

**THE ENGINE ROOM**

Izithupha ze-Digital eZimbabwe

<https://www.digitalid.theengineroom.org>

*"Umbiko lo usuke ekucwayisisen okwenziwe yi Engine Room incediswa yi Omidyar Network, Open Society Foundations le Yoti Foundation ngenyanga ka Mfumfu ngomyaka ka 2018 kusiya ku Mpalakazi kwa 2019."*

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# Isingeniso

Ngomnyaka ka-2019, iEngine Room yasebenza labacwaningi ukuhlola lokuhlolisisa mayelana ngezithupha kuzigaba ezinhlanu. Inhloso yaloluhlelo kwakuyikudingisisa ukuthi ama-digital ID alempumela bani ebantwini.

Ucwaningo lwethu kwele-Zimbabwe lwagoqela ingxoxo labafakazi abaqotho abasebenza endaweni ezahlukeneyo ezibalisa izisebenzi zikahulumende labazimele bodwa. Kwabalengxoxo njalo lamaqembu ayisithupha agoqela izisebenzi zemapulazini, inhlanganiso yezakhamizi lalabo abakhankasela amalungelo ezitabane, ababizwa ngokuthi yi-transgender. Ucwaningo lolu lwenziwa kusukela ngoMbimbitho kusiya kuMabasa ngo-2019. Okwatholakala kulocwaningo kwavela kungxoxo ezaphuma ebantwini okwakhulunywa labo mathupha ngesikhathi lesi ezweni le-Zimbabwe. Ulwazi olunengi ngendlela okwenziwa ngayo ucwaningo lolu, lukhona kuGlobal Report.<sup>1</sup>

Ngenxa yokuthi uhulumende weZimbabwe uphezulu kohlelo lokulungisa izithupha ze-Digital, oluzahlanganiswa lokuvikelwa kwesizwe, abe-Engine Room bayengeze ucwaningo lwabo ukuze lugxile lakunhlelo zokubhaliswa kwabavotayo olubizwa ngokuthi yi-BVR. Amaqembu aphaatheke kuloluhlelo abuzwa mayelana ngezithupha ze-Digital lezi, enikeza imzekeliso yesimo sokusebenza kwawo, kudingwa ukuthi kungabe kubaphatha njani. Babuzwa futhi ukuba kungabe kusitshoni ngokugcinwa kwemfihlo okungamelanga yaziwe.

Uhlelo lolu lujonge ukuzwisisa ukuthi abantu bahlangana lani empilweni zabo, hatshi ukutshengisa ukuthi kukhulunywe lobani kuzigaba ngezigaba. Angeke sicabangele ukuthi okuhlasela umuntu oyedwa yikho okuhlasela bonke. Kodwa ke, kukhona okuthile abantu abahlangana lakho okuhambelanayo. Kukho konke lokhu, sithole ukuba izithupha ze-Digital lezi zilomthelela emphakathini.

## Inhlelo zezithupha ze-digital

Kulumsebenzi, sihlale imbono yabantu mayelana ngokubhaliswa kwabavotayo, i-biometric voter registration. Lapha kugoqele utshintsho kusukela kuzithupha zakudala ezijwayelekileyo kusiya kulezo ezilepulasitiki ezimumethe ulwazi lwe-biometric data. Kudingisiwe lembono yabantu ngohlelo lwesithupha se-digitala njalo.

Sekusondela ukhetho luka-2018, uhulumende wase-Zimbabwe wasungula uhlelo lokubhaliswa kwabazavota olwe-biometric voter registration (BVR). Injongo kuyikulungisisa inkinga zokuvota ezibalisa ukuphindaphindwa kwamabizo abavotayo, lokubakhona kwamabizo

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<sup>1</sup> Khangela i Engine Room (2020). Ukuzwisisa ukuphila nge digital ID: ukubhalwa kwelizwe ezinengi

