ZIMBABWE

Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government and have restricted political choice since independence in 1980. Although the Constitution allows for multiple parties, opposition parties have been subject both to financial restrictions, which were relaxed only partially in 1998, and to periodic intimidation by the ruling party and government security forces. The judiciary is generally independent, but the Government often refuses to abide by court decisions.

The Zimbabwe Republic Police (ZRP) are responsible for maintaining law and order. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security. The Central Intelligence Organization (CIO) under the Ministry of State Security is responsible for internal and external security but no longer has powers of arrest. Members of the security forces committed serious human rights abuses.

Of a population of perhaps 12 million, nearly half live by subsistence agriculture and about 75 percent rely directly or indirectly on agriculture for their livelihood; however, there are also substantial mining, manufacturing, and service sectors. The country has abundant arable land, minerals, good infrastructure, an educated and disciplined work force, and a strong ecotourism sector. Its chief sources of hard currency were exports of tobacco, gold, ferro-alloys, nickel, tourism, and remittances from citizens working in other countries. The non-farm economy continued to be dominated by state-owned monopolies and to suffer from mismanagement and poor governance including government corruption, and from large fiscal deficits exacerbated by the Government's military operations since 1998 in the Democratic Republic of the Congo (DROC). These conditions continued to contribute to accelerating price inflation, rapid currency depreciation, high real interest rates, and high unemployment. Over half the population relies on subsistence agriculture. The formal sector unemployment rate exceeds 55 percent. In 1998, per capita gross domestic product was approximately $425. During the year, the economy contracted and real per capita income fell. The Government continued 
to face growing pressure from urban labor groups and rural low-income groups as the standard of living dropped. Widespread strikes and opposition from private businesses as well as labor largely frustrated government efforts to impose new taxes and reimpose price controls. International experts estimated that HIV/AIDS infects one-fourth of the adult population and has killed nearly 600,000 persons and created hundreds of thousands of orphans since the late 1980's.

The Government's overall human rights record worsened significantly and there were serious problems in a growing number of areas. There were incidents of police killings. Security forces tortured, beat and otherwise abused persons. Prison conditions remained harsh, and arbitrary arrest and detention and lengthy pretrial detention remained problems. Executive branch officials repeatedly refused to implement court decisions; after three Supreme Court judges called on the President to require executive branch officials to obey the law, the President publicly suggested that they resign. Infringements on citizens' privacy continued. The Government announced that it would restrict state hiring to ruling party members. The Government intensified its restrictions on press freedom, enforcing restrictive laws against journalists, detaining, torturing and intimidating journalists, and monopolizing domestic radio broadcasting; the President blocked enactment of legislation passed by the Parliament that would have partly relaxed some legal restrictions on various human rights including freedom of the press, and threatened to enact laws that would further restrict press freedom. Journalists also practiced self-censorship. The Government continued to restrict academic freedom. The Government restricted freedom of assembly. Security forces repeatedly used force to disperse nonviolent public meetings and demonstrations. Although the Government generally respected religious freedom, its retention of the colonial-era Witchcraft Suppression Law reportedly was viewed as restrictive by some practitioners of traditional indigenous religions. The Government at times restricted freedom of movement. The political process remained heavily tilted in favor of the ruling party and widespread irregularities, fraud, and intimidation marred urban council elections. The Government effectively frustrated a movement, initiated by a coalition of nongovernmental organizations (NGO's), to reduce the power of the presidency through constitutional reform. The President criticized and threatened NGO's for promoting political liberalization and respect for human rights. Domestic violence against women remained widespread, and traditional, often illegal, discrimination against women continued. Abuse of children and discrimination against the disabled remained problems. There were increasing reports of ritual murders associated with traditional religious practices. The President and his Government exacerbated widespread resentment of the economically prominent European ethnic minority. The Government increasingly violated labor rights, further restricting the right to strike and expelling a foreign adviser of an independent labor federation; members of the security forces beat a labor leader.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government security forces, but there were reports of the use of excessive force, which resulted in deaths.

In March police instituted a system of roadblocks to apprehend suspected criminals,
known as "Operation Hokoyo." Police killed two persons when they fired at moving vehicles that had attempted to evade the checkpoints. The police stopped using live ammunition during searches at roadblocks after public criticism over the deaths.

On September 23, Notice Zhakata reportedly died at Norton Hospital of injuries inflicted on him by police at the Kadoma police station, where he was detained following an arrest and from which he reportedly was taken, bleeding, to the hospital. According to press reports, a medical postmortem confirmed that Zhakata died of injuries due to an assault. According to press reports, police initially denied responsibility for the death, but in October a police spokesperson announced that police officers were arrested in connection with Zhakata's death.

Harsh prison conditions and a high incidence of HIV/AIDS are widely acknowledged to have contributed to a large number of deaths in prison; however, no current statistics on the exact number of deaths were known to exist. (see Section 1.c.).

In April the Vice President of Rwanda alleged that the armed forces of Zimbabwe had trained ethnic Hutu militias that committed extrajudicial killings and other serious human rights abuses in the DROC and Rwanda; in April the Ministry of Defense denied these reports, and no evidence to support them was reported.

In July the ZRP's Criminal Investigation Division reportedly identified an unnamed official of both the ZANU-PF and the Government as the subject of an investigation into three ritual killings committed in 1997 (see Section 5).

Police killed eight persons during the January 19-22, 1998 food riots. The Government conducted investigations into these cases, and private legal actions were instituted against the police. At year's end, those cases still were proceeding through the courts, and police investigations were ongoing. In March a magistrate court issued an opinion in the case of a 12-year-old girl, Kudzi Ndlovu, who was shot in Gweru during the riot on January 20, 1998, in which he concluded that her death resulted from a collapse in police command and inadequate riot control procedures by the officers on the scene. Due to the confusing and conflicting evidence about the police response in this case, the judge was unable to find any individual officer liable for this death. The magistrate court recommended that further "private investigations" be undertaken to assist the Attorney General in determining liability in the case. At year's end, there were no other developments in the case.

The Attorney General continued to decline to prosecute the mayor of Chitungwiza, Joseph Macheka, for shooting to death one man and wounding two others who allegedly attempted to rob Macheka's liquor store during the January 1998 food riots. Macheka was the successful ruling ZANU-PF party candidate in a contentious mayoral election campaign against an independent. The Attorney General determined that Macheka was acting in self-defense and therefore, that prosecution was not in the public interest. Legal and human rights critics accused the Attorney General of bowing to political pressure and usurping the function of the court.

There were no developments in the gasoline bombing case involving independent Member of Parliament Margaret Dongo, whom ZANU-PF supporters attacked with a gasoline bomb at a by-election in Chitungwiza in February 1998. There also were no new
developments in the case of a police officer who fired into a crowd of persons protesting fuel price increases in Mutare in late 1998, killing one woman. The officer has not been prosecuted.

By year's end, the Government still had not responded formally to a report by the Legal Resources Foundation (LRF) and the Catholic Commission for Justice and Peace (CCJP) on atrocities committed during the 1982-87 Matabeleland crisis, despite the release of a shortened version that was made available in local languages. During the July 5 funeral for the former vice president Joshua Nkomo, President Mugabe said that he regretted the "unfortunate happening" that took place in Matabeleland, in reference to the numerous abuses committed in that region during the 1980's, without assigning blame or responsibility to any government forces.

b. Disappearance

There were no reports of politically motivated disappearances.

In November a leader of the Congolese Rally for Democracy, a Congolese insurgent group fighting against units of the Zimbabwean armed forces in the DROC, alleged that Zimbabwean troops kidnaped and held as hostages 17 missionaries of the Church of Jesus Christ on Earth of the Prophet Simon Kimbangu; however, there were no reports of evidence that supported this allegation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and cruel and inhuman treatment; however, security forces tortured, beat, and otherwise abused persons.

The ZRP showed poor training in criminal apprehension and interrogation; officers used live ammunition at vehicle checkpoints, which resulted in several deaths (see Section 1.a.), and during student protests to disperse demonstrators (see Section 2.a.).

On January 12, the military police detained and subsequently tortured and beat an editor of The Standard newspaper, Mark Chavunduka, at Cranborne barracks following the newspaper's publication of a January 10 story that alleged that 23 army officers had been arrested in connection with an attempted military coup. Chavunduka credibly alleged that government officials subjected him to prolonged interrogations about the sources of the story until January 19, when he was handed over to the civilian police. On that same day, police also arrested a reporter for The Standard, Ray Choto, and took both Chavunduka and Choto to a detention center where, they credibly alleged, police beat them over several hours with planks, electric cords, fists, and booted feet. Chavunduka alleged that police stripped him, placed his head under water, and then handcuffed him and subjected him to electric shocks on his genitals and other parts of his body while continuing to interrogate him about the sources of his coup story. Chavunduka also alleged that one of his eardrums was perforated following beatings to his head during his detention. On January 20, Chavunduka and Choto were seen by an army doctor at Parirenyatwa hospital, who found that both journalists sustained injuries while in custody. The two journalists, charged under the Law and Order Maintenance Act (LOMA) with making a false statement likely to "cause fear, alarm, and despondency" among the public (see Section 2.a.), were released on bail and seen by private doctors on January 21, who concluded that
there was no doubt that their injuries were the result of torture. A third doctor examined the journalists on January 23, and also found that they were abused physically while in custody. In March Chavunduka and Choto were treated in London (see Section 2.d.) for physical and psychological injuries that they sustained while in the custody of the military and civilian police in January. Two separate High Court judges issued orders for the release of the journalists in early January, since the military has no authority to arrest civilians. The military refused to release the journalists, claiming defects in the service of the court orders. On January 23, in an interview with the British Broadcasting Corporation (BBC), Minister of Defense Moven Mahachi denied that the journalists were abused. Minister Mahachi subsequently stated that the military had overreacted in the case of the journalists due to anger over the story, which he credibly claimed was incorrect. The Minister then reiterated his denial of any mistreatment by the military. Chavunduka and Choto sued the military, police, Central Intelligence Organization, and several individual officers in the Supreme Court, seeking damages for their abuse while in custody and challenging the LOMA's constitutionality. At year's end, neither the State's case under the LOMA nor the journalists' suit for the alleged mistreatment had been concluded.

