told me that volunteers are recruited during outreach activities like community workshops, press club presentations and media law surveys. Outreach programmes present opportunities for staff and advocacy committee members to collect participants' contact details (names, telephone numbers, gender, community) which eventually go into the organisation's mobile data base. From my discussions with the community journalists and the NGO, the volunteers become involved because they feel challenges in their communities are not being sufficiently communicated. In this respect MISA's recruitment is strategic in that these are people, as in the case of ZPP monitors, with vested interest in development, social justice, and general human rights issues in their communities.

In terms of co-ordination for all three initiatives, as with ZPP and ERC, the media NGO's organizational structure drives communication: within its internal structure of professionals as well as with the 'informal' dispersed structures comprising the two groups of volunteers. There is a more distinct top-down influence from HQ than in the case with ERC and ZPP. The 'informal' volunteer structure appears to show a slightly more structured model than that exhibited by the other cases. I make this suggestion because the structures are in the form of 5-member 'committees' with group leaders or co-ordinators, an arrangement that introduces issues of deference to group 'working rules' and possibly less individual independence. The manner in which newsletter journalists plan and execute news production also suggests a more structured

arrangement. The next section briefly discusses the roles of information kiosk and community radio initiatives in promoting marginalized community involvement and information accessibility, before turning to community newsletters, the focus of this case.

## 8.3.1 Information kiosks and community radio stations

Situated in the cities and towns of Gweru, Mutare, Masvingo, Kariba, Gwanda and rural Umzingwane in Matebelealnd South Province, Information Kiosks are managed by MISA employees and form part of the decentralized structure of the organization, working with Advocacy committees to promote MISA's outreach activities. Their main objective is to empower citizens by making information accessible[65]. The structures tend to be single-roomed offices located within town or council office complexes to target citizens walking in to pay bills or conduct any other council business. At growth points in rural areas they are located close to shops, clubs, district or provincial magistrate's courts, the focal points of civil service and village/community traffic. They have become both meeting places and resource centres for activists and researchers in the provinces, providing broadcasting manuals, media law critiques, community training programmes and mainstream newspapers. Although predominantly for use by officials who man the kiosks, the kiosk mobile phones facilitate interaction with head office, the public and volunteers. Kiosk officials can use the phones to communicate with HQ should users ask for further information that is not readily available. Or community members can contact officials on the kiosk mobile number.

In terms of the community radio stations initiative between 2001 and 2015, despite the constrictive media laws, MISA and ZACRAS had championed the establishment of 22 clandestine stations- shown in Appendix 9- around the country. However, in 2015 only six were broadcasting through Zim Channel, a satellite broadcasting platform managed by ZACRAS, while others were podcasting [66]. Radio Chiedza, the 23rd station on the list, was a Roman

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[65]  In a statement on 28 July 2015, the NGO said the launch marked the beginning of a programme to make information accessible to marginalised communities through-out the country.
[66] The Zimbabwe2012 Human Rights Report says that in May 2011 Minister Shamu announced government's procurement of equipment 'to establish eight community radio stations, with technical assistance from the ZBC.' However, by the end of 2016, no community radio stations had been licensed, only commercial radio stations. In 2013 government invited tenders for 14 commercial radio stations. Only two, Star FM and ZiFM were given

Catholic Church initiative. The broadcasts through ZIM Channel were for a few hours a day. Five-member committees of the journalists ran each community radio project. The most active committees were in Bulawayo, Gweru, Mutare, Masvingo, Gwanda, Victoria Falls, Kwekwe and Kariba. In an interview on March 3, 2014 MISA's officer managing the radio project said this was because of their proximity and access to telecommunications and energy infrastructure. The committees, with MISA or ZACRAS' guidance built public awareness around media, political and social issues following a communication strategy that employed traditional platforms like community workshops, theatre and drama, song, pamphlets and flyers.

Media NGOs agreed in the interviews, that the mobile phone, through voice calls and WhatsApp, was the predominant tool for interacting with community members, and, for established stations like Radio Dialogue and CORAH, encouraging community involvement in content production. Although these two radio stations are operating illegally, according to the country's laws, they have been operating for so many years, and with such strong community support, that the state turns a blind eye for political expediency. Radio Dialogue in Bulawayo, for example is viewed by Bulawayo citizens as the City's Voice, and they raise 'regionalism' and 'tribalism' flags whenever the station staff are harassed. In his research of the station Mhiripiri (2011) established that the phone was a key ICT in facilitating audience participation in content production.

ZACRAS officials claimed in an interview on September 3, 2014 that WhatsApp became instrumental in supporting broadcast teams mobilise communities to set up WhatsApp forums whose members used their various skills, positions and networks to tackle community challenges. They said for example, public hearings on reforming Zimbabwe's media, conducted in 2014 by the Ministry of Information and Broadcasting Services, were successful in large part due to the role played by WhatsApp. The WhatsApp groups set up by the community radio committees mobilised the public to participate in the hearings.

## 8.4 Community newspapers, a brief history.

Before turning to the third initiative, Newsletters, I briefly discuss the history of community

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licences and began operating the same year. Infact they were operating by the time of the July 2013 elections and provided alternative space for the voices of CSOs/NGOs.

newspapers in Zimbabwe. The concept of Community Newspapers can trace its history back to 1983 when the fortnightly *Murehwa News*,[67] the first of 51 district newspapers proposed by the Zimbabwe Mass Media Trust (ZMMT) was launched to serve black communities which had been sidelined by urban-based papers serving mainly the interests of the white community (Saunders, 1991, cited in Mandava, 2006). ZMMT hoped to use community newspapers "… to set up a rural public sphere and democratise the domestic information order hence initiate and support development," (Ibid, 34). They were also to act as conduits for passing information between rural communities and government. Although touted by government as independent and profit-oriented, Community newspapers became another mouth piece for the ruling ZANU PF government in the provinces, complementing Zimbabwe Newspapers. By August 2015 only two provincial papers remained, according to *The Zimbabwean* of August 28, 2015. Although primarily concerned with media law and policy advocacy, MISA felt that marginalised communities, especially rural based, deserved alternative, more independent media platforms through which they could share information and tell their own story. The colonial newspaper distribution pattern had also favoured highways, while communities that are peripheral to or distant from the highway routes were marginalized, including in their participation in national discourses.

## 8.5    The community newsletter initiative

The state's control of remaining community papers, the chasms and conflicts created by media laws, all forced MISA, in 2006, to explore the launch of what it wanted to be an independent community newspaper project. Poor resourcing however forced consolidation of the project in 2007. As the 2008 elections approached MISA also believed that the initiative, outside government control and influence, would be a source of information and empowerment for the marginalised communities so that they could actively participate in the coming elections and after. The organisation's trial runs in 'no go' political hotspots in Mashonaland East, the Midlands, and Mashonaland West Provinces[68] were successful enough to prompt a launch of an

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[67] *Murehwa News* then was a community paper for Murehwa District, in Mashonaland East Province. The District was fairly well developed infrastructurally because it was well serviced by Rhodesian forces to better conduct the war against ZANLA and ZAPU fighters.
[68]  These are amongst the provinces where ZPP and the report in *the Zimbabwean* of March 17, 2016, indicate the largest numbers of violations and abducted citizens were recorded.

initial 20 newsletters in 20 districts in 2007. By the end of 2015 the NGO had championed 32 community newsletters countrywide, some produced monthly, others bi-monthly, still others quarterly. Table 8.1 shows the titles of the newsletters and their spread as at the end of 2015. The last column in the table shows the presence of state controlled newspapers in the areas, as one way of illustrating what challenge or competition the newsletters might have in the areas. I have ranked the presence of state controlled papers as H for high, A for average and M for minimal presence in those areas, based on comments from the newsletter and conventional media participants. My participants were also from the first twelve newsletters from seven of the country's 10 Provinces.

Table 8.1   List of community newsletters and national newspaper presence in the districts

|  | **Newsletter** | **Location (District/Province)** | **Languages** | **National Papers** |
|---|---|---|---|---|
| 1 # | Chitungwiza News | Chitungwiza Town (Harare satellite) | Shona | H |
| 2# | Mhondoro Pachena | Mubaira, Chegutu, Mashonaland West | Shona | A |
| 3# | Buhera News | Buhera District, Manicaland | Shona | A |
| 4# | Hurungwe News/Star | Hurungwe District, Mashonaland West | Shona | M |
| 5# | Wedza News | Wedza District, Manicaland | Shona | M |
| 6# | Gokwe Moto | Gokwe District, Midlands | Shona | M |
| 7# | The Chipinge Voice Vekanye Voreketa | Chipinge District, Manicaland | Shona English | M |
| 8# | Zvishavane News | Zvishavane, Midlands | Shona | A |
| 9# | Kariba News | Kariba, Mashonaland West | Shona | A |
| 10# | The Spy Glass | Kwekwe, Midlands | English, Shona | H |
| 11# | Lalapansi Yotaura | Lalapansi, Matebeleland South | Ndebele, Shona | M |
| 12# | Tjedza Tjebukalanga | Plumtree District Matebeleland South | Kalanga | M |
| 13 | Hatcliffe News | Hatcliffe High Density Suburb, Harare | Shona, English. | H |
| 14 | Goromonzi News | Goromonzi District, Mash East | Shona | A |
| 15 | Chinhoyi News | Chinhoyi District, Mashonaland West | Shona | A |

| 16 | Mutoko News | Mutoko District, Mashonaland East | Shona | M |
|----|-------------|-----------------------------------|-------|---|
| 17 | The Eastern Parrot | Makoni District, Manicaland | Shona | M |
| 18 | Bikita Metro | Bikita District, Masvingo | Shona | M |
| 19 | 5 Stars Bulletin | Buhera District, Manicaland | Shona | M |
| 20 | Sakubva News | Sakubva Suburb, Mutare, Manicaland | Shona | H |
| 21 | GlenView News | Glen View Suburb, Harare | Shona, English | H |
| 22 | Domboshawa News | Domboshawa District, | Shona | H |
| 23 | Murehwa. Com | Murehwa District, Mashonaland East | Shona | M |
| 24 | Kariba Satelite | Kariba District, Mashonaland West | Shona | M |
| 25 | Zaka News | Zaka District, Masvingo | Shona | M |
| 26 | Chivi News | Chivi District, Masvingo | Shona | M |
| 27 | Kwekwe News | Kwekwe, Midlands | Shona | Y |
| 28 | Gweru Eye | Gweru, Midlands | Shona/Eng. | YH |
| 29 | Zhombe News | Zhombe District, Midlands | Shona | Y-M |
| 30 | Iqiniso | Zvishavane/Mberengwa; Midlands | Ndebele | M |
| 31 | Bubi News | Bubi. Matebeleland South | Ndebele | M |
| 32 | Mabvazuwa News | Mutare, Manicaland | Shona | Y |

 # Newsletters 1-12 whose journalists participated in the interviews
 *H= High presence   *A=Average Presence, *M = Minimal presence

MISA interns, who help co-ordinate the production process said in interviews on February 2, 2014, that each newsletter has a print-run of 5000, is shared by between 3-6 people in a family, giving a potential readership of at least 15 000 people in a constituency. This is the average size of constituencies in the country. In an email response on September 30, 2014, the MISA officer managing the project argued the critical nature of the community media initiatives in facilitating citizens' demands for information and democratic processes:

*The overall goal of the initiatives is to contribute towards the promotion of an active citizenry that participates and engages on national processes through exercising their right to freedom of expression and access to information and is empowered to demand the protection of their basic freedoms within their communities through their own communication platforms. MISA-*

*Zimbabwe believes that key to building accountable and transparent governance as well as engendering democracy is by empowering communities with platforms through which they can participate in the country's democratic processes and hold their leaders to account. Thus, by facilitating the production and distribution of community-based media products through which communities would access information that would enable them to participate from an informed position*

### 8.5.1 Promoting information access and a community voice

The Newsletter's success hinges on various factors including journalists' commitment, their familiarity with community politics and keeping the news production and distribution processes secret. The last two factors are significant for two reasons: first because of the prohibitive media laws, and second, because of the potential for retributive action by community members offended by some of the articles. Polarization in the communities forces journalists to write anonymously to avoid unwelcome outcomes. It is because of these challenges, according to the officer running the newsletter project, that MISA wanted the production and distribution process to be a clandestine, 'guerrilla-type' operation, which at the same time gave the communities media platforms to express their concerns and aspirations.

The need to protect the activists is so strong that, as discussed in the Methodology chapter, there were challenges with getting introduced to them and hearing from the participants directly, until in early 2016. Several attempts in 2014 and 2015 for interactions with the journalists were not very successful, except for phone interviews with journalists from *Mhondoro Pachena New*s and *Vekanye Voreketa* and physical interaction with two journalists from *Chitungwiza News*. Further attempts in early 2016, after the intervention of the officer managing the initiative were more successful. The findings which follow are based on various types of interactions with the journalists and MISA officers: a combination of email, face-to-face, telephone and WhatsApp text interviews. I also spent some time with interns and MISA's Newsletter design and layout officer.

One of the questions I posed to the participants, given the impediments placed by Access to Information and Protection of Privacy Act and Broadcasting Services Act, was how they saw their Newsletters promoting media freedoms and access to information. The themes of

"ownership" of the story, localization of distribution and the capacity to give news for free repeatedly featured in the responses. This appeared to bolster MISA's aim of eventually making the Newsletter production less clandestine and allowing communities to be more involved in the production. A journalist from the *Hurungwe Star* a remote area publication saw the newsletter as the main source of news and information, free and relevant to the people, devoid of the biases in national papers.

*Our newsletter is mainly distributed in remote areas and seems to be the main source of news in hurungwe and pple prefer our paper as it is relevant to them. All publications in our paper is full of stories of people and places they know making it the best for all. No monetary value to get the paper as cash is also an issue to them. National paper at times they say is biased or one sided when addressing political issues so we enjoy our own stories than their story.*

The journalist with *Lalapansi Yotaura* expressed similar views, again emphasizing the aspects of 'ownership' and free nature of the publication: "...W*hat sets the newsletter apart from mainstream papers is that it is free of charge and reports directly on issues of their communities, their projects, developments and many more. Its unique because they Own the paper.*"

On retirement, most Zimbabwean males withdraw to live in their rural homes, but the culture of news reading and information sharing stays with many of them. This is not to imply that newsletter readership is confined to males, but the point is relevant. The participant from *Tjedza Tjebukalanga*, which caters for communities in the southern border town of Plumtree and the vast rural areas around it, said these pensioners are still avid news readers and want to follow both community and national developments. The newsletter attempts to satisfy that need as it contains "*current affairs and current happenings, nationally and locally."* In the main, stories challenge corruption, political victimisation, poor governance, violence, female and child abuse, rape, gender discrimination in education, poor health facilities, politicised food aid distribution and several other issues affecting village and district communities. In short these are issues of civil, political, social, cultural, and economic rights.

## 8.6     Role in co-ordination, production, and distribution and related challenges

I have referred to a 'committee' structure which defines how the journalists' co-ordinate their work. The best writer amongst the journalists is often given the co-ordinator or team leader's role which involves arranging meetings for the group, collecting copy from each writer, sometimes verifying and re-writing stories and liaising with interns at MISA HQ, all through WhatsApp,

voice calls or, occasionally, SMS. The co-ordinator often calls for face-to-face meetings at each other's homes or some other safe place to discuss drafts, before taking or texting them to Head Office. Most co-ordinators however take copy to HQ. MISA interns also identify safe venues and arrange training and other types of workshops for the journalists through the phone. For remotely-based (rural) journalists, physical meetings are more far-between because of prohibitive distances between the activists, related travel costs, political and interception risks. Many of them deem it prudent to carefully co-ordinate travel and personal safety arrangements before travelling to meetings.

When I visited the MISA offices on 24 and 25 February 2014 I found three interns editing stories from the journalists. They told me that they assist the advocacy officer to co-ordinate with the journalists, receiving, editing, cross-checking the stories before they are laid out and printed. Cross-checking is a verification process designed to ensure that the stories are accurate, reliable and cannot invite litigations or create community disharmony. They confirmed that verification usually involves asking the lead journalist to cross check issues which might appear uncorroborated. Because of the added functionalities on smartphones, compared to the simplicity of 2G handsets, journalists who use them- to discreetly record speeches, village court proceedings, interviews or take pictures and videos to support their stories- said they find it easier to compile and transmit their stories to HQ soon after, saving time and travel costs. This is in addition to the fact that these formats may later provide evidence. The journalist with *Hurungwe Star* said in the WhatsApp conversation on April 20, 2016: *Sending news through smartphone save time. You use little money. You don't have to travel long distance to distribute news. U just send thus all.* 'Distribute' in this case meant transmitting copy to the interns at MISA head office.

The distribution process has its challenges, which the journalists attempt to circumvent by deploying the phone. Once issues have been printed team leaders are contacted to collect their copies either from head office or satellite or agency offices in the smaller towns. Interviews with respondents showed that distribution tactics are broadly the same: secretive, clandestine and, in many areas, a night affair. In rural areas team members leave copies at strategic places where they are visible and accessible to community members: at council beer halls, on shop stoeps, at

school gates, clinics and at homesteads. The following conversation with *Mhondoro Pachena News* participant highlights the risks involved in distribution and the role the phone plays in coordinating the process and navigating the risks. The respondent describes the process from collecting printed copies from MISA offices up to distribution in their constituency:

*When I carry the newspapers from MISA I make sure that they are in a big bag that is zipped and I have them close to me on the bus. I never let them out of my sight. When I leave town I also phone my friends and tell them which bus or kombi (mini bus used as passenger transport) I am travelling on so that they can meet me at bus stops where I drop off their copies for distribution in their wards.*
*Q. Do you drop off all the copies (with colleagues) in one trip?*

*A. Not very often No. Some (colleagues) I meet at bus stops at their homes, and hand them their copies and don't even get off the bus. But sometimes we make arrangements to meet later, at a growth point. You make sure the papers are wrapped carefully in bags...they just look like parcels I am taking to friends. They should not raise suspicion*

*Q, Then, how do you distribute your papers?*

*A.  During the night, say around 7 or 8 pm. You pack your newsletters in a bag; put on a heavy coat to hide yourself from easy identification. You take the bag to places like school gates, or clinics and dump the papers there. You then walk away and avoid people identifying you. You do not drop off near your area, but at school gates. In the morning school children will pick up the copies from the school gate and share them with others. They will also bring copies home to parents and friends. They will say to you 'Mummy have you seen this story? Have you seen this story about so and so...?' But you pretend you do not know. You say No, let me see... That is how the newspaper spreads. So we consider school children very good distribution agents.*

## 8.7    Risks associated with story content

Community media has the potential to create harmony as much as it can cause discord. From participant comments, and additionally, going over some stories in some editions, I noted some whose content appeared to have the potential to offend those who might not share the writers' views. It is partly to obviate such a challenge, and partly to present objective, credible publications, that MISA's officers and interns moderate the stories at editing stage. The following comments from some of the participants highlight the danger of some stories creating discordances which could lead to repression or threats of retribution.

The *Hurungwe Star* journalist observed that "*Sensitive issues published makes pple victimized as to why publish prominent pple (people) and they use their influence to silence publishers.*" The writer for *Wedza News* said, *"Risks and Challenges… (include) threats from those who fear their deeds,"* while the *Lalapansi Yotaura* participant pointed out that *"The newsletter in some areas*

*faces challenges in that the stories contained exposes corruption and others to an extent that those in the corridors of power do not like the newsletter hence they make the distribution almost impossible by threatening to find the source or the origins of the paper."* The *Mhondoro Pachena News* journalist voiced similar concerns: "*Many of the stories we cover are considered private, sometimes family and very personal stories. We are always afraid that because some of these stories could affect members of the community too intimately, if they know who published them it could jeopardize community relations and our own personal safety."*

The journalist with *Vekanye Voreketa* recalled the ruling party MP for Chipinge South, Porusingazi, launching a campaign to identify the Newsletter's writers and attacking the publication's criticism of government for permitting Green Fuels to evict the villagers from their traditional lands to pave way for a fuel blending project. The newsletter's interventions to protect the villagers' rights is discussed in more detail in a later section.

Lack of funds for communication and transport, apparent amongst ZPP monitors, is also common with the journalists, sometimes making it difficult for them to verify incidents. Average monthly allowance for a journalist at the time of the study was $25, an inadequate figure for travel and communication needs. This is particularly so for those in rural areas who travel longer distances and have more problems with connectivity and battery charging. *Tjedza Tjebukalanga* and *Mhondoro Pachena* journalists for instance, gave examples of costs at least 3-5 times this figure to produce stories per month. Just as with ZPP, cost factors impact the quality of investigation and final output, although in this case the larger number of volunteers in each unit allows for consultations and co-operation. The editing team at HQ may also ask for further investigations into a story, which increases costs and risks.