abantu abangekhoyo lasehlelweni lokuvota.<sup>2</sup>

Uhlelo lwe-biometric lolu lwaba lemigoqo ethile, kwavela inkinga kusukela ekuqaleni ngoba uhulumende waqhatsha amankampani ahandle kwelizwe ukuthi enze lumsebenzi. Okwakuqala, inkampani yase-China, iLaxton Group, yiyo eyaphiwa imvumo yokuthi ibise imitshina yeBVR yokubhaliswa kwabantu abazavota. Inyathelo leli lasolwa libandla eliphikisayo kwezombusazwe.<sup>3</sup> Inhlanganiso ye-Zimbabwe Electoral Commission (ZEC) yasuka lapho yanikeza umsebenzi wokubiswa kwama-computer kunkampani ye-IPSIDY Inc, eyeMelika. Lokho akuzange kuphathe kakuhle inkampani yeLaxton Group eyazama ukukhalaza kwehlula. Inkampani le yabika ukuba lokhu kuzadala inkinga ekubhaliseni abantu abavotayo kukhetho.<sup>4</sup> Eqinisweni, kulendaba ezimqoka kumaphephandaba ezaveza ukuba kuluhlu lwamabizo abantu abavotayo, kwaba labantu abangu-250 000 abangaziwayo.<sup>5</sup> Zikhona ezinye inkinga ezaphazamisa uhlelo lwe-BVR. Amalunga ebandla elibusayo benelisa ukhutha abantu iBVR le iyenelisa ukuthi itshengise ukuthi bavote njani,<sup>6</sup> bavotele ubani lokuthi imitshina yama-computer eZEC ayikho esimeni esiqondileyo.<sup>7</sup>

Ngaleso isikhathi, ugatsha lukahulumende waseZimbabwe olwemisebenzi lenhlalakahle kazulu lwalusenza uhlelo lokunikeza abantu izithupha ezintsha ze-digital zokuthunyelwa kwemali incediswa yinhlanganiso ye-World Food Programme (WFP) leye-United Nations Children's Fund esigabeni seRushinga. Ngalokhu, okwatholakalayo kwasiza uhulumende ukuthi akubone ukuba uhlelo lwezithupha lolu luzasebenza njani. Satshelwa ukuba uhulumende kakavumeli ukusetshenziswa kwaloluhlelo.

Ngo-2018 iZimbabwe yangena kusivumelwano lenkampani yase-China eyeCloudWalk Technology ukuthi yenze umsebenzi wokuthi kwazakale ukuthi lo ngubani, ukukhangela ubuso bakhe, ukusebenzisa leyo digital system lokudibanisa ulwazi lolu emabhangalakundlela abantu abavakatsha ngayo. Okwamanje, isisusa seCloudWalk Technology sisegcekeni: ukuthola ulwazi ngemfanekiso yobuso bezizalwane zeZimbabwe.<sup>8</sup>

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<sup>2</sup> Share, F. (2017, August 30). RG's office rolls out mobile registration nationwide. *The Herald*. <https://www.herald.co.zw/rgs-office-rolls-out-mobile-reg%e2%80%a2-nationwide-programme-to-run-for-3-months-%e2%80%a2-metal-ids-to-be-phased-out/>

<sup>3</sup> Dube, G. (2017, June 5). Chinese Company Wins \$4 Million ZEC Biometric Voter Registration Tender. *VOA Zimbabwe*. <https://www.voazimbabwe.com/a/zimbabwe-electoral-commission/3887026.html>

<sup>4</sup> Share, F. (2018, January 16). ZEC certifies US firm's BVR tender. *The Herald*. <https://www.herald.co.zw/zec-certifies-us-firms-bvr-tender/>

<sup>5</sup> Le Roux, J. (2018, July 16). Zimbabwean voters roll haunted by doppelgangers, ghosts. <https://www.news24.com/Africa/Zimbabwe/zimbabwean-voters-roll-haunted-by-doppelgangers-ghosts-20180716>

<sup>6</sup> Majoni, T. (2017, October 23). BVR: The Zanu PF election cheat sheet. *The Standard*. <https://www.thestandard.co.zw/2017/10/23/bvr-zanu-pf-election-cheat-sheet/>

<sup>7</sup> Mhlanga, B. (2018, July 19). Security breach at Zec, database hacked. *NewsDay Zimbabwe*. <https://www.newsday.co.zw/2018/07/security-breach-at-zec-database-hacked/>

<sup>8</sup> Hawkins, A. (2018, July 24). Beijing's Big Brother Tech Needs African Faces. *Foreign Policy*. <https://foreignpolicy.com/2018/07/24/beijings-big-brother-tech-needs-african-faces/>

Ngokunjalo, uhulumende waseZimbabwe wakubona kusizwe seChina ukuqakatheka kokuba lolwazi ngezizalwane zakuleli. Uhulumende wafuna ukuthi kutholakale eyinye inkampani yokwenza lumsebenzi ngcono.<sup>9</sup> Kwavela iHikvision, inkampani eyeChina futhi. Sekunjalo, omunye walabo abaphethe izivumelwano lezi wabika wathi, “Sasibanikeza ulwazi lwethu nje,”<sup>10</sup> kusitsho ukuba izizalwane zeZimbabwe zavumela ukwabela ulwazi lwazo kuhulumende wazo, kodwa uhulumende lo kungenzeka engathembakali.