On January 20 in Harare, three men, one of whom later was identified as a police officer, reportedly assaulted Isodore Zindoga, deputy secretary general of the Zimbabwe Confederation of Trade Unions (ZCTU). According to Zindoga, the three men beat him unconscious with an iron pole when he asked them why they had been following him by car. The assault followed confrontations between the ZCTU and the Government (see Section 6.a.); in December 1997, the ZCTU's secretary general had been beaten unconscious by seven armed men.

In a televised address to the nation on February 6, President Mugabe, in response to a request from Supreme Court justices that he reaffirm his commitment to the rule of law, defended the actions of the security forces in the case of the Standard journalists and suggested that the justices resign (see Section 1.e.).

Police officials held incommunicado, tortured, and physically abused three American members of the Indiana-based Harvestfield Ministries that had a mission in the DROC, following their arrest on March 7 at Harare International Airport, where officials discovered undeclared weapons in their suitcases as they attempted to board a flight to Europe. They were taken into custody and charged under the LOMA for illegal possession of arms of war and for violating the Aircraft Offenses Act. The Government initially accused them in court and in the press of espionage and conspiring to commit terrorist acts and implied that they had conspired to assassinate President Mugabe, but ceased making those charges in July without explanation. The three men stated that their jailers applied electric shocks to their genitals, beat their feet with leather straps, submerged their heads under water, and deprived them of sleep during their first few days of interrogation. Reports written by three physicians who examined the three men on March 13, 15 and 18 reportedly confirmed that all three were beaten on the soles of their feet and their findings were in other respects consistent with the abuse alleged by the prisoners. In prison the three men were subjected to harsh conditions, including being forced to sleep naked and shackled with leg irons, and with the lights on 24 hours a day. In response to a court order to improve the conditions of their imprisonment (see Section 1.e.), President Mugabe issued an executive order stating that prison officials (rather than courts) were competent to determine prison conditions (see Section 1.e.). In September the three were found guilty of violations of sections of the LOMA and the Aircraft Offenses Act and were
given concurrent sentences of 21 months under the LOMA and 6 months under the Aircraft Offenses Act. The Attorney General, in state-owned media, criticized the court for the leniency of these sentences (see Section 1.e.). The three men were released and deported in early November, after having been incarcerated for 8 months.

On March 16 and 17, the Chitungwiza police arrested and for the following 6 months detained, separately, a married couple, Joyce and Shupikai Karimazondo, in response to allegations by a neighbor that they had killed their young domestic worker for ritual purposes (see Sections 2.c. and 5). Mrs. Karimazondo alleged that she was chained to rafters in the roof, subjected to electric shocks to her body, and was beaten between her legs by members of the criminal investigations division who sought to extract a confession of murder from her. She alleged she was beaten further by other officers over 4 days. Another person the police claimed had participated in the crime, John Mita, also was arrested, and he, too, alleged that the police assaulted him while he was in custody. The Karimazondos and Mita were released, and the murder charge was dropped in September after the domestic worker was located alive and unharmed. The Magistrate Court declined the Karimazondos' defense counsel's application to have the State prosecute the investigating officers for misconduct and unlawful detention. Mita stated that he was suing the Government for unlawful detention. A local organization that treats torture victims, the Amani Trust, is investigating these allegations. At year's end, these investigations and legal challenges still were proceeding.

In September Notice Zhakata reportedly died at Norton Hospital of physical abuse inflicted by police at the Kadoma police station while he was detained there (see Section 1.a.).

Security forces repeatedly used force to disperse nonviolent demonstrations (see Section 2.b.).

In June, CIO officer Richard Mutswiri Mutiti reportedly filed a suit with the High Court alleging that four other CIO officials had beaten and kicked him, doused him with a flammable petroleum distillate, and threatened to burn him, while detaining him without warrant at the Harare Central Police Station from June 25 to June 27, 1998. A CIO disciplinary committee reportedly had recommended the firing of the four officials in 1998, and one reportedly resigned soon thereafter, but three reportedly remained employed by the CIO at year's end.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses. The CIO continued to refuse to pay court-ordered damages to a 1990 torture victim (see Section 1.e.). A consortium of human rights lawyers and nongovernmental organizations (NGO's) pursued legal actions in 40 cases on behalf of persons who alleged that they had been injured by state officials during the 1998 food riots (see Section 1.d.). Those cases were proceeding through the legal system at year's end.

In late January, a member of the CIO was sentenced to 8 months' imprisonment, half of which was suspended, for assaulting six journalists in Masvingo. The CIO member had accused the journalists of misrepresenting the security situation in the country.

Prison conditions remained harsh and have improved little since the Catholic Commission...
for Justice and Peace (CCJP) issued its 1993 report describing extreme overcrowding, shortages of clothing, and poor sanitary conditions. Overcrowding and poor sanitation aggravated outbreaks of cholera, diarrhea, and AIDS-related illnesses. Government prison service authorities reviewed overcrowding in prisons during a 1998 workshop and concluded that exposure to HIV/AIDS was a major cause of a large number of deaths in detention; however, no statistics are available on the exact number of such deaths, and prison authorities called for more research to address this growing problem, with some arguing for early release of such terminally ill prisoners. There has been a significant increase in the number of women incarcerated, primarily due to harsh economic conditions. There are an estimated 1,000 women in prison, increasingly for crimes of prostitution, embezzlement, fraud, petty theft, and abandonment of infants. Many incarcerated women are obliged to raise their very young children in prison if they have no one to care for them while they are detained. The Government has established a successful community service sentencing program to try to alleviate prison overcrowding. The Legal Resource Foundation, in cooperation with the prison service, has established a human rights training program for prison officials. Officials who mistreat prisoners are punished routinely.

The Government permits international human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weaken this prohibition and security forces arbitrarily arrested and detained persons repeatedly.

The law requires that police inform an arrested person of the charges against him before he is taken into custody. Warrants of arrest issued by the courts are required except in cases of serious crimes or where there is the risk of evidence disappearing. The Ministry of Home Affairs paid $112,500 (Z$4.5 million) in damages for wrongful arrest cases in 1996, the last year for which statistics were known.

Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often is disregarded if a person does not have legal representation. A 1992 amendment to the Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents. However, in practice, a circular issued by the Attorney General giving a general authority to grant bail has lessened the negative impact of the rule. High Court judges grant bail independently.

Two laws dating from the British colonial era, the Official Secrets Act and the LOMA, grant the Government a wide range of legal powers. LOMA gives extensive powers to the police, the Minister of Home Affairs, and the President to prosecute anyone for political and security crimes that are not clearly defined.

In 1997 the Government proposed new legislation called the Public Order and Security Bill (POSB), to replace the LOMA. The original POSB was less restrictive than the LOMA only in some respects. During the following 2 years, the Parliament significantly amended the POSB to reflect the concerns of human rights and legal organizations, which had protested the Government's original draft as insufficiently liberal. Although even the
amended version that the Parliament sent to President Mugabe for his signature was similar to the LOMA in including vague definitions of political and security crimes, harsh penalties for failure to report the acts of others, and restrictions on freedom of assembly, speech, and association, President Mugabe declined to sign it, and returned it to the Parliament in early June for further consultation and possible amendment. Mugabe reportedly wrote to the Speaker of Parliament that he refused to sign the POSB because it was excessively liberal, especially with respect to freedom of the press (see Section 2.a.).

In January military and civilian police detained and physically abused two journalists from The Standard and charged them with violating Section 50 of the LOMA (see Sections 1.c. and 2.a.). Two separate High Court judges issued orders for the release of the journalists in early January, since the military, which originally arrested the journalists, has no authority to arrest civilians. The military initially refused to release the journalists, claiming defects in the service of the court orders, but they were released on bail after being arraigned later the same month (see Section 1.e.).

Police also briefly detained the managing director of The Standard in January (see Section 2.a.).

In February police detained and interrogated four journalists associated with an independent weekly newspaper, The Mirror, and charged two of them with violating Section 50 of the LOMA, in connection with a story published in October 1998 that the Government stated was false (see Section 2.a.).

