



## Zimbabwe

### Country Reports on Human Rights Practices - [2007](#)

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Zimbabwe, with a population of approximately 11.6 million, is constitutionally a republic, but the government, dominated by President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) since independence, was not freely elected and was authoritarian. The last two national elections, the presidential election in 2002 and the parliamentary elections in March 2005, were not free and fair. Although the constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities. Civilian authorities generally maintained control of the security forces, but often used them to control opposition to the ruling party.

The government engaged in the pervasive and systematic abuse of human rights, which increased significantly during the year. The ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists. Prison conditions were harsh and life threatening. Security forces, who often acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary were problems. The government continued to evict citizens and to demolish informal marketplaces. The government continued to use repressive laws to suppress freedoms of speech, press, association, academic freedom, assembly, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators. The following human rights violations also continued to occur: harassment of human rights and humanitarian nongovernmental organizations (NGOs) and interference with their attempts to provide humanitarian assistance; violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed politically motivated killings during the year.

On August 24, Jabulani Chiyoka and Tafirenyika Nyandoro, two opposition Movement for Democratic Change (MDC) youth activists, were attacked and stabbed by ZANU-PF youths in Marondera for reportedly being opposition supporters. Chiyoka died as a result of his injuries; police arrested one suspect, and an investigation was ongoing at year's end.

There were no developments during the year in the June 2006 killings of Gift Jubane and Prince Ndebele, who died as a result of injuries sustained when police in Bulawayo attacked a group of men in a bar when they overheard one of the patrons say he wished President Mugabe had died instead of a recently deceased cabinet minister. Some observers believed that the killings were politically motivated.

There were reports that the government or its agents committed arbitrary or unlawful killings against demonstrators and NGO members during the year.

There were no developments in previously reported killings from 2005.

###### b. Disappearance

There were numerous reports of politically motivated abductions during the year. MDC leaders reported that state security agents and ZANU-PF party supporters abducted and tortured hundreds of opposition and civil society members, as well as student leaders, as part of a systematic government-sponsored campaign to dismantle the opposition party's structures before elections planned for 2008. In the majority of cases, victims were abducted from their homes or off the streets by a group of unidentified assailants, driven to remote locations, interrogated and tortured for one or two days, and abandoned. In some cases, the abducted person was located in police custody a few days later.

For example, on March 27, suspected state security agents abducted Last Maengahama, secretary for local government for the anti-Senate MDC faction, from a shopping center in Harare. The assailants repeatedly beat Maengahama with bars as they questioned him about the MDC's plans and the names of its organizers. Maengahama was abandoned more than 50 miles north of Harare with a broken leg, lacerations, and severe bruising.

On May 8, police in Harare forced four lawyers--including Beatrice Mtetwa, president of the Zimbabwe Law Society--into a police truck before driving to a secluded area. The four attorneys were forced to lie face down before being beaten with truncheons for several minutes and then abandoned. Mtetwa suffered bruises on her back, arms, and legs. The lawyers had been participating in a nonviolent demonstration outside the high court to protest the unlawful arrest of two prominent human rights attorneys; police violently dispersed the crowd by beating more than 50 participants.

On June 15, more than 50 activists were reported missing after being taken by government agents and ruling party supporters from demonstration sites, homes, and shopping centers. Many of the activists were assaulted and abandoned hundreds of miles away. At least six were later found in police custody, where they were detained for several days before being released without charge.

The government seldom investigated reported abductions.

There were no developments in the July 2006 disappearance of an MDC youth organizer. There were no further developments in the 2005 abduction cases of MDC candidate Godfrey Gumboand or Wilson Mushonga, the son of an MDC candidate, and a group of Mushonga's colleagues.

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

Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices. Police used excessive force in apprehending and detaining criminal suspects. Security forces routinely tortured citizens while in custody. Government supporters continued to assault suspected opposition members, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either the government or the opposition continued.

Human rights groups reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. One NGO report stated that 3,463 victims of torture and assault received medical treatment during the year, nearly triple the 1,185 victims recorded in 2006. Torture and other assault methods commonly reported included beating victims with whips and cables, suspension, electric shock, and falanga (beating the soles of the feet). According to the Human Rights Watch report *Bashing Dissent—Escalating Violence and State Repression in Zimbabwe*, "police routinely use unnecessary force to disrupt peaceful protests and subject activists to severe beatings and torture during arrest and while in police custody."

On March 11, more than 1,000 security forces in Harare used violence to prevent a prayer rally organized by the Save Zimbabwe Campaign, a broad coalition of church and civil society organizations and political opposition groups, and arrested more than 50 opposition members and civil society activists. Police tortured many of the 50 activists arrested, including anti-Senate MDC leaders Morgan Tsvangirai, Grace Kwinjeh, and Sekai Holland, as well as National Constitutional Assembly (NCA) Chairperson Lovemore Madhuku. According to victim accounts, more than 50 police officers, youth militia, and military intelligence officers were involved in severely beating the detainees with baton sticks, booted feet, and other instruments. Both Tsvangirai and Madhuku were beaten to unconsciousness. Tsvangirai suffered a fractured skull, swollen eye, and internal bleeding; Kwinjeh suffered a brain contusion and multiple soft-tissue injuries to the back, shoulders, arms, buttocks, and thighs; Holland suffered multiple fractures to her left leg and left arm and multiple soft-tissue injuries to the back, shoulders, arms, buttocks, and thighs; and Madhuku suffered a broken arm and head injuries. Police denied the victims access to legal counsel and medical attention for several days. On March 13, police released all those arrested without charge. No action was taken against the perpetrators.

There were reports of ZANU-PF youth who were indoctrinated, trained, and deployed to harass and intimidate members and suspected supporters of the opposition, labor, civil society, and student movement.

Security forces committed political violence, including instances where soldiers and persons in military uniforms beat civilians, particularly in areas suspected of heavy support for the opposition. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.