## 8.8 Other challenges and risks

There are more areas that pose challenges and risks. I have referred to stories challenging poor governance, political victimisation, corruption, partisan food distribution and denial of women's and children's rights, almost all of which areas have the potential to breed conflict with community leaders. The responses I received to the question ***'what the journalists considered the sources of risks to mobile phone use'*** suggested that alongside the restrictive Access to Information and Protection of Privacy Act, there was concern over state capacity to track calls or intercept messages. None of the journalists however quoted actual personal experiences in the way that OAUS activists did. The perception of this threat is however so strong that I found it

intriguing, that *Tjedza Tjebukalanga* and *Lalapansi Yotaura* participants, who own smartphones which have the capability to transmit copy and images directly to head office through WhatsApp, preferred to travel 100 kilometres to Bulawayo to use email facilities. This was regardless of the risk posed by possible police searches at road blocks. The *Lalapansi Yotaura* respondent said she feared intercepted material could be *"reproduced as prove (proof) or evidence against you if certain powerful political individuals want to fix you."*. The journalist passes through several police road blocks to and from Bulawayo and the risk of being intercepted with stories on her phone or with hard copies of the paper, is high.

The Postal and Telecommunications Regulatory Authority of Zimbabwe requirement that lines be registered was quoted as another risk. For other journalists, the practice of **phone sharing**, particularly amongst rural families, presented another source of risk. Phone sharing means the journalist loses control of his work as family members might access his/her images or recordings, thereby inadvertently creating the risk of exposure**.** The journalist with *Hurungwe Star* pointed out: "*Phones also are used by families, not individuals, in the rural areas and privacy is not maintained by the real owner as some of the issues are sensitive to some pple.* Sharing sometimes extends beyond immediate family members, exacerbating the risk of exposure to 'outsiders'.

There also appeared some concern with openly using the phone to take pictures of sensitive incidents, or asking questions that made journalists appear incompatible with their place in the community. However, as this study has noted elsewhere, discreet recordings are possible. This concern was however not as serious as ZPP monitors expressed, because the journalists are younger and use phones more openly than older people. Some communities are also more accommodating towards journalists as mediators for their voice, notably urban councils, like Chitungwiza, administered by the opposition, or rural areas like Zhombe and Chipinge where communities have been victims of state violence or feel discriminated against because of support for the opposition. The *Chitungwiza News* reporter told me the council empathises with critical voices. Using the mobile phone in such areas is thus not as risky as in areas under ruling party influence.

There was also concern over poor signal, acknowledged by almost every participant but more so by those travelling to remote areas. In these areas, as in the case with ZPP monitors, poor signal strength forces the journalists to hold their images and recordings on the phone until the signal has improved sufficiently for transmission to Head Office. But the journalists also know that this creates vulnerabilities. A project expert with the development NGO, People Action, Lawrence Gudza, puts this challenge into some sombre perspective in an interview on February 28, 2014. He described how low signal strength in remote areas sometimes led to fresh produce rotting or wasting in villages because transport companies in towns could not be contacted. The villagers had to either board buses to the nearest growth point, or climb up mountains to get sufficient signal strength to make calls, send WhatsApp or SMS to collectors.

## 8.9    Newsletters, politics, and national development



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This section discusses briefly the role of the newsletter in national politics and development, with the mediation of mobile phone. Several examples emerged from interviews, of the newsletter fulfilling MISA's cherished objective of giving disadvantaged communities communication platforms through which to participate in national processes. Several of the papers have broken important stories or initiated debates which have changed priorities in local and national politics. During elections for example, all the Newsletters prioritise voter education issues which include publishing lists of candidates and polling stations in their constituencies. This is critical information for communities in remote areas starved for such information by the poor reach of national media. As copies are shared by community members, their contents amplified by word of mouth or person-to-person interaction, this information spreads. Some

newsletters are reported to have energized proactive responses by legislators. For example, MISA said *Wedza News* had reported issues which opened contentious local debate, exposing shortfalls within elected leadership such that the sitting MP was forced to introduce his own Constituency Newsletter. Both MISA and the *Wedza News* journalist argued that the increased communication channels opened up space for democratic debate within the community. In Gokwe, Midlands Province, *Gokwe News* was instrumental in the mobilization of national and international funds for several development projects, including the rehabilitation of dip tanks which critically improved the health of livestock. Bloggers amplified the newsletter's voice, one of them Takura Zhangazha, who had also been instrumental in the formation of the Community media project at MISA and whose blogs turned the problems in the community into national concerns. In 2007-2008, when Chitungwiza suburb suffered a major cholera outbreak after residents drank polluted water from city council tanks and wells dug around poorly drained wetlands, *Chitungwiza News* became the only publication in Harare and Chitungwiza to print a special flyer for residents detailing how to manage the contagion. The journalists told me on January 18, 2015 that they believe their newsletter's intervention helped save the lives of thousands of residents.

Yet another example involved the interventionist role played by the *Vekanye Voreketa* newsletter from 2012 onwards in a protracted conflict between the energy company Green Fuels and the villagers from Chisumbanje, a sugar-cane growing area in Chipinge District, Manicaland Province. Owned by millionaire Billy Rautenbach- who is reported to fund ZANU PF [69], Green Fuels was granted permission to implement a sugar-cane ethanol-blending project in the district. By 2016 the company was Zimbabwe's biggest ethanol fuel producer and compulsory supplier to fuel retailers. The project displaced 2 000 families without compensating them for lost land and livelihoods. Only 30% of them were relocated. When there was silence from government to community complaints over the land grabs and displacements *Vekanye Voreketa* began a campaign, producing a series of articles exposing the violations to villagers' rights. The articles,

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[69] The *Mail and Guardian* of South Africa has written several articles suggesting Green Fuels is getting preferential treatment from the ZANU PF government because Billy Rautenbach, the owner, has financial links with the party. Green Fuels was planning to set up an additional four plants in the country, raising output of ethanol to 1.5-billion litres annually by 2018. The company would increase its sugar cane plantations nearly fourfold to 46 000 hectares from 9 500 hectares. This massive increase in hectarage would result in more displacements and possible 'forced' cheap labour for the project.

picked up by national and regional press (including South Africa's *Mail and Guardian,*) sparked national debate to a point where government was forced to appoint an Inter-Ministerial Committee in July-August 2012, headed by the then Deputy Prime Minister, Arthur Mutambara, to investigate and make recommendations. The investigation proved numerous rights violations, including evictions from land and property (property rights), physical violence (personal safety, life), destruction of villagers' crops and poisoning of villagers' livestock through drinking contaminated stream and canal water. The committee recommended compensation to the villagers for the violations, including provision of funds for feedstock schemes, new schools and clinics, jobs, irrigation infrastructure and training for the villagers to become sugar cane out-growers and cash crop producers.

The *Vekanye Voreketa* journalists said the mobile phone has always been central to their campaign to open Green Fuels to public or national scrutiny about its responsibility towards the community in which the project operates. The phone records speeches, videos and images of incidents or violations against the community. For example, some of the images used by the *Mail and Guardian* and those in the March 2017 issue of the ZLHR publication, *The Legal Monitor,* were provided by the *Vekanye Voreketa* journalists and their community radio friends, as part of the campaign to expose the violations.[70] The journalists said they also use the phone to keep contacts with sources inside the company. Sharing information with colleagues from the local community radio initiative the two groups managed to compile a mobile data base of community members which they then passed on to MISA to be placed on the NGO's lists of recipients for SMSs and WhatsApp alerts and updates.

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[70] One of the journalists said they were the source of information for the *Mail and Guardian* stories, including some of the images the newspaper was using. Notably the livestock images. I also observed that the same journalist was getting space in the *Legal Monitor* to write about the collusion between Green Fuels and police to ignore villagers' complaints against the company.

Figure 8.2   Images of Chipinge villagers by *Wekanye Voreketa* journalists used by ZLHR.



The group also appears to be using the mobile phone to link up with new social media platforms. A member of the group referred me to a Facebook page, 'Chipinge News Online Facebook',

which they had launched and on which community members, including Chipinge citizens living in other towns, shared views on violations and other local issues. A cursory analysis of a few posts up to mid- 2016 indicated an interesting development: that the Facebook page had also become a user site for the journalists' pictures, and a source of news for both the newsletter and the national press. One example relates to a collision on 29 October 2013 between a Green Fuels fuel tanker and a truck, in which 23 people were burnt to death near Chipinge. Some pictures of the tragic incident were captured by phone by a journalist contributing to both *Vekanye Voreketa* and the radio station project. The image below was used by *'Vekanye Voreketa'* and the Facebook page as well as by several local papers- including the daily *Newsday-* and international media. More than anything else what appears to have raised emotions and made the image iconic, was the involvement of Green Fuels, which the *Vekanye Voreketa* articles accused of wanton disregard for life and villagers' rights.

Figure 8.3 *'Vekanye Voreketa'* pic: Green Fuels tanker burning- 23 burnt dead

**8.10    The 2013 elections: the place of SMS alerts and social media platforms**

Although SMS use had been increasing since 2000 there was vastly increased deployment in 2008 (Moyo, 2009) and 2013 coinciding with electoral activity. This section briefly analyses some SMS alerts from 2013 which I downloaded from the NGO's website in 2015 and in which the mobile phone played some role. It also briefly explores their links to MISA's social media platforms. It is necessary to give some background to the alerts. In July 2013 MISA said they sought to assess the efficacy of the mobile phone and other digital media platforms in reporting the elections. It sought to achieve this by testing the capacity and skills of community (citizen) journalists in reporting the elections using SMS or WhatsApp. After receiving updates/alerts from the community journalists, the NGO would distribute them three (3) times a day and three times a week to its constituents through bulk SMS. The alerts were also uploaded onto the NGO's page *Zimcitizenbuzz,* an interactive page meant to enhance the public's knowledge of the election process as well as "expose the challenges and irregularities experienced by voters," (MISA, '*Zimcitizenbuzz*' Report, July 2013). MISA officers believed the recipients would share the alerts with friends. The officers told me they were able to confirm this diffusion process through feedback questions as well as at media workshops.

The reports making up the 48 SMS texts from the community journalists covered election observations in 20 of the country's 50 districts. The coverage however was more relevant than the figure suggests because the districts represented are in remote, outlying parts of the country. The fact that community journalists could send stories from some of these infrastructurally and politically challenged districts in the country, as voting progressed, reflects positively on the capabilities of both the medium and the journalists. Of the 48 only three texts could be considered to report stable voting environments. The rest referred to the voting process being undermined by political threats against voters; candidates attempting to cheat; deliberate subversion or violation of the process by the ruling party and lack of knowledge of voting requirements by some villagers. A community journalist from Gwanda for example sent two SMS texts to MISA: One read *"The Councillors' ballot papers at Spitzkopje Ward 5 in Gwanda have run out but voting is continuing."* The other read *"With 2 (two) hours before polling ends, Gwanda voters are told that a helicopter has been dispatched from Harare with extra ballots."* Both reports suggest a fraudulent, corrupted and manipulated voting system incapable of

producing transparent, honest, and incontestable results. How does voting continue if there are no ballot papers? How can extra ballot papers be dispatched on a flight that will take more than three hours to get to polling stations that have only two hours left before voting closes? I could not find any report suggesting that voting had been officially extended in Gwanda on the voting day.

A report from Gutu, a ruling party stronghold pointed to another flawed voting process: *"Literate people in Gutu are being compelled to receive assistance to vote. 37 people have been assisted so far despite being competent (to do so themselves)".* There were similar messages from other districts-Zhombe and Chipinge notably- where the ruling party dominated. In both districts, the journalists reported that literate residents-including a High School teacher of English- were refusing to vote without the assistance of ZANU PF supporters, a clear indication that they were being coerced. Other reports gave the names of perpetrators violating the Electoral Act. A ZANU PF candidate for Red Cliff town council in the Midlands Province physically escorted voters to queues to vote for him, while in Chiredzi to the South East of the country *"…. Rtd Brigadier Gwanetsa brought voters at Gwaseche, Ward 7, who did not stand in queue but went straight to the polling station claiming that they are special voters."*

The NGO's social media platform, *VoteWatch263* complemented the communication. This crowd-sourcing platform, replicating Kenya's Ushahidi platform and its deployment Uchaguzi, had developed *Facebook, Twitter* and *You Tube* pages initially meant to report and allow debate on electoral violations- several of which appeared on the *Zimcitizenbuzz* platform- but, subsequently, to debate social and other issues. MISA would receive public feedback from the *Zimcitizenbuzz* page on a dedicated telephone line as well as allow public debate of the content on the *Votewatch263* Twitter and Facebook pages. Thus, it became a matter of putting the journalists' reports on multiple platforms. The NGO informed me that the *Vote Watch263* Facebook page attracted Google's attention because of its interactivity such that the technology giant nominated it Zimbabwe's election information site.

Comments from Zimbabwe Election Support Network suggested the claim was true. When I sought their views about Zimbabwean CSO experiences in deploying the Ushahidi platform

during the elections, ZESN confirmed that ERC, MISA and the *Daily News* had useful experiences with election monitoring platforms at that time. Lydia Polgreen, the International Deputy Editor of *The New York Times* and Geoffrey York, the Africa Correspondent for the *Globe and Mail* described *Vote Watch263* site as a "Useful crowd-sourced site collecting reports of election problems in Zimbabwe," while *The Zimbabwean* of July 24, 2013 said the platform would allow citizens to:

*... participate in watching and rating your election online and through your mobile on WhatsApp and text messaging (SMS) on the given number under the following categories; Access to information; Freedom of expression; Journalist/Media attacks; Voting; Post voting issues; reporting other issues such as civil society attacks and citizen attacks. Vote Watch 263 is also your central election news site which allows you to access official, mainstream and citizen news from around the country.*

## 8.11    Collaborations and developing multi sectoral skills

Collaborations allow human rights NGOs to promote human rights issues as effectively as possible. MISA's major contribution in collaborations with local NGOs like Heal Zimbabwe Trust, Her Zimbabwe, Mobile Community Zimbabwe, Magamba Network and Digital Society Zimbabwe (DSZ) involves training HRDs in story writing and the use of mobile phones in news/content production, personal protection and the protection of the phone contents. Collaboration with ERC is discussed under that Case Study. The partnership with DSZ in digital security for HRDs and other activists from other NGOs, covers security for a variety of digital media but particularly the computer and mobile phone, recognizing that they are the most prevalently used technologies amongst Zimbabwean activists. DSZ conducts regular evaluation of the project's training programme to assess its suitability in some regions of the country, for particular skill groups or group needs. The DSZ trainer told me that the delivery for younger HRDs, for example, would be more comprehensive and perhaps more technical than that for older community or rural-based HRDs whose phones are also more basic and used in places where signals may be weak and inconsistent. Among the issues digital security training covers are tactics to avoid or minimise mobile-phone-related risks. These include PIN or pass-code locking, deleting sensitive data before taking the phone to unknown repairers to ensure security, or using known repairers to ensure integrity, switching off phones and battery during meetings or when visiting sensitive areas, avoiding using phones during sensitive events, being sensitive to

unfamiliar noises during phone conversations which could point to eaves-dropping by agents and installing phone tracking software in case it is lost

But there are other benefits for media activists. For example, a request by ERC for MISA to assist in identifying volunteers in constituencies where its community media projects have been successful, received two suggestions. MISA asked its journalists to recommend trusted friends to ERC, or its own broadcast journalists willing to volunteer for both organisations could do so. The second option nullified the need for training except in understanding how the new NGO expected to operate. MISA said this type of collaboration encourages joint community programmes, minimum duplication of activities, costs and resource outlay and multi-sectoral skilling and knowledge sharing for the activists. For broadcast journalists for example, the opportunity to 'represent' more than MISA or ZACRAS gives them more material to work with, although they are aware of the risk of exposure.

## 8.12    Conclusion

This chapter has explored how MISA's struggle for media reform in the country has involved the NGO challenging repressive media laws, among other things, by launching and supporting community media projects. As with the other case studies, the advent of digital media has given impetus to the projects. Although the community radio project is undoubtedly the most unique because of its more pronounced community involvement, the community newsletter initiative is also giving remote and marginalized communities a platform for their voices to be heard, and their views to become part of the national agenda. Because of legal barriers the initiative gets protection from volunteer embeddedness. The mobile phone's role in the initiative must be as discreet as that of the community journalists themselves. Phone use involves deploying a range of tactics designed to ensure the safety of the journalists and the clandestine but still safe and successful production and distribution of the newsletters. In these roles, the mobile phone is also being used to challenge political and legal barriers.

Chapter 9

Election Resource Centre

## 9.     ERC and the electoral environment in Zimbabwe

The Election Resource Centre (ERC) describes itself as a "think tank and advocacy institution on elections and democracy in Zimbabwe."[71] Established in 2010 the NGO seeks to strengthen the capacity of voters, national institutions that govern elections and other civil society institutions to "meaningfully engage in electoral processes," and it does this through generating and disseminating knowledge and information, promoting open debate and lobbying for improvements in electoral laws.

The quality and credibility of the electoral process is heavily contested in Zimbabwe for various reasons.  Such forces and instruments of co-ercion as security forces, War veterans, Party Youths, politicised village, and aid distribution structures have swayed heavily the outcome of elections in favour of the ruling ZANU PF party (McGregor, 2002; Sachikonye, 2002, 2007; Kriger, 2003, 2005; Bratton and Masunungure, 2007; D. Moyo, 2009; Mapuva, 2010; Raftopoulos, 2013). In June 2011 ERC lobbied Southern African governments to pressure ZANU PF leadership to address security, judicial, media and election management issues which also negatively impacted elections. Police and army chiefs have shown partisanship by repeatedly making political and election pronouncements showing intolerance for the opposition and civil society; judicial structures and police have applied justice and the law selectively to benefit ZANU PF; government-owned media has consistently completely blacked out the opposition and human rights NGOs and the Election Management body the Zimbabwe Electoral Commission (ZEC), has been militarised like many other public institutions (Mapuva, 2010) and it lacked resources and capacity to manage electoral process objectively (Kubatana.net). Amongst contested issues under the purview of ZEC are accessibility of the voter register, impartial or partisan management and custodianship of the voter registration process, vote

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[71] The July 2014 issue of the ***Election Eye,*** the NGO's monthly publication*,* has four articles which features issues which are at the heart of the organisation's drive for democratic electoral processes. The issues discussed are: 1) Government being urged to speed up electoral reforms (p 2) 2. Citizens anger at the lack of delivery by legislators (p 3) 3. Rural communities are haunted by political polarization (p 4) 4. Reforming political party financing would help smaller poorer parties and even the political playing field a little more (p 5).

counting, impartial information dissemination, political party representation at polling stations, civil society involvement in the voter education and election monitoring processes and proposing recommendations for the alignment of electoral laws to the Constitution (ERC 2013 Referendum Report). Voter literacy has not been prioritised and the national voter register has always been a subject of suspicion, particularly so when opposition candidates have been denied access to it up to voting day.[72] The selection and invitation of international election observer missions has also been contested. Civic society and the Opposition have argued that adhering to regional and international election standards would ensure transparency and legitimacy.

Together with the Zimbabwe Election Support Network (ZESN) and several other civil society organisations (CSOs) involved in voting and elections ERC has tried to execute its watch dog role over these processes (Matyszak, 2009:140). The NGO's contest for electoral democracy is also reflected in a petition that it and 16 other CSOs presented to Parliament on September 22, 2015 demanding full reforms before the next general election in 2018. Since independence the results of elections (1985, 1990, 1995,2000/2002, 2008 and 2013) have been contested. Civil society as a result demanded a more comprehensive review of the Electoral Act so that, among other things, ZEC could be given more independence as the election management body (including having sole authority to manage Observer Missions invitations); every registered Zimbabwean- whether they are in the diaspora, in prison or hospital- could be allowed to vote; voter registration and the voters' roll could be more transparent and accessible-which would have the effect of showing credible elections.[73] ERC also criticises ZEC for pursuing a voter education strategy that teaches Zimbabweans only how to vote, rather than understand the rights which grant them fair political participation and leadership choice.

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[72] In the July 31, 2013 elections one of the reasons for the opposition Movement for Democratic Change rejecting the outcome of the elections was the absence of the voter register right up to voting day, which led to suspicions and accusations of register manipulation by ZANU PF.

[73] In their 2015 petition ERC and CSOs argue that the results of the elections in 1990, 1995/6, 2000 and 2002, 2008 and 2013 have been highly contested because of ZANU PF's refusal to reform the Electoral Act, and, even when the 2013 Constitution required its review, the ruling party still dragged its feet. In mid-2016, Justice Rita Makarau, the ZEC Chairperson, committed the body to involving CSOs in voter education, completing biometric registration, completing a new Voters' Register, transparent and full involvement of all political parties in electoral changes that ZEC controlled and recommending alignment of Electoral laws to the Constitution.