Kusunjalo, ibhanga leWorld Bank lasekela uhulumende ngemali yokuthi asebenzise izithupha ze digital (digital ID) ukususa abantu abangaziwayo ngaphansi kwezisebenzi zakhe lokumemethekisa ukusetshenziswa kwezithupha lezi. NgoMpandula ka-2019, ngemva kwezinyanga sekuqedwe ucwangino lwethu, ugatsha lwePublic Service Commission lwabika ukuba zonke izisebenzi zikahulumende zizabhaliswa ngaphansi kwe-biometric system ekupheleni kwenyanga le.<sup>11</sup> Ukuphethwa kwalumsebeni kukhangelelwe ukuthi kubikwe emphakathini ekuqaleni komnyaka ka-2020.<sup>12</sup>

## Imbono yabantu lendlela abaphila ngayo

Ingxoxo lamaqembu apha theka kuloluhlelo eZimbabwe ngoMbimbitho loMabasa ngomnyaka ka2019 iveza ukuba kukhona okuthile abantu abahlangana lakho nxa besebenzisa izithupha ze-digital. Njengoba kulocwaningo oluncinyane ngendlela abantu abaphila ngayo lama – digital system, okwatholakalayo kuzasiza ukuthi kube lokuzwisisa ngokwenzakala empilweni zabanye. Kubalulekile ukuzwisisa ukuba izizalwane zeZimbabwe ziphila njalo zibona impilo ngendlela ezitshiyeneyo. Okunye kwahlukile kulalokho okumunyethweyo. Sikhangelele ukuthi izifundo lezi zibeyingxenyengxoxo yama - digital ID elizweni.

## Ukuqaphela lokuzwisisa

Ngesikhathi sokudindwa kwalokhu (ngoLwezi ka-2019), kwakungela imbiko esemphakathini mayelana ngezithupha ze-digital system lezi njalo asitholanga ubufakazi obujulileyo, obubanzi obuvela kuhulumende ekukhankaseni loluhlelo kuzulu. Ngokutsho komunye wabammeli benhlanganiso ezizimele zodwa: “Nxa uhulumende waseZimbabwe efuna ukuthi apha the ulwazi ngezizalwane zakuleli, ngemtshina yakulezi insuku, akumelanga sikuzwe ngelikabathi ku-social media. Angiboni ukuthi kulephephandaba elaloba ngaloludaba.”

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<sup>9</sup> Praso, S. (2019, January 10). China’s Digital Silk Road Is Looking More Like an Iron Curtain. *BloombergQuint*. <https://www.bloombergquint.com/china/china-s-digital-silk-road-is-looking-more-like-an-iron-curtain>

<sup>10</sup> Ibid

<sup>11</sup> Machivenyika, F. (2019, September 23). Biometrics to weed out ghost workers. *The Herald*. <https://www.herald.co.zw/biometrics-to-weed-out-ghost-workers/>

<sup>12</sup> Ibid

Abantu abazange baluzwisise uhlelo lwe-BVR ngenxa yembangela ezithile: amabandla ezombusazwe ayeheleli ephikisana ukuthi yiwaphi amankampani azimele wodwa okumele apha the lumsebenzi, ukuzama ukubuyisela amabizo aphindiweyo kuhlelo lokuvota olwe-BVR lokuthi ukukhahlamezwa lokwethuselwa kwabavotayo kwaqhubeka njengoba amalunga ebandla elibusayo labakhokheli bomdabu kwabikwa ukuthi babeloba ama-serial number amaphepha okuvota afika isilinganiso se-31% ekhulwini.<sup>13</sup> Zonke inkinga lezi zadala ukudideka ingqondo kwabavotayo.

Kwelinye lamaqembu abetha ingxoxo kuloluhlelo, inengi lavumelana ukuthi kwaswelakala umkhankaso ozwayo njalo akuzange kubelokukhulumisana lozulu mayelana lokutshintshwa kohlelo oludala lokubhalisa ukuvota, sekusungulwa olwe-biometric. Abanye bahlutshwa yikuthi uhulumende wehluleka ukubika ngezithupha ezintsha kumphakathi osemaphandleni, emapulazini, abalimi labathengisa ezitaladeni. Kwabesifazane, kwavela ukuba uhulumende kakacacisi ubuhle lenzuzo yesithupha esitsha. Abesifazane eZimbabwe, ikakhulu emaphandleni, balolwazi lokuzwisisa okuncinyane ngokusebenza kwe-biometric ID lokuthi ingabanceda njani. Loba kulomkhankaso lolwazi thile emaphandleni, mayelana lokutshintsha kwesithupha, inzwisiso ayikajulisisi.

