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IN THE HIGH COURT OF ZIMBABWE
HELD AT BULAWAYO

CASE No.

In the matter between

CRISIS IN ZIMBABWE COALITION

APPLICANT

AND

THE MINISTRY OF PUBLIC SERVICE, LABOUR
AND SOCIAL WELFARE

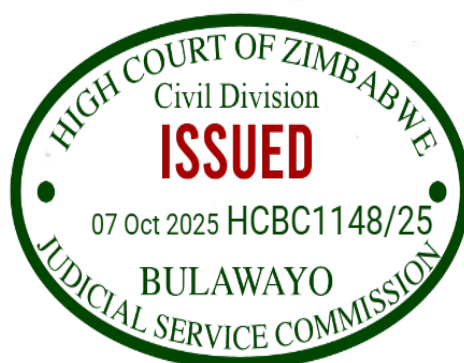
1ST RESPONDENT

AND

THE ATTORNEY GENERAL N.O

2ND RESPONDENT

COURT APPLICATION FOR AN ORDER OF CONSTITUTIONAL
INVALIDITY



Moyo & Nyoni

LEGAL PRACTITIONERS, ATTORNEYS, NOTARIES, CONVEYANCERS

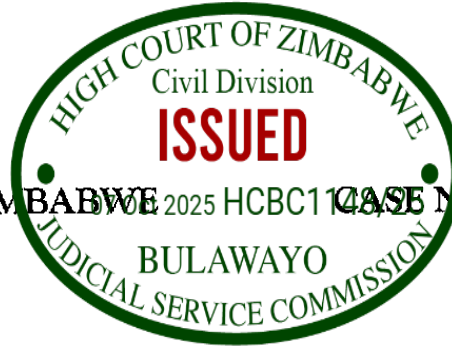
We provide the solution....

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Form No. 23
Court Application
Rule 59(1)



IN THE HIGH COURT OF ZIMBABWE 2025 HCBC11435 CASE No.
HELD AT BULAWAYO

In the matter between

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COURT APPLICATION FOR AN ORDER OF CONSTITUTIONAL
INVALIDITY

TAKE NOTICE that the Applicant intends to apply to the High Court sitting at Bulawayo for an Order in terms of the Draft Order annexed to this notice and that the accompanying affidavits and documents will be used in support of the application.

IF YOU intend to oppose this application you will have to file a Notice of Opposition in form No.24, together with one or more opposing affidavits, with the Registrar of the High Court at Bulawayo within ten (10) days after the date on which this notice was served upon you. You will also have to serve a copy of the Notice of Opposition and affidavits on the Applicant at the address for service specified below. Your affidavits may be annexed to the documents verifying the facts set out in the affidavit/s.

IF YOU do not file an opposing affidavit within the period specified above, this application will be set down for hearing in the High Court at Bulawayo without further notice to you and will be dealt with as an unopposed application.

FURTHER take notice that the Applicant's address for service is care of that of its legal practitioners of record, Messrs. Moyo and Nyoni Legal Practitioners, Suite 706, 7th Floor Fidelity Life Centre Cnr 11th Ave/Fife Street, Bulawayo.

DATED at BULAWAYO on this the 2nd day of October 2025

.....
Messrs. Moyo and Nyoni
 Applicant's Legal Practitioners
 Suite 706-7th Floor, Fidelity Life Centre
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gnsec@moyoandnyoni.com

TO : The Assistant Registrar
 High Court of Zimbabwe
BULAWAYO

AND TO : **THE MINISTER OF PUBLIC SERVICE, LABOUR
 AND SOCIAL WELFARE**
 1st Respondent herein
 NSSA Building Cnr, 2nd Street & Julius Nyerere Way
HARARE

AND TO : **ATTORNEY GENERAL N.O**
 2nd Respondent herein
 6th Floor, New Government Complex Block C
 S.V Muzenda & Samora Machel Avenue
HARARE

IN THE HIGH COURT OF ZIMBABWE
HELD AT BULAWAYO

CASE No.

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1ST RESPONDENT

AND

THE ATTORNEY GENERAL N.O

2ND RESPONDENT

**NOTICE IS HEREBY GIVEN OF THE APPLICANT RAISING
CONSTITUTIONAL ISSUES IN TERMS OF RULE 10(1) ARW RULE 10(2)
OF THE HIGH COURT RULES 2021**

TAKE NOTICE that the Applicant raises the following constitutional issues before the High Court sitting at Bulawayo.

- 1.1 **Section 3(4)** of the Private Voluntary Organisations Act [Chapter 17:05] as amended violates sections **58 & 67** of the **Constitution of Zimbabwe** that is the right to freedom of assembly and association and the right to political rights.
- 1.2 **Section 5(3) part (a), (b) and (d), sections 6(7), section 13A, section 20A and section 22** of the Private Voluntary Organizations Act [Chapter 17:05] as amended are in violation and are infringing upon sections **56(1) and subsection (3)** of the **Constitution of Zimbabwe** which protect the rights to equal protection and benefit of the law and the entitlement not to be discriminated against.
- 1.3 **Section 14** of the Private Voluntary Organizations Act [Chapter 17:05] as amended violates **section 69(3)** of the **Constitution of Zimbabwe** that provides for the right to fair trial or hearing.

1.4 **Section 6 (7)** of the Private Voluntary Organisations Act [Chapter 17:05] as amended violates **section 68 of the Constitution of Zimbabwe** which provides for the right to administrative justice.

DATED at BULAWAYO on this the 2nd day of October 2025

.....
Messrs. Moyo and Nyoni
 Applicant's Legal Practitioners
 Suite 706-7th Floor, Fidelity Life Centre
 Cnr 11th Avenue/Fife Street
BULAWAYO (GN/ct/02/C00676/25)
 Mobile No: +263 264030-2/ 0772413845
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TO : The Assistant Registrar
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1ST RESPONDENT

THE ATTORNEY GENERAL OF ZIMBABWE

2ND RESPONDENT

APPLICANT'S FOUNDING AFFIDAVIT

DEPOSITION

I, the undersigned,

Blessing Vava,

do hereby make oath and state that;

1. I am employed by **CRISIS IN ZIMBABWE COALITION** as its Executive Director.
2. I am duly and specifically authorized to depose to this affidavit as can be seen from **annexure A** being a Resolution of the board of the Applicant. The facts I depose herewith are fully within my knowledge

and to the best of my belief true and correct and I can swear positively to them.

THE PARTIES

The **CRISIS IN ZIMBABWE COALITION** is a *univesitas* at law, being a body comprising of 75 civic society organisations, and was formed in 2001. The main objectives of the Applicant is to timeously respond to government position regarding various key policy areas, ensure rapid development of democratic governance in Zimbabwe, amplify the collective voice of Civil Society in Zimbabwe, cover issues that would otherwise not fall within the ambit or mandate of major CSOs and highlight, debate, research and propose solutions to the multilayered national crises.

3. The Applicant's address of service is care of Moyo and Nyoni Legal Practitioners, Suite 706, 7th Floor Fidelity Life Centre, 11th Avenue & 5 Street, Bulawayo, its email address is godethlaw@gmail.com and its phone numbers are +263 264030-2, 0772 413 845.
4. The 1st Respondent is the **Minister of Public Service, Labour and Social Welfare** cited herein in his official capacity and appointed by the President in terms of the Constitution of the Republic of Zimbabwe. He is responsible for the administration of the **Private Voluntary Organisations Act [Chapter 17:05]**. His physical address is care of NSSA Building Corner 2nd Street and Julius Nyerere Way.

5. The 2nd Respondent is the **Attorney General of Zimbabwe**. Her office is established in terms of section 114 of the Constitution of Zimbabwe, and she remains the Chief Government Attorney and adviser. She is cited as such in her capacity as the chief government advisor and the actual drafter of the law we seek to challenge.

NATURE OF THIS APPLICATION

6. This application is being brought in terms of **Section 85(1) (a)** of the Constitution of Zimbabwe, 2013 read together with **Rule 107** of the Constitution seeking to challenge certain sections of the **Private Voluntary Organisations Act {Chapter 17:05}** as amended on 11 April 2025.
7. The Applicant considers that Sections 3(4); 5(3); 13a;14;20 & 22 of the **Private Voluntary Organisations Act [Chapter 17:05]** as amended in 2025 (hereinafter called the '**PVO Act**') are unconstitutional and violates the following rights bestowed on non-governmental organisations and their employees.
8. The rights that are sought to be protected are:
 - (i) The right to equal protection and benefit of the law is protected by **section 56(1)**.
 - (ii) The right not to be discriminated protected by **section 56(3)**.