For example, on February 13, 174 members of the NGO Women of Zimbabwe Arise! (WOZA) were arrested while peacefully protesting. Many of those arrested were brutally beaten by police before being released. There were no further developments in the case.

Government supporters, including youth militia and war veterans trained by ZANU-PF, were also deployed to harass and intimidate members of the opposition, labor, student movement, and civic groups, as well as journalists considered critical of the government.

Police also frequently used other cruel, inhuman, or degrading treatment or punishment. For example, on April 19, police in Bulawayo arrested 82 WOZA activists for protesting frequent power outages and poor service from the government electric authority. According to WOZA reports, police at Luveve Police Station forced 18 arrestees to strip and remain undressed for the day; they were released after being charged under Chapter 46 of the Criminal Law (Codification and Reform) Act of "causing a criminal nuisance." The case was pending at year's end.

On the same day, police also arrested two other WOZA members when they attempted to bring food to the 82 WOZA arrestees. Detective Assistant Inspector Tshuma and Sergeant George Levison Ngwenya of Criminal Investigation Department (CID) Law and Order section beat one of the two women and tied her wrists with an electric cord, threatening to plug it in if she did not divulge WOZA's sources of funding. She was later released and received medical attention for her injuries. No action was taken against the officers involved.

No action was taken against the perpetrators of the September 2006 beatings of the Zimbabwe Congress of Trade Unions (ZCTU) members.

No action was taken in the 2005 cases of abuse.

According to a Zimbabwe Torture Victims/Survivors Project report released in December 2006, at least 15 percent of Zimbabwean women refugees interviewed at a counseling center in Johannesburg, South Africa between February 2005 and September 2006 reported they had been raped in Zimbabwe; the victims most frequently named members of ZANU-PF, police, military, and the Central Intelligence Organization (CIO) as the perpetrators.

There were no developments in the April 2006 alleged rape of an MDC supporter.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. The government's 43 prisons were designed for a capacity of 16,000 prisoners but held approximately 25,000, according to media reports. Prison guards beat and abused prisoners. Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Human rights activists familiar with prison conditions reported constant shortages of food, water, electricity, clothing, and soap. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, "political arrestees are routinely and deliberately overcrowded, with 30 or more people being kept at times in cells intended for six," and those "who have been severely beaten by the police and have fractures and other injuries, are routinely denied any access to health care or medication for varying period of time."

In May the UN Office for the Coordination of Humanitarian Affairs (OCHA) IRIN news service reported that a delegation of parliamentarians had visited prisons in 2006 and found that unsanitary conditions, including a lack of running water, had made diarrhea and skin diseases a permanent feature of prison life. A medical orderly employed by the health department and working in prison services told IRIN that more than 100 inmates had died of pellagra at Harare Central and Chikurubi Maximum Security prisons since the beginning of the year. The medical orderly noted that Zimbabwe Prison Services lacked resources to provide proper care, especially at Chikurubi Maximum Security prison, where as many as 10 deaths were recorded in one day.

Most prison deaths were attributed to harsh conditions and HIV/AIDS. In 2006 a local NGO estimated that 52 percent of the country's prisoners were HIV-positive. In February 2006 Zimbabwe Prisons Service commissioner General Paradzai Zimondi described the mortality rate in prisons as a "cause for concern." However, the government made no effort to improve prison conditions during the year.

Juveniles were not held separately from adults. The Prison Fellowship of Zimbabwe, a local Christian organization working with former inmates, estimated in 2006 that more than 200 children were living in the prison system with their detained mothers. Due to overcrowding in police stations and remand prisons, pretrial detainees were often held in prisons with convicted prisoners until their bail hearings.

The law provides that international human rights monitors have the right to visit prisons, but government procedures and requirements made it very difficult to do so. The government granted local NGOs access on a number of occasions during the year.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily arrested and detained persons.

#### Role of the Police and Security Apparatus

The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the President's Office controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the government called upon them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security. There were reports that police and army officials suspected of being sympathetic to the political opposition were demoted or fired.

Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. For example, police officers being considered for promotion were reportedly required to give a 10-minute speech defending the country's widely criticized land reform policy as an exemplary model of agrarian reform. There were reports of ZANU-PF supporters wearing police uniforms while violently disrupting public gatherings and demonstrations and torturing opposition and civil society activists in police custody. There also were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU-PF. Corruption increased in part due to low salaries and a worsening economy.

Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials as necessary and justifiable actions to maintain public order. After security forces violently prevented a public gathering on March 11, President Mugabe was widely quoted as saying that "the police have a right to bash" protesters who resist them.

Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. Government efforts to reform security forces were minimal, and training was rarely provided.

Police seldom responded during incidents of vigilante violence.

#### Arrest and Detention

Arrests require court-issued warrants, and the law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests which may have been politically motivated on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations' activities, and then releasing them the next day without charges. Security forces rarely were held accountable for abuses.

Although the Criminal Procedures and Evidence Act substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, in practice a circular issued by the attorney general giving a general authority to grant bail lessened the negative effect of the law. High court judges granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to four weeks without bail.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were "not available," especially in cases involving opposition members and civil society activists. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado. Family members and attorneys often could not verify that a person had been arrested until the individual appeared in court. For example, the whereabouts of Tsvangirai Mukwazhi, a photojournalist arrested while covering the events of the March 11 prayer rally, remained unknown until he appeared in court on March 13. Police repeatedly withheld information about his whereabouts from his lawyers.

There were reports that victims or witnesses of crimes were detained or charged with the crime after reporting it to police. For example, on November 5, five ZANU-PF youth supporters in Mutare attacked two other youths for allegedly supporting the opposition; one victim required medical attention after being struck in the head with a machete. The victim reported the attack to the police three days later, at which time police arrested him on allegations of attacking the ZANU-PF supporters involved in the case; the perpetrators had made a report to the police before the victim, who was detained for three days

and made to pay an admission-of-guilt fine.