Omunye walabo abaphatheka kuhlelo wathi uhulumende ulomkhuba wokuvimba inhlelo eziqathekileyo, acatshe ngokuthi lokhu kuzaphazamisa ukuthula elizweni:

Asikhangeleni ukuthi incinyane kanganani imbiko emayelana lemitshina esebenzisa ubuso bomuntu ukuthola ulwazi ngaye, eyanikezwa inkampani yeChina iCloudWalk nguhulumende waseZimbabwe. Sithola ukuthi uhulumende wenza umathanda, engatsheli idale lePhalamende lokubika kuzulu okunguye obhadala imthelo yemali. Sibona ukwehluleka ukuthumela imbiko zingatsha zikahulumende, ikakhulu imbiko le esensitha, okuthiwa ingabhidliza ukuthula elizweni. Nxa kukhona okuthile uhulumende angafun ukuthi kwaziwe, kuyavalwa ngoba kucatshengelwa ukuthi kuzaphazamisa ukuthula. Kunzima ukuthola ulwazi ngalezi izinto nxa kunjje.

Phezulu kokuthi imbiko eqathekileyo iyavinjwa, uhulumende waseZimbabwe engabe eqilibezela abantu ngenxa yokuthi inengi alilalwazi ngezemitshina yakulezi insuku, ikakhulu kwezokusetshenziswa kwezithupha ezintsha, ama-digital ID. Ukungazi lokhu kungabe kubisa imigoqo kungqubekela phambili, okwenza kubenzima ukuthola impumela enhle nxa uhlelo selubiswa emphakathini. Omunye umfakazi wamalunga azimele wodwa wakuchasisa wathi:

Kumele sifundise abantu kabanzi ngolwazi lolu kumitshina yakulezi insuku...ngoba asikhangeleni ukuthi lakhathesi bakhona abantu abathwele nzima ukuthola ngitsho lamakhasi ebhanga. Kumnyaka olengxenywe odluleyo, sibone ukwanda kwamacala okutshontshwa kwamakhansi, ukudindwa kwamakhasi la kanengingeni ngamasela

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<sup>13</sup> ZEC yathethisa ukuhlukuluzwa kwa bantu abazakhetha abamongameli be lizwe. Khangela i Zimbabwe Mail (2018, January 31). Ikhona lapha: <http://www.thezimbabwemail.com/main/zec-condemns-voter-intimidation-polls-loom/>

lokutshontshwa kwemali ku-eco cash. Lezi yizitshengiselo zokuthi umphakathi awuzwisisi indlela yokusebenzisa imitshina lempahla ebuye lempucuko le. Ngokufanayo, abantu abasoke basebenzise isithupha esitsha ngokupheleleyo ngoba abazwisisi. Cabanga ukuthi bangaki abantu abalomakhalekhukhwini lo oweSmart Phone, kodwa bawusebenzisa amaSMS, ukufona le-WhatsApp kuphela. Okunye okusemafonini la abakusebenzisi ngoba abazi lutho ngakho.

## Ukwehluleka ukwazisa uzulu

Abantu abaphatheka kuhlelo lolu baveze ukuthi ukungakhulunyiswana lomphakathi yikho okwaba yinkinga enkulu. Bakhala ngokuthi indlela imbiko ephuma ngayo kukulumende iza isilezinqumo. Bathe akulambiko efaneleyo ephuma emawofisini, ichasisa ngesidingo sokutshintshwa kwesithupha esidala kusiya kulesi esitsha esisebenzisa i-biometric data. Esinye sisisebenzi esizimele sodwa sabuzwa ngalokhu saphendula ukuba:

Ngizakhuluma ngabantu abasemaphandleni labanye abangatholiyo emadolobheni, abathengisi ezitaladeni. Balezithupha nje ngoba kumele babelazo. Akuchazwanga ukuthi kungani kumele sibelazo lokuthi kungani kutshintshwa lesi esidala... ngicabanga ukuthi kulenkinga ekukhankaseni inhlelo ezinje kanye lokukhulumisana lozulu. Isisekelo sombuso sicacile, nxa usenza izinqumo eziphathelane lomphakathi, kumele abantu batshelwe, kukhulunyiswane labo. Imbono yabo izwakale, isetshenziswe. Kodwa ayisikho okwenzakalayo lokhu. Bayenza okwabo. Imbiko evela phezulu ibhulelwa phezulu kwabantu.