ZEC has also been criticised for using expensive antiquated election management methods, with ERC demanding that the electoral body consider new methods of election management, which are cost effective and reflective of international best practice. ICT-based voter education, biometric voter registration (BVR) and electronic voting have become the norm in electoral democracies and this has been one of the recommendations by civil society. BVR effectively means the creation of a new register which would remove concerns over electoral fraud. Civil society and the opposition repeatedly accused the ruling party of controlling and manipulating the voter register and undermining the electoral body.

ERC has attempted to correct some of these shortfalls by making itself the source of credible quality electoral information so that it can enable citizen and other stake-holder participation in the processes. The NGO's campaigns to encourage citizen participation could be described as, ultimately, aiming to promote reliability, credibility, and electoral justice. The organisation contends that its major mandate is to see Zimbabweans empowered to participate in a "transparent and accountable electoral democracy." This is important, given that of Zimbabwe's 13 million people, less than 50% are registered to vote. Of this figure, less than 42% usually come out to vote in elections, leaving out an uninterested 60%, according to the ERC Director, Tawanda Chimhini. The situation becomes more interesting when we consider that over 75% of the country's population are people under 35 years. The country's youths make up 41% of eligible voters, but only 14% are registered voters (RAU, 2017:1).

## 9.1    ERC structure, co-ordination and communicating key campaigns

ERC is one of the country's youthful organisations with a clear appreciation of the opportunities offered by digital media platforms, particularly in targeting youths either as users or beneficiaries. Much of my analysis of this case relied on discussions with the Director and a programme officer managing the IT portfolio, as well as analysis of the NGO website content, social media platforms, a private radio station, news clippings and activists with other NGOs. The challenges I faced here in getting access to internal operations were almost a replica of those I faced at the lawyers' NGO. Even having access to the organisation's library became a challenge. The analysis further relied on material from my interviews with NGOs like Crisis in Zimbabwe Coalition, ZESN and MISA, who have strong networking relations with ERC.

At the time of the study staff indicated that mobile phone use between the organisation and its targets accounted for over 60% of its communication and, with an 'SMS' and 'WhatsApp' subscriber base of 500 000[74], ERC has probably the largest constituent base amongst Zimbabwean NGOs. The large constituent base naturally had implications for the reach of its messages, although most subscribers are in urban or peri-urban areas. Other channels and media for mass communication include radio, mobile entertainment, person-to-person and the traditional fliers and posters.

The NGO runs three key projects, the X1G campaign, Voters' Clubs, and Citizen Election Reporters, which have been at the centre of the NGO's efforts to both educate and encourage youths to participate in electoral processes. The first involves ERC staff interacting with communities through mobile outreach activities and a radio broadcast programme. The other two projects involve co-opting volunteers from the provinces. All three rely on the mobile phone, with WhatsApp and SMS key mediums of interaction with constituents. The next sections explore the role of the technology and applications in the projects, but starting with their internal deployment.

### 9.1.1 The X1G Youth Campaign

One of ERC's long running campaigns, the X1G (X1 Young Generation) campaign features a weekly radio programme focusing on voting and electoral issues. The radio programme is run on one of the two independent radio stations and features pre-programmed discussions or live phone-ins from the public to ERC staff. Although targeting youths, described by the Director as 'political game changers', the programme is also popular with other age groups. The X1G campaign also features an outreach programme involving mobile outdoor activities which aim to educate youths about civic and electoral issues. These activities are a key aspect of the campaign's attempt to use new and traditional media platforms to create and disseminate content which the NGO believes will empower the youths to make decisions that impact their future. Two key features of the radio programme and mobile outreach activities are the use of music and

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[74] The figure of 500 000 ascribed to SMS subscribers is really the organisation's mobile data base. Because of the high SMS tarrifs, many of the constituents prefer to use WhatsApp. Operators like Econet have also marketed special 'WhatsApp enabled' phones.

celebrities, with whom young people identify. The NGO's website for instance, carries images of young celebrity musicians and actors performing at ERC's outreach mobile shows, promoting voter education and youth issues.

The NGO has a limited budget and moderate staff complement, and given the almost 'free' nature of WhatsApp, ERC decided to turn the application into a powerful communication medium. Both interviews and website information indicated that the X1G radio campaign, between 2012 and 2013, made use of a dedicated ERC WhatsApp number to solicit feedback on electoral issues from youths. The project was meant both as a lead up to the 2013 elections and as longterm education on voting issues. The broadcasts would take WhatsApp feedback from listeners and turn the content into the subjects of discussions in subsequent radio programmes. In the process of collating the feedback coming through the WhatsApp number, ERC would also grow their mobile phone data base. They would however first seek permission from the WhatsApp sender to use their feedback on the radio programme as well as add their number to ERC's mobile phone data base. Some of the content would also be incorporated in bulk SMS messages transmitted back to the numbers in the data base. After the 2013 elections, the ERC WhatsApp number continued to serve as a conduit for suggestions, observations, and questions from citizens on electoral democracy and human rights issues.

At the time of this study, the campaign had developed its own Facebook site with a ***Youthdecidezw*** page "aimed at motivating and encouraging youths to effectively participate in the electoral processes in Zimbabwe," (X1G Facebook). The page pitched a campaign message, ***Shape Tomorrow, Register to Vote*** designed to invite and challenge young people to learn about the importance of voting in shaping their future. The down side of-course was that most of the campaign's participants, urban youths, were not the only targets the organisation wanted to reach. The challenges which confronted ERC in the campaign were characteristic of challenges that NGOs faced in trying to reach out to a young Zimbabwean population that was clearly taken by the mobile phone and social media but politically disinterested and uninvolved. XIG and Voters' Clubs campaigns seek to correct this.

### 9.1.2 The Voters' Clubs model: enhancing citizen engagement through WhatsApp

As much as the X1G campaign used the mobile phone to solicit feedback and encourage youth engagement, ERC also targeted the participation and engagement of more citizens through what it described as 'Voters' Clubs.' The clubs were a model responding to civil society's practice of conducting voter education in a top-down approach. Partly because of limited human and financial resources, but equally to take advantage of increasing mobile phone penetration into rural areas, ERC was letting the communities drive the process of educating themselves about voting. It was a volunteer, community-driven approach which involved peer group mobilisation. Ten (10)-member groups each of women, men, and youths, equipped with their own phones, were identified at ward[75] or provincial levels, and encouraged to mobilise community peers into WhatsApp groups or clubs (rural groups could also use SMS because of the prevalence of 2G technology). Each member of the 30 transmitted messages from ERC (on voting or election issues, updates, alerts, questions similar to those in Table 9.1) to 10 other WhatsApp contacts in his own group, thus effectively multiplying the reach potential of the messages. It was therefore a bottom-up approach which made it easier, cheaper, quicker, and altogether more convenient to encourage the participation and engagement of communities in pertinent debates. The model also encouraged volunteer independence. Members were at liberty to expand debate on the topics transmitted by the NGO. The Director said collecting constituents' mobile numbers, soliciting feedback, amplifying messages, organising meetings and mobilising for voter registration and voting, thus effectively relied on these community structures, their phones and person-to-person communication. The Director explained in a Skype interview on February 27, 2015, the multiplier and group-engagement potential of the voters' clubs model:

*When they are engaged they share their mobile numbers, they send questions, they receive updates and are able to participate given the internal communal sharing of information and communal mobilisation, where people would say 'Ah, so in terms of voting, on voting day, let's make sure that we all go...let's also make sure that whoever has registered is supported to come out and vote.' So, those volunteers, now that we deploy our mobile applications, are people who then, at ward level...you probably have a coordinator who is responsible for co-ordinating the activities of the group of 30. The group of 30 then work with their own numbers so that they interact. But as they engage with each other at that level they share their contacts with the ERC and you ensure that the same updates that you give them relating to elections and electoral*

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[75] Wards in Zimbabwe are small administrative communities, making up districts, which in turn make up provinces. As noted in chapter 4, Zimbabwe has ten provinces.

*democracy you also forward to these people and if these people have questions they can directly communicate with you, or through their peers*

Feedback from these structures was transmitted and amplified by the NGO to relevant government structures: councillors, MPs, Ministers or Zimbabwe Electoral Commission, ensuring that a communication loop was maintained between the communities and political leadership. Some of the issues raised by the groups were taken up on the NGO's radio programmes. There was minimal influence from the NGO at levels beyond the provincial volunteers. Additionally, because the volunteers were using their own resources, it was only interest, commitment and mutual trust on their part that guaranteed the process of information sharing, as, without mutual trust, sharing information in such a structure could pose risks.

### 9.1.3 Citizen election reporters

But these community structures also act as multi-purpose vehicles, the most accurate sounding blocks on community problems. Taking care not to encroach on or duplicate the election observation activities of Zimbabwe Election Support Network, the NGO encouraged community volunteers, especially youths, in the country's constituencies to collect and report information on election-related problems using their mobile phones. The NGO described the reports, of near-real time election updates, as citizen reports and the young people themselves as Citizen Reporters. ERC also targeted some of these participants to assist with surveys on election issues. Instead of deploying election observers, who would expect to be paid, these volunteers would respond to survey instruments (questionnaires) through their phones in addition to sending the organisation election updates. The same telephone number used by the X1G and voters' clubs' campaigns was used by the 'citizen reporters' to SMS or WhatsApp their reports or simply make telephone inquiries. Using the mobile details of the inquirer, the organisation would communicate back to them directly or use bulk SMS/WhatsApp to inform more constituents. The ERC Director explained in the Skype interview of February 27, 2015 how using the mobile phone can help rationalize costs and solicit instantaneous feedback from citizen observers.

*Rather than deploying electoral observers, whom you pay, you simply send a question to a group through the phone, a group that is on location, where a by election, for instance, is happening…and you will get responses…You know communities voluntarily give you information…'these are the things that are happening during the pre-election period. This is what was happening as I was voting...this is how the people have taken the results…"*

During 2013's Constitutional Referendum, and the elections themselves, the NGO mobilised all three campaigns, deploying accredited observers, Voters' Clubs members and citizen monitors in the constituencies, all using mobile phones to co-ordinate, transmit their reports and receive feedback. Figure 9.3 is a screenshot of communication from citizen reporters to ERC during the July 2013 elections. I have blocked the mobile numbers of the citizen reporters to protect their identities, but the role of the phone in crowd sourcing the information is evident. The reports, sourced through SMS are either in the local Shona language or in English. Election monitoring is not typically ERC's mandate but both itself and Zimbabwe Election Support Network agreed that because of the opaque nature of ZESN volunteer operations, citizen reporters were better positioned to present the 'realities' on the ground, especially in the more politicized areas.

## 9.2    Analysis of bulk SMS to constituents and feedback texts

I was unable to interact with ERC volunteers but I managed to obtain copies of bulk SMS distributed to constituents (Table 9.1) between June and September 2014 as well as SMS/WhatsApp feedback from the constituents (Table 9.2) received by ERC between 8th and 14th July 2014. The communication 'loop' was important because it proved that mobile communication existed between the organisation and its constituents. Bulk SMS companies could either transmit the SMSes to NGO constituents on their behalf, or create log-ins for the NGOs to transmit the texts themselves. My view of the NGO's adoption of bulk SMS was that not only was it a cheap means of involving their constituents (at 65cents to bulk send to over 1000 recipients), but it achieved high distribution and message amplification and provided a number for feedback, both of which would encourage even greater participation. Amongst the receivers would be the volunteers from the other campaigns. A brief analysis of the outgoing and incoming texts may be useful in identifying issues promoting electoral democracy. Table 9.1 shows messages from an original list of 22 SMS texts transmitted to constituents. Bulk SMS comprised a number of SMS texts containing shortened versions of information or news considered important for constituents. I analysed the messages using criteria which identified themes resonating with the NGO's human rights and electoral democracy objectives: themes which included citizen's' rights to a vote; elected leaders' responsibilities; the media's role in electoral processes; youths and elections. The texts showed that the messages were relevant to the issue of electoral democracy: event reminders, citizens' rights to demand fulfilment of

electoral pledges by political leaders; interrogating ZEC's capacity to manage elections and the opposition's capacity to force electoral and political changes and the importance of citizen participation in voting and elections.

Table 9.1      SMS texts transmitted to all in ERC's data base between June-September 2014.

| Message | Date | Recipients |
|---|---|---|
| 1. Considering that the voter turnout continues to dwindle, do you think it is important to continue having by-elections in Zimbabwe? | 6/6/14 | All |
| 2. Did you know that ZTV is now AIRING LIVE Parly debates? For more info on the sitting of Parly visit the ERC Facebook page @ Election Resource Centre Zimbabwe. | 10/6/14 | All |
| 3. Opposition movement's quest for democracy in Zimbabwe genuine? Just a weapon being used by certain people to gain political mileage, power and enrich their pockets? | 11/6/14 | All |
| 4. Yesterday young people gathered at Harare gardens in Harare and demanded that government fulfil its election promise of 2 million jobs. | 17/6/14 | |
| 5. Parliament sittings resume today. Watch ZTV to monitor what your elected MPs say in parliament. | 1/7/14 | |
| 6. Do existing political parties remain viable alternatives for dismantling one party dominance in Zimbabwe? **SMS to 0771826641** | 8/7/14 | |
| 7. Workers and young people have now been reduced to a life of misery with no hope of ever getting decent employment, factories and industries are closing. Any solutions? | 14/7/14 | |
| 8. Is it necessary to hold elections in Zimbabwe? What is your take about the electoral process in Zimbabwe? | 16/7/14 | |
| 9. Is it possible to encourage people with a genuine concern for the welfare of Zim in Zanu PF, MDC & other parties to find each other to save Zim from a total collapse? | 17/7/14 | |
| 10. Maiziviza here kuti ikodzero yenyu kutaura zvichemo uye maonero enyu ehutungamiri mukugadzirisa zvikuitika munzvimbo dzenyu. *(Did you know that it is your right as constituents to question your leadership about the needs of your constituency?)* | 6/8/14 | |
| 11. President Robert Mugabe last week signed the Electoral Amendment Bill into law. | 25/8/14 | |
| 12. Vamiriri veparamende vanokanganwa vimbiso dzavanoita pakutsvaga vatsigiri munofanirwa kuvayeuchidza zvavakataura zvisinei nekuti munotsigira bato ripi. (***MPs often forget their electoral pledges. It is your right to remind leaders of their electoral promises*** | 2/9/14 | |
| 13. Sangano rionoona nezvekufambiswa kwesarudzo reZimbabwe Electoral Commission (Zec) ratenda kuti rakaita zvesarudzo dzegore rapera risina kugadzirira. (***ZEC has admitted unpreparedness for last year's elections***) | 4/9/14 | |

The table below shows Feedback WhatsApp/SMS texts from the constituents from 8th-14th July 2014.

Table 9.2　　　Feedback WhatsApp/SMS texts from citizens. (8-14/7/14)

| 1 | Our lives are in real danger with no hope we the young pple we are reaching the ages of 30 with no descent future we are waiting 4 God 2 intervene |
|---|---|
| 2 | solution only possible with gvt revisting its policies that scare off investers |
| 3 | My take on our country's future is an uprise and kick all the thieves out of parliament! This is very unfair and we are frustrated to the bone. |
| 4 | y ind.succesfl partiz hv destroyd smaler partiz.mo formations mo confusion. |
| 5 | Existing polical parties' relevance in reducing one part domnance has been scraped.the mo parties we'v the les imp they become hence their manipulation b |
| 6 | Tudday political parties are now focusing on exposing each other's weakness and mistakes instead of uniting for a cause !! |
| 7 | No way they can remove bullying party |
| 8 | Problem is with oposition parties which opos each other, and nw its persønal btwn oposition political  leaders.grand coalition is imposble and there is n |
| 9 | I thnk existing part can form one solid opposition. |
| 10 |  Apart from that, offering balance and checks to the sitting government. Enlightment on political situation and other civil issues enhancing their partic |
| 11 | Yes they are still viable altenative to dismantle one party dominance in zimbabwe hence the need for them to be effective with people centred idealogies. |
| 12 | zimbabwe need a free and fare election people are behind Tsvangirai |
| 13 | HELLO ADMN I AM (name deleted) WHO RESIDES IN REDCLIFF I ATTENDED ONE OF WORKSHOP IN KWEKWE YOU PROMISED US YOU WILL COME TO REDCLIFF SO HOW FAR HAVE GONE |
|  | WhatsApp code 802-026 |
| 14 | I THINK THE EXISITING POLITICAL PARTIES DO NOT HAVE THE STRENGHT TO DISMANTLE ONE PARTY DOMINANCE,UNLESS THEY FORM A COALITION |
| 15 | Yes, Tsvangirai Can Do It. |
| 16 | y domination (*It is domination*) |
| 17 | Judging from past experience its still a walk in the dark. Opposition politicians are cashing on this crisis and they are not serious abt ending one part |
| 18 | NO I THINK IF THERE WAS PROVISION FOR ANOTHER GOVERNMENT OF NATIONAL UNITY MAYBE WE CAN SURVIVE |

The responses or feedback do not all relate to the original texts from ERC shown here but the following are illustrative of the links between the questions and the constituents' feedback, and thus the place of the phone in the process. Answers 1, 5 and 12 in Table 9.2 appear to be responses to comments or questions 7,5 and 6 in Table 9.1. Further analysis of feedback shows a mix of views relating to citizens' understanding of the political system: ranging from a general mistrust of political leadership to deliver true electoral democracy, through youths considering themselves victims of the absence of political participation; disappointment with the opposition's

failure to push change; demands for free and fair elections, to a suggestion for an uprising to push political change. Overall, the public's responses show an understanding of issues affecting their participation in politics.

The screenshot in Figure 9.1 shows comments from citizens who were monitoring the voting process for constitutional change between March 16 and 17, 2013. Most observations are short, simple and reporting events in real time. Because the reporters' numbers would have appeared on ERC's dedicated feedback line, and because the reports appear specific to polling stations, the NGO would have been able to map incidents of irregularities easily. I had to block off the users' telephone numbers to protect them from being identified.

Figure 9.1    Screenshot of citizen observer comments on March 16/17, 2013.
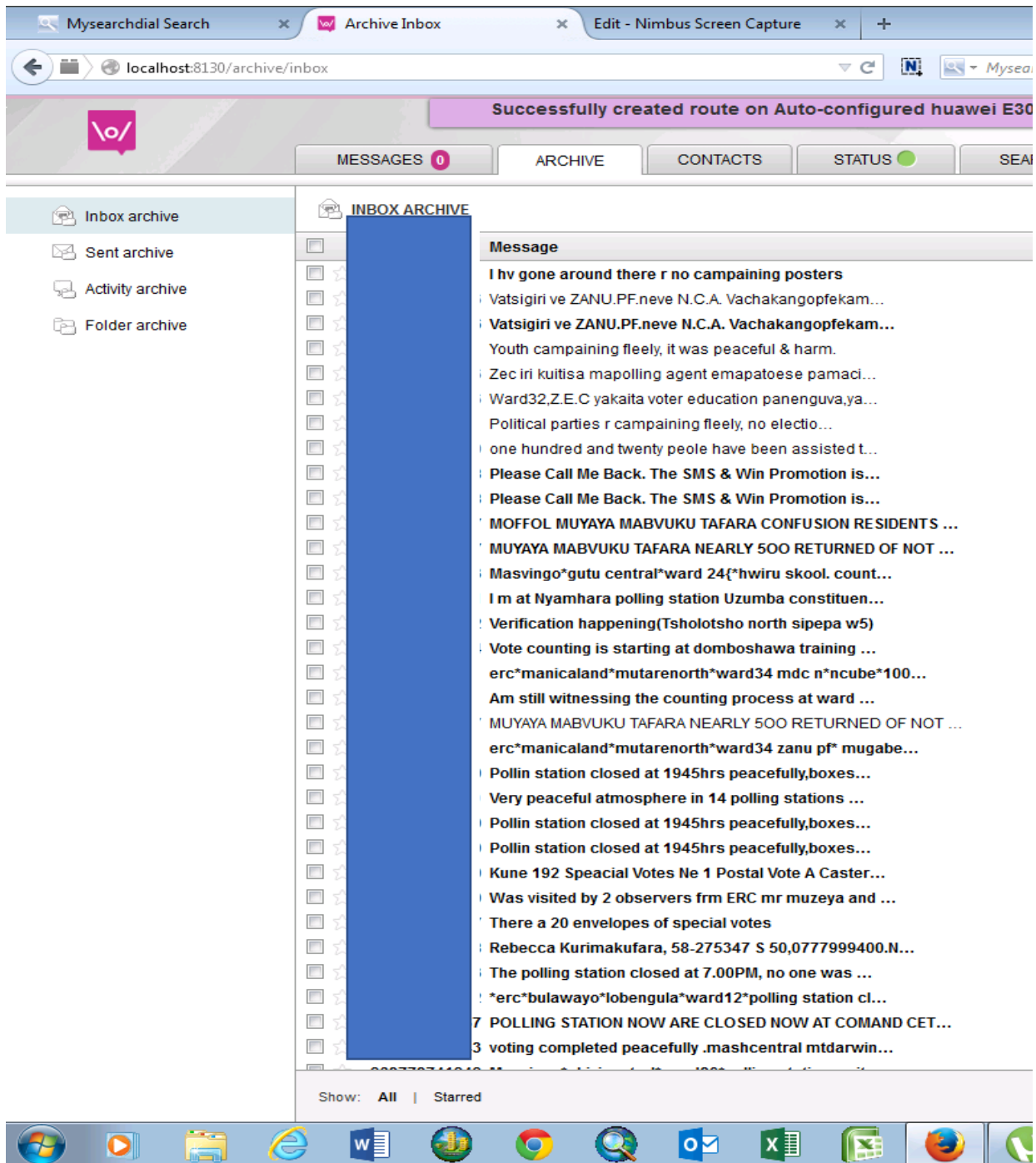


## 9.3    Risks and challenges

In the discussions with the Director and advocacy officer several areas of risk and challenges emerged. The most significant is the constant antagonism between government on one hand and

ERC and its partner Zimbabwe Election Support Network (ZESN) on the other. The NGOs criticise government for failing to reform the electoral landscape. Government on its part accuses the two of carrying an agenda to destabilise the political environment, in ZESN's case, of interfering with election results while ERC staff have been harassed for undermining the voter education process. The constant antagonism has created an environment where the NGOs are constantly in fear of arrests, and sometimes of using media that could land them in trouble. The discussion which follows looks specifically at areas or sources associated with using mobile communication.