The government increasingly used arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists. The Zimbabwe Human Rights NGO Forum reported over 1,600 cases of unlawful arrest and detention during the year. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, an evaluation of 1,981 politically-motivated arrests in the country from 2000 to 2005 showed that 1,721 cases resulted in no trial, 256 cases came to trial but resulted in no conviction, and only four cases resulted in a conviction. This trend continued during the year.

For example, on March 28, police raided the anti-Senate MDC faction's offices in Harare and arrested more than 30 opposition members following a series of alleged petrol bomb attacks. Other MDC members were arrested in the days and weeks that followed. Detainees included Member of Parliament (MP) Paul Madzore; Ian Makone, secretary of elections and special adviser to MDC faction President Morgan Tsvangirai; Morgan Komichi, deputy national organizing secretary; and Luke Tamborinyoka, director of information and publicity. According to the MDC detainees, during three days of detention at Harare Central Police Station, officers from the Law and Order Section repeatedly attempted to elicit information and confessions from the detainees by beating them with an assortment of weapons, including baton sticks, bottles filled with water, and baseball bats. According to lawyers for the opposition members, police arrested the MDC members before completing their investigations, and prosecutors intentionally stalled proceedings on numerous occasions by failing to produce witnesses or altering charges. MDC leaders maintained that the gasoline bomb attacks were likely carried out by government agents or ruling party supporters to justify the crackdown on the opposition. Many of the individuals arrested appeared in court more than 50 times and spent more than 60 days in detention. The government prosecutor eventually withdrew all charges, which included banditry and sabotage; however, the government reserved the right to proceed by summons. On May 30, police denied torturing the MDC detainees in a court-ordered report. On June 4, a magistrate ordered the police to open a new probe into the allegations but did not set a date for completion. The report was pending at year's end.

On May 4, police arrested prominent human rights lawyers Alec Muchadehama and Andrew Makoni outside the high court after they submitted court papers on behalf of one of the MDC members they were representing in the petrol bomb case. Police denied Muchadehama and Makoni access to legal counsel for several days. On May 6, police raided their lawyers' offices and confiscated files. Police threatened to arrest other lawyers present at the time of the raid when they attempted to scrutinize the search warrant. Police repeatedly ignored several high court orders, including one compelling Muchadehama and Makoni's immediate release. On May 7, both men were released on bail; on July 27, the government prosecutor withdrew all the charges.

There were no developments in the arrest cases reported in 2006 and 2005.

Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several years before trial or sentencing because of a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and for political reasons. During the year detainees in Harare Remand Prison went weeks without attending court for bail hearings because Zimbabwe Prison Services lacked fuel to provide transport. Others who had bail set but could not afford to pay were left to languish in detention.

On October 30, magistrates, prosecutors, and other court staff throughout the country went on strike demanding better pay and working conditions. As a result, nearly all court hearings for pretrial detainees were delayed. According to SW Radio Africa, an independent broadcaster, there was a backlog of 350,000 cases in the judicial system before the strike. The strike was ongoing at year's end.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however the judiciary was under intense pressure to conform to government policies, and the government repeatedly refused to abide by judicial decisions. The government routinely delayed payment of court costs or judgments awarded against it in civil cases.

The law provides for a unitary court system consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Victim-friendly courts, which had jurisdiction over children and victims of sexual abuse, had specially trained magistrates and prosecutors and equipment that allow victims to testify without being seen. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Military courts deal with courts martial and disciplinary proceedings only for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The constitution provides that they may 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, heard the vast majority of cases. Legal experts said that defendants in politically sensitive cases were increasingly more likely to receive a fair hearing in magistrates' lower courts than in higher courts, where justices were more likely to make political decisions. Other judicial officers such as prosecutors and private attorneys also faced political pressure. For example, on May 6, several police from the Law and Order section at Harare Central Police Station reportedly assaulted State Prosecutor Richard Chikosha because he consented to the granting of bail in the case of the arrested human rights lawyers Alec Muchadehama and Andrew Makoni. Police denied that an assault took place.

#### Trial Procedures

The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. Defendants enjoy a presumption of innocence under the law; however, this was not always preserved in practice. Trials were held by judges without juries and were open to the public, except in certain security cases. Every defendant has the right to a lawyer of his or her choosing, but a local attorney reported that most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but this was rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request legal assistance from the NGO Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR).

Attorneys sometimes were denied access to their clients, especially in cases involving opposition members or civil society activists. Defendants enjoy the right to present witnesses and the right to question witnesses against them; however, these rights were not always observed in practice. Defendants and their attorneys generally had access to government-held evidence relevant to their cases. The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed.

#### Political Prisoners and Detainees

There were numerous reports of political detainees throughout the year, including opposition officials, their supporters, NGO workers, and civil society activists. Most were held for one or two days and released. During the year police severely beat and tortured numerous opposition, civil society, and student leaders while in detention.

At year's end there were no political detainees in police custody.

There were no reports of political prisoners.

#### Civil Judicial Procedures and Remedies

There was an independent and impartial judiciary in civil matters; however, in practice the judiciary showed indications of being politically influenced or intimidated in cases involving high-ranking government officials, politically connected persons, or violations of human rights. There were systematic problems enforcing domestic court orders, as resources for the judiciary and police were severely strained.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but the government did not respect these provisions in practice. Security forces searched homes and offices without warrants; the government pressured local chiefs and ruling party loyalists to monitor and report on suspected opposition supporters; and the government forcibly displaced persons from their homes. The government coerced ruling party supporters and punished opposition supporters by manipulating the distribution of food aid, agricultural inputs, and access to other government assistance programs.