- (iii) Our rights in terms of **Section 69(3)**, the right to access to justice before a tribunal that is fair, impartial and independent.
- (iv) Our right to administrative justice in terms of **Section 68(1)**.

9. It is the Applicant's contention that **Sections 5013; 20A & 22** of the **Private Voluntary Organisations Act** as amended, violate **Section 56(1)** of the **Constitution of Zimbabwe, 2013**. **Section 3(4)** of the Private Violates sections 58 and 67 of the Constitution of Zimbabwe
10. **Section 5(3) subsection (a), (b) and (d)** violate **Section 68** of the **Constitution of Zimbabwe, 2013 ('Constitution')** while **Section 14** constitutes a violation of **Section 69(3)** of the **Constitution of Zimbabwe**.
11. These sections must be struck down

RELIEF SOUGHT

12. The Applicant seeks an order declaring section 3(4); 5(3)(a), (b) and (d); 6(7). 13A, 14, 20 & 22 of the PVO Act unconstitutional, invalid and therefore ultra vires the Constitution.

13. More specifically, we seek the following draft order.

- "1. Section 3(4); 5(3); (a) (b) and (d), section 6(7) section 13A, section 14, section 20 and section 22 of the PVO Act be and are hereby declared ultra vires the Constitution of Zimbabwe and be and are hereby set aside.***
- 2. This order shall be confirmed by the Constitutional Court in terms of section 175(1) of the Constitution.***
- 3. That the 1st Respondent shall pay cost of suit."***

LOCUS STANDI

14. The **CRISIS IN ZIMBABWE COALITION** is a voluntary association, a universitas that was formed in 2001.
15. The Constitution of the Applicant is attached as **annexure B**.
16. The objectives of the Applicant are as follows;
 - (i) To respond timeously to government position regarding various key policy areas.
 - (ii) To share ideas and information for use by Civil Society Organizations (CSO) in the articulation of credible, alternative practical views.

- (iii) To ensure the rapid development of democratic governance in Zimbabwe.
 - (iv) To amplify the collective voice of Civil Society in Zimbabwe.
 - (v) To cover issues this would otherwise not fall within the mandate of the major CSOs.
 - (vi) To highlight, debate, research and propose solutions to the multilayered national crisis.
17. Over the years, the Applicant has worked on defending human rights in Zimbabwe, advocating for a better democratic government and research on economic and political issues in Zimbabwe.
18. The Applicant as a civil society organization in its own right and its aims, among other things, to promote freedom and democratic values through encouraging dialogue, tolerance and the shaping of ideas by Zimbabwe.
19. The Applicant currently comprises of 80 civil society organisations in Zimbabwe which fight and defend human rights and freedoms in Zimbabwe. Its thrust is to ensure human rights and freedoms are respected and there is a well co-ordinated strategic and action towards their realization. As a organisation, the Applicant has the *locus standi* to bring this present application to protect human rights and freedoms of the people of Zimbabwe and, most fundamentally to protect the constitution to protect the constitution.

20. The application is being brought to vindicate the Constitution and to protect our rights in terms of **section 85(1) (a)** of the Constitution as will be demonstrated below.

FACTUAL BACKGROUND

21. On the **5th of November 2021** the Government of Zimbabwe gazetted the Private Voluntary Organisation Amendment Bill No 3 of 2021 (**'the Bill'**). The Bill sought to make extensive amendments to the existing **Private Voluntary Organizations Act** [Chapter 17:05], the aforesaid PVIO Act 23.
22. The PVO Act commenced on **1 September 1967**, passed by the Rhodesian Government to control and restrict NGOs that had associated and supported the liberation movement.
23. Prior to independence, organisations such as the Catholic Commission for Justice and Peace and the Red Cross Zimbabwe Society had proved to be a constant thorn in the flesh of the Rhodesian government as it thought to thwart the inevitable push for the liberation of the country by its citizens and, in the process, committed gross human rights abuses.
24. The original PVO Act provided, in **section 2**, for the Registration and Regulation for Private Voluntary Organisations (**PVOs'**). These associations and bodies whose objectives were to bring leeway

provided for people's physical mental institutions, render charitable relief, provide social districts and provinces and provide legal aid

25. However, the law excluded various bodies from its application which included State institutions, religious bodies, educational trust and trusts registered with the High Court, health institutions and bodies associated with them and political organizations.
26. The Registration of PVOs was done in terms of a PVO Board appointed by the Minister. The body had a right to cancel the registration of a PVO on various grounds including:
 - (i) If the PVO pays anyone remuneration that is excessive in view of the funding it receives.
 - (ii) If it fails to comply with the condition of the registration.
 - (iii) If the office for which it is registered are merely ancillary to other objects.
27. **Section 15** of the PVO Act provided that PVOs were required to submit prescribed reports and returns, and such information may be required. That is the regulatory structure that obtained under the original PVO Act.
28. **Section 19** gives the PVO Board the power to appoint an auditor to audit PVO accounts and in **section 20** the Minister may appoint an inspecting officer to inspect any affairs and activities of a PVO. These

include the right to examine all documents and the books and accounts and the financial affairs of any PVO.

29. It also allows people aggrieved by decisions of the Board to appeal to the Minister who has wide powers of dealing with the appeal.
30. **Section 21** permitted the Minister to suspend the executive committee of a PVO on many grounds including the grounds that the organisation had cease to operate in furtherance of the objects specified in its constitution.
31. **Section 22** was however set aside by the court in the case of **Holland and Others v Minister of Public Service 1997 (1) ZLR 186(S)**.
32. Additionally, the Minister was given power to appoint a Trustee to run the PVO for 60 days pending the election of a new committee.

THE BILL GAZETED AND JUSTIFICATION

33. On **5 November 2021**, the 1st Respondent gazetted the Private Voluntary Organisations Amendment Bill (HB3/2021) which sought to amend the original PVO Act.
34. His argument was that there was a need for Zimbabwe to comply with the **Financial Action Task Force ('FATF')** recommendations regarding money laundering and terrorists financing. Specifically, the Bill sought to comply with FATF Recommendations under technical

compliance raised in Zimbabwe's mutual evaluation report. The further justification for this new law was supposedly to "*streamline administrative procedures for PVOs to our lawful efficient regulation and registration.*" The last justification was to ensure PVOs do not undertake political lobbying.

35. After the Bill was passed, it was submitted to the President for his assent on or about the **9th of August 2023**. The President had reservations about the Bill and returned it to the National Assembly which was then dissolved before it could reconsider the Bill which then lapsed.

36. On **1 March 2024**, the Bill was re-gazetted as **H.B.2, 2024**. It was first read in Parliament on the **7th of March 2024**, following which it was referred to the Parliamentary Legal Committee.

37. Public hearings were conducted between the **13th of May 2024** and the **17th of May 2024**. The bill was passed by both houses, as amended, on the **17th of October 2024**, and was assented to by the President on the **11 April 2025**. It is now law.

SUMMARY OF OUR CONSTITUTIONAL ISSUES

38. The summary effect of the amendments is that the executive will be running the PVOs and deregister those that it believes are not

aligned to their objectives. The 1st Respondent who is appointed by the President is given unfettered powers as will be demonstrated herein further demonstrating the real objective of the State to limit civic space.

39. It is respectfully submitted that the PVO Act violates the constitution in several ways.
40. **Section 56 (1)** of the Constitution guarantees the right to equal protection of the law. It is the Applicant's view that **sections 13A, 20 A & 22** violate that right as will be demonstrated. Such provisions cannot be allowed to stand in any constitutional democracy and must be set aside.
41. **Section 56(3)** of the Constitution guarantees the right not to be discriminated against. However, **section 13A(1), 13A(3), 13A(4), 20A(1) & 22** carry that sting of discrimination and thus in violation of the Constitution.
42. Further, a reading of **section 6(7)** of the PVO Act will further show that these provisions violate **Section 68** of the Constitution which guarantees the right to administrative justice.
43. The Applicant will further demonstrate that **Section 3(4)** of the PVO Act violates the right to participate, individually and collectively or

groups or any other manner, in peaceful activities in gathering to influence, challenge or support policies or the government.

44. The stated sections must be declared unconstitutional and therefore invalid and must be set aside. In short,

- a. Section 3(4) violates section 58 & 67 of the constitution
- b. Section 6(7) violates section 68 of the constitution
- c. Section 5(3) violates section 68 of the constitution
- d. Section 13A, 20A & 22 violates section 56(1) of the constitution
- e. Section 14 violates section 69(3) of the constitution.