Ukwehluleka ukucacisa inhlelo ezinje kutsho ukuba bambalwa abantu beZimbabwe abazazwisisa indlela lokuqakatheka kwezithupha ze-biometric.

## Inkinga yokuthola isithupha

Udubo olukhulu yikutholakanga nzima kwezithupha eZimbabwe. Abanye abasebenza ku-civic society abaphatheke kulelohlelo bakhathazekile ngokutshintshwa kwesithupha njengoba "bakhona abanengi kuleli ilizwe abangela lazo izithupha," okutsho ukuba abaziwa. Kuyaziwa ukuthi ikhomithi ebona ngamalungelo kazulu iHuman Rights Commission yabika ngenyanga kaNhlangula 2019 ukuba kungelikade ngemva kocwaningo lwethu, izabuzisisa ngodaba lokungatholakali kwezithupha ezibalisa icwadi yokuzalwa, incwadi yokwaziwa elizweni iNational ID, iphasipoti ikakhulu kulabo abalabazali abavela kwamanye amazwe, ababethiwa ngama-alien kanye lokutholakala kwencwadi yokufa."<sup>14</sup>

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<sup>14</sup> Nyamukondiwa, W. (2019, June 18). National documentation inquiry on cards. *The Herald*. <https://www.herald.co.zw/national-documentation-inquiry-on-cards/>

Utshintsho lokususa izithupha ezindala kusiya kwesepulasitiki selufake indubo ezinengi ebantwini. Kuvela ukuthi kulamaphutha kuncwadi ezithile ezifana lama-birth certificate lokuthi akula imbiko efaneleyo mayelana lemvelaphi yabo, ibizo lenduna yomdabu wakubo. Ukhona ochaze ngokudingisisa kwakhe incwadi lezi:

Nxa incwadi yakho yokuzalwa ingalahleka lapha koSeke, bayakutshela ukuthi uhambe emawofisini eNational Registry aseMakombe Building ngoba okudingayo akukho emtshineni yabo. Kuzakuba yinkinga futhi usutshelwa ukuthi okudingayo akukho eMakombe kodwa kuseMarondera. Uzaphiwa inombolo yefoni okumele uthintane layo ngemali yakho. Lapho ofona khona uzathola ukuthi bazakuqedela i-airtime yakho. Nxa ungathintana lezisebenzi zeMakombe nge-landline yabo, bazakucela esincane (bribe) kuqala.

Ukulungisa amaphutha asencwadini yokuzalwa, ibirth certificate kuyadula njalo abanye abantu bathi angeke benelise ukubhadala ukuze bathole entsha. Ngakho ke, sebekhethe ukuqhubeka ngempilo bengela incwadi ezifaneleyo. Bakhona abakumaqembu apha theke kulingxoxo abachaze indlela abaphathwa ngayo emawofisini ka-Registra General: "Banengi abangakhululekanga ukuvakatshela amawofisini lawa, asebetshove iminyaka leminyaka bengalungisisanga incwadi zabo ngenxa yokuhlukunyezwa." Le yinkinga etshengisa ukuba kulesidingo sokuthi kubelokufundiswa ukuphawula izikhalazo lokuphathwa kwezikhalazo.

Imizila yokulinda ukuphathiswa ngesithupha eZimbabwe imkhulu. Kubalabantu abanengi abadinga usizo ukwedlula njalo leli inani alihambelani lezisenzi ezinikeza luluncedo. Bacina benikeza abantu amakhasi enombolo ukuze kuhleleke:

Nxa bezancedisa abantu abangu-50 ngelanga, wena ukunombolo yesi-51, abasoke bakuphathise njalo ngelanga elilandelayo leyo nombolo ayisebenzi, uqala kutsha. Kumele uvuke emathathakusa ukuze uthole usizo.

Ngemva kokuhamba lokuma isikhathi eside, kulabantu abafika emawofisini la bezwe kuthiwa akula-network. Omunye omele ingatsha ze-civic society uthe ukuswelakala kwe-internet kuyinkinga.

Phezulu kwalokhu, abantu abahlukile kwabanengi, abaziwa ngokuthi 'yizitabane' sebethwele nzima ukuthola ukubhaliswa kwencwadi eziqakathekileyo empilweni. Le yinkinga engeke yaxazululwa kalula kuhlobo lwe-digital ID olutsha. Kulesehlakalo esifakazwa ngelinye lenhlanganiso zabamela amalungelo ezobulili lapho omunye wabo owahlukunyezwa ngenxa yokuthi waveza i-birth certificate ebika ukuthi yena ungowelisa ikanti ukhanya engowesifazane. Ukuze lumuntu athole isithupha sakhe kubikwa kwangenela inhlanganiso yamagqwetha eyeZimbabwe Lawyers for Human Rights. Inhlanganiso yeLGBTI yasitshela ukuba 'izitabane' ziyadelelwa nxa zifika emawofisi kaRegistra General ngoba izisebenzi zalindawo azibaphathi kahle ngokuhlala zikhangelisisa imzimba yabo lokubuzisisa ngobilili babo.