On August 3, the president signed into law the Interception of Communications Act (ICA) to provide for the interception and monitoring of any communication (including telephone, postal mail, e-mail, and Internet traffic) in the course of transmission through a telecommunication, postal, or other related system in the country. The ICA also provides for the establishment of a monitoring center and requires all communication service providers, including cellular and Internet service providers, to install at their own expense systems that are technically capable of supporting interception at all times. The chief of defense intelligence, the director general of the president's department responsible for national security, the ZRP commissioner, and the Zimbabwe Revenue Authority commissioner general (or any of their nominees) may request a warrant to be issued by the minister of transportation and communication. Civil liberties advocates criticized the ICA as repressive legislation that allows the government to stifle freedom of speech and to target opposition and civil society activists. In August the Committee to Protect Journalists reported that Information Minister Sikhanyiso Ndlovu stated that the act would target "imperialist-sponsored journalists with hidden agendas."

In 2005 the government embarked on Operation Restore Order without prior notice, during which more than 700,000 persons lost their homes, their means of livelihood, or both through a program of forced evictions. The government's stated

reason for the operation was to curb illegal economic activities and crime in slums and illegal settlements in several cities and towns, but it made no provision for the victims of its policy. Those who returned to rural areas often faced unemployment, food shortages, and other economic and social stresses. According to the Amnesty International report *Zimbabwe: Between a Rock and a Hard Place—Women Human Rights Defenders at Risk*, the operation resulted in the destruction of more than 32,500 small and micro-businesses across the country and created a loss of livelihood for more than 97,550 persons, most of whom were women. An estimated 300,000 children lost access to education as a result of displacement. The operation disrupted access to medical care, particularly for HIV/AIDS patients. The government reportedly prevented or interfered with UN and other humanitarian organizations' efforts to provide shelter and food assistance. The government's actions were widely condemned by local civil society organizations and the international community.

In July 2005 the government announced a new operation, *Garikai* (Shona for "live well"), supposedly to provide housing plots for new homes and to set up new vending sites for those who lost homes or businesses; the program proceeded slowly.

According to local human rights and humanitarian NGOs, sporadic evictions continued to occur during the year, especially of tenants and informal vendors suspected of supporting the opposition. According to a Shadow Report to the Africa Union's African Commission for Human and Peoples' Rights (ACHPR) compiled by five independent human rights organizations including Amnesty International and Human Rights Watch, two years after Operation Restore Order, "many victims remain homeless or living in makeshift accommodation." The government completed rebuilding only "3,325 structures after destroying more than 92,000 dwellings", approximately 20 percent of which were "allocated to police, soldiers and civil servants and the remainder were given mostly to people who were not affected by the mass evictions."

No action was taken against security forces involved in 2006 forced evictions.

Constitutional Amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the state, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. In December 2006 the Gazetted Land (Consequential Provisions) Act passed into law, requiring all farmers whose land was compulsorily acquired by the government and who were not in possession of an official offer letter, permit, or lease, to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years.

Disruptions at farms and seizures of property continued and were sometimes violent. Under a government moratorium introduced in January, farmers were given temporary extensions to continue growing crops and to allow for a gradual "wind down" of operations, including harvesting and selling crops. The government in almost all cases took no action to define the period of extension.

In June Didymus Mutasa, minister for lands, land reform, and resettlement, announced that the government was going to take action to seize the remaining white-owned farms for resettlement. Following the passage of Amendment 17 and the Gazetted Land (Consequential Provisions) Act, there were renewed and intensified efforts to evict many of the approximately 400 remaining farmers of the original 4,500 farmers of large-scale farms in operation when land seizures began in 2000. The announcement was followed by a sharp increase in reported cases where farms had been invaded, eviction notices served, arrests made, or farms visited in anticipation of future action during the last six months of the year. In July many of the remaining white farmers received eviction notices informing them to vacate their properties, most by September 30. In October at least 15 farmers were summoned to court on charges of illegally occupying their farms past the eviction deadline. Several farmers appealed to the Supreme Court to declare the eviction notices unconstitutional. More than 100 legal cases were pending at year's end.

On December 13, the Southern African Development Community (SADC) Tribunal in Namibia, in its first decision since its establishment in 2000, ruled in favor of Michael Campbell, who was contesting the compulsory government acquisition of his farm. The Tribunal was set up to ensure that SADC member states, including Zimbabwe, adhere to the SADC treaty and protocols, protect the rights of citizens, and ensure the rule of law. According to the protocol establishing the tribunal, a person can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Campbell brought the case to the tribunal after the Supreme Court in Zimbabwe failed to issue a judgment on the case. The tribunal issued an interim protective order, which prohibited the government from evicting or allowing the eviction of or interference with the farm, its owners, employees, or property pending a decision by the tribunal on the issue of the legality of the contested expropriation; government representatives told the three-member tribunal it would abide by the decision. Both the judgments from the Supreme Court case and the SADC Tribunal were pending at year's end.

No action was taken against security officials involved in numerous 2006 and 2005 cases of land invasions, seizures of property, and attacks on farm owners and workers.

No action was taken, nor was any anticipated, in the numerous other reported 2006 and 2005 cases of arbitrary interference with citizens' homes.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health." The government restricted these rights in practice. Journalists and publishers practiced self-censorship.

The government continued to restrict freedom of speech, particularly by those making or publicizing comments critical of President Mugabe. Passage of the ICA during the year increased the government's ability to monitor speech and to punish those who criticized the government.

Using the Official Secrets Act, Public Order and Security Act (POSA), or Criminal Law Act authority, the government arrested individuals for criticizing President Mugabe in public; they were usually fined and released. For example, on August 23, the government charged and convicted Tendai Murove for contravening sections of the Censorship and Entertainment Control Act after he was found in possession of an e-mail sent to him by a friend. The message reportedly mocked President Mugabe for his economic policies and the country's record inflation. Murove plead guilty and was fined.

There were credible reports that CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the government were frequently targeted for harassment, abduction, and torture.

On October 29, police arrested Mehluli Dube, student representative council vice president at the National University of Science and Technology and Zimbabwe National Students' Union (ZINASU) national council member, and charged him with treason for allegedly calling for the violent removal of President Mugabe during a civil society meeting. Dube denied making the statement, and the case was pending at year's end.