45. The PVO Act also violates with equal measure regional and international instruments.

SECTION 3(4): MINISTERS POWERS TO DECLINE THE PVO BODY'S CHOICE

46. Section 3(4)(i) of the Act states that:

“Before making an appointment in terms of Subsection (2), the Minister shall call upon the association, organisation, institution or Ministry concerned to nominate such number of persons as the Minister may specify , in its opinion, are suitable and available for appointment as members of the Board.

Provided that the Minister may

- i. Appoint a person to be a member of the Board who has not been so nominated and may decline to appoint any persons so nominated.....”***

47. While the PVO Act acknowledges that the organization of PVOs may choose their own representations for the RV into the PVO board, it then gives the Minister the right to choose someone who has not been nominated or to decline to appoint any person who has been nominated by civil organizations to represent their interest.
48. The section violates **Section 58** of the constitution on freedom of association and undermines the organisations freedom to choose people who will represent their own collective views and on whom the majority have confidence in their abilities and competences. It undermines democracy in organisations.
49. Section 67 of the constitution protects the right to participate in the governance of the country directly or through chosen representatives. The action of the Minister in declining to appoint the person that has been democratically considered and to choose someone else undermines the right to participate in the governance of the country through democratically chosen representatives and is unconstitutional.

50. Further, there is no criteria for the Minister for declining to chose someone who would have been democratically chosen by the organization(s). There is equally no criteria for the Minister to chose someone in an organation which he does not belong to. It is an extreme case of micromanaging and an executive arm or government making resolutions for organisations. The power to decline and appoint someone else does not apply to the representatives of Ministries. This creates an untenable situation of unequal treatment before the law. If representatives have been chosen from Ministries and the Minister has no power to interfere, he equally should not interfere with the choices of the organisations.
51. *The sections are therefore unconstitutional and is a classic case of executive overreach.*

SECTION 6(7) : DEEMING A TRUST SANCTIONABLE

52. These provisions have very far-reaching consequences not only for the operations of the trusts registered at the High Court and the Deeds Registry but also for the beneficiaries and the employees of the organization. They may wake up to a decision that they never anticipated and where they were never heard or given a chance to be heard on what the Registrar, without any set basis or criteria, relied upon to arrive at his suspicions.

53. It is common cause that if a person was relying on assistance rendered by the trust, such assistance will not be lawfully extended to that person if an organization is closed or its funding is withdrawn on the basis that it has to be re-registered pursuant to the issuance of the Notice. The law would have abruptly put a stop to that assistance. The ripple effect on the recipients will be remarkable considering that many of these trust and organisation carry out humanitarian work in the areas of health, food, water, education, environment, shelter and healthcare. The beneficiaries of support from these organisations will lose support, threatening their lives, livelihoods and the environment.
54. This provision is therefore in direct violation of **section 68** of the Constitution.

EXCESSIVE POWERS OF REGISTRAR TO REGISTER PVOS: SEC 5.3

55. This section must be read with **section 9**.

56. **Section 5** states:

“(3) Subject to this Act, the Registrar shall—

(a) consider and determine every application for registration and every proposed cancellation or amendment of a certificate of registration; and

- (b) hear representations by any association, organisation or institution claiming entitlement to be registered as a private voluntary organisation; and***
- (c) advise the Minister and registered private voluntary organisations in respect of any matter arising out of the administration or operation of this Act or any other matter referred to it by the Minister or the Registrar; and***
- (d) to promote and encourage the co-ordination of the activities of registered private voluntary organisations having similar or related objects; and***
- (e) to submit to the Minister an annual report concerning the administration and operation of this Act; and***
- (f) maintain at his or her office a Register of Private Voluntary Organisations in which he or she shall enter all such particulars in relation to the registration of private voluntary organisations and their constitutions as he or she is required to enter by or in terms of this Act or any other enactment or decision of the Court."***

72. The provisions give the Registrar discretionary and unfettered power to grant or refuse the registration. The provisions do not provide the Registrar with objective criterion for the consideration of and the grant (or refusal) of applications for registration. It is left to the whims of the Registrar to determine whether sufficient information has been provided in the application for registration.

73. It is equally left to the Registrar to determine whether the organisation making the application is not *bona fide* operating in furtherance of its objectives or is not operating in terms of its constitution.
74. The provision allows for arbitrary and capricious power exercise by the Registrar. The fate of an organisation cannot be left in the hands of an individual, a political appointee, without any criteria given regarding how he can be assessed if he acted fairly or not.
75. The Applicant is entitled to protection of the law, and this applies to instances where its rights are threatened.
76. The right to administrative justice, which is lawful, reasonable, *impartial and both substantively and procedurally fair* is protected by **section 68** of the Constitution and is violated. The provisions of the PVO Act as they stand do not entrench the protection of this constitutionally guaranteed right hence the unconstitutionality and invalidity.
77. Previously, the Registrar would process the applications for registration and make recommendations to the Board, which would then determine the applications. This process ensured that there was procedural fairness. The procedure was fair and more transparent and there is absolutely no basis why such a procedure that provided for checks and balances was repealed. The

amendment was not well thought out and is an affront to constitutionally guaranteed rights.

78. When one considers the provisions of **section 4 (a)**, the Board of PVOs is given the powers to consider the provisional grant or rejection of the applications lodged with the Minister. However, the PVO Act does not give the registrar powers to issue provisional decisions, but final decisions. Such a contradiction is so glaring as to create an unacceptable ambiguity. It cannot be allowed to stand.
79. In fact, the PVO Act conflates the roles of the Registrar and the Board to an extent that both submit annual report to the Minister. This is in **section 4(d)** and **Section 5(3)(e)**. The Registrar receives policy directions directly from the Minister and not from the Board contrary to the Constitutional values of good governance.
80. It is on this basis that this honourable court is invited to declare **section 5.3** subsections (a), (b) and (d) unconstitutional and invalid.

SECTION 13A:RE-REGISTRATION

81. **Section 13A** of the PVO Act provides:

“Re – Registration or amendment of registration required in certain circumstances

(1) In this section— “material change” in relation to the amendment of the particulars of the original application for registration means—

(a) any change in the constitution governing the private voluntary organisation concerned regarding the disposal of the organisations assets upon the winding up or dissolution of the organization ; or

(b) any change with respect to the beneficial ownership or control of the private voluntary organisation concerned, not involving the transfer of the certificate of registration of the organisation or to another person, or

(c) any addition, diminution or variation to the objects of the private voluntary organisation concerned which may significantly impact the scope or nature of its operations in Zimbabwe; or

(d) any variations of the territorial scope of the operation of private voluntary organisation concerned within Zimbabwe; or

(e) any change with respect to the beneficial ownership or control of private voluntary organisation concerned, by virtue of the transfer of the certificate of registration of the organisation or to another person (not being a private voluntary organisation) .

(2) If there is any material change in the particulars furnished together with the application for the registration of a private voluntary organisation, that involves a material change referred to in para (a) (b). (c) or (d) of the definition of material

change, the Secretary of the private voluntary organisation must make an application to the Registrar in the prescribed form to amend the particulars of registration in relation to the private voluntary organisation, for which purpose the Secretary must submit to the Registrar an amendment application in the prescribed form no later than one month from the date when the material change occurred."

82. The PVO Act requires a PVO to apply for re-registration where there is a material change in certain circumstances. Material Change, in relation to the amendment of the original application, includes any change in the Constitution governing the PVO concerned; any change in respect of the beneficial ownership or control of the PVO; and any variation of the capacity of the private Voluntary Organisation.
83. This provision violates **section 56(1)** of the Constitution as there should not be any need to apply to be registered or to be re-registered if there are changed material circumstances. It should merely be a case of lodging papers and seeking an amendment. Re-registration means the Registrar *may decide not to register the organization.*
84. Entities registered under the **Companies and Other Business Entities Act [Chapter 24:31]** registered in terms of the **Cooperatives Act [Chapter 24:05]** are not subject to the same

provision. Co-operatives are not subjected to such provisions and operate in Zimbabwe.

84. The Applicant, and other PVOs, are entitled to equal treatment and *equal protection of the law*.
85. Organisations, such as the Applicant for instance, elect board members after every 2 years, and surely that cannot be a basis for reregistration because of change of beneficial ownership.
86. There is no application to re-register a company covered by the **Companies and Other Business Entities Act** when its shareholders are or when its board of directors change. All what is required is minuting and updating the Registrar of Companies. In any event, there is no basis that the Applicant or any organization would have ceased to exist at all, it would be operating.
87. The Applicant is entitled to retain its date of incorporation which has a bearing on its activities and operations..
88. The provision is not well thought out and thus clearly unconstitutional more so when the Registrar is called upon to consider the application for re-registration taking into account an unknown policy issued by the Minister.