The first relates to reports from citizen reporters. The Director said there were challenges with citizen reports. Because the reporters had no information sourcing or reporting skills they ran the risk of transmitting inaccurate or uncorroborated reports. Such reports would give the state ammunition to accuse civil society of deliberate lies or exaggerations. To obviate this weakness ERC was, from the end of 2015, collaborating with other NGOs, but specifically MISA, to have their volunteer citizen reporters trained in basic reporting and mobile communication skills. The structure of the training programme for citizen reporting is discussed in the next section, as an example of collaborative efforts amongst the human rights NGOs.

The second source of risks relates to vulnerabilities with the mobile phone and other digital platforms. On February 2, 2015, the Director gave me a detailed account of NGO fears associated with deploying mobile phones and other digital platforms, and what he was encouraging his staff to do to obviate the dangers. ZPP and other NGOs expressed similar concerns.

*There are vulnerabilities about using the mobile phone. There is no way an organisation or an individual can use these new mobile technologies without worrying about the insecurities that have come with the mobile phone. For instance, at the office level, in terms of providing adequate security, people should not access their e-mail, work e-mails, on their phone. It's not safe. People must be able to have passwords; that's a must in terms of all mobile phones. Three, the use of the vault, in terms of storing critical and important information. Four, we have worked with Kenyan experts around how you can actually delete information if you feel that you are in a situation where you feel the information can be vulnerable on your mobile phone. We have actually had to include security, training data security, whenever we do engage: one, with our volunteers, and two, at the secretariat level.*

Deep-seated concern over possible e-mail hacking by state agents has also persuaded not just ERC but other NGOs to migrate their email from Yahoo and Hotmail domains to Google, which they believe to be more robust. There was also concern that local domains for webmail, such as M-Web and Ecoweb, lacked robustness and could be hacked or accessed easily. Or the businesses they worked with to transmit their bulk SMS could be intimidated and compromised by state agents, an issue that I discuss in some detail below as another area of risk.

The owner of the bulk SMS company that I interviewed on July 11, 2014, indicated that because of its small size the company feels vulnerable and seeks to protect its business by avoiding confrontation with government. That can happen if it is seen to have distributed SMS that may be considered undesirable by government. To protect its business, the company may censor NGO SMS content. He said this could be done by building a 'firewall' which filters specific SMS content, instead of following the standard practice of allocating NGOs self- log-in codes (in which case the bulk SMS company loses control of the content going out). Alternatively, it can be selective about which NGOs to accept business from. Some human rights NGOs are viewed to be "Political" and therefore risky and to be avoided, no matter the attractiveness of their business. Deleting client data bases, or avoiding keeping the data altogether, is another strategy to avoid confrontation with the state, in case the company is forced to give up such information. The owner explained in the interview:

*We choose our clients with caution. I love the money (but) at times when I look at a client, there are clients I don't go out looking for business from...like your Politics guys and all that. Certainly they have got the numbers.....they can easily get the funding to do a campaign and things like that but I don't wannna be found in the wrong side of things, so I always try not to get them on board.....I am still very young and I have young kids...Would I want to die for $10 thousand...?Its money that I wouldn't pick up but you know... I walk away. At the same time you also asked me about how we get people's names...how do we get their numbers?...how we get data bases of the SMS recipients...? We have a lot of people who come asking 'We would like your data base of recipients...' We deliberately don't have one because we may not be able to stand up and defend that data base.*

Ultimately, I interpreted this form of control to be a form of co-ercion from the state, but could not determine if collusion with the state was also involved. Implicit in the comments is also fear of attracting physical harm. I also concluded that the bulk SMS ban by the Posts and

Telecommunications Regulatory Authority of Zimbabwe on July 25, 2013,[76] following NGOs' alleged abuse of the medium by sending or receiving alleged subversive messages, was a significant factor in the company's decision to censor the transmission process.

The fourth area of risk arose from ERC's attempts to use the Ushahidi platform in 2013. Towards the July elections, the NGO implemented a project which encouraged citizen reporters to text or phone in observations about the voting process using the Ushahidi and Frontline SMS platforms which the organisation had set up. The reporters were given codes, each of which translated to an observation of the election or voting process. The reporters would send SMS or WhatsApp texts to ERC mobile numbers advertised on its website and linked with the Ushahidi and Frontline platforms at the NGO's offices. After identifying the polling station from which they were texting, the citizen reporters would text the observation codes which ERC would then feed into its system and project the results on a live map, itself in turn uploaded in real time on the ERC website. Unless the system was hacked, only ERC could trace the phone numbers from which the observations/codes originated, thus protecting the participants' identities. Trials conducted a day before the elections were successful, supporting the deployment of the platform on July 31, 2013, election day.

The Director believes the trials may however have been monitored by state agents. Late on the eve of elections the website crashed and the Director and two staff were arrested. This was the second arrest of ERC staff and volunteers, following one in mid-May when three volunteers, Moses Chikora, Farai Saungweme and Wadzanai Nyakudya had been arrested and charged with contravening section 40(c)(1)(g) of the Electoral Act. The section prohibits voter education by any institution or individual without the Zimbabwe Electoral Commission's permission. ERC believes that the system crash may have been an attempt by state agents to either completely disable the NGO's election monitoring, or an attempt to hack into the institution's data base. While the organisation managed to salvage most of the data/information, it is not 100% certain that some of the information was not compromised. It also appeared that the system crash and the arrest of staff were not coincidence and may have been designed to intimidate not just ERC

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[76] Kubatana.net announced on 25 and 26 July that POTRAZ had instructed Mobile network operators to stop using international gateways from delivering bulk SMS. Kubatana, which introduced SMS in 2007, had successfully used the platform to deliver election news in the 2008 elections.

but other NGOs during the elections. An incident quoted in the Herald of July 31, 2013 publicizing details of bank accounts and bank transfers of funds from European organisations to ZESN and Crisis in Zimbabwe Coalition, might have appeared un-related, but the Director suggested the three incidents could have been linked and designed to intimidate NGOs.

## 9.4 Networks and collaborations as protection tools

Discussions in the other case studies have identified collaborations as a key element in enhancing NGO efforts to protect human rights. Getting communities to understand governance weaknesses in their localities is one way of mobilising citizens to defend or demand their civic rights. This was one of the reasons why ERC solicited MISA support in running a citizen reporters' training programme, an outline of whose contents is shown in Table 9.3 'MISA Citizen Journalism Training Workshop'. The request, made in an email on November 25, 2015 is quite detailed about the objective of the programme. The community reporters were meant to develop competences in using digital media to investigate and write about community programmes ideal for promoting transparency, good governance and democracy as well as to ensure their own security. They would also discus cybersecurity laws. The email indicated that the community news products and information sources would not only "… increase their (communities) access to alternative media and information on local governance issues.," but would empower community members to engage with their local leaders as well as speak with their own voice. I noted that the journalists were being drawn from 14 of the country's volatile districts: Chipinge, Mutasa, Mutare, Silobela, Gweru, Umzingwane, Hurungwe, Chikomba, Hwedza, Sanyati, Goromonzi West, Domboshava, Bikita and Masvingo.

Table 9.3  MISA Citizen Journalism Training Workshop for ERC 11-12 Dec. 2015

| Unpacking the Citizen Journalism Concept | Who is a citizen journalist, citizen journalism best practices, ethical issues in dealing with citizen journalists and their content and the latest digital media tools for citizen and professional journalists to achieve more exciting and interactive media content. (MISA) |
|---|---|
| Use of traditional media | How to gather, analyse, report and disseminate relevant news and information. (MISA) |
| Crowd sourcing | How to safely gather, analyse, report and disseminate relevant news and information using digital media (MISA) |
| Social Media activism | How to spur conversation on local governance issues and use social media as an advocacy tool for enhanced transparency and accountability in local governance. (MISA) |
| Practicals (Including story development) | Exhibiting skills in Blogging, Facebook, Twitter, WhatsApp (MISA) |
| Communication skills | Getting acquainted on the various ways of communication (ERC) |
| Cyber Security and Safety | Ensuring safety of citizen journalists in gathering stories and reporting (ERC) |

Networking with other NGOs like ZLHR and Zimbabwe Women Lawyers results in enhanced protection for the organisation's staff and volunteers. This study has quoted the example of ZLHR lawyers representing the NGO's staff on several occasions. ERC staff and citizen election reporters, like many other HRDs, also have access to MISA and Digital Society of Zimbabwe's *Digital Security Guide* and the ZLHR's two handbooks, *ABCs'* and *Guide for Enforced Disappearances*. In addition, two more of the country's top legal watchdogs, Veritas Zimbabwe, and the Centre for Applied Legal Research (CALR), have developed mobile applications, freely downloadable from Google Play Store, and containing details of Zimbabwe's Constitution and human rights. CALR's *Human rights Guide* is a synopsised version of the country's human rights while Veritas' application synthesises Zimbabwe's Constitution (incorporating the human rights). Running them as mobile applications makes them ideal and handy tools for HRDs as they navigate security traps and barriers daily. But the guides are also ideal for lawyers, academics, students, and even ordinary citizens, who may want to make references online while outside their normal operating environments.

## 9.5    Conclusion

Amongst important issues this Chapter has canvassed are ERC's strategy to harness the power of the link between digital media and youths to push voting and electoral democracy issues. The

NGO's three key campaigns seek to involve young people in activities that expose them to issues of citizen political rights, of voter education and electoral transparency. The mobile phone is used in three ways: to engage with electoral issues through radio broadcasts and mobile community activities, to facilitate voter education and to monitor elections. The phone has thus become ERC's most actively deployed communication tool and WhatsApp and SMS its most trusted applications for citizen engagement. The NGO recognizes that radio, though a traditional mass medium, has tremendous power to complement mobile communications. In an environment where direct, open engagement with the populace is curtailed, and yet citizens need to understand their electoral rights, ERC is using digital media to find ways of opening up communication for that critical engagement.

Chapter 10

Discussion

## 10.    Introduction

By exploring the experiences of some human rights NGOs, the aim of this study was to explore the potential of mobile phones in facilitating the protection of human rights in Zimbabwe's restrictive environment. The country's human rights NGOs have been among the most vocal institutions in criticising the country's poor human rights and democracy record and this study aimed to explore how they were using mobile phones to challenge the state's role in the abuses. To respond to the research questions, the study sought respondents' perspectives on several issues. For example, why were the NGOs adopting mobile phones as opposed to other digital media? What affordances did mobile phones offer? What was the orientation and commitment of volunteers towards human rights issues? How were the NGOs using mobile phones to empower the volunteers to contest the abuses? Were there unique uses of mobile phones amongst the case studies, and if so what were the points of uniqueness? What was their relevance? How prevalent was the use of WhatsApp, SMS, and other applications?

The study also aimed to explore the perspectives of the NGOs and activists on the impact of critical legislative, political, and administrative impediments on mobile phone use. What risks and challenges did the state pose that inhibited the use of the devices? What coping mechanisms were the NGOs and HRDs employing against a strategy deploying violence, surveillance, interception, and censorship tactics? One of the strategies to protect human rights is to mobilise networks, alliances, and collaborative arrangements, and in this respect the study sought to establish how mobile phones were fostering these relationships to protect human rights. How were reports, the outcomes of mobile phone deployment, supporting or enhancing NGO lobby and advocacy campaigns?

One of the notions against which the questions and objectives were framed is that of 'liberation technologies' and their capacity to promote democracy, empower citizens, promote free expression, and deepen citizens' participation in political and social interactions (Diamond, 2010; Zicardi, 2013; Manacorda and Tesei, 2016). They were also framed against the (counter) argument that these technologies can also become tools for repression in the hands of

authoritarian states (MacKinnon, 2010,2012; Howard, 2011). This argument becomes more relevant when it is viewed against observations that even leading democracies like the United States and United Kingdom, were also trying to control cyberspace even as they, through leaders like Hilary Clinton, (2010) championed internet freedom.

## 10.1    Factors influencing mobile phone deployment

Responding to the question why NGOs were deploying mobile phones as opposed to other digital media, this study has identified several factors which influence the deployment. Zimbabwe's human rights NGOs have been proscribed from public media spaces by the state, leaving them little option but to adopt digital media and outreach activities to interact with their constituents and remain relevant. ERC was using private radio stations, which have limited national reach, because national radio ostracises them. Respondents expressed fear about the constrictive nature of media laws, which could only be circumvented by adopting alternative communication platforms. But deployment is also influenced by connectivity (internet and mobile phone), gender, age and literacy levels of activists, financial capacity of both NGOs and activists and the affordances accorded by the mobile phones' technical functionalities.

Zimbabwe's experiences with telecommunications growth are similar to those of other developing countries where state financial incapacity has led to landline infrastructural obsolescence and mobile phone infrastructure has taken over (Raine and Wellman, 2012:88; Aker and Mbiti, 2010:208). Chapter 4 suggests disparities in access to ICTs between urban and rural populations and gender and age groups despite the seemingly high mobile penetration[77]. The findings suggest that urban populations, youths and males have greater access to mobile phones, compared to rural populations and women. These inequalities are more acute in remote areas which, incidentally, also reported some of the highest incidences of violations notably during the 2008 elections: districts in Midlands, Mashonaland and Manicaland provinces. ZPP and MISA volunteer reports confirm these observations. It is also instructive that with respect to violence there also appears to be some link between voting patterns and election violence in these provinces. The highest votes for the ruling party in 2013 came from provinces which had

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[77] Posts and Telecommunications Regulatory Authority of Zimbabwe reported in 2016 that Zimbabwe had over 90% mobile penetration while 84% of rural households had access to a mobile device.

experienced the highest levels of violence in 2008, suggesting that the post-2008 election violence was the catalyst for the high 2013 votes.

Distinct patterns emerged in relation to gender, age, education, and levels of mobile activism amongst the volunteers and other human rights defenders (HRDs), but overall, they do not appear to detract from the increasing adoption of the mobile phone by groups across all the case studies. The gender and ages of ZPP volunteers vary widely but middle-aged women dominate the mix in rural areas. This is in slight contrast to ERC and MISA volunteers and OAUS activists, who, although of both genders, are on the whole young. This research may not have interacted with ERC's volunteers or constituents directly, but analysis of its three key campaigns points to the use of digital media, complemented by the traditional medium of radio as a strategy designed to involve the youth in reaching out to other youths and the wider adult constituency. The pattern of young, high-school-educated, and mixed-gender activists evident in the MISA and ERC cases suggests a strategy of 'recruiting' people who are more responsive to new technologies, something that Tufte et al (2012:7) also discovered in their studies of East African youths. Young people's capability for mobile activism is enhanced because their age and education levels give them greater ability to learn and innovate with new technologies (Tufte et al.,2012; Basson, 2009:137 and Dralega, 2009 in Mudhai et al, 2009:125-140). Given this pattern, it can be argued that these NGOs' philosophy is being built around using digital media technologies to empower youths to push for the democratisation of electoral, media, information, and political processes.

The distinctive involvement of female volunteers, particularly middle-aged women, in rural communities in the case of ZPP appears to be consistent with gender ratios amongst rural populations in that even though they are less skilled in the use of mobile phones, the female population is higher and their gender is more involved in community and household activities. There are more women heading households in rural areas than men, carrying out most of the physical chores while males are in towns. Additionally, historically, rural populations have fortified liberation movements and have remained the haunts of ZANU PF for power retention (Kriger, 2003; Bratton and Masunungure, 2008). In the process women became more violated (RAU, 2009, 2013; HR NGO Forum, 2011; Mashiri, 2013:95). However, it is important to point

out that ZPP violations reports for 2015/2016 indicate that more male citizens were targeted than females, but at the same time they were also worse offenders than their female counterparts (ZPP Reports, 2015/16).

Another argument from participants is that mobile phones are cheaper and more efficient to adopt. Network coverage maps from the three operators presented in Chapter 4 support this point. Particularly important though is the fact that mobile phones have reduced travel and communication costs, enhancing the potential of the organisations to reach out to their constituents. Programmes that in the past required the physical presence of co-ordinators in rural communities to plan, could now be planned and co-ordinated by phone, resulting in greater potential for the organisations to address human rights issues. One MISA officer stressed these points, while the increasing deployment of WhatsApp and bulk SMS by all the institutions to disseminate information also reinforces the point. These developments however do not detract from the fact that volunteers themselves still find costs prohibitive because of insufficient personal financial resources.

Yet another argument related to some of the technology's affordances, a point which also links to that about affordability: MISA and ZPP volunteers refer to the compactness of the new phone models, especially given the need to keep them discreetly hidden on the person when making recordings. Participants also found the devices' capacity to accommodate multiple converging media significant for managing diverse situations. For example, when the phone's radio becomes a useful news source when the activist is in the field, or, in extreme cases, when the phone's flashlight is a convenience at night. Community journalists used personal phones, in similar range of capabilities, although several indicated they could not afford the latest models. Phones with cameras and WhatsApp capabilities are necessary, even if using some of the functions was inhibited by poor connectivity in remote areas. These phone capabilities make the volunteers' work easier, and the quality of reports and stories considerably better.

For activists, the most increasingly significant affordance is thus the device's accommodation or hosting of the WhatsApp application. Since its introduction in the country in 2010, WhatsApp has become the dominant service for the case studies as indeed for other NGOs in the country.

Because of its affordability, user friendliness- as embodied in instantaneous two-way communication, multi-contact messaging- and accommodation of multi-media functionalities WhatsApp has outstripped SMS and email to become the application of choice for activists and ordinary citizens. Functionalities which involve WhatsApp using the Internet to make calls and send text messages, images, videos, user location and audio messages in real-time at no cost (Chiridza et al, 2016:46; Church and de Oliveira,2013:352) have become ideal for capturing evidence of human rights violations, and ZPP smartphones evidenced this. ERC also highlights the use of WhatsApp in voter education, OAUS activists in calling for lawyer intervention and MISA journalists in managing the newsletter production and distribution processes.

## 10.2    Volunteerism, empowerment and human rights protection

Another significant observation relates to volunteerism and how it empowers activists, in the end impacting human rights protection. NGO reliance on volunteers is fully evident across the four cases, suggesting their centrality and importance in the human rights contest. ZPP relies on community monitors; MISA on young community or 'citizen' journalists; ERC on young citizen election reporters and voters' club members held together by peer relationships and ZLHR on its own Secretariat lawyers and others volunteering from around the country. Reasons for the NGOs' heavy reliance on volunteers include constraints imposed by laws which restrict the movement of NGO staff and activists, lack of knowledge of local cultural and political contexts, limited resources because of the small sizes and limited budgets of the NGOs vis-a-vis the large numbers of target constituents and, finally, political polarisation in the communities. Some of these issues have the potential to pose risks for NGO staff, who, as outsiders, are unfamiliar with navigating local politics.

From interactions with interviewees, I concluded that volunteerism is pillared on creativity, courage, conviction, dedication, and commitment. Including committing personal time and resources in pursuit of justice and peace for the communities. These are some of the qualities that Nah et al (2013:407) and the Office of High Commissioner for Human rights (OCHR,2004) see as defining strong human rights defenders. Barry (2011, cited in Nah et al, 2013:407) contends that for many HRDs, human rights work is deeply personal and therefore requires commitment. The examples of the ZPP monitor who sells off her livestock to raise transport money, or MISA

journalists who undertake long journeys on very low allowances, epitomise the traits of Zimbabwean volunteers and exactly what OHCHR acknowledges. The problem however, is that perpetrators are aware of these depths of commitment and tend to exploit them by launching physical and psychological attacks on the activists or their families.