Okunje kuveza ukuthi kulobandlululo olukhona nxa abantu bedinga izithupha. Ubandlululo lolu luzakwanda. Abantu abadinga lezi incwadi sebebani ngokutshintshwa kwezithupha lezi. Nxa kungela imkhankaso yemdundiso lolwazi lokuthi abantu bahlukile njalo baphila okwahlukileyo, uhlelo lwama-digital ID alusoke lusuthise kumbe lufinyelele izidingo zabantu.

## Ukuswelakala kwesivumelwano

Udaba olukhulu olwavela kumaqembu apha theka kungxoxo yalucwaningo, yikuthi ukuvuma komuntu ukunikeza uhulumende ulwazi ngempilo yakhe, kungatsho ukuba uhulumende lo engabelana lolulwazi labanye abantu, lezinye ingatsha ezibona ngokuphenya abantu. Kungumbono welinye ilunga ukuthi “isivumelwano kumele sibekhona kuzo zonke izigaba” njalo ingxoxo ezinje kumele zigxile ekuthini kulokuthembana.

Loba bekhona abantu abathe abalankinga ngokunikeza uhulumende ulwazi ngempilo zabo, ikakhulu nxa bebuzwa yiwofisi kahulumende eyaziwayo, bakhona abaveze ukukhathazeka ekuthini lolulwazi lolu lungasetshenziswa kungela mvumo yabo. Ingatsha ezaziwa ngokukhankasela amalungelo zithe ulwazi ngazo ababoni luphethwe kahle njalo abayithembi iwofisi ka-Registra General. Ngesikhathi sengxoxo le, izisebenzi zasemapulazini zikhulume ngokuthi ukuphelelwa lithemba empilweni lokufuna usizo, yikho okwenza bathembele kuhulumende, bacine benikeza ulwazi ngempilo zabo: “Hatshi asibathembi. Sibanikeza imininingwane yempilo zethu ukuze sithole ukuphila njalo sifuqwa yindlala.”

Nxa kumele ukhetho phakathi kwendlala lokuthi unikeze ulwazi ngempilo yakho, kutsho ukuba akula isivumelwano esiqondileyo lapho. Inkinga kusivumelwano lokwethembana yikuthi kuba lezehlakaloezimbi kuzizalwane zeZimbabwe zonke. Kodwa laba yibo abantu abafuna impilakhle enikezwa ngokukhangela izithupha ze-digital abaphakathi kodubo.

## Lack of data protection and fears of surveillance

Ngenyanga kaMfumfu 2019, ikhabhinethi kamongameli uEmmerson Mnangagwa yavumela ukuphawulwa komthetho weCyber Crime, Security and Data Protection. Lomthetho wahlaziywa edale lePhalamende.<sup>15</sup> Loba isizwe sidinga umthetho ozavikela ukukhitshwa kwemfihlo lolwazi ngempilo zabantu, ukhona umthetho ka 2002- oweAccess to Information and Protection of Privacy Act ongangenalani lokutshintsha osekwenzakala ngemtshina emitsha le. Umthetho weCyber, Security and Data protection lo uhlanganisa eminye imthetho emithathu. Imithetho le ingaba lesisindo uma ibanjwe inye ngayinye.<sup>16</sup> Loba lumthetho wedluliselwa phambili thina sesiqede ucwaningo lwethu, waqalwa ukulungiswa kuminyaka emithathu eduleyo. Ingxoxo zethu kulolucwaningo kwezokuvikelwa kolwazi lwempilo zabantu lokhe zibalulekile njengoba izizalwane zeZimbabwe ziphila kungela ukuvikeleka okwaneleyo.