At year's end, the Government reportedly was holding about 80 foreigners in Harare Remand Prison who had been there for between 2 months and 1 year without having been charged formally. Many of these detainees reportedly were persons from the DROC claiming to fear persecution by the Government of the DROC, which the Government of Zimbabwe was supporting militarily against insurgent forces.

In June a CIO officer filed a suit alleging that other CIO officials had detained him without warrant in June 1998 (see Section 1.c.).

On July 2, the Zimbabwe Human Rights NGO Forum (a coalition of human rights lawyers and NGO's) released a follow-up report to its 1998 report on the January 19-22, 1998 food riots. The report noted that the police claimed that a total of 3,000 persons were arrested during the 3 days of rioting and 2 days of clean-up. The overwhelming majority of those arrested were released within a 2-week period; the Rights Forum concluded that 70 percent of those arrested could not be convicted because of lack of credible charges or flawed arrests by the police and army. Its report also claimed that some persons were victims of uneven justice. For example, those arrested first received harsh sentences or were in remand without trial. Those arrested later were released quickly, as the system was overwhelmed.

There were no developments in the case of the Reverend Ndabaningi Sithole, an opposition M.P. and longtime rival of President Mugabe, was convicted and sentenced in December 1997 to 2 years' imprisonment under the LOMA for conspiring to assassinate President Mugabe in 1995. Sithole was expelled from Parliament following his conviction, which was widely viewed as having been based on scant evidence (see Section 1.e.). In January 1998, Sithole filed an appeal, and the sentencing judge called for
a pardon. At year's end the appeal still was pending, and Sithole remained free on bail.

Prolonged pretrial detention remained a problem. According to government reports, 6,000 prisoners were pretrial detainees. In 1991 (the last year for which statistics were available), detainees spent an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

The Constitution prohibits exile, and the Government does not use exile as a means of political control.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the judiciary remained largely independent; however, the Government sometimes refused to abide by judicial decisions. The President suggested that three Supreme Court justices resign, after they requested that he require executive branch officials to obey court orders.

The Customary Law and Local Courts Act of 1990 created a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. With this restructuring, civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed for life and the Constitution provides that they can be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons. Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and sometimes are subject to political pressure. Military courts deal with disciplinary or court-martial proceedings. Police courts, which can sentence a police officer to confinement to camp or demotion, handle disciplinary and misconduct cases. Trials in both these latter courts meet internationally accepted standards for fair trials; defendants in these courts have the right to appeal to the Supreme Court. All levels of the judiciary often make rulings disliked by the Government.

The Constitution provides for the right to a fair trial, and the judiciary rigorously enforces this right. Every defendant has the right to a lawyer of his choosing. However, well over 90 percent of defendants in magistrates' courts do not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this is rarely done and rarely granted. However, in capital cases the Government provides an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. The government-established Citizens Advice Bureau was eliminated due to budget constraints in 1997. All litigants are represented in the High Court. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understand their rights and to weigh any mitigating circumstances in criminal cases, whether or not the accused presents them as part of his defense.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials are open to the public except in certain security cases. Defendants enjoy a presumption of innocence and the right to present witnesses and question witnesses against them. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The legal system does not discriminate against women or
minorities. However, some High Court judges imposed lenient sentences in some cases of rape and child sexual abuse, and local women's and legal organizations challenged these decisions.

In January military officials who illegally had detained a newspaper editor failed to comply with two court orders to release the journalist (see Sections 1.c., 1.d., and 2.a.).

In a televised address to the nation on February 6, President Mugabe criticized the judiciary for what he asserted to be interference in political matters and implicitly threatened the members of the judiciary by suggesting that they quit the bench if they wanted to be involved in politics. Mugabe accused three Supreme Court judges and one High Court judge of "an outrageous act of deliberate impudence" for speaking against the illegal detention of two journalists (see Sections 1.d. and 2.a.). The President's comments came after several Supreme and High Court judges wrote the President to urge him to reaffirm the rule of law following the military's refusal to obey two court orders to release journalists from The Standard, who were tortured while in custody in January (see Section 1.c.). The justices remained on the bench.

In early July, prison authorities failed to comply with an order issued by the Chief Justice of the Supreme Court to bring to court the three Americans who were tortured while in custody (see Section 1.c). In September, the Attorney General criticized the judiciary in state-owned media for what the Government perceived to be a court's excessive leniency in sentencing the same three persons. In response the court ordered the Attorney General to show why he should not be held in contempt of court, and a contempt hearing was held in early October.

In late July, the President exercised his authority under the Presidential Powers Act to issue an executive order stating that prison officials (rather than courts) were competent to determine prison conditions. The President's action effectively overrode a court order that instructed prison officials to allow the three American prisoners who were detained since March 7 to be housed together to enable them to prepare a joint defense (see Section 1.c.).

In November officials of the Ministry of Defense reportedly blocked a court official from serving a summons on five military officers in connection with the January detention of journalists employed by The Standard newspaper (see Sections 1.c., 1.d, and 2.a.).

The Government continued routinely to delay payment of court costs or judgments awarded against it. For example, the CIO continued its refusal to pay damages awarded by the High Court to a former opposition party official whom CIO agents had tortured in 1990.

The Government repeatedly has amended the Constitution in response to judicial rulings protective of human rights. For example, Amendment 11 (1992) changed the Constitution to allow corporal punishment of minors after the Supreme Court ruled that caning of minors constituted cruel and inhuman punishment. Amendment 14 (1996), which denies both men and women the right to confer automatic residency on their foreign spouses, was passed in response to a 1994 Supreme Court ruling declaring that women should have the same rights as men to confer residency and citizenship on their spouses (see Section 2.d.). Amendments to the Constitution are not ratified by the public but are subject only to the ZANU-PF-dominated Parliament's approval.
There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary interference with these rights; however, while Government authorities generally respect citizens' right to privacy and violations are subject to legal sanction, the Government sometimes monitors private correspondence and telephones, particularly international communications.

Human rights groups are concerned that Amendment 14 erodes these constitutional rights by repealing Section 11 of the Constitution which specifies protection for the right to the privacy of one's home and from the compulsory acquisition of property without compensation.

About one-third of the country's most productive land is owned and farmed by about 4,000 families belonging to the country's European ethnic minority. The need for land reform is accepted almost universally; however, there are problems with implementation of the 1992 Land Acquisition Act (Land Act). Under the Land Act, farmers whose lands have been designated for acquisition and redistribution by the State may appeal only the amount of compensation, not the initial decision to acquire their farms. However, President Mugabe repeatedly has said that the Government would not compensate for land, but only for improvements, a position not sustainable under the act. Although the President reversed that position during the Government's September 1998 land conference for international donors when government ministers promised to abide by the act, Mugabe publicly stated in December that the Government intended to accelerate its land reform efforts without paying compensation for land. In the past, the act was implemented largely along racial lines; the Government stated that black-owned commercial farms would not be subject to acquisition. However, some of the original 1,461 farms designated in November 1997 for compulsory land acquisition, many of which remain on the revised list, are owned by the black, urban elite. In some cases, land apparently was targeted for acquisition to achieve political goals.

During the year, the Government did not expropriate any of the 841 farms designated for acquisition under the land reform program. In February the Administrative Court annulled the acquisition orders for 520 of these 841 farms, ruling that the Government had failed to follow proper administrative procedures for filing second acquisition notices on the properties in November 1998. (The Government filed its first acquisition notices in November 1997 and was required to renew the notices after 12 months.) The court also ruled that the Government must designate individual farms for acquisition and provide fair and full compensation for each. After the court rulings, the Government initially turned its attention away from the compulsory acquisition of the 841 farms, focusing instead on 120 farms already being offered willingly for sale by the owners. However, in December President Mugabe publicly reaffirmed his intention to expropriate farmland from Europeans without compensating them, and urged adoption of a draft constitution that provided for such acquisitions for resettlement purposes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press
The Constitution provides for freedom of expression but allows for legislation to limit this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice.

The Government and security forces arbitrarily detained journalists, disobeyed court orders to release journalists, refused to punish security force members who tortured journalists, and monopolized domestic broadcast media. The President publicly criticized the independent press and vetoed a bill passed by the Parliament that would have removed some legal restrictions on press freedom, and government ministers threatened to enact laws that would restrict media freedom still further. Journalists practice self-censorship.

Sections 44 and 50 of the LOMA criminalize and allow the Government to suppress the publication of any "subversive" statement or of "a false story capable of causing alarm and despondency." An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons alike.

Most major print media (seven English-language newspapers and one local-language tabloid) belong to the Mass Media Trust (MMT), a holding company heavily influenced by the ruling party. Until April the Government, through the MMT, controlled the only two daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also neglected events or information that reflected adversely on the Government. The government-controlled media never criticized President Mugabe. In addition, the Ministry of Information controls the Zimbabwe Inter-Africa News Agency wire service.

The independent press remained small relative to the MMT-owned press. Independent newspapers that appeared regularly and had more than 3,000 subscribers were relatively few: one daily (The Daily News), three weeklies (The Financial Gazette, the Independent, and The Standard), and three monthlies. In 1998 a new privately owned consortium, Associated Newspapers of Zimbabwe (ANZ), which was 60 percent foreign-owned in 1998 but only 40 percent foreign-owned by year's end, launched five weeklies tailored to community-level readership. Three of the ANZ weekly newspapers have closed due to financial problems arising from limited advertising revenue; two remained open at year's end. In April the ANZ launched the country's first independent daily newspaper, The Daily News. The major independent newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise some self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel laws.