SECTION 14: APPEALS TO THE MINISTER

90. **Section 14** of PVO Act allows any PVO which is aggrieved by any decision of the Board to appeal to the Minister. It states that,

"(1)Any private voluntary organisation which is aggrieved by any decision of the Board relating to the rejection, either wholly or in part, of an application for registration or exemption, or to the cancellation, amendment, surrender or restoration of a certificate of registration or exemption, or to the conditional registration of a private voluntary organisation, may appeal within fourteen days of receiving notification of the Board's decision, appeal to the Minister"

91. **Section 13A** equally grants the Registrar the power to grant or reject applications for registration or amendment.
92. Notwithstanding the apparent contradictions, **section 14** offends the notion of justice.
93. The Registrar is a functionary under the Minister. He is a member of the Civil Service Commission, reports to the Minister and advises the Minister on issues concerning the PVO Act. The Minister has the power of giving directions and orders and policies to the Registrar by passing the Board whose chairperson he would have chosen
94. **Section 3** states that:

“(1) There shall be an Office of the Registrar of private voluntary organisations in the Ministry responsible for social welfare, in which shall be lodged the register of private voluntary organisations.”

95. Section 5(3) states that:

“(3) Subject to this Act, the Registrar shall—

(a) and

(b) and

(c) advise the Minister and registered private voluntary organisations in respect of any matter arising out of the administration or operation of this Act or any other matter referred to it by the Minister or the Registrar; and

(d) and

(e) to submit to the Minister an annual report concerning the administration and operation of this Act; and.....”

96. Effectively, an appeal to be decided by the Minister will be at the advice of the Registrar.
97. In essence, the Minister will appeal to himself. The appeal to the Minister is a farce. For all purposes the appeal ought to someone an impartial and independent adjudicator
98. There is, in the PVO Act, no independent appeal mechanism, and that violates the right of access to the court guaranteed by **section 69(3)** of the Constitution of Zimbabwe

99. There can be no argument that the provision violates a fundamental right.

SECTION 20A: THE PRINCIPLES TO GOVERN PVOS

100. **Section 20A** introduces principles which were used by the Registrar to determine whether any PVO is in compliance with the Act. This provision is not found in any law in Zimbabwe governing juristic persons.
101. PVOs are registered in terms of the law, as trust or any other formation under common law. They operate in terms of the law. There is no basis for them to be subjected to principles that do not apply to other juristic persons like companies. This effectively means PVOs are not being afforded the same protection of the law as companies and other artificial persons in Zimbabwe. To that extent, the provision is unconstitutional to the extent of its discrimination.
102. Their objectives of the PVO must be lawful, and that is fundamental. The governing documents are subject to review and members of such PVOs must be left to determine how they want to manage their affairs and who to associate with.

103. The section therefore is discriminatory and in breach of PVOs right to equal protection and benefit of the law protected by Section 56(1), the right not to be discriminated against protected by Section 56(3).
104. Many PVOs target poor marginalized communities to work with that is not unlawful discrimination. Some PVOs work on one particular area, for instance HIV AIDS and that is not discriminatory.
105. The work of PVOs is such that funds can come from back donors, with the one donor that collects resources from various other back donors. It is inconceivable how the PVO will be able to ascertain "through other means" if the donor is acting in good faith. The word : *other means is too broad, and the Registrar is left at large to insist that the PVO did not do enough to acquire the information.*
106. PVOs are required to report donations from immoral and illegitimate sources. These are not defined. What the Registrar, outside any definition of what is immoral and illegitimate in the context of the PVO Act, may not be immoral to a donor or to the applicant or any other PVO, this provision is therefore too broad and will result in the abuse of the powers by the Registrar.
107. **Section 20A (1) (d)** states that :
- "....to account transparently to its stakeholders including its donors and beneficiaries for the manner in which it distributes its funds and implements its programmes."***

108. This provision is one glaring intrusive and example of overregulation, executive overreach and micromanagement. The responsibility to account is contractual because donations come with their own reporting conditions. The implementation of programmes is for the PVOS, and surely a regulator cannot be too concerned to such an extent that it manages reporting structures within PVOs. In fact, the Registrar may emerge and deem the levels of reporting not sufficient and consider it a violation of the principles and yet at contractual level, the reporting was sufficient and satisfied the ones who provided the funds.. That is the reason why such principles do not exist in any other legislation governing companies or cooperatives or public business corporations in Zimbabwe. There is no reason why PVOs should be treated differently.

109. The principles then seek to delve into issues of banking, which fall under the banking laws of the country. It is up to the Minister of Finance and other structures established in Zimbabwe to deal with those issues because they have the capacity and criteria to measure compliance, The Registrar does not have the capacity, criteria and personnel to measure compliance which would lead to subjective assessments.

110. The principles are a fertile ground for the Registrar to inpeach at will the applicant and other PVOS in the country. They are a bad law and must be struck down.

111. The section is blatantly unconstitutional.

SECTION 22: ASSESSMENT OF PVOS' VULNERABILITY.

112. Section 22 states that;

"(3) The Minister shall, in cooperation with the Financial Intelligence Unit at intervals of not less than once in five years undertake a risk assessment of all private voluntary organisations and those institutions set out in paragraphs (i) to (ix) of the definition of "private voluntary organisation" in subsection (1) and in so doing may make such an assessment with respect to individual organisations or institutions or organisations or institutions of a specified class, or both."

113. There is no similar section in the **Companies and Other Entities Act** or the **Cooperatives Act**. This section is ex-facie discriminatory and does not afford equal protection of the law.

114. Worse, the Minister is a political appointee unlike the Financial Intelligence Unit regulated by the Reserve Bank of Zimbabwe under the **Money Laundering and Proceeds of Crime Act**.

115. The PVO Act does not set out the criteria for assessment and what issues must be considered for the Minister to individually and as a political appointee come to the point to designating a PVO or an institution. The provision is, to that extent, overbroad and allows for

the Minister to consider extraneous factors that no citizen will anticipate and can measure itself against so that it is not designated.

116. The assessment is, for all intents, in the absence of a set and known criteria, subjective and subject to abuse.

117. The 1st Respondent makes an assessment he has powers to;

1. Require any PVO or organization to take specified measures to mitigate their vulnerability or
2. To make regulations prescribed on special measures to be taken by the designated PVOs and other organisations.

118. The designation of a PVO under the section is a drastic provision. For that reason, there must be provision of a right to show cause why the designation cannot be made. The PVO must be involved, on its own or through an umbrella body of its choice, in the assessment. There is no reason why the Minister should conduct the assessment without the involvement of the PVO being assessed. The need for a criteria because even more relevant as the PVO must be able to take note of the criteria against which it is being measured otherwise its right to administrative justice will be violated.

119. In any event, these are the requirements of the FATF itself. The FATF Regulations are clear that countries should work with PVOs and civil society organisations during the risk assessment policy.
120. The proper thing to do in our view is for the government to work with umbrella bodies of PVOs to provide the necessary self-regulations and self-assessment.
121. We also consider that due process must require the Minister to obtain an order from the High court before the designation is made given the effect of the designation.
122. The designation of a PVO must, therefore, be done through an order of court.

THE CONSTITUTIONAL APPLICATION

123. As indicated above, we bring this application in terms of section **85(1) (a)** of the Constitution of Zimbabwe.
124. The 1st Respondent, the **CRISIS IN ZIMBABWE COALITION** is a major human rights organization, universitas at law formed run and controlled by practicing human rights lawyers.

125. It has an interest in the protection and vindication of the Constitution.

126. The issue of PVO regulation is a serious matter of public interest.

127. Besides the Applicants is personally affected as a PVO.

128. We therefore have direct interest in this matter to protect ourselves and to vindicate the Constitution.

129. In the circumstances I pray for an order in terms of the draft.

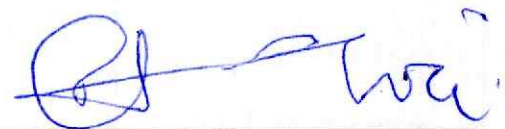
THUS SWORN AND SIGNED AT HALAPE THIS 22^{AD} DAY OF SEPTEMBER 2025.