On December 2, police in Kwekwe stopped student activists Mehluli Dube, Laswet Savadye, Whitlow Mugwiji, Stephen Chisungo, and Gordon Mukarakati at a roadblock and detained the group overnight. Police accused the five students of inciting public disorder for wearing tee-shirts portraying deceased MDC spokesman Learnmore Jongwe. All were released without charge the following day.

On March 28, a magistrate referred to the Supreme Court the cases of Letwin Matereke and Selestino Jengeta, two teachers arrested in Masvingo in December 2006 for insulting President Mugabe in separate incidents, for determination of whether the Criminal Codification (Reform) Act under which the teachers were prosecuted contravened the constitution, which guarantees freedom of expression. The cases were pending at year's end.

The government also continued to restrict freedom of the press. The Ministry for Information and Publicity controlled the state-run media, including the two remaining daily newspapers, the *Chronicle* and the *Herald*. The news coverage in these newspapers and in the state-controlled media as a whole generally portrayed the activities of government officials positively, portrayed opposition parties and other antigovernment groups negatively, and downplayed events or information that reflected adversely on the government. For example, in the April 3 edition of the *Herald*, an opinion column by David Samuriwo accused a senior British diplomat in Harare of directing an antigovernment "terror and propaganda campaign," suggesting that the diplomat might return to London "in a body bag."

There were two independent major weekly newspapers, the *Zimbabwe Independent* and the *Standard*, and a semi-independent weekly paper, the *Financial Gazette*, all three of which continued to operate despite threats and pressure from the government. The newspapers continued to criticize the government and ruling party; however, they also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

On March 8, the Zimbabwe Mirror Newspaper Group, which published the independent *Daily Mirror* and *Sunday Mirror*, closed due to financial problems after the Ministry of State for National Security gained a controlling interest in the newspaper group in 2002.

In April the Zambian independent *Post* newspaper opened a bureau in Zimbabwe.

Radio remained the principal medium of public communication, particularly for the majority of the population that lived in rural areas. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings, supervised by the Ministry for Information and Publicity.

The popularity of independent shortwave and medium-wave radio broadcasts to the country continued to grow, resulting in further government jamming of news broadcasts by radio stations based in other countries, including both the Voice of America and SW Radio Africa

The government controlled the only domestically based television broadcasting station. International satellite television broadcasts were available freely through private firms, but were not available to most citizens due to their expense and the requirement for payment in foreign currency.

Senior government officials repeatedly criticized both local and foreign independent media for what they deemed biased reporting meant to discredit the Mugabe regime and to misrepresent the country's political and economic conditions. In a March interview, when asked why CNN and the BBC were not allowed to report from inside the country, the Zimbabwean ambassador to the United States, Machivenyika Mapuranga, replied that the news organizations were "enemy agencies" trying to mislead the world about the country.

Security forces arbitrarily harassed and arrested local and foreign journalists who contributed to published stories critical of government policies or security force operations.

On January 31, Bill Saidi, the editor of the *Standard*, received an envelope delivered to his office that contained a bullet and a threatening anonymous unsigned note. The envelope also contained a cartoon clipping from the January 28 edition of the *Standard* critical of the army and a March 2006 editorial from the *Zimbabwe Independent*, the *Standard's* sister publication, which criticized the police and the CIO.

On March 11, police detained and beat two accredited journalists, Tsvangirai Mukwazhi and Tendai Musiyazviriyo, when they attempted to cover the events of the March 11 prayer rally. According to reports, police ordered Mukwazhi and Musiyazi to lie face down on the ground while police beat them with batons; they were released without charge on March 13.

On April 1, police arrested freelance journalist Gift Phiri for allegedly publishing false stories and practicing journalism without accreditation. Police repeatedly tortured Phiri until his release on bail on April 5. During interrogations, police repeatedly beat Phiri with batons and a baseball bat and demanded that he disclose the sources of stories he wrote for the *Zimbabwean*, a weekly independent newspaper printed in London and distributed in Zimbabwe. Police also searched Phiri's home and confiscated a computer and files. All charges were later dismissed.

In September 2006 the independent shortwave broadcast station Voice of the People (VOP) relocated its operations to South Africa, following ongoing harassment by government authorities and a failure by the government to provide a conclusive resolution of the investigation into the 2002 bombing of VOP's Harare offices.

There were no developments in 2006 or 2005 cases of harassment, abuse, and detention of journalists.

Journalists and publishers continued to practice self-censorship as a result of government action and threats. On September 22, for example, the International Federation of Journalists reported that the government had compiled a list of 15 Zimbabwean journalists targeted for surveillance and other unspecified action for working with "hostile governments." All journalists on the list, which included at least three journalists who had already been attacked or threatened during the year, worked for the independent media. The government denied the authenticity of the list.

The government continued to use the Access to Information and Privacy Protection Act (AIPPA) to serve as the primary justification to control media content and licensing of journalists. The main provisions of the law give the government extensive powers to control the media and suppress free speech by requiring the registration of journalists and prohibiting the "abuse of free expression."

On March 30, police arrested Alexander John Perry, a reporter with *Time* magazine, in Matabeleland South Province where he was working on a story about illegal gold mining in the area. On April 2, a local magistrate convicted and fined Perry for practicing journalism without accreditation. Perry became the fourth journalist working for a foreign media organization to be successfully prosecuted under AIPPA since its enactment in 2002.

On May 2, the Media and Information Commission (MIC) banned freelance journalist Nunurayi Jena from practicing journalism for a period of one year after he was found to be working without valid accreditation at the end of 2006. According to Reporters Without Borders, the MIC had refused to renew Nunurayi's accreditation in 2006 on the grounds that his application was incomplete. The MIC also stated it was illegal for Nunurayi to work for certain foreign media banned from operating in the country.