The Government increasingly tolerated private media criticism of official corruption, as a number of widely publicized reports on malfeasance in government parastatals and ministries, notably the National Oil Company of Zimbabwe, appeared in both independent and MMT-owned newspapers. The Government did not prosecute any journalists or newspapers in connection with these reports; in past years, government prosecutions for criminal libel in connection with reporting of government corruption had resulted in the closure of some newspapers.

However, in other respects the Government was increasingly intolerant of freedom of the
press, including reports perceived to be critical of the military.

Between January 12 and January 21, military and civilian police detained, tortured, beat, and otherwise abused two journalists for The Standard, Mark Chavunduka and Ray Choto, who reported in a story published by the Standard on January 10 that 23 army officers were arrested in connection with an attempted military coup. Both journalists stated that this mistreatment occurred in the context of prolonged interrogation about their sources for the report. Military and police officials refused repeatedly to comply with court orders to release one of these journalists (see Section 1.e.). On January 19, the Government charged the two journalists under Section 50 of the LOMA with "publishing a false story capable of causing alarm or despondency." The two journalists subsequently filed suit against members of the security forces for damages to compensate them for the torture and illegal detention, and challenged the constitutionality of the LOMA (see Sections 1.c. and 1.d.). At year's end the two journalists remained free on bail; their court cases were still pending.

On January 22, a Friday, police arrested and detained Clive Wilson, managing director of The Standard. He was interrogated over the weekend in connection with The Standard's January 10 coup story and then released.

On January 20, in Masvingo in the southern region of the country, CIO officers reportedly beat several journalists working for two independent newspapers, The Zimbabwe Mirror and The Tribune, including Tribune subeditor Ray Matikinye; the officers reportedly criticized the journalists for publishing antigovernment stories while beating them.

On February 6, in a televised address to the nation, President Mugabe suggested that three Supreme Court justices resign; in the wake of the illegal detention and torture of The Standard journalists, the three justices had requested that the President reaffirm his Government's commitment to the rule of law by requiring executive branch officials to obey court orders (see Section 1.e.). In the same address, Mugabe criticized and threatened to take "very stern measures" against the independent media, singling out in particular domestic media owned by members of the country's European ethnic minority and by white foreigners. During the days following the President's address, MMT-owned newspapers and state-owned broadcast media repeatedly featured editorials and opinion pieces criticizing "white-owned" or "white-controlled" media, which were characterized as opposing the Government's land reform program and as seeking to destabilize the Government (see Sections 1.f. and 5). During an interview broadcast by state-owned television on February 15, Defense Minister Moven Mahachi criticized media reporting that caused "general despondency" and "bad publicity," and stated that unless the media exercised greater self-censorship, "the Minister of Information will enable the Government to bar some private media organizations from operating in Zimbabwe." This threat generally was understood to be directed at the ANZ.

On February 7, the chief of the Law and Order Section of the police detained four journalists affiliated with The Mirror, an independent weekly newspaper: owner Ibbo Mandaza; managing editor Fernando Goncalves; reporter Grace Kwinjeh; and former editor Farai Mungazi, in connection with a story, published in November 1998, which reported that the army surreptitiously had repatriated and buried the headless body of a soldier killed in the DROC. The police released Goncalves and Mungazi after brief questioning but charged Mandaza and Kwinjeh with violating Section 50 of the LOMA; a
court released Mandaza and Kwinjeh on bail on February 9. The Government subsequently dropped the charges against Mandaza and Kwinjeh.

In February in Harare an army sergeant based at Cranborne Barracks, where The Standard journalist Chavunduka was tortured in February, reportedly seized from a street vendor and publicly burned 16 copies of The Standard; the sergeant also reportedly threatened to kill the vendor if he continued to sell the newspaper. The lead story in the burned issue concerned the construction of a new mansion for President Mugabe. In late February, a police spokesperson stated that the police would charge the sergeant with malicious injury to property.

In June President Mugabe declined to sign and thereby effectively vetoed a bill (the POSB) passed by Parliament that the Government originally had proposed in 1997 to replace the LOMA, but which the Parliament had amended to relax various restrictions on human rights, including freedom of the press. Mugabe reportedly wrote to the Speaker of Parliament that he refused to sign the POSB because it was excessively liberal, especially with respect to freedom of the press (see Section 1.d.).

In November two journalists working for independent newspapers, Basildon Peta of the Financial Gazette and Ray Choto of The Standard, reportedly received anonymous death threats. A written death threat reportedly was delivered to Choto's home attached to a teddy bear that had two bullets tied on its neck. Peta reportedly received a written death threat with three bullets.

Books and films are subject to review by the Zimbabwe Board of Censors.

Radio remained the most important medium of public communication, especially for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Ministry of Information. There were credible reports that the Ministry routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government, including antigovernment demonstrations and the ZCTU. In December the ZBC, reportedly at the order of the Ministry, stopped broadcasting a popular phone-in talk show in which citizens increasingly had voiced criticism of the Government.

The Government appeared effectively to control, although the State no longer owned, all domestic television broadcasting stations. The ZBC, under the supervision of the Ministry of Information, owns and operates television broadcasting facilities. Following a Supreme Court ruling that the Government's monopoly on telecommunications was unconstitutional because it interfered with the right to freedom of expression, the Government for the first time granted a broadcasting license to private television station, Joy Television (Joy TV). However, President Mugabe's nephew, Leo Mugabe, reportedly has financial ties to Joy TV, and the ZBC reportedly exercises editorial control over Joy TV's programming. Joy TV remained the only privately licensed television station, and it remained restricted to broadcasting on an available channel leased from the ZBC; creation of an independent transmission facility remained restricted under the Broadcasting Act. However, international television broadcasts were available freely through private cable and satellite firms.
The Government does not restrict access to the Internet. During the year, there were many privately owned domestic Internet service providers.

The National Constitutional Assembly (NCA) accused the government-influenced newspaper The Herald and the ZBC of refusing to publish previously accepted advertising from the NCA about its proposed constitutional process because of government orders to ban the NCA from disseminating its alternative message on the constitutional process. After the NCA threatened a court challenge, advertisements resumed in the government-influenced media, but then ceased again without explanation.

The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act curtail academic freedom by restricting the independence of universities, making them subject to government influence, and extending the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controls the UZ and appoints its Chancellor and Vice Chancellors; since 1998 the Ministry also has appointed the Dean of Faculty, previously elected by the faculty, and most members of the University Council, which previously consisted largely of faculty members. The 1998 expansion of the Government's control of the UZ, which had been a subject of student protests in 1998, was cited as a subject of concern to the faculty in a parliamentary committee report in June.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The Government used laws that restrict this right, including the LOMA, enforced those restrictions, and repeatedly used force to break up nonviolent demonstrations by its critics. Permits are not required for meetings or demonstrations.

On February 8, riot police reportedly used tear gas to disperse an assembly of striking catering industry workers in Harare's tourist hotel district (see Section 6.a.). Police maintained that the striking caterers had tried to use force against nonstriking caterers at a nearby hotel; strikers maintained that the police had gassed them without any provocation.

On February 10, near the UZ campus in Harare, police used tear gas to break up a demonstration by UZ students who voiced both financial and political grievances.

On July 12 and 13, riot police used force to disperse demonstrations at sites in Harare, including ZANU-PF headquarters and the President's official residence, by an estimated 2,000 veterans and wives of veterans of the ZANU-PF and other guerrilla forces that had fought against Ian Smith's white settler regime during the 1970's, and some persons who had suffered prolonged detention or imprisonment by that regime. The veterans and former detainees were demanding financial benefits and an audience with the President. Riot police reportedly used tear gas, used their batons to beat many veterans and their wives including elderly persons, and made at least 14 arrests.

During the night of September 10-11, unknown persons disrupted a mass rally to launch a new labor-based opposition party at Harare's Rufaro Stadium by damaging most of the stadium's electrical power transformers; although event organizers restored power for loudspeakers and lights by bringing in generators, the start of the meeting was delayed by 2 hours.
On October 26, riot police used tear gas to prevent some 3,000 demonstrating UZ students from marching to the city center. The demonstration reportedly became violent after the police obstructed its march.

On December 11, riot police in Harare repeatedly used force, including tear gas and baton beatings, to disperse nonviolent demonstrations organized by the National Constitutional Assembly (NCA), a coalition of NGO's and political parties, to protest the Government's domination and diversion of a constitutional reform process that the NCA had initiated (see Section 3). The demonstrators whom police gassed and beat reportedly included women and clergy.

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups, and the Government generally respects this right in practice. The formation of unions and political parties is not restricted. Organizations generally are free of governmental interference as long as their activities are viewed as nonpolitical.

In a case brought by a women's NGO, the Supreme Court ruled unconstitutional those sections of the 1995 Private Voluntary Organizations Act, which had empowered the Minister of Social Welfare, Labor, and Public Service to suspend the executive body or "any member of the executive committee of an organization and to appoint persons to manage the affairs of the organization for a specified time." Prior to the Supreme Court's ruling, several new NGO's set up their organizations as "associations" connected with established NGO's so that their executive bodies would not be subject to government interference.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, a law that reportedly criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.