Signed:



BLESSING VAVA

Before me:



COMMISSIONER OF OATHS

TINASHE CHINOPFUKUTWA
LL.BS (HONS) (UZ)
LEGAL PRACTITIONER, CONVEYANCER,
NOTARY PUBLIC
COMMISSIONER OF OATHS

22/9/25

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Board Resolution of the Crisis in Zimbabwe Coalition

EXTRACT FROM THE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE CRISIS IN ZIMBABWE COALITION HELD AT HARARE ON THE 26TH OF AUGUST 2025.

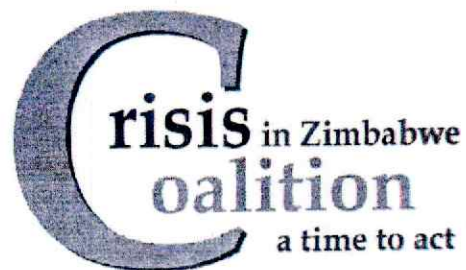
IT WAS RESOLVED THAT:

- a. It was necessary to legally challenge certain provisions of the Private Voluntary Organisations (Amendment) Act (No.1) of 2025.
- b. The Executive Director Dr. Blessing Vava is authorised to sign all the necessary documents and to do all such things and take all such actions as may be necessary to give effect to the resolution passed above. This includes his signature being conclusive proof that any related documents which bear it are authorised in terms thereof.

DATED AT HARARE THIS 26th AUGUST 2025.

Signed: 
CHAIRPERSON

2014



CONSTITUTION OF THE CRISIS IN ZIMBABWE COALITION

Adopted at the inaugural Annual General Meeting held in August 2001 and amended and adopted at the Annual General Meeting held at the Cresta Churchill Hotel in Bulawayo in November 2011 and further amended and adopted at the Constitutional Indaba set as a Special General Meeting for that purpose held at the Mandel Training Centre in Harare in April 2014

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PREAMBLE

WHEREAS in August 2001, several Zimbabwean civil society organizations met and resolved to form the *Crisis in Zimbabwe Coalition* as a means of spearheading a collective civil society response in addressing the multi-faceted crisis of governance and legitimacy then engulfing Zimbabwe.

AND WHEREAS the Zimbabwean crisis continues to mutate and emerge in various forms which still require this collective civil society response.

WE, THE MEMBERS of the *Crisis in Zimbabwe Coalition*, hereby adopt and give to ourselves this Constitution as a living document and chief guide in our quest to achieve the objectives for which the *Coalition* exists.

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Constitution of the Crisis in Zimbabwe Coalition | 2014

1. ESTABLISHMENT, NAME, LOCATION, LEGAL STATUS AND AFFILIATION

- 1.1 A coalition of civil society organizations sharing the vision, mission, aims and objectives set out in this Constitution is hereby established and shall be known as the ***Crisis in Zimbabwe Coalition*** (hereinafter called ***the Coalition***).
- 1.2 ***The Coalition*** shall be a body corporate, Accordingly:-
- (a) It shall be capable of assuming and incurring obligations and suing and being sued in its own corporate name.
 - (b) Its rights and obligations shall vest in it independently of its members or office bearers or members of staff.
 - (c) It shall enjoy perpetual succession notwithstanding any changes in its membership.
 - (d) It shall be capable of acquiring property and rights apart and distinct from the members, office bearers or members of staff.
 - (e) The assets of ***the Coalition*** shall be appropriated for the sole purpose of advancing the cause of the Coalition. No member, office bearer, member of staff or other person shall be entitled to any of such assets other than for use towards the realization of the objectives of the Coalition.
- 1.3 ***The Coalition*** is not formed and does not exist for the purpose of carrying on any business that has as its object the making of gain or profit.
- 1.4 The income and assets of ***the Coalition*** shall be applied solely for the promotion of the objectives for which it is established.
- 1.5 No part of the income or assets of ***the Coalition*** shall be paid, directly or indirectly, by way of dividend or in whatever way to any person or organization except if it is for the furtherance of the objectives of ***the Coalition***.

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- 1.6 The Head Office of the Coalition shall be in Zimbabwe. **The Coalition** may also set up offices anywhere in and/or outside Zimbabwe provided that the Head Office shall be responsible for the political and policy directions of **the Coalition**.
- 1.7 **The Coalition** shall be affiliated to and relate with such other associations, groups, institutions or organizations as the Board may from time to time determine. Provided that such other association, group, institution or organization adheres to the following values:-
- a) Truth, Justice, Peace and Reconciliation
 - b) Non-violence
 - c) Non-partisanship
 - d) Non-sexism
 - e) Transparency, Integrity and Accountability
 - f) Equality of all citizens
 - g) Inclusiveness
 - h) Commitment to the observance Human Rights
 - i) Democracy
 - j) Tolerance
 - k) Solidarity
 - l) Mutual Respect and support

2: AIMS AND OBJECTIVES

The aims and objectives for which the Coalition has been established are:-

- 2.1 To provide a platform through which Civil Society Organizations (CSO's) can access in-depth research and analysis of issues pertaining to the economic, political and social crises facing Zimbabwe at all levels.
- 2.2 To address issues arising from the Zimbabwean crisis which do not otherwise fall within the mandate of the individual members of **the Coalition**.
- 2.3 To encourage and facilitate the participation of all Zimbabweans in national processes.
- 2.4 To highlight, debate, research and propose solutions to the various dimensions of the multi-layered crisis facing Zimbabwe.

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- 3.2 Every member of the Coalition may be required to pay an annual membership fee by no later than the 31st December of each year. The annual membership fee shall be determined by the Annual General Meeting from time to time. Provided that where no membership fee has been set, this requirement will not affect the membership status of any member.
- 3.3 A member shall be entitled to such rights as defined by the AGM including but not limited to the following:
- (a) The right to participate in the programmes, activities and meetings of the Coalition and, subject to the provisions of this constitution, the right to call or support a call for any meeting of any structure of the Coalition.
 - (b) The right to access information about the Coalition which may be made available through the Board
 - (c) The right to equal treatment.
 - (d) The right to nominate and/or vote for candidates at any election subject to the provisions of the Constitution.
- 3.4 Membership may be terminated on any of the following grounds:-
- (a) By a member giving at least one month notice of withdrawal from membership in writing addressed to the Chairperson of the Board or upon a member ceasing to be a member of at least one thematic committee.
 - (b) Upon a member CSO ceasing to exist or winding up its operations and dissolving.
 - (c) By resolution of the Board on the recommendation of the thematic committee concerned where that thematic committee finds a member guilty of violating any of the provisions of this Constitution or flouting any provision of any procedures, policies or codes of conducts applicable to members and Board members, provided that the member is granted the opportunity to be heard.
 - (d) In the event of the Annual General Meeting having fixed the annual membership fee, a membership will lapse until the annual membership fee has been paid in full, including any arrears that may have accrued.
 - (e) In the event of the member being lawfully de-registered in terms of the laws of Zimbabwe.
- 3.5 Any member may be expelled or suspended or removed from being a member on any of the grounds outlined above and in line with the procedures that may be set

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out in a Code of Conduct approved by the Annual General Meeting. This provision shall not be construed as limiting the ability of the Coalition to suspend, expel or remove any member from being a member merely on account of the Annual General Meeting having not approved a Code of Conduct for its members.

- 3.6 Any member aggrieved by the decision to expel, suspend or remove it from **the Coalition's** membership shall have the right to appeal against such decision to the Annual General Meeting. The Appeal must be filed in writing, within thirty (30) days of the decision being appealed against having been made and submitted to the Chairperson of the Board through the National Coordinator.
- 3.7 A register of the Coalition's members shall be kept at the Coalition's office under the custody of the National Coordinator.