The final observation about volunteerism relates to volunteer autonomy and bonding and their impact on phone use. Volunteers have independence and autonomy, which implies the need for mutual trust between themselves and the organisations, as well as amongst themselves. Although the evidence from my investigations can-not claim to be conclusive, (especially in respect of ERC where volunteers were not interviewed), volunteerism may be responsible for facilitating bonds amongst the HRDs which make the work of the mobile phone that much more effective. Despite the separation from head office, the communication afforded by the phone still inspires some feelings of camaraderie, confidence and bonding that resemble those engendered by interactions in close proximity, office set-ups. Such bonding enhances feelings of security and safety and results in better output. In the case of MISA journalists, bonds of mutual trust form among the team members, in some cases overlapping into relationships with community broadcast journalists in the same constituencies, leading to the sharing of news and information. The Chipinge teams provide a relevant example. The journalist who took the image of the burning Green Fuels truck is from the community radio project and shared the picture with newsletter colleagues, who in turn shared it with daily papers. In the case of ERC voters' club members, the way WhatsApp group co-ordinators cascade information to their peers, and negotiate issues to debate further amongst themselves, suggest that this is only possible where bonds of mutual trust exist amongst group members. In this case, peer relations engender such trust because the activists know each other closely. I argue that these examples point to the mobile phone being a tool that promotes the empowerment of volunteers, helping them surmount constraints imposed by embeddedness, facilitating bonding amongst them, creating options that allow them to work independently and yet within the organisational frameworks.

## 10.3    Disseminating messages

In terms of disseminating their messages the case studies appear to be following a two-pronged approach to maximise their reach. One strand is to adopt multiple digital platforms which allows

for the same mobile images, audio and videos to be shared on NGOs' websites and social media platforms. It is an approach common in all the cases, and undoubtedly amongst most NGOs in the country. The other approach is to adopt a mix of new ICT platforms and traditional media, as in the case of ERC which uses WhatsApp, website, other social media platforms and the traditional mass medium of radio. A second example is ZLHR's use of the digital media platforms and the *Legal Monitor*, a traditional mass medium, but clearly also one of the institution's strongest human rights advocacy tools. The *Legal Monitor's* million plus print-run per year translates to a potential readership of 5 million. The use of the mobile phone images in that publication is likely to have a significant impact amongst rural communities, where some may relate to the pictures, or they can read and develop a greater appreciation of citizen's rights and the tribulations of human rights defenders. Although it is not one of the case studies, Kubatana has shown other Zimbabwean NGOs that its success in human rights activism has hinged on continual experimentation with digital media as much as in adopting a media mix of email, bulk SMS, blogs, internet, 'Freedom' radio broadcast (Atwood and Clark, 2010) and lately, WhatsApp. Bulk SMS is a particularly important platform, because, as its name implies, it is used when targeting large numbers of news recipients because of the low costs of transmission. Due to the limited characters in the medium's format, bulk SMS contents are synthesised versions of what the NGOs believe is important news for their constituents, and it appears ideal for transmitting alerts. It is therefore an important activism tool for NGOs. Mabweazara's (2011), study of mobile phone dynamics in Zimbabwean journalism practices also highlights the reliance human rights NGOs had on SMS to transmit alerts to journalists.

Studies by Mattoni and Trere (2014) about the relationship between social movements and media practices help put this phenomenon into perspective further. The authors contend that one weakness with our understanding of social movement media uses is that literature rarely explores how mainstream media and alternative or digital media can talk to each other when they are used at the same time and for one actor (ibid,254). Our fixation is with a one-medium or one-technology analysis, which discounts the fact that in movements uses are influenced by actors' backgrounds, contexts as well as connections between the technologies. Drawing on the concepts of mediation and mediatization- the first expressing activist media practices which include media productions, media circulation, media interpretation and media recirculation (Mattoni and Trere,

2014:260 citing Couldry,2008), the second explaining broadly the role of multiple media technologies in shaping the practices of the movements- the authors argue that modern and old media can be used to complement or support each other to serve the interests of both the activist and the message recipients. That does not necessarily hold for social movements only. The choice of which platforms to place their images or videos on by the case studies is deliberate as the platforms have different readerships, different shelf lives and invoke different modes of interactivity with targets, who themselves emerge from different experiences. The social networking sites are accessed by activists and those with internet while radio and print media like *the Legal Monitor* can, additionally, claim rural audiences/readership.

Kelvin Maenzanise of Zimbabwe Election Support Network emphasised the media-mix approach when he proposed in an interview on September 30, 2014 "…a synchronization of new ICTs and traditional media so that you reach all the possible constituents." Tabani Moyo of MISA argued similarly, that a 'communication mix' strategy would motivate linkages within various media whose effect ultimately is to democratise information. Democratisation of information is the ultimate goal of this NGO and its activists, thus its media practices target to achieve it. The 'mix' strategy is of-course not unique, having been tested elsewhere on the continent. Herman Wasserman (2005; 2007) and Sarah Chiumbu (2012) made similar recommendations after separately researching the use of multiple communication platforms by South African social movements in HIV and eviction campaigns. Both concluded that a mix of platforms, more so when applied within local and international contexts, yields better results than if single platforms were employed.

## 10.4 A tool for co-ordinating, documenting and reporting

This section critiques findings on use of the mobile phone in co-ordination, documentation, moderation and reporting, drawing relevant comparisons and contrasts where necessary. Across all cases, internal staff tend to use smartphones, which, because of their improved functionalities and affordances, are more ideal for co-ordinating, documenting and reporting compared to other types of mobile phones. ZPP volunteers too rely on the latest mobile phones because of the instruments' compatibility with the circumvention platform used by the NGO to monitor

violations[78]. Across the cases co-ordination also appears to rely on WhatsApp, voice calls and emails because of their dominant use. Even over weekends when NGO staff engage in social networking, that too overlaps and moves into formal communication, where staff co-ordinate the coming week's programmes.

State accountability is fundamentally easier to demand when it is challenged with evidence thus documenting is a key objective of institutions monitoring violence or other forms of repression (Welch, 1995). This study shows that for ZPP the mobile phone is ideal for documenting evidence of violence and then representing that evidence in alerts, monthly reports, maps and statistics, pictures, videos, and audio testimonies. The wide array of evidence formats, which sometimes supplement, complement, or corroborate each other, present strong, compelling justification for interventions. Presenting the evidence on the NGO's website and social media platforms multiplies its reach and, in the process, strengthens its potential for influencing domestic and international opinion on the human rights situation. The UN High Commission for Human Rights (UNHCHR, 2001) contends that documentation provides evidence which can be left as a record for posterity. ZPP reports from 2002 can still be used to identify perpetrators of violence sixteen years later. Orentlicher (1991,2007:11) argues that one way for transitional societies to protect human rights is to make certain that those from past regimes who were responsible for the worst violations answer for their transgressions. This is obviously possible if records of those violations have been kept. Orentlicher's argument is echoed by the ZPP director when she says her organisation believes all perpetrators should be made accountable for their transgressions, as her own case proves in Section 6.7.1.

For MISA evidence recorded by journalists during interviews or at various events, is represented in newsletter stories, alerts, and occasional special publications. MISA insists on documented evidence from community journalists because this gives credibility to the information and news appearing in newsletters. As with the outcomes in ZPP and ZLHR's cases, the evidence can be used to challenge injustice from elites or to promote development. It can also be used to influence national policy review, as the Green Fuels example illustrates. Newsletters could

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[78]  It has been noted that ZPP has replaced the 2013 Huawei Y100 model with the Huawei Y336, which by 2016/ 2017 was amongst top phone brands in the country.

further provide evidence which compels responses from the local elite in the form of the introduction of alternative media. In the process media space is opened for wider community involvement. Local and regional papers following up leads or evidence from community journalists, as in the examples of the *Mail and Guardian* and *Newsday,* also act as endorsements of the potential of the community journalists and their media tools.

Plans by ERC to have citizen reporters trained in story writing, digital security and social media use suggest that the NGO also considers mobile phone-based evidence as a vital component of election-related and governance reports. In the case of ZLHR, information collected from hotline calls may be critical in immediate interventions, in follow-up litigations, in evidencing stories for the *Legal Monitor* or Annual Reports as well as in HRD education and training. Essentially in producing a body of information which can be used to challenge the inadequacies and injustices of the governing system. It can be concluded that at the heart of the various documenting and reporting efforts by the four NGOs is the need to produce reports, human rights guides, community stories and various other documents which accurately reflect the human rights situation in the country.

Related to documentation, or indeed as an element of that process, is the role of the phone in **verifying** or **moderating** reports whose contents are not fully trusted. Verification guarantees authenticity and reliability of the information gathering process, and ultimately of the reports and the organisations themselves. Moderation is evident in ZPP and MISA documentation and reporting processes and inferred in ERC processes which involve using reports from citizen election reporters. Moderation thus appears common among NGOs involved in various forms of monitoring and highlights a common objective amongst the organisations: that they want to be viewed as sources of objective and reliable information. NGO drives to produce impeccable, unquestionable reports reflect the spirit guiding the UN High Commission for Human Rights, that effective human rights monitoring must be built on accuracy, precision, impartiality, objectivity, sensitivity, integrity, and professionalism (UNHCHR Training Manual, 2001). There are of course problems with achieving this high goal. These include inadequate technical and financial resources by volunteers and the NGOs to verify, threats from the political system and in

some cases lack of impartiality where monitors may have been direct victims of violations themselves.

## 10.5   Enhancing constituents and HRD security through alerts and warnings.

The study also shows that the mobile phone's role in monitoring violations enhances constituents' safety through the issuing of alerts and various forms of warnings. For volunteers and other types of HRDs, the phone may be a tool for daily social interaction (a *lifestyle* instrument) but, as Best (cited in Poblet,2011:24) suggests it can also act as a *lifeline* in times of danger. For elderly female volunteers particularly, the device functions as inconspicuously, as discreetly and as invisibly as the monitors themselves attempt to be covert in their communities. The adaptability of the device compels volunteers to develop an intimate understanding of its functional capabilities, how it can be manipulated to give the users the best possible results without exposing themselves to risks. It also means that when it is used in monitoring violence in the communities, the device becomes a vehicle through which both constituents and volunteers can be assured of their safety and security. Michael Best's example of the phone's use as a *lifeline* may refer to conflict situations, but it does not detract a comparison with the device's similar use in Zimbabwe's repressed environment. With respect to elderly female volunteers, and how Zimbabwean culture defers to age and gender, the findings appear to suggest that the deference may in-fact create better opportunities for monitoring at the same time that the practice also assures the volunteers of personal security.

The element of facilitating safety and security through alerts and warnings is evident in at least three of the cases:  ZPP volunteers use the phone to flag the movement of violators, or to make distress calls relating to their own safety; MISA journalists' use the device to flag hot spots to avoid and activists from other NGOs send distress calls to ZLHR hotlines or other NGOs. There is evidence of even more direct use of the phone in initiating network intervention that saves the life of ZPP's Matebeleland monitor. The device's use in these contexts finds support from Howard (2011:117), Mashingaidze (2016) and Mann's (2003;2004) studies, which suggest this type of technology can be a powerful tool for surveillance. When it is used in observing and reporting the movement of perpetrators, the phone's function loosely approximates that of Mann's (2003, 2004) "sousveillance" technology, a device used by the underdog to surveille the

elite. Fernback (2013:14) suggests that the power of sousveillance lies in the fact that instead of casting the weak as victims, it casts them as challengers to those who have concentrated the power to surveille. In other words, under sousveillance, the phone can be viewed as a tool that helps empower the weak to resist the abuse of power by the strong.

The phone's use in facilitating NGOs to issue early warnings, often relating to food shortages-sent as bulk SMS- or violator movements, finds support in Joseph Brock's (2012) exposition of how early response and early warning systems work. Brock contends that involving locals-including community leadership and organisations-helps reduce the impact of violent perpetrations. Local involvement makes the systems people-centred and potentially more successful in violence prevention than if non-local actors were involved. He suggests further that the system should also use timely communication and appropriate channels or platforms. Like a few other authors he too gives the example of Kenya where SMS texts (Goldstein and Rotich,2008, Heacock, 2009; Meier, 2013) cumulated by the Ushahidi platform became the source of national warnings and appeals for peace in 2007-8.

For ZPP the issue of monitor safety is also so critical that the NGO even uses measures of consistency in phone interaction between head office and the volunteers to assess the latter's personal safety. Inconsistent results become warnings. The study suggests that the measures have resulted in new phone uses or the emergence of what I may describe as **new meanings** or 'communication codes' peculiar only to the organisation. The meanings are different from the pre-negotiated beeps and missed calls referred to by the Director, and are reminiscent of Donner's instrumental language (2007:6-7). Because monitor silence, or inconsistencies in report submissions are interpreted by the organisation in terms of threats to the monitor's life, disruptions within the community or financial or technical (mobile phone) challenges for the monitor, they become warnings, with grave implications for human rights. Silence thus translates into a particular 'language', with specific meaning only for ZPP and not any other NGO. Even the NGO's response to 'phone silence' or non-submission of reports- of deploying a supervisor to investigate- is much more involved than its response to 'call-me-backs' or 'beeps.' The ZLHR study shows a similar language-use phenomenon, although in this case it is about pre-negotiated instrumental language involving 'phone rings' and 'texts', although again used and understood

only by hotline managers and OAUS activists. This form of mobile communication is different to that of 'phone silence'. Whatever interpretation may be given to the phenomena, it appears violations monitoring has led to NGOs developing unique phone uses and coping mechanisms designed to ensure greater safety for their staff, volunteers and constituents.

## 10.6 The hotline as a tool for protection, seeking justice and accountability.

Foregoing sections have acknowledged the use of the hotline along with other mobile phones, but in this section, I argue that findings suggest a unique role in protecting, seeking justice and accountability. Several Zimbabwean CSOs use hotlines, but none appears to command the attention that the ZLHR facility does amongst HRDs. It is one of the activists' last lines of defense against state harassment and intimidation. OAUS activist submissions suggest the hotline acts as a barrier against abuse of the law and injustice. Its deployment and that of other media to intervene in cases of illegal detentions, arrests or abductions force law enforcement and judicial systems to respect the rule of law, follow fair judicial processes and, ultimately, democracy. To the extent that the facility almost always responds to distress, it also attempts to guarantee HRDs and other citizens their rights to free movement, free assembly, free association, and free speech. In this respect, the resource is therefore an indicator to victims that they have access and recourse to a tool which links them to a free legal system which can assist them demand their (citizens') rights. At the same time lawyer interventions act as warnings to the offending system that it is also being monitored and will be held accountable.

This thesis has intimated strongly about the state's 'legislation' of violence against its own citizens, deference to executive power and sometimes outright partisanship or incompetence of the judiciary. This study suggests that through mobile-generated evidence ZLHR has been able to challenge and subject some of the institutions to the demands of the law, the constitution and natural justice. The litigations involving evictions are cases in point. Equally the NGO's reports and lobbies with regional and international bodies were aimed at forcing the state to respect both domestic and international human rights laws, in the same manner that ZPP reports also lobby international support for the same purpose. These observations point to the hotline, together with reports, providing pathways through which activists seek justice.

The hotline also appears to have become part of the HRDs' protest and resistance arsenal, characteristics also evident in the MISA journalists' use of the phone to resist government's dominance of media space. Emergency legal interventions following HRD detentions appear to have emboldened activists to mound more protests and resistance against authorities. The study may not offer direct, conclusive evidence to this claim, but there was concurrence from OAUS activists, that they felt bolder the more they knew ZLHR, through the intervention of the hotline, was ready to defend their cause. They became more active as interventions from ZLHR also increased. For instance, the movement's protests in the Africa Unity Square increased, a seemingly direct challenge against a directive from state authorities that the movement should cease their daily evening protest vigils in the square. My proposition is that movements like OAUS, #This Flag and #Tajamuka were using the mobile phone and social media not only to organise themselves but, in conjunction with ZLHR hotlines, to resist and challenge the police or even provoke them out of a conviction that the lawyer NGO would intervene. The comment by one of the OAUS activists, that no HRD should go out into the field without the ZLHR hotline number is testimony to the facility's critical nature in emboldening the activists and facilitating interventions resulting in their protection.

## 10.7    Challenging repressive media laws, empowering the marginalised with information

Just as the hotline shows uniqueness in challenging the disregard for the rule of law, justice and accountability by some state institutions, the community journalist's phone, too, shows uniqueness in challenging state control of information flow. Used in conditions of harsh media control and politically polluted community environments, the phone is like a guerrilla's tool. The manner in which it is used in the clandestine production and distribution of the newsletters shows its capacity to facilitate the circumvention and undermining of the country's restrictive media laws. Its use is also in such manner that it protects both news sources and content from legal and political threats. Using the device to email, text or hold copy is also as much a means of the journalists ensuring personal and content protection as it is of minimising costs and enhancing the news production process. The game of roulette that the distribution process exposes the journalists to, makes the mobile phone a powerful tool for safeguarding them as well as challenging and undermining compliance with media laws which are being used to control the

flow of news and information. To this extent then I view the mobile phone as, additionally, a tool for resisting information control by the state.

Rodriguez (2001)'s observes that citizen journalists rely on using whatever technology resources are available in their environments to produce community media that speaks to their needs. This appears to be what MISA journalists are doing: using the phone to champion the production of alternative media and information that allows rural and other marginalised communities to engage with local and national issues. Ultimately, because it is being used to facilitate access to and production of information relevant for the community's development, the technology could be regarded as a tool that facilitates community empowerment. The use of WhatsApp by some of the journalists in producing news also compares with what writers like Said-Moorhouse, (2016) Albaih,(2015) and Dempsey (2015) suggest citizen reporters and activists in repressive or conflict environments use the technology for. Zimbabwe is clearly not a conflict environment but it is restrictive enough to approximate one.

A point I found intriguing about MISA's involvement in the newsletter project, though, was to what extent the NGO's moderation was allowing creativity, individuality, independence, radical critiquing and realistic expression of personal experiences, amongst the journalists. These factors are among those which define the hallmarks of citizen journalism (Banda, 2010; Allan et al, 2007). MISA explains its involvement in *what* should be reported and *how,* by suggesting that it seeks to protect the journalists as well as producing a credible community news medium. There are similarities in the way that MISA and the Nigerian communications rights group, *On Our Radar*, (Dempsey, 2015) both support the production of alternative news by citizen journalists but could the similarities be said to represent a growing norm for citizen journalism in conflict or repressed environments in Africa? – Although scans through some MISA newsletter articles show that there is a fair amount of individuality and independence could the fact that MISA decides what is published imply the absence of true citizen or non-institutionalised journalism? Could this form of citizen journalism be described as a 'quasi institutionalised citizen journalism' (Banda, 2010:28-29) because it is guided by a human rights institution- as opposed to a news organisation- whose mandate is to challenge media laws and policies that deprive citizens of their right to information and variable media? The journalism is activist and

alternative to state or even independent professional media, but MISA's influence in the organisational and production processes cannot be ignored.

## 10.8    A tool for supporting voter education and electoral democracy

In attempting to avoid direct confrontation with the state because of the Electoral Act's restrictions on the involvement of NGOs in voter education, civil society has turned to the mobile phone to help them cross this barrier. Amongst the four cases it is ERC which stands out in believing that linking digital media and young people, provides solutions that respond to the shortfalls in the Electoral Act as well as to develop sustained means of educating the public about electoral processes and political rights. Young people, with their ability to adopt new technologies faster and more efficiently than older people (Katz, 2006; de Bruijn, 2009; Porter et al, 2012) are key actors in this process. Besides, youths represent the future. For the NGO, the mobile phone represents a tool that can be used to reach more people because of its proliferation and WhatsApp has become the most viable communication medium while 'voters' clubs' have become the most appropriate vehicle for accelerated but controlled diffusion of information on electoral issues.

The 'club' structure and WhatsApp application can also both be viewed as tools for co-ordination as much as they are for facilitating voter education. The 'cascading and expanding' character of the voters' club model and the digital versatility of the WhatsApp application are uniquely suited to achieving wide reach of the NGO's huge constituent base and encouraging debate and other interactions amongst the recipients. The model also supports member or peer bonding as well as feedback to ERC. The NGO also refers to the WhatsApp groups providing ready support for surveys on electoral issues, another pointer to the co-ordination function. To me these linkages also suggest, or are even proof, of the power of the device and WhatsApp to circumvent the proscriptions of the Electoral Act to facilitate voter education, whose ultimate aim is to promote electoral democracy.

But the voters' 'clubs' structure, may be instrumental in introducing a 'selectivity' factor: selectivity in the issues circulated within the rest of the WhatsApp group members. This in a way, implies the use of a form of 'censorship' mechanism by group administrators. Because the

groups are structured on the basis of peer relationships, what can be shared amongst the members is also then influenced by the relationships amongst the peers. Under these circumstances, WhatsApp group administrators can potentially select or filter the information to transmit to the rest of the group members. ERC therefore must rely on the integrity of the first level of recipients of its messages, on their ability to positively influence their own group and that level influencing subsequent groups.