Although 60 percent of the population are at least nominally Christian, many persons continue to practice, in varying degrees, traditional indigenous religions. Belief in traditional healers reportedly spans both rural and urban areas. Traditional healers are so common that they are licensed and regulated. Healing is central to traditional indigenous religion in the country. Witchcraft--widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons--traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. In recent years, interest in healing through traditional religion and through prayer reportedly has increased as HIV/AIDS has infected an estimated one-quarter of the adult population, and affordable science-based medicines effective in treating HIV/AIDS have remained unavailable.

The 1890 Witchcraft Suppression Act (WSA) reportedly criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and
soliciting persons to name witches; penalties reportedly include imprisonment for as much as 7 years. The law reportedly defines witchcraft as the practice of sorcery, without reference to the consequences intended by the practitioner. Since 1997 the Zimbabwe National African Traditional Healers' Association (ZINATHA) has proposed amendments to the 1890 law that would redefine witchcraft in terms of intent to cause harm including illness, injury, or death. However, such legislation reportedly has been opposed by mainstream Christian churches. The existing WSA also generally was supported by human rights groups; the Act has been used since independence primarily to protect people, primarily women, who have been accused falsely of causing harm to people or crops in rural areas where traditional religious practices are strong.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, there were reports that the Government at times failed to respect them in practice.

In February the Government refused to allow two journalists who were tortured by security forces, and who were charged with violations of the LOMA, to travel abroad for medical treatment (see Section 2.a.). The Government confiscated the passports of the journalists. However, in early March, a court ruled that the Government had to return the journalists' passports and allow them to travel overseas. The Government complied with this order.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. According to the Government, 130 asylum seekers were given refugee status, and at least 5 persons were denied first asylum during the year. At year's end, there were reportedly 1,492 refugees in Zimbabwe from more than 20 countries; the largest groups consisted of 244 Rwandans, 228 Burundians, 213 Somalis, 169 Sudanese, 160 Congolese (DROC), and 139 Angolans.

There were no confirmed reports of the forced expulsion of persons having a valid claim to refugee status.

There was a press report that the Government arrested refugees from the DROC and arbitrarily subjected them to prolonged detention in a prison (see Section 2.d.).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although citizens have the legal right to change their Government democratically, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU-PF party, which have ruled continuously since independence in 1980. The ruling party's candidates benefit from its control of the state-owned firms that dominate the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its near-monopoly on overt state grants for political campaigns. In 1998 the Supreme Court ruled unconstitutional provisions of the Political Parties Finance Act (PPFA) that allocated state grants among political parties in proportion to the parties' seats already in the Parliament. In response the Government, later in 1998, amended the PPFA to allocate campaign grants among parties in proportion to votes received in the last
general election, with a minimum of 5 percent required. There also were credible reports of security force harassment of opposition and independent candidates and their supporters.

On January 25, the Government announced in The Herald that the State, by far the country's largest employer, henceforth would hire new employees only if they were members of the ZANU-PF ruling party. By February there were reports that the Government had begun requiring newly hired civil servants to swear oaths of loyalty to the ZANU-PF.

The 15 constitutional amendments since 1980 have increased greatly Mugabe's power relative to the legislature. Originally a prime minister elected by the Parliament, he has become a directly elected president. Constitutional Amendment 9 authorizes the President to declare unilaterally a state of public emergency for a period of up to 14 days. Amendment 10 grants the President sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister. Amendment 10 also allowed the President to appoint 20 of the 150 Members of Parliament (M.P.'s), including 12 nonconstituency M.P.'s and 8 cabinet members who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.'s. All 30 of these M.P.'s have consistently been ZANU-PF members. President Mugabe won reelection in March 1996, receiving 93 percent of votes cast in an election in which less than one-third of eligible persons voted; his two main opponents withdrew from the race, alleging intimidation and harassment of their supporters. The opposition's lack of access to state-monopolized broadcast media and to state campaign subsidies strongly biased the contest in favor of the incumbent, although the election-day voting and subsequent vote tabulation were considered generally free and fair by hundreds of NGO monitors.

In the 1995 parliamentary general elections, the ZANU-PF captured 117 of the 120 popularly elected seats. Although the legislature remained generally subordinate to the executive branch, it has shown some independence in some respects during the past 2 years. For example it liberalized the PSOB legislation that the Government had introduced in 1998 to replace the LOMA, with the result that the President, in July, refused for the first time to sign legislation passed by the Parliament (see Sections 1.d. and 2.a.). In February the Legal Committee of the Parliament unanimously declared illegal a ban on nationwide strikes and other mass actions that President Mugabe had declared in November (see Section 6.a.). In 1998, following more than a year of nationwide consultations, a Parliamentary Reform Committee released a report that recommended that the Parliament be given greater powers relative to the presidency, including increased legislative oversight of the executive branch. Although the executive branch did not act on the committee's recommendations, the Parliament proceeded with those recommendations that were within its power to carry out.

Since late 1997, an independent group of approximately 40 NGO's, labor unions, and political parties known as the National Constitutional Association (NCA) has advocated the creation of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties. In May the President established the Constitutional Commission (CC), whose 400 members he appointed, to review the current Constitution and prepare a new draft to be submitted to a national referendum in January 2000. CC commissioners held meetings at venues throughout the country, surveying citizens and
recording their opinions on what provisions a new constitution should contain. However, the NCA was openly critical of the CC, asserting that it was a government-controlled entity whose product would not reflect the will of the populace. The NCA also conducted town meetings and workshops around the country as part of its public awareness campaign on constitutional reform. On December 11, the CC released a draft constitution that would maintain a strong presidency and might reduce the independence of the judiciary, although it would increase Parliamentary oversight of the executive. A minority of the commissioners publicly protested that the draft constitution did not reflect the expressed views of the populace. In December the NCA organized demonstrations against the Government's cooptation of the constitutional reform process and encouraged citizens to vote against the CC's draft constitution at the national referendum in 2000 (see Section 2.b.).

In September, 6 months before the next scheduled parliamentary elections, the ZCTU labor federation launched a new political party, the Movement for Democratic Change (MDC), intended to be a broadly based opposition party capable of overcoming the poor organization and factionalism from which opposition parties previously had suffered. Unknown persons disrupted the founding convention of the MDC by damaging electrical facilities at the meeting site, a stadium in Harare (see Section 2.b.).

There are institutional problems with the management and supervision of elections. Although the Ministry of Justice technically administers the Electoral Act, the Registrar General's Office falls under the Ministry of Home Affairs. With a meager budget and a tiny staff seconded from the Ministry of Justice, the Electoral Supervisory Commission (ESC) lacks the institutional capacity to oversee all of the country's polling stations. Commissioners also lack authority to order that an irregularity be corrected. Despite an attempt to computerize the voters' roll, it contains a very large number of redundancies or errors, including misspellings, multiple entries, and names of deceased persons. Few opposition candidates contested the 1998 rural district council elections. During the year, voter turnout for the rural and urban council elections in September was minimal and courts ordered that voting be postponed in pro-opposition areas due to irregularities in the voter rolls. Independent NGO election observers reported widespread fraud and intimidation in those elections where independents challenged ZANU-PF candidates. The ESC, chaired by Bishop Peter Hatendi, refused to supervise or monitor the September elections, citing the Registrar General's failure to provide the ESC with a complete list of polling stations or the report on the nomination courts that ruled on the eligibility of candidates.

Women are underrepresented in government and politics. Twenty of the 150 M.P.s are women, including the deputy speaker of the Parliament. Three cabinet ministers with portfolios, three ministers of state, and three deputy ministers are women. Women participate in politics without legal restriction; however, according to local women's groups, husbands--particularly in rural areas--commonly direct their wives to vote for the husband's preferred candidates.

All major ethnic groups are represented in Parliament and in the Government. However, most members of the Government and the Parliament, as well as most ZANU-PF officials, are affiliated with the Shona ethnic group, which makes up a majority of the population (see Section 5). Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights
Although the Government permits local civic and human rights groups to operate, it monitors their activities closely, in particular those of the CCJP and Zimbabwe Human Rights Association (ZIMRIGHTS). Other groups that promote human rights include the Legal Resources Foundation, Zimbabwe Lawyers for Human Rights, the Bulawayo Legal Projects Centre (BLPC), the National Constitutional Assembly, the Southern African Foundation of the Disabled, the Child and the Law Project, the Musasa Project, the Zimbabwe Women Lawyers Association, the Association of Zimbabwe Journalists, the Women's Action Group, Women and Law in Southern Africa, Women in Law and Development in Africa, Zimbabwe Women's Resource Centre and Network, Women and AIDS Support Network, and the Human Rights Research and Documentation Trust of Southern Africa. These NGO's worked on human rights and democracy issues including lobbying for revision of the Public Order and Security Bill, increasing poor women's access to the courts, raising awareness of the abuse of children, eliminating irregularities in voter rolls, preserving the independence of the judiciary, and eliminating torture, arbitrary detention and restrictions on freedom of the press and assembly. The Foundation for Democracy in Zimbabwe (FODEZI) was established in July 1997 as a watchdog organization to support independent candidates. Amnesty International, Transparency International, and the International Committee of the Red Cross operate in the country. The Government generally does not discourage representatives of international human rights groups from visiting the country.