4: ORGANS AND OFFICE BEARERS

4.1 The organs of the Coalition are:-

- (a) The General Meeting
- (b) The Board who upon election shall also serve as Trustees in respect of any deed of trust that may be registered for and on behalf of the Coalition.
- (c) Thematic committees of the Board as may be determined by the Annual General Meeting from time, including but not limited to the following:-
 - (i) Advocacy and lobbying
 - (ii) Information, education and communication
 - (iii) Peace-building and Security
 - (iv) Youth
 - (v) Human Rights and Legal Affairs
 - (vi) Gender and Women's Rights
 - (vii) Arts and Culture
- (d) Secretariat
- (e) Regional and International Offices

5. THE GENERAL MEETING

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- 5.1 The Coalition shall hold At least four General Meetings of its members in each year, provided that one such meeting shall be the Annual General Meeting.
- 5.2 The Annual General Meeting shall be the supreme decision-making organ of the Coalition capable of exercising full and extensive powers over the affairs of the Coalition.
- 5.3 The Annual General Meetings shall be held at such place and at such time as the Board may determine, provided that there shall be a period not exceeding fifteen (15) months between each Annual General Meeting.
- 5.4 The following business shall be transacted at the Annual General Meeting:-
- (a) To receive and consider for adoption, the Chairperson's Report and Financial Statements, including reports from any regional or international office that may be in existence;
 - (b) to review the Coalition's projects and ratify policies, codes of conduct for the staff and for members, code of ethics, solemn declarations by members and other such governing instruments adopted by the Board, including formulation of policy guidelines for implementation by the Board.
 - (c) To review and/or ratify the activities of the Board, the thematic committees and regional and international offices.
 - (d) To present and adopt future annual plans,
 - (e) To elect members of the Board
 - (f) To consider and/or adopt any proposed changes to the constitution.
 - (g) To do all things which are incidental or conducive to the attainment of the aims and objectives of *the Coalition*.
- 5.5 Each General Meeting of the members shall consist of the following delegates:-
- (a) A delegate seconded by each member of *the Coalition* with full voting powers, provided that any member may opt to send a proxy to the Annual General Meeting.
 - (b) Ex-officio delegates with no voting powers being members of the Board, Chairpersons of the thematic committees provided that where such delegates have also been seconded to represent their member organizations to the General Meeting, they shall be entitled to exercise the right to vote on behalf of their institutions.

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- c) Representatives from the Boards of any regional or international office who shall be entitled to speak on behalf of their respective offices. These representatives may however attend only the Annual General Meeting, unless specifically invited for any other General meeting.
 - (d) Any other delegate seconded by any member organization provided that **the Coalition** shall not be required to meet the costs and expenses associated with the attendance of such delegate to the General Meeting. Such delegates may speak but will not be entitled to vote at the General Meeting.
 - (e) Such number of members of staff as may be necessary to assist in the smooth conduct of the affairs of the General Meeting provided that these shall be restricted to providing technical and logistical assistance to the General meeting.
 - (f) Such other persons as may be invited by the Board to give technical expertise on any subject or as observers or guests to the General Meeting, provided that such observers, guests or invited speakers will not be entitled to vote or influence the proceedings of the General Meeting
- 5.6 All decisions shall be by a simple majority vote of the members present and voting at the General Meeting.
- 5.7 Other than the Annual General Meeting, all other General Meetings shall be convened for the purpose of giving direction and control on matters of programming and general networking of the members and attending to any other emerging crisis issues requiring urgent attention, including but not limited to filling in any vacancies that would have arisen within the Board.
- 6. NOTICE PERIODS AND CONDUCT OF THE GENERAL MEETING**
- 6.1 The Annual General Meeting shall be conducted, subject to the members being given at least twenty one (21) days written notice of the date, time, venue and business to be conducted at the Annual General Meeting. Any other General Meeting may be held on at least fourteen (14) days' notice being given.
- 6.2 Any member wishing to propose motions at the Annual General Meeting shall give written notice to the Board within (ten) 10 days of being informed of the date of the Annual General Meeting. The thematic committees may also propose motions within the same time frame.
- 6.3 Notwithstanding the provisions of Sub-section 6.2 above, the person presiding over the Annual General Meeting may in his/her discretion allow a motion or motions to

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be proposed at the Annual General Meeting even if the requisite notice has not been given.

- 6.4 The quorum of the General Meeting shall be at least 50% plus one of the Coalition members.
- 6.5 If the Chairperson is not present within ten (10) minutes of the appointed time for the General Meeting, the Vice-Chairperson shall preside over the proceedings. In the absence of both, a chairperson shall be elected by members present to preside over the General Meeting.
- 6.6 If there is no quorum within thirty (30) minutes of the advertised time of the General Meeting, such meeting shall be postponed, in the case of an Annual General Meeting, to a date one month later, and in the case of any other General Meeting, to a date seven (7) days later. If the date to which any such meeting is postponed falls on a public holiday, the meeting shall be deemed to have been postponed to the next available working day. At the reconvened meeting, members present shall automatically form a quorum.
- 6.7 No business shall be conducted at a meeting unless notice thereof has been given or unless more than half of registered members of **the Coalition** are present and such members authorize the inclusion of any further business on the agenda for the meeting by a two thirds (2/3) majority.
- 6.9 The business of the Annual General Meeting shall be disposed of in the following manner:-
 - (a) Confirming that the Notice convening the meeting was duly given;
 - (b) Establishing that the members present in the meeting constitute a quorum (this may include verifying the delegates eligible to vote in the proceedings)
 - (c) Noting the apologies
 - (d) Adoption of the Agenda
 - (e) Reading, correction and/or adoption of minutes of the previous meeting
 - (f) Matters arising from those minutes;
 - (g) Consideration of the Chairperson's report and/or adoption of Chairperson's Report, incorporating reports from the regional and international offices;

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- (h) Presentation and/or adoption of the Financial Reports and Statements of Accounts, including reports from the regional and international offices;
- (i) Presentation and/or adoption of the external Auditor's Report and Management Letter, including reports from the regional and international offices, including the appointment/re-appointment of external auditors;
- (j) Presentation and/or approval of the annual plan for the ensuing year together with capital and recurrent expenditure budgets and review and approval of subscription fees and annual membership fees, including proposals from the regional and international offices.
- (k) Election of the Board members and office bearers in terms of this Constitution;
- (l) Presentation and/or adoption of policy recommendations and other governing instruments of the Coalition.
- (m) Any Other Business that may be dealt with by that meeting in accordance with this Constitution.

7. THE BOARD

- 7.1 The Board shall consist of the following office bearers who shall be elected in their individual capacities at an elective general meeting:-
 - (a) Chairperson
 - (b) Vice-Chairperson
 - (c) Treasurer
 - (d) Spokesperson
 - (e) Chairpersons of the thematic committees, provided that these shall be elected ahead of the Annual General Meetings by each thematic committee and will be confirmed at the Annual General Meeting
- 7.2 The National Coordinator shall be an *ex-officio* member of the Board and shall act as the Secretary of the Board. As an *ex-officio* member, the National Coordinator shall have no right to vote at any meeting of the Board.
- 7.3 Nominations for election to the Board shall be submitted in writing to the Secretariat at least fourteen (14) days before the Annual General Meeting.

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- 7.4 Office bearers shall be elected through a secret ballot at an elective Annual General Meeting.
- 7.5 All elected office bearers shall serve a two year term and will be eligible for re-election for a further term of two years only, provided that no member of the Board shall be entitled to serve a term of more than four years in the Board.
- 7.6 No person may stand for election to any position in the Board or hold office as a Board Member if he/she:-
- (a) Has not been nominated by a member of the Coalition to stand or hold such office, or
 - (b) Has been declared insolvent, or,
 - (c) Has, within a period of five (5) years immediately preceding the date of his or her proposed appointment, been sentenced in any country to a term of imprisonment of or exceeding six (6) months imposed without the option of a fine and has not received a free pardon.
 - (d) Has, within a period of five (5) years immediately preceding the date of his or her proposed appointment been employed by the Coalition in any capacity, whether in any office operating in Zimbabwe or at any regional or international office, provided that this provision shall not apply in retrospect.
 - (e) Is an office bearer in any political party.
8. In addition to the powers vested in them by law, the Board shall, subject to the direction and control of the Annual General Meeting, have and may exercise from time to time, the following powers:-
- 8.1 To retain and allow the assets of the Coalition or any part or parts thereof to remain in the present state of investment for so long as they may think fit;
- 8.2 To invest or reinvest the proceeds of any assets or any monies of the Coalition in their hands from time to time in Government or Municipal securities, banking institutions, registered Building Society investments or first mortgage bonds and in such shares, securities or other investments of whatever nature, as the Board in its sole and absolute discretion may deem fit.
- 8.3 To vary any investments made in terms of sub-section 8.2 above for other investments of a like nature.