However, because the NGO uses the phone in diverse ways in its three electoral education campaigns, it is important to distinguish that within the framework of the X1G campaign the mobile phone, as in the case of MISA's newsletters, contributes to content production, allowing, through the phone-in facility, the opinion of citizens to be heard on electoral issues. In the voters' clubs campaign, the WhatsApp group model has multiplier and amplification effects on recipients and messages. Within the citizen election reporters' framework, the phone promotes electoral democracy by documenting election irregularities and using them to challenge the political system.

## 10.9    Collaborations to educate and enhance the protection capabilities of activists.

The study shows another aspect to the role of the phone in the education of human rights defenders to more effectively protect human rights. Collaborations between the case studies and other NGOs point to converging efforts by the sector to equip HRDs with tools and skills to contest human rights challenges more vigorously. I recognise two broad strands of collaborative efforts which have emerged from sector-based relationships. The first appears to be attempts to introduce formalised journalism skills to enhance digital media use for human rights and democracy. The collaborations are aimed at improving activists' skills in using digital media, specifically the phone, to investigate, record and report human rights challenges objectively and accurately. The structure or format of the ZPP forms, supports my proposition. ZPP digital forms highlight the *4Ws,* which in journalism terms emphasize the four basic elements in story construction, and this format appears to be the focus of the training. MISA's journalists would be familiar with these elements. The outline of the MISA's training programme for ERC citizen election reporters mirrors the same key elements. The conclusion I draw from these observations is that there is a convergence of thinking amongst the NGOs about what these programmes

should achieve for citizen reporters, HRDs and monitors in relation to understanding digital media use to contest human rights abuses.

The second 'collaborative effort' is an extension of the foregoing, and illustrates attempts by the case studies and other NGOs in the sector, to share a collection of what I would like to define as '*human rights education, information and protection tools*.' Some of the tools are mobile based- and therefore easily accessible on the phones themselves- while others are paper-based but can still be accessed easily because they are light and portable. The last column in Table 10.1 identifies some of them. ZPP's software is the most unique because of its capacity to circumvent interception. However, it does not appear to be a tool that is shared amongst the cases, although, because it is open source and free software, it is possible other NGOs outside the ones interviewed, are using it or something similar. The software unfortunately represents the type of technology that, because of its robustness against interception, frustrates and provokes authorities. ZLHR's two Guides are circulated in hard or file copy to HRDs across the country; MISA and DSZ's mobile *Digital Security Guide* is used with targeted HRD groups because of the complexity of the subject it engages; the *Zimbabwe Constitution* and *Zimbabwe Human rights* and *Mobile Story Maker* applications, by Veritas, Centre for Applied Law Research and Mobile Community Zimbabwe respectively, are also completely mobile phone-based and focus on human rights and human-rights-video content productions. The crucial point is that the NGOs and their partners are, collectively or individually, mobilising an increasing collection of tools and encouraging their adoption by HRDs to educate and inform themselves about human rights protection and promotion. The focus of this study may be on mobile phone mediation, but I argue that these tools make a powerful assemblage that can only strengthen the potential of the mobile phone in protecting human rights.

Table 10.1          Human rights education, information and protection tools

| NGO | Dominant Applications | Common Reports | Promotion/Protection Tool |
|---|---|---|---|
| MISA | WhatsApp, FB, Twitter<br>SMS<br>Email | Index on Censorship<br>Annual Media Monitoring Report<br>Media Law Critiques | *Digital Security Guide*<br>Community Broadcasting Manuals<br>*Citizen Journalism Training Guide* |
| ZPP | WhatsApp, SMS<br>Email | Monthly Monitoring Report | *Circumvention software* |
| ZLHR<br><br>(GED) | WhatsApp<br>SMS<br>E-mail | Monthly Reports<br>Annual Report | *Guide for Enforced Disappearances(GED)*<br>*Guide-ABCs following Arrest & Detention*<br>Legal Monitor |
| ERC | WhatsApp<br>SMS<br>Email | Monthly Reports<br>Annual Report<br>Surveys on electoral issues | *Digital training for volunteers and staff by Kenyan partner* |
| Mobile Community Zimbabwe | WhatsApp | Video Reports on Human rights, uploaded to You Tube | *Mobile Story Maker*<br>Citizen Journalist Training Programme |
| Digital Society Zimbabwe-DSZ (voluntary digital trainers) | WhatsApp | - | *Digital Security Guide*<br><br>(In partnership with MISA) |
| Heal Zimbabwe Trust | WhatsApp<br>Email<br>Bulk SMS | Monthly Reports | Community Healing Training Programme and magazine. |
| VERITAS<br><br>Zim Const App | | Legal Analyses | *Zim Constitution-*featuring Human rights (Mobile App. downloadable from Google Store) |
| CALR | Human rights Mobile App | Legal Analyses | *Zimbabwe Human rights* (Mobile App. Downloadable from Google Store) |

## 10.10   Reports as tools for accountability and healing

The study has referred to the fact that NGO violations reports have provided the basis for actions which include whistleblowing (Mashingaidze, 2016:26), predicting future acts of violence, naming and shaming, litigations and organising healing and peace building campaigns. One important aspect of the concept of protection from physical and emotional violence is that victims must ultimately be healed either emotionally or physically. In this respect, it can be

posited, from the examples involving ERC, ZPP and even the OAUS movement about interventions from the hotlines, other mobile phones and reports themselves, that these tools facilitate relief for both victims of violations and their relatives. And amongst the case studies, it is ZPP which, using the example of the 2008 election violence involving the Masvingo victims, holds up the most informative illustration of effective use of reports to champion counselling and healing.

Closely related to the issue of healing is how reports that name and shame have shaped state response. Most reports on state-instigated violations which have aroused global reactions against the regime emanated from ZPP, the NGO's founding organisations, the NGO Forum and other CSOs. As this study reveals, the Commonwealth Office report for 2014 was almost entirely based on information from ZPP's reports, while international freedom watchdogs, but notably Freedom House, also borrow heavily from MISA, ZPP, Reporters Without Borders and NGO Forum reports. Government's participation at the UN Universal Periodic Review provided testimony that these reports were forcing that participation although other people argued that given that the regime continuously falls back on its default position of invoking violence during crisis moments, the participation was a smokescreen to lull international opinion. This study cannot claim that this pattern of response, identified by Hafner Burton (2008) as one of the classic responses by autocratic regimes, can be inferred in Zimbabwe's case, but it would, equally, be unwise to dismiss it outright.

In compelling state reaction, it can be argued that citizens can use both reports and mobile phones to demand justice and accountability from the elite. The study provides evidence of reports being instrumental in civil society lobbies for regional and international interventions to compel the government to adhere to domestic (its own) and international human rights standards. Jestina Mukoko and Beatrice Mtetwa's cases, for example, provide evidence of both the phone and reports being instrumental in mobilising international interventions and demands for state accountability. In an environment where the use of violence has been compounded by a culture of impunity (Coltart, 2006), ZPP, ZLHR and MISA are convinced that evidence, presented to local, regional, and international platforms, may compel government to become more

accountable and democratic. An email response by CiZC activist, Memory Kadau on April 29, 2015 sums up what NGOs and the public expect the reports and lobbies to achieve.

"… statements in condemnation (of human rights abuses) are meant to put reputational pressure on the violations and the documentation provides evidence on the abuses. The evidence attained can be later used for the prosecution of the perpetrators.".

## 10.11  Reports, networks and collaborations

Findings suggest that reports are also instrumental in mobilising collaborations within networks and alliances against violators. ZPP, ZLHR and MISA e-reports, statements, violations maps and other forms of perpetrator footprints (Mashingaidze, 2016:6) - in large part products of digital media deployment - have become powerful tools in mobilising solidarity actions amongst local and international networks against institutional and individual human rights abusers. Because HRDs are at the centre of protection efforts, shows of solidarity increase their visibility as well as that of others at risk (Nah et al.,2013:412).  Reports, supplemented by international speaking engagements and media appearances (in other words engaging with local and global network partners), has allowed local NGOs and activists to globalise the situation of HRDs and others at risk. Again, the examples of Mukoko and Mtetwa come to mind. Local NGO Kubatana, alone, for example through its hosting capacity, is a conduit of ZPP, ZLHR, ERC and MISA reports to the 250 NGOs in its directory. These in turn amplify the reports through their domestic, regional, and international links. The study has shown that ZPP's international links have opened up space in international media like CNN and BBC, with these institutions' potential to reach even wider global audiences. Meernik et al (2012) suggest that these are the outcomes that network linkages should aim to achieve for human rights protection: multiplier and amplification effects in naming and shaming campaigns. Links between organisations at a domestic level tapping into their international partners' links or networks. And the bigger the domestic human rights community, the stronger its networks and the more readily its reports will inspire solidarity actions from larger and more powerful organisations.

The foregoing exemplifies collaborations or collective actions arising mainly from reports and supplementary actions, but there are others fostered through interpersonal relations amongst staff from different NGOs. From conversations with some participants, as well as the referral

introductions, I adduced that there were collaborations that were being fostered through interpersonal networks which cut across different NGOs and were evidenced as sectoral, special interest groups. Much of the communication within the network members was through WhatsApp in special WhatsApp groups. The networks would collaborate on issues of common interest. For example, they might use the WhatsApp platform to mobilise solidarity appearances at the trials of activists, arrange interventions during detentions or arrests of HRD colleagues or discuss and plan responses to government policies that infringed on human rights of a collective interest. The ZLHR communication officer showed adeptness at attracting the support of communication and advocacy colleagues from other NGOs during activist demonstrations or court appearances. During the trials of such HRDs as Mtetwa of ZLHR, Mukoko of ZPP and Okay Machisa of Zimrights, it was both their organisations and interpersonal networks that mobilised civil society solidarity actions.

MacDonald Lewanika of Crisis in Coalition summarised why collaborative relations are important in this comment:*"...When people come together to coalitions or networks, they come to do things that they cannot do by themselves, so there is an advantage to that arrangement,"* Collaborations, coalitions, networks, partnerships give strength to unitary organisations whose limitations as individual institutions might include weaknesses in their approach to issues, as well as lack of access to resources and ideas that are otherwise endorsed by the strengths of larger, collective groups. I believe this is what the Human rights NGOs are hoping these relationships will achieve for the advancement of human rights and democracy in the country.

## 10.12  Censorship, surveillance and interception: challenges to mobile phone use.

One of the contentions on which this study has been premised is that the country has a toxic political environment which in large part is bolstered by the state's use of restrictive legislative pieces, physical force and surveillance, interception, and censorship capabilities. McGreggor (2013), Tendi (2010) and Bratton and Masunungure (2008) contend that these capabilities are meant to intimidate citizens so that they fear challenging the system. Fuchs et al (2013) have described the use of surveillance as attempts to create cultures of fear amongst people. Hope (2011), MacKinnon (2010,2012) and Crowe (2013) have made similar observations which this study confirms. In the case studies, there are indications that the state, apart from physically

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brutalising citizens or mounting legal and political barriers, may be using some technical capabilities which present threats and risks to human rights activists. The requirement by the Posts and Telecommunications Regulatory Authority for SIM card registration, the involuntary co-optation of bulk SMS companies to filter NGO texts as discussed in the ERC case ; the possible cyber-attack on the same NGO's website; the possible GPS tracking of HRD smartphones as suggested by several activists, including the OAUS activists; the confiscation of ZPP laptops and mobile phones; the physical trailing of the activists; the confiscation of mobile devices and possible interception of OAUS activists' mobile communications; the threats of confiscation or interception of mobile phones and newsletters at police and ZANU PF youths roadblocks which community journalists allude to, all suggest use of strategy and tactics aimed at intimidating NGOs and activists and generally creating a culture of fear as posited by Fuchs et al (2013).

The examples of seizure of mobile phones and several others outlined above, further, point to threats of invasion to activists' privacy (Gwagwa, 2013). The report for the 2016 Universal Periodic Review of Human Rights prepared by CSOs suggests police raids on NGO offices and confiscation of their equipment intruded on activists' privacy and intimidated them. Other tactics, such as the recruitment of ICT specialists by government departments to spy on citizens' communications, were also described by OAUS participants as further attempts to bolster surveillance and intimidation. The Chinese and local intelligence services may also be involved in monitoring communications. These state actions may be the basis for claims by writers like Gwagwa (2013:11) that the state has capabilities to "…launch cyber-attacks against government critics including subjection to distributed denial of service (DDOS) attacks, and use of sponsored government agents to manipulate online discussions that are critical to the government."

When they have been launched Zimbabwe's digital network shutdowns have clearly been meant to intimidate and silence civil society on critical electoral and democracy issues, a reaction similar to that from authoritarian regimes wary of social media, according to Howard, Agarwal and Hussain (2011:6). Shutdowns in July 2013 and July 2016 of bulk SMS and WhatsApp services by the Postal and Telecommunications Regulatory Authority (POTRAZ) were respectively meant to disable NGOs from using mobile phones to monitor the elections, and

social media from mobilising public protests against corruption and poor economic conditions. On August 3, 2016, POTRAZ also prohibited the sale of mobile data bundles to inhibit users from sharing videos, audio, and texts on WhatsApp. These shut downs again echo the three authors' proposition, that authoritarian regimes tend to shut down digital networks when they face political crisis arising from civil society's use of social or digital media (2011:6-7). Shutdowns are thus aimed at eliminating what the state claims to be threats to state security and, in general, social-media- propagated anti-state propaganda.

But it is clearly Fuchs and his colleagues' thesis (2013) about how authoritarian states use surveillance and interception to create cultures of fear, that I find to have more relevance vis-à-vis the country's human rights situation. Going by their postulation (Fuchs et al, 2013:43) what ZANU PF is doing, is precisely what authoritarian states want surveillance, interception, censorship and other forms of repression to achieve: dominate and intimidate groups and individuals, control their behaviour, warn them that they are being watched and that deviant behaviour will be punished. Ultimately, they want to create a culture of fear. The tactics are also a smokescreen to conceal the state's excesses. Monahan (2006), Heeks and Seo-Zindy (2013) and Howard and Hussain (2013) present similar views. ZANU PF has been using powers of censorship and surveillance as means of quashing freedom of choice, expression and assembly, with journalists and human rights defenders the more frequently targeted by the state. The state seeks to prevent circulation of reports, comments, stories, or any other form of information critical of it (Gwagwa, 2013:12). The strategy is intimidatory and, I argue, intended to give sharper teeth to the already repressive legislative pieces that this study has canvassed. Ultimately, all these tactics are meant to weaken civil society contestation of human rights abuses. It could therefore be argued that these tactics explain why, despite the increasing use of digital media, despite increasing activism by civil society, ZANU PF remains in power and violations have not declined to any significant level.

Almost every response to the question *Which laws activists felt constrained the mobile phone and other digital media most* placed the Interception of Communication Act (ICA) and CODE at the top of the list. The instruments have created a deep well of fear and dread amongst activists because, as the analyses of these laws has shown, they give authorities excessive powers that

curtail many rights. The questions I used to probe what problems activists experienced in using the mobile phone in the communities evoked fears of abuse of power by politicised and partisan community structures, fears expressed particularly by ZPP monitors and MISA journalists. Open use of the mobile phone to document violence in such close communities was interpreted as a threat by violators and would invite reprisals. The proposed introduction of three Cybersecurity Bills, from 2017, represented the newest and even more serious threats to digital activism in the country. The Bills were feared to threaten social media use and as a result, the privacy and personal security of activists (MISA, 2016). Again, civil society interprets these as a classical ploy by government to curtail criticism against it.

## 10.13 Conclusion

This chapter has highlighted several potentials of the mobile phone in the contest against human rights violations in Zimbabwe. These include the device's potential to facilitate co-ordination, a potential that stretches across all case studies, and, no doubt across all NGOs. They also include the potential to monitor, document and record violations, to offer protection to HRDs, to mediate in electoral and information access processes such that citizens are empowered to make uninhibited political choices or participate in national development and debates. They also show potential in challenging state institutions that subvert the rule of law, justice, and good governance. The chapter has explored issues that define the relationship between Human rights NGOs, the phone, the state, and human rights in such manner that links between youths and digital media and between volunteers, NGOs, and digital media, stand out as one of the critical drivers of human rights protection. The use of circumvention technologies, the increasing dominance of WhatsApp and other social media since 2010 and the mobilisation of local and international networks to challenge the regime's authoritarianism have also been canvassed.
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Chapter 11

Conclusion

## 11.    Insights into the phone's challenges against human rights violations

Exploring the experiences of Zimbabwean Human rights NGOs in using the mobile phone to challenge human rights abuses has generated an interesting and complex picture. The device is being deployed in an environment fraught with threats and risks to both activists and other citizens because of the conflict between the state and some sectors of civil society over human rights violations. For the purposes of this study, these are violations to media freedom, access to information and citizens' rights to free association, assembly, expression, human dignity, to life and to political choice. The threats and risks stem from the state's deployment of a strategy that manipulates legislative instruments and physical and technologically- mediated capabilities to stifle criticism while human rights NGOs have been countering with a mobile-phone mediated strategy. It is a strategy that has been riding on improved mobile penetration, increased uptake of new mobile phone models and, more significantly, on the direct involvement of grassroots activists. Although the study in large part could be said to draw inspiration from the 'liberation technology' thesis (Diamond, 2010:70), other notions also presented points of reflection, for example, notions about the power of networks as well as the critical role played by alternative or citizen media in empowering communities. Significantly too, contentions by authors like Fuchs' (2013,2015) and Monahan's (2006), about the corrosive effect of surveillance, interception and censorship, that the elite use surveillance and censorship to dominate, control, silence dissent and create a culture of fear, a culture that has impact on human rights defense.

The adoption of a multi-case study approach allowed the study to compare the device's use across a diverse range of human rights areas. In that respect, the device's use by the four case studies can be generalised in as far as the phone's use for social interaction, co-ordination and protection are concerned. There is also a general indication, in the case of ZPP, ERC and MISA, of covert or clandestine use of volunteers and their mobile devices, to circumvent or avoid open conflict with the state or state-aligned actors. These observations could be generalised to other human rights NGOs involved in similar activities: Heal Zimbabwe Trust and the NGO Forum, for example undertake similar activities as ZPP: ERC, CIVNET and ZESN's activities often

overlap; MISA, Zimbabwe Association of Community Radio Stations and seve    ral       other media NGOs run parallel but sometimes converging programmes, while Zimbabwe Women Lawyers' Association and Abamelli Lawyers Network are also involved in important programmes to defend activists.

Broadly, the experiences of the four case studies highlight the mobile phone's potential in most of the areas identified by Diamond (2010) to be examples that testify to the usefulness of the technology in 'liberating' citizens. From MISA's examples, the phone can clearly be used in processes that allow the production and sharing of news and information. To this extent, it helps in empowering marginalised communities in that by having access to information about themselves and the nation, these communities are not only able to tell their own story but to become participants in national debate and development. Much as legislation has marginalised these groups, the phone, in the hands of activist institutions like MISA and volunteers, is finding ways of democratising information. I observe in the first and third chapters, that the use of digital media in citizen and community broadcasting journalism, as well as in election monitoring, has attracted more research and authorship as far as Zimbabwe is concerned, than other media fields. The role that the phone plays in navigating the minefield of polarised community politics, legal barriers, surveillance threats and financial resource deficiencies, to help produce and deliver community media products that can complement, substitute or even challenge state media perspectives, is something that I submit broadens our understanding of the links between digital media, human rights, empowerment, and democracy.

Although there is evidence in the form of texts by ERC's citizen election reporters that the mobile phone also facilitates the monitoring of elections I found the phone's role in voter education to be quite significant. The country's election processes have been consistently criticised not only because of the use of violent coercion, but because of deficiencies in voter education. The phone empowers ERC constituents to share, debate and diffuse information about civic, political, voting and election issues so that in the long term, citizens understand their political rights and obligations.

Monitors' experiences show the mobile phone as the instrument with which they expose violations and violators. The introductory Chapter refers to contributions by Mashingaidze (2016) to ZPP's use of ICTs to surveille, expose and in some cases name, shame, and even sanction violators. This study contributes further by particularising the type of ICT-the mobile phone- and exploring in greater depth its potential as a tool to monitor, protect and invite global censure. The depth of inquiry is made more illustrative by exploring the potential of the phone as part of the circumvention platform. ZPP's use of circumvention software to expose politically-motivated violence and perpetrators, protect monitors, staff, and constituents/victims, represents some distinctive contribution for the sector in Zimbabwe and for human rights under similar restrictive environments.