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<sup>15</sup> Mudzingwa, F. (2019, October 9). Cyber crime bill finally gets cabinet approval. *Techzim*. <https://www.techzim.co.zw/2019/10/cyber-crime-bill-finally-gets-cabinet-approval/>

<sup>16</sup> MISA Zimbabwe. (2018, February 3). Omnibus cyber bill muddles fundamental rights. <https://zimbabwe.misa.org/2018/02/23/omnibus-cyber-bill-muddies-fundamental-rights/>

Amalunga abeyingxenywe yalingxoxo aveze ukukhathazeke ngokwabelana kolwazi phakathi kwelizwe. Bathe abalankinga engako ngokuthi kungenzeka ukuthi lolulwazi luvezwe kwamanye amazwe njengoba uhulumende esebenza lamankampani akwamanye amazwe kuloluhlelo. Isikhalazo esikhulu sivele kuzisebenzi zemapulazini ezithe azisuthiseki ngokuthi ulwazi ngazo lufike ezandleni zamasotsha lamapholisa. Amalunga abatshengiselayo athe akhathazekile ngokuthi ulwazi lwabo lungene endlebeni zabalwisana ngezombangazwe. Abathengisa imzimba, izitabane, labaphila legcikwane leHIV bathe besaba ukwabela ulwazi kumabandla okholo, amapholisa, lamaNGO. Lezo ngatsha, ngokutsho kwabo zilobandlululo.

Ngamafitshane, amaqembu okuxoxwe lawo aveze ukwesaba ababusi belizwe abalamandla kubo. Owe- civil society uthi:

Ukusetshenziswa kwemitshina emitsha le kuqakathekile ngoba kuyehlisa ubusela kodwa sikhathazwa yikuthi nxa uhulumende engathola yonke imfihlo ngabantu, ingasetshenziswa ukuvimba imbono ephikisana laye. Isimo somnotho weZimbabwe asimanga kahle, kungenzeka uzulu atshengisele, esebenzisa amalungelo aphawulwe kusisekelo sombuso. Ngenxa yokuthi kuzabe kulama- camera lokuthi uhulumende wazi konke ngathi okusemawofisini kaRegistrar General, kubalula ukuthi abezomthetho bakidinge ungazi.

Bakhona okukhulunywe labo abathe bakhetha ukuthi banikeze ulwazi ngempilo zabo kuhulumende hatshi kunhlanganiso ezizimele zodwa. Lokhu kungenxa yokuthi zikhona inhlanganiso ezithola inzuzo ngalolu ulwazi. Loba bengelathemba eligcwele kuhulumende, kungcono ngoba ulakho ukubavikela.

Abaphatheke kulingxoxo baveza ukukhonona ngendlela okwabelana ngayo ulwazi kungatsha zikahulumende, ezempilakahle lamabhanga. Ukhona unikeze umzekeliso wokuthi nxa inkampani yomshwalensi wemota ingathola ulwazi lokuthi umuntu ugula umkhuhlane wokuwa, kuyenzeka ukuthi leyonkampani ikhweze imbhadalo yomshwalensi lo. Abanye okukhulunywe labo bathe balesiqiniseko sokuba uhulumende uyacupha ulwazi ngezizalwane zelizwe emabhanga. Imbono le ifana lephuma kwamanye amazwe lapho abantu abakholwa ukuthi uhulumende lengatsha ezizimele zodwa ziyasebenzisa ulwazi lolu ukuncindezela abantu.

Izizalwane zeZimbabwe zilokungasuthiseki ngendlela uhulumende athapha ngayo ulwazi ngazo. Ngesikhathi sokhetho luka-2018, kulabantu ababethola amaSMS avela kuhulumende, imlayezo eyayibika ukuthi bengavoteli umuntu kumbe ibandla elithile, kubokhansila kumbe kulunga lephalamende endaweni abahlala kuzo. Kuzingxingi sokuxhumana ku-social media, bakhona abakhonona ngokuthi abazange banikeze loba ngubani kwezombusazwe ulwazi ngempilo zabo.

Kungxoxo esibelayo, kuvele obala ukuthi abantu ayibaphathi kahle indaba yokuhlolwa ngemitshina yakulezi insuku, baveza ukusola ngama-digital ID system. Omunye uthi izithupha ezintsha lezi zenzelwa ukuthi "ilizwe libuswe ngamasotsha." Bakhona abathi ukusetshenziswa

kobuso lezithupha ezintsha ukwazi abantu, kwenza kubelokuvikeleka ezitaladeni. Eyinye indoda ethengisa umzimba ithe:

Abezomthetho sebezakwazi ukuthi ngiyenzani njalo ngihamba kuphi. Ulwazi ngempilo yami lungasetshenziswa okungayisikho.

Eqinisweni abathengisa imzimba, abatshengiselayo, labesifazane abahlala endaweni ezingekho emthethweni bamangele. “Balokwesaba” ukuthi sebevinjelwa amalungelo lenkuleluleko yabo. Ngokugcweleyo, amaqembu okuxoxwe lawo aveze ukuthi ingqubekela phambili ngemtshina yamacomputer iyenqabela amalungelo abantu loba nje bevuma ukuthi iyanceda ukuvikela umphakathi.