In his February 6 television address to the nation, President Mugabe criticized human rights organizations and monitors generally in connection with their criticism of the torture of journalists by security forces and the Government's refusal to obey court orders to release those journalists (see Sections 1.e., 2.a. and 5). In particular, Mugabe named and criticized Michael Auret, director of the CCJP, and David Coltart, former director of the BLPC, both members of the country's European ethnic minority. Mugabe suggested that they were part of an international conspiracy by "whites" to undermine land reform in Zimbabwe.

On September 11, the same day that the ZCTU launched a new opposition political party, the Minister of Information publicly called for the deportation of Georg Lemke, director of the Danish Trade Union Council for International Development Cooperation, which had provided technical and financial assistance to the ZCTU. The Minister alleged that the Council was meddling in the country's internal politics. In October the Government induced the Council to recall Lemke to Denmark by threatening to deport him and close the Council's projects in the country (see Sections 3 and 6.a.)

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that "every person in Zimbabwe" is entitled to fundamental rights whatever his race, tribe, place of origin, political opinions, color, creed, or sex; however, domestic violence and discrimination against women, abuse of children, and discrimination against the disabled remained problems. There were increasing reports of ritual murders associated with traditional religious practices. The President and his Government exacerbated widespread resentment of the economically prominent European ethnic minority.

Women
Domestic violence against women, especially wife beating, is common and crosses all racial and economic lines. It extends throughout the country and at times results in death. According to Women in Law and Development in Africa (WILDAF), domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The Musasa Project, a women's rights organization, established the country's first shelter for victims of domestic violence in Harare in 1997. Musasa is attempting to establish a second shelter in Bulawayo for victims of domestic violence in that area. The Musasa Project provided services to almost 3,000 clients at its Harare office in 1998, half of whom were female victims of domestic violence; 39 percent of those who were assisted were minors, victims of child abuse. The Musasa Project reports that 54 percent of the women counseled for domestic violence have sexually transmitted diseases, including many with HIV/AIDS. The media increasingly reported incidents of rape, incest, and sexual abuse of women.

There has been a significant increase in the number of reported rape cases countrywide; most cases involved victims who were minors and family member abusers. Women face many obstacles in filing reports of rape. Many police stations are not prepared to handle properly the investigation of such cases. In addition, women are reluctant to file reports because of the social stigma of rape. Women's groups believe the actual number of rapes is underreported greatly. When cases go to court, lengthy sentences for rape and wife beating generally are imposed. A "binding over" order (an order to appear in court to respond to an accusation of violent behavior) is issued based only on actual physical abuse and not on threats of violence. Courts also do not have the power to oust an abusive spouse from a matrimonial home. Systematic problems and lack of education often mean that police do not respond to women's reports or requests for assistance.

Since independence the Government has enacted major laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women. However, women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevent rural women in particular from combating societal discrimination. The literacy rate for women over the age of 15 is estimated to be 80 percent while the male rate is about 90 percent. The 1998 U.N. Development Program's Human Development Report noted that in most regions of the country, fewer girls than boys attend secondary schools. Despite legal prohibitions, women still are vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing; the custom of forcing a widow to marry her late husband's brother; and the custom of offering a young girl as compensatory payment in interfamily disputes.

The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women's right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. During the September land conference, women's rights organizations effectively lobbied the Government to agree to create legislation giving married women joint spousal title to property offered under the resettlement program; however, no such legislation had been enacted by year's end.

In August 1998, the Government denied a petition by women's groups that one-third of land redistributed under the land reform program (see Section 1.f.) be distributed to
households headed by women, which reportedly make up one-third of all rural households. At a press conference, Joseph Msika, Minister Without Portfolio in charge of resettlement, reportedly stated, "I would have my head cut off if I gave women land."

The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavorable to widows. Women's groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law. However, in February the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family; the Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws are favorable to women, but women generally lack awareness of their rights under the law.

Many rural women, including 150 in 1997, reportedly commit suicide at harvest time after their husbands squander income from cash crops.

Research conducted by the Training and Research Support Centre (a Harare-based NGO) revealed that one in three working women at all levels were subjected to sexual harassment in the workplace, as defined by Zimbabwean legal experts. The October 1996 to February 1997 study was based on questionnaires from 528 working women.

Although labor legislation prohibits discrimination in employment on the basis of gender, women are concentrated in the lower echelons of the work force and commonly face sexual harassment in the workplace.

Several active women's rights groups, including WILDAF, the Musasa Project, the Zimbabwe Women Lawyers' Association, the Women's Action Group, and the Zimbabwe Women's Resource Center and Network concentrate on improving women's knowledge of their legal rights, increasing their economic power, and combating domestic violence. Groups that focus on the issues of protection of women against domestic violence and sexual transmission of HIV/AIDS included the Women and AIDS Support Network and Musasa Project. There is a gender affairs office in the Office of the President headed by Minister of State Oppah Rushesha.

In August the ZANU-PF Women's League voted out leaders associated with President Mugabe. In November the Women's League threatened to boycott the ruling party's national congress in December unless League members were allowed to elect a woman to hold at least one of the four top positions in the party. In December the ZANU-PF congress decided that women would be allotted one out of every three party positions; this decision had not been implemented by year's end.

Children

The Government continued to demonstrate its strong commitment to children's rights and welfare through a system of primary health care and education overseen by the Ministry of Health and Child Welfare. While there is no compulsory education, the country has made considerable progress in providing education for girls, and overall primary school attendance has increased by more than 4,000 percent since independence. However,
budget cuts and the lack of adequate attention to AIDS prevention are eroding the Government's capacity to address children's needs in these areas. International experts estimated that HIV/AIDS infects one-fourth of the adult population and has killed nearly 600,000 persons since the late 1980's, thereby tripling the mortality rate, reducing life expectancy from 61 to 49 years, and creating hundreds of thousands of orphans. From a small number in 1990, there were an estimated 150,000 orphans in 1995, growing to a projected 543,000 in 2000 and 918,000 in 2005. This rapidly growing problem is expected to put a tremendous strain on both formal and traditional social systems. At the household level, there is an increased burden on the extended family, which has traditional responsibility for caring for orphans. Many grandparents are left to care for the young, and in some cases children or adolescents are heading families. At the provincial and national levels, the governments are saddled with increasing demands for community orphan projects, orphanages, health care, and school fees. The number of street children, with the related problems of theft, street violence, drug use, and violent death, is increasing.

The Children's Protection and Adoption Act, the Guardianship of Minors Act, and the Deceased Person's Maintenance Act protect the legal rights of minor children, but school attendance is not compulsory at any level. About 93 percent of children reached grade 5. However, with the reintroduction of school fees in urban schools and rural secondary schools, enrollment has declined. If a family is unable to pay tuition costs, it is most often female children who leave school.

There are an estimated 12,000 homeless street children in the country, many of them the children of former Mozambican refugees or AIDS orphans. The number of incidents of child abuse, including incest (long a taboo), infanticide, child abandonment, and rape is increasing. It is not known whether the statistics reflect the fact that more cases are occurring or only that more are being reported. There are reports of child labor (see Section 6.d.). The Ministry of Justice's Vulnerable Witnesses Committee established victim-friendly courts (VFC) in 1997 to improve the judicial system's handling of child victims of rape and sexual abuse. According to the Musasa Project, 39 percent of the 3,000 persons whom it assisted at its Harare office in 1998 were victims of child abuse. There was a large volume of rape cases in the Harare VFC, which led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, rarely is performed in Zimbabwe. However, according to press reports, the initiation rites practiced by the small Remba ethnic group in Midlands Province include infibulation, the most extreme form of FGM.

Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children.

There were increasingly frequent reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions. Body parts from
children reportedly were considered the most efficacious for some such purposes.

People with Disabilities

President Mugabe appointed a disability activist to Parliament in 1995 to represent the needs of the disabled. The Disabled Persons Act of 1992 specifically prohibits discrimination against people with disabilities in employment, admission to public places, or provision of services and is viewed by advocates of the disabled as model legislation. However, in practice, the lack of resources for training and education severely hampers the ability of disabled people to compete for scarce jobs. Although the act stipulates that government buildings should be accessible to disabled persons, for budgetary reasons this rarely is implemented. Disabled people face particularly harsh customary discrimination. According to traditional belief, people with disabilities are considered bewitched, and reports of disabled children being hidden when visitors arrive are common.

Religious Minorities

Many persons practice elements of both Christianity and traditional indigenous religion, either individually or as members of indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion.

However, there were reports of growing tensions between mainline Christian churches and practitioners of traditional indigenous religions. Leaders of the Christian churches reportedly opposed the repeal or modification of the Witchcraft Suppression Act sought by practitioners of traditional indigenous religions (see Section 2.c.). Several leaders of Christian churches reportedly denounced a perceived increase in "satanism" in the country; acts of satanism allegedly included drinking human blood and eating human flesh.