On August 10, freelance photojournalist Tsvangirai Mukwazhi appeared before the MIC to answer charges of "deceiving" the licensing authority by not disclosing all the media organizations he worked for in his application for accreditation as required under AIPPA. The summons came a week after Jocelyn Chiwenga, the wife of Zimbabwe Defense Forces commander General Constantine Chiwenga, reportedly assaulted Mukwazhi when he accompanied Morgan Tsvangirai and other opposition MDC party leaders on a tour of a local retail store to assess the impact of the government's price control decree issued in June. According to reports, Chiwenga accused Mukwazhi of advancing the agenda of "Western imperialists." The MIC dropped the inquiry on August 20.

The legal wrangling between the MIC and the Associated Newspapers of Zimbabwe (ANZ), which began with the 2003 banning of the independent *Daily News* and its Sunday edition for not having registered for a license, continued. On May 9, a high court judge dismissed an ANZ application seeking to be licensed, but reaffirmed the inability of the MIC to consider its application impartially. On November 14, Information Minister Sikhanyiso Ndlovu commissioned a new MIC board and announced that a special committee would consider the ANZ application. However, independent media observers remained skeptical that the ANZ could receive an impartial hearing because although Tafataono Mahoso agreed to recuse himself from the ANZ application proceedings, Ndlovu retained him as MIC chairman. The hearing was pending at year's end.

The Broadcasting Services Act, which parliament's legal committee found to be unconstitutional but which was still in force, gives the minister of information final authority to issue and revoke broadcasting licenses. The act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. In September Obert Muganyura, chief executive of the Broadcasting Authority of Zimbabwe, the licensing authority for broadcasters, testified before the parliamentary Committee on Transport and Communication that the restrictive provisions of the act do not allow for the entry of new players into the broadcasting arena. Throughout the year media and legal rights groups criticized the act for limiting free speech.

In February 2006 the government passed the General Laws Amendment Act (GLAA), which amended sections of the Public Order and Security Act (POSA) to allow authorities to monitor and censor "the publication of false statements that will engender feelings of hostility towards--or cause hatred, contempt or ridicule of--the president or acting president." The GLAA recommends a prison term for any journalist who "insults the president or communicates falsehoods."

The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the constitution. 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. On April 11, former information and publicity minister Jonathan Moyo revised his claim to \$1,000 (2 billion Zimbabwean dollars) in damages in a defamation case against ZANU-PF National Chairman John Nkomo. Moyo filed the suit in 2005 over statements Nkomo allegedly made claiming Moyo organized a meeting in Tsholotsho, attended by several ZANU-PF provincial chairpersons, to plot a coup against President Mugabe and other top ZANU-PF leaders to remove the national leadership of the government. The case was pending at year's end.

There were credible reports that the deputy minister of information routinely reviewed Zimbabwe Broadcasting Corporation news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the government.

POSA and the criminal code grant the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA.

#### Internet Freedom

There were no government restrictions on the Internet; however, the ICA, enacted in August, permits the government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers.

#### Academic Freedom and Cultural Events

The government restricted academic freedom. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricted the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students. In October 2006 the Zimbabwe Council of Higher Education Act came into effect, mandating the establishment of a nine-member council made up of members of the higher education community from both public and private institutions. The council advises the minister on matters pertaining to education, including funding for higher education and accreditation of higher education institutions. The minister of higher education and technology, however, selects and appoints the council members, controls state universities, and appoints their chancellors and vice chancellors; the minister also appoints vice chancellors and other senior members of university administration, the deans of faculty, and most members of the university council.

CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe (UZ) and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. In response both faculty and students often practiced self-censorship in the classroom and academic work.

According to the Students Solidarity Trust (SST), a local NGO that provides assistance to student activists, 681 students were arrested or detained and 94 students were expelled or suspended for engaging in student activism during the year. On July 9, UZ Vice Chancellor Levy Nyagura evicted more than 4,500 students from residence halls, effective within hours of the announcement, following student protests on campus over increased tuition fees. Those students without contacts in Harare slept in youth hostels, churches, train stations, and in the streets while finishing exams. ZINASU estimated that two-thirds of UZ students did not resume their studies when the new academic term began in September due to a lack of housing and high fees. The residence halls remained closed at year's end.

The Zimbabwe Censorship Board continued to ban plays considered critical of the government, and police arrested and interrogated actors and producers during the year. According to media reports, the government blocked the opening of four plays from June to October.

On September 23, police arrested two actors and a journalist during a performance of *Final Push*, a play that depicts the country's socioeconomic and political crisis. Police released all three without charge on September 25. On October 12, police in Bulawayo blocked the opening of *Overthrown*, a play that reportedly had been approved by the Censorship Board.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly; however, the government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not permission was sought.

On March 28, the ACHPR's special rapporteur on human rights defenders in Africa, Reine Alapini-Gansou, expressed concern that police might be using POSA "to arrest and persecute human rights defenders" and "to prevent them to carry out their legitimate activities in defense of human rights." Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. The CIO also routinely sent personnel undercover to monitor meetings perceived to be potentially antigovernment.

Security forces committed arbitrary or unlawful killings while disrupting nonviolent demonstrations. On March 11, police shot and killed Gift Tandare, an opposition activist, when officers fired on an unarmed crowd during day-long clashes after security forces violently prevented a prayer rally in Harare. No action was taken against the police.

Police erected roadblocks in urban areas to prevent public gatherings from taking place, repeatedly used excessive force in dispersing demonstrations by the opposition and civil society, and arrested numerous demonstrators during the year.

On February 17, approximately 1,000 riot police, many of whom were reportedly members of ZANU-PF youth brigades, used water cannons, teargas, and truncheons to prevent an estimated crowd of 20,000 from attending an anti-Senate MDC rally at a stadium in the Harare suburb of Highfield, despite a high court order that enjoined the police not to interfere with the rally. More than 20 individuals were seriously injured, and more than 60 MDC supporters and leaders were arrested. No action was taken against the police.

On February 21, police imposed a ban on political rallies and demonstrations in several districts in and around Harare, citing the possibility of political violence. Opposition and civil society groups likened the ban to an undeclared state of emergency. Police also imposed an informal curfew in many high-density suburbs throughout Harare by emptying restaurants and bars in the early evening and arbitrarily beating and harassing persons found on the streets after dark. Security forces arrested, beat, and tortured numerous opposition members and supporters and civil society activists during the ban, which lasted until June 27.