Literature about the use of emergency lines tends to be discussed in relation to customer complaints, medically-related situations or, more radically, armed conflicts or violent confrontations (Shaver, 2016; Pierskalla & Hollenbach, 2013). That emergency lines can be used in non-armed conflict or non-violent situations to challenge constrictive, repressive state structures, policies, and legislative frameworks, as this study suggests, is an issue that academia and activists could find beneficial, be it from a Western or developing world perspective. The experiences of Zimbabwean activists quoted in this thesis show that mobile hotlines can be used to challenge state systems and institutions that undermine the rule of law and deprive citizens of justice and freedoms. It could be suggested that Zimbabwe's human rights activism views the hotline in the same manner that actors in armed or violent conflicts regard their emergency lines: as tools to be deployed in cases of last resort, because they are designed to respond to situations of critical distress. Through lawyers, the hotlines invoke interventions which act as deterrents against state excesses, findings that would undoubtedly be useful to both research and human rights practice, whether it is in the context of Zimbabwe or other environments.

Another significant finding of this study is the critical role community or grassroots volunteers play in challenging state repression directly themselves, as opposed to being mere victims. Except in ZLHR's case, it is community volunteers who themselves are central in the ICT-mediated campaigns to contest violations. Globally NGOs function to assist communities empower themselves, but the extent to which actors in constrained environments then involve

themselves and their devices, as the major participants in confronting the challenges, vary. Experiences analysed in this study suggest that without the committed involvement and direct participation of grassroots volunteers, NGOs would perhaps be unable to contest human rights abuses as robustly as they are doing. Human rights NGO experiences in using ICTs to empower communities are by no means unique, but they still provide useful insights for CSOs in similar situations globally.

Yet another critical finding is the increasing role that WhatsApp is playing in human rights activism. Every case study was using WhatsApp because of the application's affordability and affordances (Church and de Oliveira, 2013:352). In addition, statistics about its prevalence serve to support the human rights NGO sector's reliance on the application as an educational and activism tool, especially so amongst youths. Of the 11.9 million active mobile subscribers in the country in 2015, 5,6 million were mobile internet subscribers on which WhatsApp rode (POTRAZ, 2015). In early 2016, WhatsApp accounted for 34% of all broadband traffic in the country while a study claimed that the application has created a unique 'virtual society' amongst university students (Chiridza et al, 2016). The statistics may not relate directly to NGO use of WhatsApp but they reflect on the application's link with young people and the potential it could offer to human rights activism.

## 11.1    Recommendations: researching in restrictive environments and future studies.

This study proposes several areas which could benefit from further research, including that of adopting a specific study approach in restrictive environments like Zimbabwe. Ruhanya (2014:248) observes that one of the reasons for the failure of academics to capture the experiences of Zimbabwean journalists working under repression was that state actions made research difficult. Other Zimbabwean researchers (Mandiyanike, 2005; Tshabangu, 2009) make similar observations, although in the case of the two authors, the challenges they faced related to researching as 'returnee' academics. Under Methodology I suggest the direction taken by researchers like Rich-Dorman (2001) and Mabweazara (2010): that one way of solving the problem associated with researching as an outsider, was to adopt an ethnographic approach, where the researchers immersed themselves in the environments of their subject cases, taking time to observe, 'understand' and be accepted and trusted by their subjects. My experiences to a

large extent, validated this approach, even though my methodology also produced what I would argue to be credible results. I believe the difficult experiences faced by Zimbabwe's human rights activists at the hands of state actors inhibit co-operation with individuals with whom they are unfamiliar. Prolonged face- to- face interactions with NGO staff - and where circumstances allow, with grassroots volunteers- as opposed to short term interactions between subjects and the researcher, are thus recommended to engender trust and a more conducive atmosphere, in such conflicted environments.

This study suggests that there was concern among ZPP monitors that they were unable to match the capability of main stream journalists in terms of reporting events in their own constituencies. The observation led me to pose the question if some form of competitive journalism was developing between the monitors and traditional journalists? Or can the monitors be viewed as citizen journalists? The collaborations amongst NGOs in training HRDs in basic journalism also point to a growing recognition that these activists require writing and analytical skills to produce credible reports on human rights issues. What is the potential of these activists becoming citizen journalists or bloggers who will contribute to online activism? The ERC case study did not involve constituents themselves. Further research could explore the potential of the mobile phone in voter education from the perspective of the volunteers, eliciting personal experiences for example. The research could further explore the efficacy of WhatsApp and the Voter Club model, again from the volunteers' perspectives.

Despite not being in a war-conflict situation, despite being a signatory to various human rights treaties, despite being sanctioned by the international community and despite increasing human rights and political activism in the country, why is there no significant abatement of human rights violations? Why does the same party with a history of election-related violence continue to dominate the political landscape? I believe these are important questions to explore further, and linking them to digital media deployment. Reasons that have been proffered for continued state violence against citizens include state capture, conflation of state and party, 'militarisation' of the state and politics and partocracy (Chingono,2010; Tendi,2010; Moyo, 1999). In terms of human rights protection, it could be informative to establish if for example, Hafner-Burton's theory (2008), that when sanctioned for violations some states use smokescreens such as

adherence to international norms, but in fact revert to default positions when international oversight is reduced, could apply in the Zimbabwean situation? If it does, what are the future implications for human rights protection and what (other) role could digital media play? Finally, this study did not seek a rigorous assessment of the efficacy of the mobile phone in the human rights contest, but followed a purely qualitative exploration of the personal, felt experiences of a limited number of grassroots activists and NGO professionals in deploying it. A quantitative study, capturing the views of more participants could perhaps yield more representative results or empirical evidence, which could be reflective of similar political environments elsewhere.

By exploring the experiences of NGO staff and activists in how they were deploying mobile phone technology to promote and protect human rights, this study was effectively seeking empirical evidence. The study has presented evidence showing that activists are indeed using the technology to subvert or circumvent state-supported legal barriers, to protect their constituents and themselves, to surveille violent elites, to build violations records for redress, to empower communities to create their own media and speak for themselves, to challenge infractions of the law and justice by protector agencies and to help citizens claim rights for democratic electoral processes. Research in digital media use in human rights in Zimbabwe has already established a base but it is the researcher's hope that the evidence presented in the case studies here is not only significant but sufficiently so to be added to that base so that future research in human rights issues and digital media could be enriched further.

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Appendix 1. Letter of Introduction from the Univesity of Westminster.

**UNIVERSITY OF**
LEADING
THE WAY
**WESTMINSTER**

To Whom it May Concern,
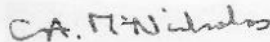
28/11/2013

Dear Sir or Madam,
I am writing this letter in my capacity as Director of the PhD programme of the Communication and Media Research Institute of the University of Westminster, London, UK. This is a letter of introduction for one of our doctoral students David Mwenga. David enrolled on our PhD programme in October 2012 and is now in the process of conducting his fieldwork. His research project, which we are very excited about, is on the influence of the internet in development in Zimbabwe, with particular reference to NGOs. In order to carry out his research successfully, he will need various kinds of assistance. He will need access, for example to university libraries and archives. He will also need access to relevant personnel in different organisations for the purpose of conducting interviews.

I hope you will be able to afford David the assistance he requires. If you need any further information form me, please do not hesitate to contact me. I thank you in advance for your consideration and assistance.

Yours Faithfully

C.A. McNicholas

Dr Anthony McNicholas

Director CAMRI PhD Programme

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INVESTOR IN PEOPLE

Appendix 2      Universal Declaration of Human Rights (UDHR)

| Article 1 | Right to Equality |
|---|---|
| Article 2 | Freedom from Discrimination |
| Article 3 | Right to Life, Liberty, Personal Security |
| Article 4 | Freedom from Slavery |
| Article 5 | Freedom from Torture and Degrading Treatment |
| Article 6 | Right to Recognition as a Person before the Law |
| Article 7 | Right to Equality before the Law |
| Article 8 | Right to Remedy by Competent Tribunal |
| Article 9 | Freedom from Arbitrary Arrest and Exile |
| Article 10 | Right to Fair Public Hearing |
| Article 11 | Right to be Considered Innocent until Proven Guilty |
| Article 12 | Freedom from Interference with Privacy, Family, Home and Correspondence |
| Article 13 | Right to Free Movement in and out of the Country |
| Article 14 | Right to Asylum in other Countries from Persecution |
| Article 15 | Right to a Nationality and the Freedom to Change It |
| Article 16 | Right to Marriage and Family |
| Article 17 | Right to Own Property |
| Article 18 | Freedom of Belief and Religion |
| Article 19 | Freedom of Opinion and Information |
| Article 20 | Right of Peaceful Assembly and Association |
| Article 21 | Right to Participate in Government and in Free Elections |
| Article 22 | Right to Social Security |
| Article 23 | Right to Desirable Work and to Join Trade Unions |
| Article 24 | Right to Rest and Leisure |
| Article 25 | Right to Adequate Living Standard |
| Article 26 | Right to Education |
| Article 27 | Right to Participate in the Cultural Life of Community |
| Article 28 | Right to a Social Order that Articulates this Document |
| Article 29 | Community Duties Essential to Free and Full Development |
| Article 30 | Freedom from State or Personal Interference in the above Rights |

Appendix 3    List of Human Rights outlined in Zimbabwe's 2013 Constitution

| 1 | Right to Life |
|---|---|
| 2 | Right to Personal Liberty |
| 3 | Rights of arrested and detained persons |
| 4 | Right to human dignity |
| 5 | Right to personal security---right to freedom from violence from public or private sources |
| 6 | Freedom from torture or cruelty, inhuman or degrading treatment or punishment |
| 7 | Freedom from Slavery or servitude |
| 8 | Freedom from forced or compulsory labour |
| 9 | Equality and non-discrimination |
| 10 | Right to privacy- no entry to or search of one's home, premises or property without permission; the privacy of their communication infringed on |
| 11 | Freedom of assembly and association- right to freedom of assembly or association |
| 12 | Freedom to demonstrate and petition |
| 13 | Freedom of conscience |
| 14 | Freedom of expression and freedom of the media |
| 15 | Access to information |
| 16 | Language and Culture |
| 17 | Freedom of profession, trade or occupation |
| 18 | Labour rights |
| 19 | Freedom of movement and residence |
| 20 | Right to free, fair and regular elections |
| 21 | Right to administrative justice |
| 22 | Right to a fair hearing |
| 23 | Rights of accused persons |
| 24 | Property rights |
| 25 | Rights to agricultural land |
| 26 | Environmental rights |
| 27 | Freedom from arbitrary eviction |
| 28 | Right to education |
| 29 | Right to health care |
| 30 | Right to food and water |
| 31 | Marriage rights |

(Source: Constitution of Zimbabwe, 2013)

Appendix 4     Key International Conventions ratified by Zimbabwe (source Makwerere et al, 2012)

| |
|---|
| United Nations International Covenant on Civil and Political Rights |
| United Nations Convention on the Elimination of All Forms of Discrimination against women (CEDAW) |
| United Nations International Convention on the Elimination of All Forms of Racial Discrimination |
| United Nations International Covenant on Economic, Social and Cultural Rights |
| United Nations Convention on the Rights of the Child |
| African Charter on Human and Peoples' Rights |
| Protocol to The African Charter on Human and Peoples' Rights on The Establishment of an African Court on Human and Peoples' Rights |
| Protocol to The African Charter on Human and People's Rights on The Rights of Women in Africa |
| African Convention on Preventing and Combating Corruption. |
| African Charter on the Rights and Welfare of the Child |
| African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, |
| **Non-treaty based standards relevant to policing** |
| These guidelines and principles do not have binding powers as the treaties have but they have been proposed by the UN and regional bodies to help implement the rights enshrined in the treaties |
| Code of Conduct for Law Enforcement Officials General Assembly Resolution 34/169 of 17 December 1979 |
| The UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment |
| The UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials |
| The UN Basic Principles for the Treatment of Prisoners |
| Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa |
| The Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa |
| Harare resolution on the SARPCCO Code of Conduct for Police Officials |
| The SADC Principles and Guidelines Governing Democratic Elections |

**1990-1995** –Internet access established through Mango, a basic e-mail system set up by a Canadian aid organisation (First NGO involvement in internet development in Zimbabwe)

**Apr 1995**- Data Control & Systems, Zimbabwe's first internet service provider (ISP) launched in 1994, goes live in Harare and attracts 500 users before the end of the year

**Sept 1996** – NetOne, is launched as the country's first GSM mobile network. It signs up 2,000 subscribers, with service initially restricted to the capital city, Harare. Subscribers given access to standard voice call and text message services. NGOs amongst clients.

**1996**—MISA is established. Uses email predominantly

**1997-** The PTC Internet backbone makes internet accessible and affordable to users outside Harare

**July 1998** – Telecel and Econet Wireless become 2nd and 3rd GSM mobile networks respectively

**2000** – POTRAZ is created through the PTC Act and begins operations in March 2001

**2000-**  Opposition MDC making heavy use of email and internet to disseminate campaign messages in election.

**2001/2**- ZPP is established by faith-based NGOs. Limited use of mobile phones in reporting violations

**Aug 2007**– ICA passed. ISPs to monitor *all* email traffic passing through their systems for "anti-national activities"

**2008-** Civil society, NGOs, Media and Opposition make heavy use of SMS and mobile pictures to report Zimbabwe's election irregularities

**2008-** ZPP's records largest number of violations reports. July records highest violations.

**2009** – Zimbabwe suspends its own Z$ and adopts a multi-currency system, effectively "dollarizing" the economy. This has an impact on the availability of technology products and services.

**Aug. 2009** – Econet Wireless introduces 3G internet services. Improves communication for NGOs and business.

**Dec. 2009** – Facebook, Gmail and Yahoo dominate Zimbabwean internet searches

**December 2009** – Mobile network lines (SIM Card) costs drop to US $5 per SIM.

**Mar. 2010** – the country has 1.4 million internet users and a mobile penetration of 36%

**May 2010** – Liquid telecom and Econet construct a 4,500km optic fibre backbone.

**June 2010** –Zimbabwe's Internet penetration rate stands at 12.2% (ITU)

**Oct. 2010** – *WhatsApp, a mobile based instant messaging service is launched*

**Dec. 2010** – Telecel launches mobile money service. Improves access to money, and therefore phone services, for rural and urban populations.

**Jan. 2011 –** NetOne launches OneWallet, its own mobile money service

**Feb. 2011** –Over 7.1 million mobile subscribers and a mobile teledensity of 57%

**2011 –** All three MNOs are offering 2G, GPRS, EDGE and 3G internet services

**Sept. 2011** - Econet launches EcoCash mobile money service

**Dec. 2011** – Econet Wireless has 1.7 million mobile broadband subscribers

**Jan. 2012** - Mobile penetration now 72%

**Jan**. 2012, Econet, has 5.7 million subscribers

**Feb. 2012** –30,000 Zimbabweans registered as social network Google Plus users

**Feb. 2012** –Prepaid mobile SIM card falls to 50 cents

**Apr. 2012** – Zimpapers, the country's largest newspaper stable introduces an SMS based news service. Elite can now access news on mobile phone.

**June 2012** – Zimbabwe's mobile penetration stands at 78.5%

**June 2012** – ipaidabribe.org.zw a Zimbabwean website designed to uncover corruption through anonymous whistleblowing is launched

**September 2012** – National media survey records a steady decline in the consumption of print newspapers against the rise of online news consumption

**Nov. 2012** –Increased use of WhatsApp as a customer relationship tool. Opportunity for NGOs to use the application also increases.

**Feb. 2013** – Country now has 4.5 million internet subscribers

**July 25, 2013--**POTRAZ bans SMS use to prevent election monitoring by civil society (NGOs)

**July 2013** – At least 1.1 million Zimbabweans now using Facebook.

**July 2013** – US$300,000 offered for the identity of Baba Jukwa, a masked whistle-blower using Facebook to expose inside information on State and ruling party issues

**July 2013** - The Institute for a Democratic Alternative for Zimbabwe (IDAZIM) launches a website, www.myzimvote.com to help people check if they are registered on the voters' roll. Govt criticises the website but voters have access to register, which was only issued to candidates on the eve of elections.

**July 2013** – A website, zimvoices.co.zw which allows visitors to select their constituency, district and ward to get a listing of polling stations nearest to them goes live.

**July 2013** - A new website, electiOnride.com, designed to make results of Zimbabwe's national elections available online in real time, goes live.

**July 2013-** ERC, ZESN, MISA, a few other NGOs and Daily News use Ushahidi platform to crowd source election information from citizens and election observers using SMS and WhatsApp. MISA also uses *Citizenbuzz* for the same purpose using community media activists.

**Aug. 2013** – Econet Wireless launches 4G/LTE and Facebook bundles, offering unlimited Facebook access for $3 a month.

**Jan. 2014** – Zimbabwe records 5.2 million internet subscribers, marking a 40% internet penetration which is driven almost entirely by mobile broadband connections

**Feb. 2014** –Econet offers WhatsApp bundles for $3 per month. The promotion offers one of the cheapest ways for HRDs to communicate both in towns and rural areas.

**Jan. 2015** - 6.1 million internet subscriptions with 99% of them being mobile- device-based. The country also has 11.4 million active SIM cards (11,9m Dec 2015) and 6,900 km of backbone fibre.

**May 2015** - The Centre for Applied Legal Research (CALR) a local legal research institution (NGO) launches a mobile-based Human Rights App. *Refer to Chapter on Findings.*

**Jan. 2016** – WhatsApp becomes completely free as the service drops its annual $1 subscription. The development further increases use of the application by HRDs/activists.

**Mar. 2016** –WhatsApp accounts for 34% of all broadband traffic in Zimbabwe

**Mar. 2016** - Zimbabwe's mobile penetration increases to 95.4% while active internet subscriptions increased to 6,575,591 and the national internet penetration rises to 48.1%

**Mar. 2016** – 84% of rural households in Zimbabwe have at least one mobile device.

**Apr. 2016** – Govt. denies that it is planning to ban social media, but warns against its abuse.

**May 2016** – A number of activists that include a pastor called Evan Mawarire (with a growing campaign called #ThisFlag) and a group known as Tajamuka adopt social media as a tool for spreading messages that encourage citizen protest over corruption and economic hardships.

**July 6th, 2016** – Zimbabwe experiences a *4 hour WhatsApp blackout and loss of internet service* from providers. The day has been earmarked for a nationwide stay away by protest groups. Citizens believe the blackouts have been instigated by the State.