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- 8.4 To hold the whole or any part of the assets of the Coalition in the name of the Coalition, or in the names of any other persons nominated by them for that purpose.
- 8.5 To exchange, sell, alienate, lease or otherwise deal with the Coalition's Assets, whether movable or immovable, whether corporeal or incorporeal and of whatsoever nature and wheresoever situated, as they in their sole and absolute discretion may deem fit, and in exercising any powers of sale, whether conferred in this sub-section or otherwise, they shall be entitled to cause such sale to be effected by public auction or by private treaty and in such manner and on such terms and conditions as they in their sole and absolute discretion may deem fit and, in exercising any powers of lease, they shall be entitled to cause any property to be let at such rental, for such period and on such terms and conditions as they, in their sole and absolute discretion, may deem fit.
- 8.6 To pay out of the capital or at their discretion, out of the income of the Coalition's Assets for any repairs, improvements or other works of whatsoever nature executed on any land included in the Coalition Assets or on buildings or other structures situated thereon.
- 8.7 To exercise all the voting powers attaching to any shares, debentures or other securities at any time forming part of the Coalition's Assets.
- 8.8 To compromise and settle for such consideration and upon such terms and conditions as they may deem advisable all matters arising in relation to the Coalition and all such compromises and settlements shall be final and binding upon the Coalition.
- 8.9 To consent to any re-organisation, arrangement or reconstruction of any company the securities of which form, from time to time, the whole or any part of the Coalition Assets and to consent to any reduction of capital or other dealings with such securities as they may consider advantageous or desirable.
- 8.10 To surrender and deliver up any shares forming part of the Coalition's Assets for such consideration and upon such terms and conditions as they may approve to any company reducing its capital and receive such consideration in the form of cash, securities, or other assets as may be agreed upon between them and such company.
- 8.11. To borrow money, in their sole and absolute discretion, for the purposes hereof at such time or times, at such rate of interest or other consideration for any such loan and upon such terms and conditions as they may deem desirable. Such borrowing may be made from any suitable person or persons, and should they consider it

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advisable so to do, the Board may secure payment of such loan by pledging or mortgaging the Coalition Assets or any part thereof or by any other security device. Any such loan or loans may be extended, renewed or repaid from time to time as the Board may deem to be in the best interest of the Coalition.

- 8.12. To make all apportionments in the accounts of the Coalition which may be necessary
- 8.13. To engage accountants, attorneys, agents, brokers, or such professional or other assistants as they may consider necessary.
- 8.14. To transact all or any business whatsoever nature required to be done pursuant to this Constitution and to pay all such fees, charges and expenses so incurred as a first charge, and they shall not be responsible for the default of such accountants, attorneys, agents, brokers, professional or other assistants or for any loss occasioned by such engagement.
- 8.15. To determine all questions and matters of doubt which may arise in the course of their management, administration, realisation, liquidation, partition or winding up of the Coalition's Assets.
- 8.16. To open and operate banking accounts for the Coalition.
- 8.17. To reimburse themselves and pay and discharge out of any income accruing from the Coalition, all expenses which may be incurred by them in or about the execution of the Coalition and powers conferred upon them by this Constitution.
- 8.18. To establish a Secretariat and to employ and provide out of the Coalition's funds a suitable remuneration for all such officers, employees and agents in the Secretariat as the Board may deem necessary in pursuance of the purposes and objects of the Coalition, and to deal with all employment matters relating to such officers, employees and agents;
- 8.19. To enter into indemnities, guarantees or suretyships of every description (either gratuitously or for a consideration) which they may deem fit.
- 8.20. To institute or defend legal proceedings by or on behalf of the Coalition.
- 8.21. With regard to any immovable property or mortgage bond at any time forming part of the Coalition Assets, to execute any act or deed relating to alienation, partition, exchange, transfer, mortgage, hypothecation or otherwise, in any Deed Registry, Mining Titles Office, other Public Office dealing with servitudes, usufructs, limited interests or otherwise, and to make applications, grant any consents and agree to any amendments, variations, cancellations, cessions, releases, reductions,

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substitutions or otherwise generally relating to any deed, bond or document for any purposes and generally to do or cause to be any act whatsoever in any such office.

- 8.22 To facilitate the creation and registration of any trust for and on behalf of the Coalition and subject to the provisions relating to the election of the Board members provided for in this constitution, become the founding trustees of that trust.
- 8.23 To adopt such policies, codes of conduct, codes of ethics and procedures as may be necessary for the effective implementation of Coalition's business.
- 8.24 To engage a qualified external auditor and legal counsel/advisor for the Coalition on such terms and conditions as it may fix.
- 8.25 To appoint its own committees and thematic committees as it may deem fit and necessary and confer on them such powers, at it shall determine. Such committees shall be chaired by a Board member and report their proceedings to the full Board and shall conduct their business in accordance with its discretion.
- 8.26 To do all things incidental to or connected to the fulfilment of the aims and objectives of *the Coalition*.

9. MEETINGS OF THE BOARD

- 9.1 The Board shall meet at least six times in each each year.
- 9.2 The Board shall regulate the manner and proceedings of its own minutes subject to the provisions of the Board Manual that may be adopted.
- 9.3 The quorum at all Board meetings shall be at least half of its total membership.

10. LOSS OF OFFICE

- 10.1 The office of any member of the Board shall be vacated:-
 - (a) If he/she resigns; or
 - (b) If he/she becomes of unsound mind; or
 - (c) If he/she becomes unfit and/or incapable to act; or
 - (d) If he/she becomes insolvent or assigns his/her estate for the benefit of or compounds with her creditors; or
 - (e) If he/she shall become disqualified in terms of the Companies Act (Chapter 24:03) as amended from time to time to act as a Director of Company.

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- 10.2 Board membership may also be lost through a vote of no confidence that may be passed at a Special General Meeting that may be called for such purpose.
- 10.3 With respect to chairpersons of the thematic committees, membership to the Board may also be lost when he/she ceases to be the chair of such thematic committee in which case the incoming chairperson becomes a member of the Board for the remainder of the Board's term office.
- 10.4 Board membership may also be lost by the vote of two thirds majority of the Board, subject to an appeal being made to the Annual General Meeting, for violating any provision of this constitution or flouting any provision of any procedures, policies or codes of conducts applicable to members and Board members, provided that the member is granted the opportunity to be heard.

11. DUTIES OF OFFICE BEARERS

11.1 The Chairperson shall:-

- (a) Be the political face of *the Coalition*,
- (b) Give direction and provide leadership on all policy formulations and ensure that the aims and objectives of the Coalition are realized.
- (c) Preside over the Board and all General Meetings.
- (d) Present reports to the Annual General Meeting.
- (e) Be one of the signatories of *the Coalition* and approve all expenditure.
- (f) Generally oversee the affairs of *the Coalition*.

11.2 The Vice Chairperson shall:-

- (a) Deputize the chairperson and perform such other duties as may be designated by the Chairperson.
- (b) Act as Chairperson in the event of the chairperson's absence, temporary or permanent inability or incapacity, or death of the Chairperson.
- (c) Chair the Finance and Administration committee which may be set up in terms of this constitution.

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- (d) Chair the Disciplinary Committee that may be set by the Board in terms of this Constitution

11.3 The Treasurer shall

- (a) Have charge and custody of all funds and properties of **the Coalition**.
- (b) Be a signatory to all **the Coalition's** accounts.
- (c) Be a member of the Finance and Administration Committee that may be set up in terms of this Constitution
- (d) Maintain and keep proper books of accounts in relation to **the Coalition's** funds and liaises with the external auditors in respect to all audit issues.
- (e) Oversee the preparation of and present financial statements and budgets to the Board and the Annual and/or Special General Meeting.
- (f) Oversee the implementation of all policies and regulations relating to the finances of **the Coalition**.
- (g) Report to the Board regularly and quarterly to the General Meeting on the financial state of **the Coalition** and oversee preparations for the annual external audit; and, within three months after the end of each financial year of the organization, cause an account of its expenditure and revenue for that financial year to be audited by an auditor registered as a public auditor in terms of the Public Accountants and Auditors Act (Chapter 27:12)

11.4 The Spokesperson shall

- (a) Defend and/or articulate the position of **the Coalition** on all matters, nationally, regionally and internationally.
- (b) Oversee the implementation of all policies and regulations relating to communications and message packaging
- (c) Generally speak on behalf of **the Coalition** on all matters, nationally, regionally and internationally.
- (d) Subject to the general control of the Board and the Annual and/or Special General meeting, design the information packaging and dissemination model.