On March 12, police disrupted the funeral of slain opposition activist Gift Tandare by beating and shooting at mourners, injuring Nickson Magondo and Naison Mashambanhaka, two MDC supporters. Mashambanhaka was shot again by police later that day when he returned to the funeral services after receiving medical treatment at a hospital. None of the officers involved had been disciplined by year's end.

On June 6, police in Bulawayo used baton sticks to break up a crowd of 200 and arrested five during a WOZA march calling for the inclusion of civil society in mediation talks between ZANU-PF and the opposition. Police later arrested WOZA leaders Jenni Williams and Magodonga Mahlangu when marchers regrouped in front of the police station. Police released the five WOZA activists initially arrested on June 8 without charge; Williams and Mahlangu were released on

June 9 after being charged with crimes against public order. The cases were pending at year's end.

On October 16, riot police in Harare used violence to disperse more than 50 NCA activists peacefully marching for a new constitution. Police beat demonstrators with baton sticks, and pedestrians in the immediate area were also indiscriminately beaten. Several NCA activists were arrested and released without charge that same day. More than 30 people were treated for injuries, including deep-tissue bruising and lacerations.

No further action was taken in the 2006 or 2005 cases in which opposition figures and civil society members were harassed or arrested by government authorities.

In response to growing unrest among student groups angered at increasing tuition, the government stepped up its harassment of university student unions. For example, on September 27, an estimated 100 ZANU-PF youth militia members disrupted a public meeting organized by the Zimbabwe Youth Forum, a local NGO, and beat participants and destroyed property. Police arrested 11 persons, including Zimbabwe Youth Forum Coordinator Wellington Zindove and Edson Hlatswayo, a student leader at Great Zimbabwe University in Masvingo. Aside from Hlatswayo, who was charged with malicious injury to property, police released all those arrested by October 1. Police in the Law and Order section at Masvingo Central Police Station reportedly assaulted Hlatswayo while he was in custody. Hlatswayo was released on bail on October 23; the case was pending at year's end.

On October 30, more than 500 students protesting the state of education in the country were forcibly dispersed by riot police before they could deliver a petition to the minister of higher and tertiary education.

High-ranking government officials, including President Mugabe, used the state-controlled media to threaten violence against suspected critics of the government. For example, in reference to the more than 50 MDC members and civil society activists arrested and tortured following the events of the March 11 prayer rally, the March 24 edition of the government-controlled daily newspaper the *Herald* quoted President Mugabe as saying he hoped they had "learned a lesson," and that, if they hadn't, they would "get similar treatment next time."

#### Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organizations generally were free of governmental interference only if the government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The government raided the offices and inquired into the activities of some NGOs it believed opposed government policies.

On January 26, 15 police officers arrested Pastor Ancelom Magaya, Reverend Raymond Motsi, Pastor Wilson Mugabe, Reverend Zvidzai Chiponda, Pastor Lawrence Berejena, Reverend Gerald Mubaira, Jonah Gokova, and Pius Wakatama during a meeting of over 500 persons in a Kadoma church to launch a new chapter of the Christian Alliance, a coalition of churches, opposition political parties, and civic groups. Police charged the eight leaders under POSA with holding an illegal meeting. They were detained for four days before a local magistrate released them on bail; the charges were later dismissed.

The formation of political parties and unions was not restricted; however, the government interfered with activities of both during the year. For example, on May 26, 200 opposition MDC youths were beaten and arrested during a meeting at their headquarters.

On March 28, a journalist and more than 30 opposition supporters, including opposition leader Morgan Tsvangirai, were arrested at anti-Senate MDC faction party offices; many were severely assaulted while in police custody before being released without charge.

On October 17, police in Masvingo detained 18 women members of the anti-Senate MDC faction during a luncheon for allegedly holding a political gathering. Scores of armed police detained the group for approximately four hours before releasing them without charge.

#### c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government and the religious communities historically have had good relations; however, the government continued to criticize and harass religious leaders who spoke out against the government's human rights abuses. Church leaders and members who criticized the government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies, such as the March 11 prayer rally that was violently disrupted by police during which one person was killed and numerous others were arrested and beaten.

On April 12, the Catholic Bishops' Conference of Zimbabwe released a pastoral letter entitled *God Hears The Cry Of The Oppressed*, which criticized the Mugabe regime for a crisis of governance. The letter, read by priests in churches throughout the country, noted that as citizens protest, "the state responds with even harsher oppression through arrests, detentions, banning orders, beatings, and torture." The conference called for a new constitution, free and fair elections, and repeal of repressive legislation. Almost a month later, in an interview with the government-controlled *Herald*, President Mugabe termed the letter "political nonsense" and accused the bishops of embarking on a "dangerous path." There were also reports that suspected intelligence agents and ruling party supporters threatened several priests who read the letter during mass and accused them of working for the opposition.

On September 10, intelligence agents detained Reverend Sonykis Chimbuya, the chairman of the local NGO Pastors' Forum, accusing him of having held an antigovernment meeting. At least 20 pastors from Pentecostal churches attended the meeting to discuss problems affecting disadvantaged communities in Zimbabwe.

#### Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups, including interreligious and intrareligious incidents, other than incidents that were politically motivated.

There were approximately 270 Jews in the country. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country and foreign travel; however, the government restricted freedom of movement, foreign travel, and the rights of internally displaced persons (IDPs) in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers, but interfered with some humanitarian efforts directed at IDPs.

During the year police continued to routinely erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In June and August, when the government issued decrees to control prices and to restrict imports, security forces were deployed to augment the roadblocks and border security. Security forces claimed that they were looking for criminals, smuggled goods, and food; however, in many cases, police arbitrarily seized goods for their own consumption.

Authorities seized passports and prevented citizens from leaving the country during the year.