**July 2016** –POTRAZ warns citizens against abuse of social media.

**Aug. 2016** – With applications like WhatsApp becoming more popular voice traffic continues to decline.

**#The establishment in 2013 of websites with voter-related information was one indicator of the failure by the election supervisory body, ZEC, to manage a transparent electoral process.**

## Appendix 6    Select activist arrests/detentions and laws breached (2007-2013)

| No | Date | NGO | CASE | Act Quoted |
|---|---|---|---|---|
| 1 | 12/03/07 | CSO & MDC activists | Police detain 30 members of the opposition and CSOs in 10 police stations all over Harare and deny ZLHR access to them for a day. The activists are released after a day | POSA |
| 2 | 06/06/08 | WOZA | Seven members are arrested in Bulawayo after participating in a peaceful protest. Jenni Williams and Magodonga Mahlangu turn themselves in in solidarity with their members. They are charged under CODE & POSA, but released soon after. | CODE POSA |
| 3 | 03/12/08 | ZPP | December 3, 2008, Jestina Mukoko, is abducted from her Norton home by six plainclothes men and women – some carrying handguns – from the Law and Order section of the ZRP. Police deny knowledge of her whereabouts but eventually produce her on 23 Dec 2008 for a court appearance, charged, under CODE, with recruiting youths for military training in Botswana. Case is eventually dismissed in 2009.Amnesty International describes Jestina as a Prisoner of Conscience. | CODE |
| | 08/12/08 | | Two ZPP staff are abducted from the ZPP offices in Harare. Also surface in police custody on 23 Dec 2008 charged together with Jestina under CODE. Case also eventually dismissed. | CODE |
| | 05/12/08 | Brother to the ZLHR lawyer handling Mukoko case | Zacharia Nkomo, the brother to Harrison Nkomo – ZLHR lawyer handling Mukoko's abduction investigation- is also abducted by four plainclothes from his home in Rujeko, Masvingo. He also surfaces in police custody on 23 December, charged under POSA. Case also dismissed. | POSA |
| 4 | 06/05/09 | ZLHR | ZLHR lawyer, Alec Muchadehama, is charged with contempt of court for securing unlawful release of journalist Andrison Manyere and two MDC activists. Acquitted on Feb 15, 2012 after 3 years of judicial harrassment | CODE |
| 5 | 25/10/09 | NANGO | NANGO CEO, Cephas Zinhumwe and staffer, Dadirai Chikwengo are arrested at Vic Falls airport after attending an NGO Directors annual Summer school. Accused of holding meeting without police clearance. Acquitted later. | POSA |
| 6 | 13/09/10 | Art Activist | Gukurahundi visual artist Owen Maseko **wins case** against charges of showing Gukurahundi massacre pictures. Charged with publishing or communicating falsehoods prejudicial to the State, alternatively, violating Section 33 of the same Act and undermining the authority of, or insulting the President. | CODE |
| 7 | 30/03/11 | NGO Forum | Abel Chikomo (Nat Dir) charged with running an illegal PVO. Acquitted on 22/11/13 after two years of judicial harassment. | PVOA |
| 8 | 07/02/12 | WOZA | 10 WOZA members and 4 bystanders arrested for participating in an illegal demo in Byo. Bystanders released soon after; the rest after some hours. | CODE |
| 9 | 29/06/12 | WOZA | 101 WOZA members detained for 5 hrs in Central Bulawayo during peaceful protests. Released. | POSA |
| 10 | 13/12/12 | Zim Rights | Leo Chandahwinya & Dorcas Sharara arrested and charged with forgery of voting documents & conspiracy to commit fraud & publishing falsehoods. Acquitted. | CODE |
| 11 | 17/12/12 | ZimRights | Bulawayo Reg. Co-ordinator detained briefly as police search for material prejudicial to the state. Material is found to be non-existent. Charges withdrawn | CODE |
| 12 | 26/06/12 | ZimRights | Byo members of Zimrights arrested on way back from workshop to commemorate the 2012 UN Victims of Torture day. Charges of illegal assembly dropped. | POSA. |
| 13 | 26/06/12 | Zimrights | Another 4 members of Zimrights briefly detained in Karoi | POSA |

| | | | (200km from Harare) for illegal assembly. Charges dropped | |
|---|---|---|---|---|
| 14 | 04/01/13 | ZimRights | Okay Machisa (Nat. Dir) & Faith Mamutse arrested on charges of contravening sections of CODE. Forging & Manufacturing of counterfeit voter education documents thereby defrauding the AG's office. Acquitted | CODE |
| 15 | 17/03/13 | ZLHR | Beatrice Mtetwa arrested for obstructing justice while intervening in the case in which Police are searching Thabani Mpofu (MDC-T) house for illegal documents. Held under CODE but after judicial harassment for 9 months eventually acquitted. | CODE |
| 16 | 22/09/13 | WOZA | WOZA Pres. Jenni Williams arrested and detained at Harare Rotten row when she arrives to inquire about her detained members' welfare. Released same day | No instrument qouted |
| 17 | 22/09/13 | WOZA | 83 WOZA members who have spent two nights in police cells at Harare Central Police Station are released. Initially held under POSA but after 48 hours released without charge. The WOZA members were arrested after marching to Parliament to highlight concerns around community safety and unprofessional police conduct | POSA |
| 18 | 07/09/13 | WOZA | Magodonga Mahlangu, WOZA Secretary, is arrested for making threatening and offensive phone call to an MDC-T female member. Charged under the Postal and Telecommunications Act.(PTC Act) | PTC Act |

*Compiled from NGO websites and newspaper reports

Appendix 7    Community journalists charged by the state and assisted by MISA lawyers.

| Medium & Date | Case |
|---|---|
| MMPZ personnel Dec. 26, 2011 | Media Monitoring Project Zimbabwe (MMPZ) personnel Molly Chimhanda, Fadzai December and Gilbert Mabusa arrested for holding a public civic education meeting in Gwanda. Charged under<br>Section 25 of **POSA** – for organising a gathering without notifying the police;<br>Section 33 of **CODE**- for undermining the authority of or insulting the president;<br>Section 37 of CODE- for distributing materials likely to provoke a breach of the peace |
| *Ntepe Community* Radio Feb.10, 2012 | Ntepe Rural community radio station report police visiting the Community Radio and questioning the station's aims and alleging that the station was linked to the Movement for Democratic Change and spreading negative information about President Mugabe. (Source Studio 7 of 10/02/12) |
| *Kariba News,* Newsletter December 13, 2012. | Kariba News journalist Kudakwashe Matura acquitted on charges of criminal defamation, Section 96 of **CODE.** Charged with defaming Sam Mawuwa, a Councillor in Kariba, in a story published in the newsletter. MISA lawyer Tapiwa Muchineripi defends Matura, arguing that the state had failed to prove its case because there was no evidence to prove that Matura had published the article in question. |
| *Radio Dialogue* (Community Radio), March 7th, 2013. | Radio Dialogue production manager Zenzele Ndebele is arrested for contravening Section 182 of the **Customs & Excise Act and Section 38 Importation and Broadcasting Acts** for allegedly smuggling 180 shortwave radio sets and owning a SW radio receiver without a licence. MMPZ argues that Section 38B of the **BSA** did not make it illegal to possess shortwave radio receivers. The police ban therefore appeared aimed at unjustifiably curtailing citizens' rights to access alternative information. |
| *Southern Mirror*, an un-regisred paper July 2, 2015 | Chiredzi- based freelance journalist Patrick Chitongo is sentenced to 8 months' imprisonment in 2015 for contravening Section 72 (1) of *Access to Information and Protection of Privacy Act*, *for publishing three issues of an unregistered newspaper the Southern Mirror.* |

Table compiled from records supplied by MISA's lawyers and Studio 7.

Appendix 8     List of interviewees 2014-16

| Interviewee No | Interviewee | Interview date | Institution | Subject | Type of Interview |
|---|---|---|---|---|---|
| 1 | Moses & Sanyamahwe | 1/14 | Airtime vendors | WhatsApp use | P2P |
| 2 | Bev Clark & Amanda Atwood | 25/2/14 | Kubatana.net Creators | Civil society, ICT activism | Email & P2 P |
| 3 | Tania K Gwangwadza | 6/3/14 | Internet Cafe User | ICTs | P2P |
| 4 | Raymond Billiart | 6/3/14 | Internet Cafe User | ICTs | P2P |
| 5 | Vance Guwa | 6/3/14 | Internet Cafe User | ICTs | P2P |
| 6 | Martin Matamba | 6/3/14 | Internet Cafe User | ICTs | P2P |
| 7 | Lucky Magorimbo | 6/3/14 | Internet Cafe User | ICTs | P2P |
| 8 | Clifford Makasi | 6/3/14 | Internet Cafe User | ICTs | P2P |
| 9 | Dep Min of ICT (Dr Win Mlambo) | 1/14 | Min of ICT | State investment in ICTs | Written Answers |
| 10 | Hilda Mutseyekwa | 25/1/14 | POTRAZ | POTRAZ role | P2P |
| 11 | Mrs Chirume | 6/3/14 | Min of ICT | ICTs in govt | P2P |
| 12 | Mr Dhobha | 6/3/14 | Min Higher Educ. | ICTs for rural schools | P2P |
| 13 | Bulk SMS company Owner | 11/7/14 | Bulk SMS company | NGOs, bulk SMS & politics | Skype |
| 14 | Nigel Mugamu | 4/9/14 | #263 Chat Creator | Social media uses | P2P |
| 15 | Pearson Pfuvayi | 27/2/14 | Web designer | NGOs & ICT competencies | P2P |
| 16 | Ranga Mberi | 24/1/14 | Econet Comms | Mobile growth | P2P |
| 17 | Farai Chiweshe | 23/1/14 | Lawyer- NGOs and Human Rights Law | ZIM laws & NGOs | P2P |
| 18 | Wilson Mtetwa | 27/1/14 | Technomag- ICT magazine | ICTs & phone use | P2P |
| 19 | Limbikani Kabeza | 3/2/14 | Techzim-ICT magazine | ICTs & phone use | P2P |
| 20 | Eddie Mhonda | | Former ZBC Producer | NGO-media relations | Telephone |
| 21 | Desmond Kumbuka | 7/3/14 | Journalist | Media laws | P2P |
| 22 | John Masuku | 17/2/14 | Radio VOP | Media-NGO relations | P2P |
| 23 | Buhle Moyo | 24/2/14 | ZWRCN | NGOs, ICTs | P2P |
| 24-25 | Sindiso Moyo & Robert Ndlovu | 28/1/14 | NANGO | NGOs & legal environment, | P2P |
| 26 | Lawrence Gudza | 28/2/14 | People Action | C4D- | P2P |
| 27 | Sharleen Mabisa | 26/2/14 | UNICEF | Mobile phones & U-report | P2P |
| 28 | OK Machisa | 26/9/14 | ZimRights | ICT, phones & hrts | Email(Email – nmasaire@zimrights) |
| 29 | McDonald Lewanika | 7/1/15 | .CiZC | NGOs & human rights | P2P |

| 30-31 | Vimbayi & Memo Kadau | 19/8/14 | CiZC | NGOs & human rights. | P2P |
|---|---|---|---|---|---|
| | Memo | 29/4/15 | CiZC | NGOs & human rights | Skype |
| 32 | Dixon | 21/1/16 | Magamba Network | Phones & citizen journalism | P2P |
| 33 | Privilege Musvanhiri | 21/1/16 | Mobile Community Zim/Her Zimbabwe | Mobile Phone security | P2P |
| 34 | Precious Shumba | 18/1/16 | Harare Residents Trust (HRT) | Phones and residents' rights | P2P |
| 35 | Edknowledge Mandikwaza | 20/1/16 | Heal Zimbabwe Trust | Phone use by rural HRDs | P2P |
| 36 | Kevin Maenzanise | 21/2/14 | ZESN Info Officer | Phones and election monitoring | P2P |
| 37 | Tawanda Chimhini | 26/8/14 & 27/2/15 | ERC (Director) | Phones & voter education | P2P & Skype |
| 38 | Ignatius Mafura | 11/9/14 | ERC Officer | Bulk SMS & voter education | P2P |
| 39 | Kumbirai Mafunda | 21/1/14 19/1/15 | ZLHR | Hotlines & media | P2P & Tel. |
| 40 | HRD 1 | 20/1/16 | OAUS | ZLHR hotline | P2P |
| 41 | HRD 2 | 26/1/16 | OAUS | ZLHR hotline | WhatsApp Call |
| 42 | HRD 3 | 24/6/16 | OAUS | ZLHR hotline | WhatsApp Text |
| 45 | Koliwe Nyoni | 3/3/14 | MISA Community Media | Phones and community media | P2P |
| 46 | Nhlanhla Ngwenya | 18/2/14 | MISA Director | Media laws | P2P |
| 47-49 | Mlondolozi,,Khumalo &,Mabhurukwa | 24/2/14 | MISA Media interns- | Phones & community media | P2P |
| 50 | Nyasha Nyakunu | 19/2/14 | MISA Info Officer | ICTs & community media | P2P |
| 51 | Thabani Moyo | 30/9/14 19/1/16 | MISA- Community Media | Phones & community media | Email; P2P & Whatsapp Text |
| 52 | Annie Musemburi | 8/8/14 | MISA Admin. | MISA history | P2P |
| 53 | Journalist 1 | 18/1/15 | Chitungwiza News | Production & distribution challenges | P2P |
| 54 | Journalist 2 | 19/1/15 | Mhondoro Pachena News | Production & distribution challenges | Telephone |
| 55 | Journalist 3 | 13/2/16 | Vekanye Voreketa News | Production & distribution challenges | WhatsApp Calling & Text |
| 56 | Journalist 4 | | Vekanye Voreketa News | Production & distribution challenges | Whatsapp text |

| 57 | Journalist 5 | 17/1/15 | Kariba News | Political challenges. | Whatsapp Text & Calling |
|---|---|---|---|---|---|
| 58 | Journalist 6 | 20/1/16 | Bubi News | Production & distribution challenges | Whatsapp Text |
| 59 | Journalist 7 | 20/1/16 | Hurungwe Star | Production & distribution challenges | Whatsapp Text |
| 60 | Journalist 8 | 20/1/16 | Kwekwe Spy Glass | Production & distribution challenges | Whatsapp Text |
| 61 | Journalist 9 | 20/1/16 | Wedza News | Production & distribution challenges | Whatsapp Text |
| 62 | Journalist 10 | 20/1/16 | Lalapansi Yotaura | Production & distribution challenges | Whatsapp Text |
| 63 | Journalist 11 | 20/1/16 | Gweru Eye | Production & distribution challenges | Whatsapp Text |
| 64 | Journalist 12 | 20/1/16 | Chinhoyi Focus | Production & distribution challenges | Whatsapp Text |
| 65 | Data Officer | 14/1/15 | ZPP | Web-based reporting | P2P |
| 66 | Jestina Mukoko (Interviewed twice | 8/9/14 9/1/15 | ZPP | Violations monitoring | P2P |
| 67 | Valentine Maponga Communications Officer | 9/9/14 | ZPP | Networks & media analysis | P2P |
| 68 | Monitor 1 (Female) (60) | 14/1/15 | ZPP-Mhondoro | Violations monitoring | P2P |
| 69 | Monitor 2 (Male) (60) | 14/1/15 | ZPP-Marondera | Violations monitoring | P2P |
| 70 | Monitor 3 (Female) (42) | 14/1/15 | ZPP-Bindura | Violations monitoring | P2P |
| 71 | Monitor 4 (Male, Rev) (40) | 14/1/15 | ZPP- Harare | Violations monitoring | P2P |
| 72 | Goodhope Ruswa | 5/15 | ZPP | Violations monitoring | Whatsapp Call |
| 73 | Thelma Chikwanha | 24/4/15 | Daily News | CSO & phone use for human.rights | Skype |
| 74 | Ropafadzo Mapimhidze | 27/4/15 | Newsday | CSOs & phone use for human rights | Email |
| 75 | Tonderai Rutsito | 3/3/14 | Technomag | ICT adoption | P2P |
| 76-77 | Stewart Musiwa & Givemore Chipere | 20/1/15 | CORAH | 4ne use in content production | P2P |
| 78-81 | Carol, Vivian, Kudzi | 3/9/14 | ZACRAS | Media laws Community radios | P2P |
| 82 | Patience Zirima | 24/2/14 | MAZ | Media laws & standards | P2P |
| 83 | Takura Zhangazha | 3/3/14 | Former VMCZ & MISA Chair | Media laws, CSOs, digital media uses | P2P |

Appendix 9   List of Community Radio Stations as at end of 2016 (Sources: ZACRAS & MISA)

| | Name of Community Radio | Location | Government or Government-Affiliated Radio Stations |
|---|---|---|---|
| 1 | **Community Radio Harare (CORAH) | Harare | Government<br>ZBC Power FM;<br>ZBC Radio Zimbabwe<br>ZBC Radio SFM<br>ZBC National FM; |
| 2 | Nkabazwe | Gweru, Midlands | |
| 3 | *Radio Kwelaz | Kwekwe, Midlands | |
| 4 | *Kumakomo | Mutare, Manicaland | |
| 5 | Wezhira | Masvingo, Masvingo | Private but govt-affiliated |
| 6 | Berina | Kadoma, Mashonaland West | #Zimpapers Star FM |
| 7 | Hwange, | Hwange, Matebeleland North | #ZiFM |
| 8 | *Ntepe, | Gwanda, Matebeland North | #Zimpapers' Diamond FM |
| 9 | Nkayi, | Nkayi Matebeleand North | #Ya FM in Zvishavane |
| 10 | Vemuganga | Chipinge, Manicaland | |
| 11 | Mzinyathi, | Esigodhini Matebeleland. South | |
| 12 | Chikombedzi | Chiredzi, Midlands | |
| 13 | Getjenge, | Plumtree Matebeleland. South | |
| 14 | Hwange | Hwange Matebeleland North | |
| 15 | Zhowane, | Tsholotsho, Matebeleland. South | |
| 16 | Patsaka | Kariba, Mashonaland Central | |
| 17 | Mabhikwa, | Lupane, Matebeleland. North | |
| 18 | Wasuwasu | Nyanga, Manicaland | |
| 19 | Buja, | Mutoko, Mashonaland East | |
| 20 | *Bulawayo Youth Broadcaster | Bulawayo | |
| 21 | **Radio Dialogue | Bulawayo | |
| 22 | Twasumpuka | Binga, Matebeleland North | |
| 23 | # **Radio Chiedza | Harare | Catholic Radio Station |

**Active Stations broadcasting daily.  * Active stations, but only prepare content for broadcast through ZACRAS, Radio Dialogue or CORAH;

Appendix 10    Sample interview questions for different groups of participants

For Media practitioners:

- What do you see as some of the problems with, and for our human rights NGOs?

For Community Newsletter journalists

- What is the role of the phone in the production and distribution of the newsletter?
- What are some of the challenges in using the phone in your work?
- What risks and challenges do you face in producing the newsletter?
- How important is the Newsletter to your communities?

For Bulk SMS company

- You expressed concerns with managing SMS for human rights NGOs in this environment. What are they?
- Can you confirm if you filter NGO SMS texts?

For NGOs, including the Case Studies.

- What are some of the challenges you face in using mobile phones?
- How effectively do you feel human rights organisations and human rights defenders are using the mobile phone to protect human rights in Zimbabwe?
- To what extent would you say your reports have helped international opinion put pressure on the Zimbabwean government to change? (To ZPP)

For human rights lawyer.

- Which would you say have been the most difficult laws in the country for NGOs?
- What have been the main points of contention or conflict between NGOs and the State?

For OAUS activists

- How useful has the mobile phone become in your activities as HRDs? (HRD2)
- I understand you may have used the Zimbabwe Lawyers for Human Rights hotline before. Can you describe one or two incidences when you did. Under what circumstances? (HRD1)
- What would you say are some of the risks you believe Zimbabwean HRDs face?
- Have there been times when you have felt your phone was not safe, that you might be under surveillance?

## Appendix 11  Select WhatsApp and Facebook Arrests (2012-2016)

| | | | |
|---|---|---|---|
| Examples of individuals who fell victim to interception of Whatsapp, Facebook by police (*Records drawn from Freedom-on-the-net 2013, 2014 reports; ZLHR and other media sources) | | | |
| Date | Activist or victim | Account of interception | Legal instrument |
| 9/2/16 | Edson Chuwa, Edna Garwe & Lenman Pwanyiwa | Arrested on 9/2/16 for photo-shopping President's pictures into degrading and insulting formats and then sharing on FB and on  mobile on Whatsapp application with each other. One of the pictures compares number of Zambian Presidents since independence against Zimbabwe's presidents over the same period. | Sec 33(2)(b) CODE |
| 4/10/15 | Nduna Matshazi (activist) | An opposition MDC-T councillor was arrested and brought to court for erroneously sending a slur about Mugabe to a Whatsapp group of rural councillors. The message was an adulteration of the Lord's prayer and directed at the President. The sender was reported by the administrator of the councillor's group. He was suspended from Council and as at end of Nov 2015 was awaiting trial. | CODE* |
| 19/7/15 | Maposa | Arrested and then brought to court on Oct 23,2015 charged with forwarding a text to friends claiming that President Mugabe had acknowledged receiving a donation of $1500 for ZANU PF, something police charged Maposa knew was patently false. Police sought to produce the text as evidence | Postal Act (breaching postal system) |
| 6/14 | Edmund Kudzayi (Sunday Mail editor) | Arrested and charged with attempts to subvert and overthrow the govt. Suspected of being 'Baba Jukwa', Face Book character with 500 000 followers. Character divulged ZANU PF secrets in 2013. Police claim to have traced Baba Jukwa posts originating from a phone number owned by Kudzayi and his brother, also arrested. Offence is one of the most serious in Zim's law books. Case was eventually dismissed mid 2015 for lack of evidence. | CODE |
| 20/1/14 | Teenager Gumisai Manduwa (non-activist) | Arrested for posting on his Facebook page message that the President was dead and was being preserved in a freezer in the Far East. Charged with insulting the President and passing falsehoods. Case dismissed. Defended by ZLHR. Call advising of his arrest made on the Mutare ZLHR hotline. Mutare then advised Harare also through the hotline. | CODE |
| 31/7/13 (election day) | MDC activist Tonderai Rukato | 31-year old. Arrested for posting, on his Facebook page, a photo of a marked ballot displaying a vote for MDC leader. Given 10-months sentence but served only one month after winning his appeal. | Contravening Electoral Act |
| 7/ 2013 | Josaya Mahovoya (activist) | Arrested for insulting the Police Commissioner and ZANU PF member through SMS. Had retrieved their phone numbers from FB character Baba Jukwa. Police traced sim card registration to his name | CODE |
| 13/2/11 | Vikas Mavhudzi (activist) | Zimbabwe's first Face Book activist. Posted Egyptian Uprising on PM's Face Book page through SMS. .Police claimed to have traced source of Msge  to his phone and retrieved the folder. However, Mavhudzi had a friend delete the FB post. Police ended up with no phone or FB evidence to get conviction in court. | |
| 24/12/12 | Chantell Rusike (non-activist) | 20- year- old Bulawayo shop assistant arrested for sending a 'nude' image of the President through her mobile phone's Whatsapp to a friend. Picture intercepted by police after a leak. Charged with "causing hatred, contempt or ridicule of the President." Case eventually dismissed in 2014 | CODE, Section (33) (2) (a) (ii) |

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