## Inhlanganiso ezimela amalungelo abantu

Inhlanganiso ezizimele zodwa zisebenza zingela kukhululeka eZimbabwe, okwenza ukubenzima ukuqhuba ingxoxo ngempumela zama-digital ID. Kubanzima njalo ngoba uhlelo lwama-digital ID lubonakala luvimba “ukuhlaliseka elizweni.” Omunye obephakathi kwalingxoxo osebenza kungatsha ezizimele zodwa uthe:

Loba yiphi inhlanganiso eku-civil society ephatha udaba lwama-digital ID, iyabe isingenele udaba lwezokuvikeleka kwelizwe. Lapho uyabe usuqophe uhulumende. Abanye bethu bacina bebuzwabuzwa yilabo ababona ngezomthetho lokuvikelwa kwelizwe, kube lokuhlukunyezwa lokunye.

Abe-civil society bazise ukuba kulesidingo sokuba bengeze umsebenzi wabo ukuze bakhulume ngodaba lwama-digital ID systems, basebenze ngokuvikela amalungelo abantu ukuze uhulumende engaphazamisi lawo malungelo okusebenza kwemitshina yakulezi insuku. Abe-civil society laba bazizwa belomlandu wokufundisa izulu ngobuhle langobubi bokusetshenziswa kwezithupha zemitshina yakulezi insuku. Bafuna kube lomthetho ozavikela abantu lelungelo labo lokuthola usizo bengaphanjaniswa. Inhlanganiso yeMISA Zimbabwe ngeyinye esiphumele egcekeni ilwisa indlela uhulumende acupha ngayo ulwazi esebenzisa imitshina yakulezi insuku..<sup>17</sup>

## Isiphetho lezixwayiso

Ilizwe leZimbabwe singumzekeliso wokuthi izithupha ze-digital ziyi simakanjani kwelakusasa. Ukubakhona kwenkampani yaseChina kuveza mgceke ukuthi amanye amazwe afuna ukwazi ngempilo yezizalwane zakuleli. Ingcitshi zingabe zilensolo ekuthini imitshina ye-artificial

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<sup>17</sup> Maunganidze, G. (2018, December 4). Letter to Speaker of National Assembly: Increase in collection of personal information in the absence of adequate data privacy legislation. MISA Zimbabwe. <https://zimbabwe.misa.org/2018/12/04/letter-to-speaker-of-national-assembly-increase-in-collection-of-personal-information-in-the-absence-of-adequate-data-privacy-legislation/>

intelligence iloncindezelo ngombala womuntu kodwa nanko eZimbabwe kuyavela ukuthi kulokuvimbela amalungelo emfihlo zabantu.

Izithupha ezintsha lezi angeke zisetshenziswe kuhle eZimbabwe lapho osekuvele ukuthi impilo lamalungelo abantu avinjezelwe, ikakhulu kwabathengisa imzimba lezitabane. Loba kulenhloso enhle eyokuncedisa labo abangela isithupha, kuyavela ukuthi ngakolunye uhlangothi kuloncindezelo.

Ngokunjalo, umumo welizwe ogcwele umbuso wamasotsha, uvimbe ukukhulukela kwalabo abasebenza ku-civil society. Kuba lembono yokuthi inhlanganiso ezizimele zodwa angeke ziphathe udaba lwama-digital ID ngokukhululeka ngenxa yokuthi selubonakala sengathi luzaphazamisa ukuthula. Kubanzima ukwenza lumsebenzi njalo kungenzeka ukuthi ulwazi olutholwa kuzithupha ze-digital lezi lusetshenziswe ukucupha inhlanganiso lezo. Nxa inhlelo lezi zingasetshenziswa ukwenqabela amalungelo abantu, kutsho ukuba inhlanganiso ezikhankasela amalungelo la angeke zilethe inguquko.

Nxa uhlelo lwama-digital ID systems lusiyaphambili, izizalwane zeZimbabwe kumele zithole usizo kulo. Kumele vukunywe ukuthi abantu bahlukile ngendawo ngendawo, lezidingo zabo ziqakathekiswe. Imthetho kuzamele iqine, yenelise ukuvikela ulwazi ngempilo zabantu. Ngaleyondlela, kuzadala ukuthi uhulumende athembeke. Ukukhulumisana kumbe ukuxoxisana lozulu kunhlelo ezinje kuzayengeza ukwethembana phakathi kukahulumende labantu, kuncedise uzulu athole usizo ngezithupha zama- digital ID.