There were increasing reports of ritual murders associated with traditional religious practices, although the Government actively enforces the law against all kinds of murder including ritual murders. Gordon Chavanduka, chairman of ZINATHA, the national association of traditional healers, reportedly stated that black-market demand for human body parts used in making potions has increased greatly in recent years. Some observers suggested that this development may be associated with the spread of HIV/AIDS in the country, and the lack of affordable science-based medicines for treating infected persons (see Section 2.c.).

In April Crispen Sachiwo, age 38, reportedly told police that he had been kidnapped on March 30 by four men who indicated that they intended to kill him in order to use his body parts to make "magic" for sale to local businessmen. However, Crispen reportedly stated that he was released after his kidnappers discovered that he was too old for his body parts to be efficacious. In July Faber Chidarikire, a ZANU-PF official and mayor of the northern town of Chinhoyi, was charged with murdering a 13-year-old girl in 1987, but he was released on bail after intervention by the Attorney General; there were reports that Chidarikire cut off the girl's ear and excised her genitals. In 1995 an examination of a severed head found in Chidarikire's car in 1994 indicated that it had been severed with a blade, not in a car accident as Chidarikire had maintained.
National/Racial/Ethnic Minorities

According to Government statistics, the Shona ethnic group makes up 77 percent of the population, Ndebele 14 percent, Kalanga 5 percent, Europeans 2 percent, and other ethnic groups 2 percent. There have been tensions both between the African majority and the European minority and between the Shona majority and the Ndebele minority.

During the 1960's and 1970's, elements of the European minority rebelled against British rule and established and maintained a racially discriminatory regime, which was dismantled in 1980 only after armed insurgencies by African groups, including the ZANU-PF, and economic sanctions by the international community. The European community remains economically privileged; despite government efforts at land reform, European farmers continued to own one-third of the country's most productive land at year's end (see Section 1.f.). Government services are provided on a nondiscriminatory basis, the Government has sought to expand and improve the previously "whites only" infrastructure in urban areas to provide health and social services to all citizens, and all schools and churches are integrated legally. However, social interaction between Africans and Europeans remained relatively rare. Tensions between Africans and Europeans have been sharpened by the Government's repeated threats to confiscate primarily European-owned commercial farms without compensation. Sporadic illegal occupations of white-owned farms by landless peasants continued.

On several occasions during the year, President Mugabe, members of his Government, and state-owned or MMT-owned media publicly exacerbated Africans' resentment of the European minority. In his February 6 television address to the nation, Mugabe subjected journalists and human rights activists of European ancestry to explicitly racist criticism (see Sections 2.a. and 4). The President stated that they and other "white persons of British extraction" had "been planted in our midst to undertake acts of sabotage," and that their "evil machinations" had pushed the Government's sense of racial tolerance to the limit. Mugabe suggested that these Europeans' criticism of the security forces for torturing journalists of African ethnicity and of the Government for refusing to obey court orders to release those journalists was part of an international conspiracy by Europeans to frustrate the Government's land reform program. In March Mugabe publicly stated that governments of two foreign countries with mostly European populations sought to destabilize his Government in order to prevent his Government from redistributing land from Europeans to Africans (see Section 1.e.). Government ministers and state-owned and MMT-owned media echoed Mugabe's racist remarks.

During the 1980's the Shona-dominated Government suppressed an Ndebele insurgency and killed many Ndebele civilians in Matabeleland, the region in which the Ndebele were concentrated. Although relations between the Shona and the Ndebele subsequently have improved, the disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government's unequal distribution of national resources and the Government's failure to compensate victims of the 1980's Matabeleland killings.

Section 6 Worker Rights

a. The Right of Association
The 1985 Labor Relations Act (LRA) provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, and set programs and policies that reflect the political and economic interests of labor. Workers are free to form or join unions without prior authorization. The LRA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government may deregister individual unions, the High Court has ruled that the LRA does not give the Minister the power to suspend or deregister the national umbrella labor confederation, the Zimbabwe Congress of Trade Unions (ZCTU).

Approximately 20 percent of the formal sector workforce belongs to the 33 unions that form the ZCTU. ZCTU officers are elected by delegates of affiliated trade unions at congresses held every 5 years. While the Government encouraged the ZCTU's formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controls the ZCTU. The Government and the ZCTU often have clashed sharply on economic policy, particularly the Economic Structural Adjustment Program. The Government usually has not consulted either the ZCTU or employers before implementing policy decisions that affect the workplace. This lack of consultation has often resulted in reactions that disrupted labor relations, thereby promoting uncertainty and even strikes.

Following the Government's efforts in December 1997 to impose significant income and other tax increases without consultation, the ZCTU organized a nationwide, 1-day work stoppage that month, and a 2-day "stayaway" in March 1998. The ZCTU also led two successful stayaways in November 1998 to protest a 67 percent increase in fuel prices and to demand a 20 percent pay increase for private and public sector workers. These were the two most successful labor actions in the country's history. In a period of serious and prolonged economic decline, the ZCTU has gained widespread support at the forefront of an energized labor movement. In September the ZCTU was instrumental in launching a new political party in opposition to the ruling ZANU-PF (see Section 3). In April state-owned media announced that the Government would negotiate with the ZCTU about labor policy only if the ZCTU abandoned its plans to form a political organization opposed to the ruling ZANU-PF party (see Section 3).

On January 20, Isidore Zindoga, the deputy secretary general of the ZCTU, was beaten unconscious by four men who were following him in Harare, one of whom Zindoga subsequently identified as a police officer (see Section 1.c.). ZCTU secretary general Morgan Tsvangirai had suffered a similar beating in late 1997.

The LRA allows for the formation of multiple national federations. A second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), was launched in October 1996 with the stated purpose of providing an alternative of the ZCTU. The new organization states that its goal is to work in collaboration with the Government, and it is openly critical of the ZCTU. The ZFTU's leadership and membership remained unclear, with key personnel changing regularly. Most observers believe that ZFTU leaders are principally former ZCTU leaders, some of whom were separated involuntarily from that organization. The ZFTU largely was inactive, except for occasional public statements criticizing ZCTU activities, and generally was not considered a viable labor organization.

Public servants and their associations, the Public Service Association (PSA), the Zimbabwe Teachers Association (ZIMTA), and the Zimbabwe Nurses Association
(ZINA) are not covered by the provisions of the LRA. Instead, their conditions of employment are provided for under the Constitution. Although civil servants constitutionally are barred from forming unions, in 1995 ZIMTA stated its intention to affiliate with the ZCTU and the PSA. In 1998 the PSA affiliated itself with the ZCTU. All public servants are deemed essential and are prohibited from striking. However, PSA members violated this law in June when they engaged in a week-long strike, successfully securing a 25 percent pay increase. Local government employees around the country also went on strike in July to secure wage increases. Junior doctors and nurses in state-run hospitals walked off the job in October and November, refusing to return to work until the Government gave them long overdue salary increases and promised to improve working conditions. In April the Postmaster General announced that the state-owned Posts and Telecommunications Corporation (PTC) had fired 700 telecommunications engineers and technicians who had taken part in a strike. PTC workers' committee chairman Simon Musveosve and committee secretary Peter Manyonda were arrested and charged with inciting workers to strike illegally and to commit sabotage. The Government alleged that the strikers severed over 4,000 cable lines, thereby causing a massive disruption in the country's international telecommunications. Of the 700 workers dismissed, 600 were almost immediately reinstated. The remaining 100 were suspended, pending investigation into allegations that these were the technicians who severed the cables. PTC was unable to prove which technicians committed that act, and most technicians returned to work. Ultimately only a handful of workers were fired.

Workers and employers in major industries engage in a collective bargaining season from April to July each year, in which they negotiate salary increases and other benefits in their respective National Employment Councils (NEC's). The Government itself negotiates directly with civil servants (who received a 25 percent pay increase in June), primarily through the PSA. The empowerment of the labor movement under the ZCTU in recent years has focused more attention on worker rights, and most employers acknowledge that economic decline and the rising cost of living have made annual wage increases a virtual necessity. By the end of the 1999 collective bargaining season, workers in the 20 major industries had received wage increases averaging 34.8 percent, with some receiving substantially more.

The 1992 Labor Relations Amendment Act (LRAA) specifies that workers may establish independent worker committees, which exist side by side with unions in each plant. Worker committees also must be registered with the MPSLSW, which is free to refuse registration. Trade union officials believe that the formation of worker committees was an attempt to dilute union authority. However, the ineffectiveness of worker committees demonstrated the need for the experienced worker representation of the established trade unions.

The International Conference of Free Trade Unions (ICFTU) has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise or industry constitutes an essential service, and then impose a ban (on strikes) on it." The authority to reclassify a previously nonessential service as essential was not used in 1998 or 1999. However, President Mugabe issued a 6-month ban on all collective job actions from November 1998 to May 1999, in the wake of two successful national "stayaways," or work stoppages, organized by the ZCTU. In February the Legal Committee of the Parliament unanimously declared the President's ban illegal (see Section 3), but Parliament did not vote on the legality of the ban during the year. When the ban expired in
May, the Minister of Public Service, Labor, and Social Welfare, Florence Chitauro, on instructions from the President, added the ban as a permanent amendment to the revised Labor Relations Act, which was awaiting parliamentary approval late in the year. However, under sharp criticism and legal challenges to the amendment's constitutionality from the ZCTU and local and international civil society groups, the Government withdrew the amendment in June. Although no ban on strikes was in place at year's end, government officials stressed that the Government reserves the right to reimpose the ban at its discretion.