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12. THE THEMATIC COMMITTEES

- 12.1 The thematic committees stated in Sub-section 4.1 (c) above shall assist the Board in the discharge of its duties. In particular, they shall:-
- (a) Act as a link between the Board and the members for purposes of implementing and coordinating sector specific activities.
 - (b) Carry out functions determined by the members in the thematic committee to further the Coalition's aims and objectives.
 - (c) Take the initiative in identifying thematic committee specific concerns and proffer practical and alternative solutions to these, within the ambit of the aims and objectives of the Coalition.
 - (d) Perform such duties and functions as may be assigned by the Board, Annual and/or Special General Meeting.
 - (e) Elect a chairperson and other office bearers for the specific thematic committee ahead of every elective General Meeting.
 - (f) Do all such things as may be necessary and/or incidental to the attainment of the objectives of the Coalition within their specific thematic committee.
 - (g) Recommend to the Board new members for admission to *the Coalition's* membership.
 - (h) Recommend to the Board, the expulsion, suspension or removal from membership of any member belonging to that particular thematic committee.
 - (i) Recall any office bearer of the thematic committee on any ground it may deem fit and fill the arising vacancies, provided that the recalled office bearer may appeal to the Board against such recall. In such circumstances, the Board's decision shall be final.
- 12.2 The thematic committees shall meet at six times each year, ahead of the Board meetings, at such times, places and dates as they may determine, provided that one such meeting shall be held ahead of every elective General Meeting.
- 12.3 The thematic committees are accountable to the Board and input into the work of the Board and the Board will have oversight over the functions of all thematic committees.

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Zimbabwe or at any regional or international office, provided that this provision shall not apply in retrospect.

14. REGIONAL AND INTERNATIONAL OFFICES

14.1 Subject to the provisions of this Constitution, the Coalition may establish and run offices anywhere within the region and internationally for the purposes of furthering its aims and objectives. The Regional and International offices established in this way shall be under the direction and control of the General meeting through the Board. Where it becomes necessary to appoint a different Board than the one created under this Constitution, such number of Board members as may be lawfully permitted in terms of the host country shall be designated members of that Board at all times.

14.2 The Regional and International Offices so established shall comply with all laws and regulations governing the operations of non-profit making entities.

14.3 The Regional and International offices may, subject to approval of the Board set out in terms of this Constitution, establish its own Secretariat on such terms and conditions as may be approved by the Board elected in terms of this Constitution. The Secretariat so established shall be accountable to and reporting directly to the National Coordinator for the time being at the Head office.

14.4 The decision to establish and/or maintain a regional or international office shall be subject to approval of the General Meeting or Special General meeting convened for that purpose. Any other issue that has a direct bearing or effect on the status of such a Regional or International Office must similarly be approved by the Annual and/or Special General Meeting.

15. REMUNERATION FEES FOR PROFESSIONAL SERVICES RENDERED

15.1 No remuneration whatsoever, other than necessary *per diems* (out of pocket allowances) duly authorized in writing by the Board shall be payable to any member for their services in terms hereof, which services shall be regarded as charitable services on the part of the members who are involved on a day to day basis for **the Coalition**.

15.2 Any attorney, accountant, broker, consultant or any other person acting as a member under this Constitution shall be entitled for his/her own benefit and for the benefit of any firm or company of which he/she may be a member, to charge normal fees for professional services rendered to **the Coalition** or in connection therewith

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in addition to such normal remuneration he/she may receive in terms of this Constitution.

16. FINANCES, ASSETS AND RESOURCES OF THE COALITION

16.1 The financial year of **the Coalition** shall be from January to December 31st in each year. The financial year coincides with the end of each programming year of **the Coalition**.

16.2 All monies of **the Coalition** shall be paid into a bank account to be kept in the name of **the Coalition** and any three members of the Board, one of whom shall be the Board Chairperson, and two members of the Secretariat, one of whom shall be the National Coordinator shall be signatories to **the Coalition's** bank accounts. For any valid bank transaction to take place the signature of any one authorized member of the Secretariat and any one authorized member of the Board will suffice.

16.3 The sources of funds for **the Coalition** shall be:-

- (a) Registration and subscription fees from members;
- (b) Donations, grants and resources from approved sources fundraised in the name of the Coalition;
- (c) Royalties from publications
- (d) Charges for consultancy services
- (e) Income from **the Coalition's** promotional materials or such investments permissible under the not-for-profit legislation in Zimbabwe;
- (f) Any other funds or moneysto which **the Coalition** shall be entitled.

16.3 The funds of **the Coalition** shall be applied in line with the provisions of Sections 1 above and no portion thereof shall be paid or transferred directly or individually by the way of dividends, bonus or otherwise howsoever by way of profit, to members of **the Coalition**;

16.4 The finances, resources and assets of **the Coalition** shall be managed and administered in line with the existing policies adopted by the Board from time to time.

17. AUDIT

17.1 An appropriately qualified and reputable external auditor shall be appointed to audit the accounts of **the Coalition** by the Annual General Meeting, at least once a

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year, provided that the same auditor shall not be appointed to audit the accounts of the Coalition for more than three consecutive years, without ratification of the Annual General Meeting.

- 17.2 The terms and conditions for the engagement of the auditor shall be as determined between the Board and the auditor in question.

18. AMENDMENTS TO THE CONSTITUTION

- 18.1 Any provisions of this Constitution may be amended by a vote of at least two thirds of the members present and voting at the Annual General Meeting or Special General Meeting called for the purpose.

- 18.2 The Board or individual members can propose amendments, provided that notice of such proposed amendments shall reach members not later than one month before the holding of the meeting at which the proposed amendments will be deliberated upon and put to the vote.

19. INTERPRETATION AND DISPUTE RESOLUTION

- 19.1 The final interpretation of this Constitution rests with the Annual General Meeting. Where the Annual General Meeting fails to agree on the proper interpretation of this Constitution, an expert may be called to give an opinion on the matter and such opinion shall be final.

- 19.2 All disputes arising as a result of the application of any provisions of this Constitution and/or grievances arising therefrom shall be disposed of by the Board. A dissatisfied party may file an appeal to the Annual General Meeting called for that purpose. The Annual General Meeting shall dispose of the dispute in the manner it sees fit, including but not limited to referring the dispute for voluntary arbitration in which event the Arbitrator's decision shall be final.

20. DISSOLUTION

- 20.1 The Coalition may be dissolved by a vote of at least three quarters of members present and voting at the Annual General Meeting or Special General Meeting called for that purpose.

- 20.2 In the event of dissolution, the assets of the Coalition shall be used to offset the Coalition's liabilities and any remainder thereof shall be donated to a charitable organization which broadly has the same objectives as the Coalition's.

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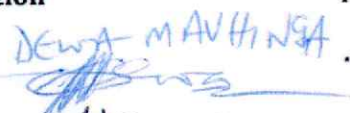
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THUS DONE AND SIGNED AT HARARE on this _____ day of **April 2014** in the presence of the undersigned witnesses, confirming the adoption of the Constitution of the Coalition.

MEMBERS OF THE BOARD

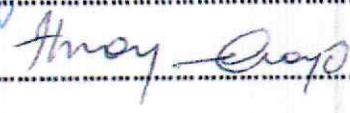
Name and Designation

As witnesses (Name and Signature)

1. Chairperson DENIA MATHINGA

2. Vice Chairperson H. H. H. H.
Samueliso Khumalo
3. Spokesperson M. M. M. M.

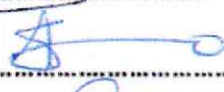
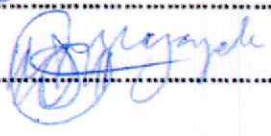
Thematic Committee Chairpersons

4. Advocacy and Lobbying

5. Information, Education & Communication

6. Peace-building and Security

7. Youth

8. Human Rights and Legal Affairs

9. Gender and Women's Rights

10. Arts and Culture METHULI DUBE


IN THE HIGH COURT OF ZIMBABWE
HELD AT BULAWAYO

CASE No.

In the matter between

CRISIS IN ZIMBABWE COALITION

APPLICANT

AND

THE MINISTRY OF PUBLIC SERVICE, LABOUR
AND SOCIAL WELFARE

1ST RESPONDENT

AND

THE ATTORNEY GENERAL N.O

2ND RESPONDENT

DRAFT ORDER

AT BULAWAYO: this day of2025

Before the Honourable Justice MR./MS/MRS.....

..... For the Applicant

..... For the Respondent

WHEREUPON:- after reading documents filed of record and hearing counsel,

IT IS ORDERED THAT:-

1. Section 3(4), 5(3)(a)(b) and (d), section 6(7), section 13A, section 14, section 20A and section 22 of the Private Voluntary Organisations Act [Chapter 17:05] be and are hereby declared ultra vires the Constitution of Zimbabwe and be and are hereby set aside.
2. This order shall be confirmed by the Constitutional Court in terms of section 175(1) of the Constitution.

3. The Respondents, the one paying and the other to be absolved, shall pay the costs of this Application.

.....
BY THE JUDGE

.....
ASSISTANT REGISTRAR