Despite the expiration of the President's ban on strikes, it is virtually impossible to conduct legal collective job action. There is no right to strike in the Constitution. "Essential" employees are prohibited by law from striking, and the Government defines 90 percent of workers as "essential." For the remaining nonessential employees legally to conduct a strike, over 50 percent of the company's employees must vote in favor of the action. Many employees are afraid to do so, due to fear of management reprisals. However, if a majority vote is obtained, the dispute is referred to the concerned government agency for resolution. Only if the Government determines that a resolution is not possible is the right to strike granted.

Dissatisfaction with wage negotiations led employees in several major sectors to ignore the Government's requirements for a legal strike; they walked off the job for up to 1 week. Strikes included those by engineers at the posts and telecommunications company in May; civil servants in June; municipal workers in July; junior doctors, driving instructors, and restaurant and hotel workers in September; and nurses in October and November. The strikes were generally peaceful, although some violence occasionally occurred. Police used tear gas to disperse a demonstration by striking restaurant and hotel workers (see Section 2.b.). In most cases, employers agreed to negotiate further wage increases as a result of the job actions.

The ZCTU and its officials are free to associate with international labor organizations and do so actively. The ZCTU is affiliated with the ICFTU and the Southern African Trade Union Coordinating Council.

On September 11, the same day that the ZCTU launched a new opposition political party, the Minister of Information publicly called for the deportation of Georg Lemke, director of the Danish Trade Union Council for International Development Cooperation, which had provided technical and financial assistance to the ZCTU. The Minister alleged that the Council was meddling in the country's internal politics. The Council ordered Lemke transferred to Denmark in October, after the Government reportedly threatened to deport him and to close the Council's projects in the country if the Council failed to withdraw him voluntarily (see Sections 3 and 4). Lemke and the Danish Embassy in Harare insisted that the Danish Trade Union Council had provided assistance only to ZCTU, not to the new opposition party, in keeping with the organization's mandate.

b. The Right to Organize and Bargain Collectively

The LRA provides workers with the right to organize. As originally written, this act was silent on the right to bargain collectively. However, the 1992 LRAA permits unions to bargain collectively over wages. Worker committees, which by law are not organizationally part of the unions or the ZCTU, are empowered to negotiate with the
management of a particular plant on the conditions of labor and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers have the right to take their grievances to the Government's Labor Relations Tribunal (LRT) for final adjudication. The LRT maintained a huge backlog of cases again during the year, with 1,731 cases pending as of August 31, some of which have been awaiting a hearing for years. The backlog is attributed to staffing shortages; only two LRT judges have been appointed to hear the hundreds of new complaints each year.

Collective bargaining wage negotiations take place on an industrywide basis between the relevant union and employer organizations sitting on joint employment boards or councils. These bodies submit their agreements to the Registrar in the MPSLSW for approval. The Government retains the power to veto agreements that it believes would harm the economy. However, it does not involve itself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represents a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSLSW. Public sector wages are determined by the Salary Service Department of the MPSLSW, subject to the approval of an independent Public Service Commission (PSC). Each year PSC officials meet with PSA representatives to review wages and benefits. These reviews result in a recommendation that is forwarded to the MPSLSW. The Minister is not required by law to accept the recommendation.

Collective bargaining agreements apply to all workers, not just union members. Over 80 percent of all industries are unionized. The collective bargaining season (which runs each year from approximately April to July), brought about wage gains in various industries. For example, pulp and paper manufacturing employees, received an increase of 40 to 59 percent, with a new monthly minimum wage of $57.92 (z$2,198). Mining workers gained a 43 percent increase, with a new minimum wage of $51.07 (z$1,938). Banking industry employees gained 45 percent, with a new minimum wage of $101.53 (z$3,853). Printing, packing, and newspaper industry employees gained 23 to 40 percent, with a new minimum wage of $52.70 (z$2,000). Workers in the leather, skins, taxidermy, and footwear industries gained 40 percent with a new minimum wage of $69.14 (z$2,624).

Employees designated as managers positions are excluded from union membership and thus from the collective bargaining process. There were some reports that firms designated excessive numbers of employees as managers in order to exclude them from the collective bargaining exercises.

The LRA prohibits antiunion discrimination by employers against union members. Complaints of such discrimination are referred to labor relations officers and may subsequently be adjudicated by the LRT. Such complaints are handled under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination should be reinstated, although this has yet to be utilized in practice.

The LRAA streamlined the procedure for adjudicating disputes by strengthening the LRT. Labor relations officers hear a dispute; their decision may be appealed to regional labor relations officers, after which the LRT may hear the case. Ultimately, it may be appealed to the Supreme Court. In 1993 the Government filled long vacant positions on the LRT, but at year's end the LRT boards still were not staffed fully.
The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones. The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remain low.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited by law, and there were no reports that it was practiced. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (also see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

Legislation passed in 1997 bans employment of children under the age of 12 and restricts employment of those between the ages of 12 and 17 to light work during school holidays for periods not exceeding 6 hours per day. Legislation passed in June banned the employment of children under the age of 15. Light work is defined as work not likely to prejudice a child's education, health, safety, rest, or social, physical, or mental development. All hazardous employment, overtime, and night shift work is banned for those under the age of 18. However, there is little to no enforcement of these laws. Children work in the agricultural sector, and there were reports that children worked as domestics and as car-watchers on the streets. Although schooling is not compulsory, over 90 percent of children attend school through grade 5 (see Section 5). The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

Child labor in the formal agricultural sector, such as on tea and coffee plantations, reportedly involves children working in the fields after school during the planting and harvesting seasons and full-time during school holidays. Long hours are common. Children often work alongside their parents, and their working conditions approximate those of adults. While some form of child labor on large commercial farms is widespread, agricultural organizations maintain that the labor performed is not exploitative, involuntary, contrary to law, or outside of cultural norms that allow children to engage in field work with their families. Anecdotal evidence suggests some school schedules and calendars are tailored to allow children to work in the fields during busy farming periods. Economic hardship often makes child labor imperative for families.

About 25 percent of the adult population was estimated authoritatively to be infected with HIV/AIDS, and the rate of infection appeared to be accelerating. As a result, more children were forced to work in a variety of sectors to fill the income gap left by ill or deceased relatives. The number of children in adoptive homes or living on the streets increased rapidly. The number of AIDS orphans is expected to reach 543,000 by the year 2000, and 910,000 by the year 2005. The deteriorating economy also is forcing more children to work. Although child labor in the agricultural, domestic, and informal sectors increasingly is discussed, the Government and NGO's have been unable to gather concrete data on the number of cases.

e. Acceptable Conditions of Work

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. Working conditions are regulated by the Government on an
industry-specific basis. The Constitution empowers the PSC to set conditions of employment in the public sector. Government regulations for each of the 22 industrial sectors continue to specify minimum wages, hours, holidays, and required safety measures. In recent years, in an effort to opt out of the wage bargaining system, the Government mandated wage parameters and specified minimum wage increases only for domestics and gardeners. Due to an ineffective monitoring system, many such workers are remunerated below the minimum wage.

The minimum monthly wage for domestic servants is $19 (Z$704), and $17 (Z$629) for gardeners. These are the basic minimum wages for other workers. Current monthly minimum wage data for other sectors include: $38 (Z$1,441) for the catering industry; $42 (Z$1,576) for tobacco workers; and $52 (Z$1,981) for the garment industry. On commercial farms, the employer may provide schooling for workers' children. The minimum wage is not sufficient to sustain a decent standard of living for a worker and family. Based on the most recent data, from 1998, the ILO estimates the country's food poverty line at $105 (Z$4,000) per month. However, escalating inflation and substantial devaluation of the Zimbabwe dollar significantly reduced the standard of living for most workers. Workers in sectors covered under collective bargaining agreements received wage increases averaging 34.8% at the end of the collective bargaining season. However, accelerating price inflation, in excess of 60 percent on average during the year, eroded those gains. In theory, labor relations officers from the MPSLSW are assigned to monitor developments in each plant to assure that government minimum wage policy and occupational health and safety regulations are observed. In practice these offices are understaffed, cannot afford to inspect routinely workplaces, and must rely on voluntary compliance and reporting by employers.

According to the ZCTU, some employers take advantage of illegal refugees for inexpensive labor. Because the job market is worse in eastern border countries such as Malawi and Mozambique, the refugees are willing to risk arrest and work for wages below the legal minimums (see Section 2.d.).

Many of the basic legal protections do not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards are determined only on an industry-specific basis. Despite the lack of general standards, the National Social Security Authority's statistics from 1998 show a decrease in the number of occupational injuries and deaths. Seventy-five fatal job accidents were reported during the first 9 months of 1998, compared with 200 in 1997. Similarly, 4,867 occupational injuries were reported during this same time period, compared with 14,000 in 1997. The Government designated the Zimbabwe Occupational Safety Council to regulate safe work conditions. The council consists of six representatives each from the Government, employers, and trade unions. Budgetary restraints and staffing shortages have made the council ineffective. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risk the loss of their livelihood if they do so.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country during the year.