For example, on March 17, authorities at Harare International Airport prevented opposition leaders Grace Kwinjeh and Sekai Holland, both of whom were tortured by police after being arrested following the March 11 prayer rally, from leaving the country to seek medical attention in South Africa. Authorities told Kwinjeh and Holland that they needed letters of clearance from the Ministry of Health before being allowed to take a medical evacuation flight. Police forcibly returned the two to Harare Central police station, where their travel documents were confiscated, and later took them to a hospital where they were placed under police guard. Kwinjeh and Holland were allowed to leave the country on March 22 after a high court judge ordered authorities not to interfere further.

The same day, security officials also arrested and seized the passport of pro-Senate MDC faction leader Arthur Mutambara at Harare International Airport when he attempted to leave the country. Police initially sought to charge Mutambara with inciting public violence in connection with the March 11 prayer rally; he was released on March 19 without charge.

During the year travel bans on a variety of persons remained in effect, including British government officials, members of the British parliament, a foreign human rights activist, and journalists. Foreign correspondents were denied visas during the year.

The constitution prohibits forced exile, and there were no reports that the government used it. A number of persons, including former government officials, prominent businessmen, and human rights lawyers, left the country and remained in self-imposed exile.

The Citizenship Act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals.

Registrar General Tobaiwa Mudede continued to seek to strip the citizenship of persons deemed critical of the government and to deny the renewal of their passports. Although Mudede lost a series of legal challenges in the Supreme Court and the High Court, he continued to intimidate and harass perceived critics of the government. For example, in December 2006 Mudede announced a decision to strip the citizenship of Trevor Ncube, owner of the independent newspapers the *Standard* and the *Zimbabwe Independent*, stating that Ncube had a claim to Zambian citizenship which he had not renounced. Ncube challenged the decision in the High Court, which ruled in his favor on January 25 and ordered the registrar general to renew his passport.

#### Internally Displaced Persons (IDPs)

An estimated 700,000 persons lost their homes or businesses following Operation Restore Order in 2005, and approximately 2.4 million persons were directly affected. The government's campaign of forced evictions and the demolition of homes and businesses continued during the year. Meanwhile, the government program Operation Live Well, purportedly launched to build housing for those displaced, primarily benefited government officials and the police rather than victims of Operation Restore Order. Many of those displaced continued to lack permanent shelter. Although humanitarian agencies had access to most displaced persons, the government continued to interfere with some organizations' efforts to assist IDPs during the year. Civil society activists believed that residents were routinely targeted for eviction for political reasons.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they fear persecution, and granted refugee status or asylum.

According to law, refugees must live at Tongogara refugee camp, but the camp afforded no means to earn a livelihood. Most refugees lived in urban areas without the permission of the government. In some cases, the government permitted refugees with special needs to live in urban centers. The government granted work permits to a few refugees, primarily those with special skills.

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

The constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favor of ZANU-PF, which has ruled continuously since independence in 1980.

#### Elections and Political Participation

The presidential election in 2002 and the parliamentary elections in 2005 resulted in the election and continued domination of President Mugabe and the ruling ZANU-PF party; the elections were neither free nor fair. Although the constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities.

In June SADC-mandated talks between ZANU-PF and both factions of the MDC, mediated by South African President Thabo Mbeki, began in Pretoria with the goal of reaching a negotiated political settlement between the parties, reportedly including an agreement on terms for national elections scheduled for 2008 and a new constitution. The negotiations were ongoing at year's end.

In September, as a result of the SADC talks, parliament unanimously passed Constitutional Amendment 18, which provides for significant changes in the country's electoral procedure. The amendment provides for presidential and parliamentary elections to be held at the same time by reducing the presidential term of office from six to five years to coincide with the parliamentary term of office; increases the number of MPs from 150 to 210 and senators from 66 to 93; mandates parliament to serve as an electoral college should the office of president become vacant; and directs the Zimbabwe Electoral Commission (ZEC), created in 2005 by the Zimbabwe Electoral Act to preside over elections and voter education, to delimit parliamentary and local constituencies. Many civil society groups were critical of the amendment because they believed the changes strengthened the power of the ruling party. The amendment came into effect on October 30.

In the 2005 parliamentary elections, ZANU-PF distorted the political campaign and manipulated voter registration rolls and vote tallies to ensure its large margin of victory; ZANU-PF captured 78 of the 120 contested seats. The government invested immense powers in the presidency through the 2005 Electoral Act, including full control of the voter roll and registration and the ability to change district lines without notice on the eve of an election. Electoral officers often did not operate in a fully open and transparent manner. Western observers declared the elections fundamentally flawed.

Approximately 10 percent of would-be voters were turned away from the polls, especially in opposition areas. Rejected potential voters were likely to be disproportionately opposition voters because the demographics matched those of MDC supporters. Critics noted the process for registering voters was legal but confusing, and some voters may have been excluded from the voters roll intentionally. The office of the registrar general, which maintains the voters roll, is not independent from the government.

Election observers also noted voter intimidation at polling stations. Some polling stations were located in areas regarded as intimidating to voters, such as at a police station or next to a local ZANU-PF headquarters. At some stations, police officers and other unidentified individuals recorded the names of those who voted. There were reports that voters in some districts had been told that the translucent ballot boxes would be used to note how individuals voted.

Observers at numerous polling stations reported that in many cases police, rather than election officials, communicated vote counts to the tabulation centers, which exceeded the role of the police. Observers also reported that opposition party agents and observers were not allowed to witness the vote tabulation in key districts. Contrary to the Electoral Act, many polling stations did not post their results.

These reports and conflicting election results issued by the ZEC, the first coming only hours after the poll closed and the second a few days later, suggested that the final toll was manipulated. Discrepancies heavily favored the ruling party; of the 19 constituencies where the final results differed by more than 5,000 from the initial reports, ZANU-PF candidates won 18. The number of rejected potential voters combined with the discrepancies in the government's announced tallies exceeded the candidate's margin of victory in 24 constituencies, 20 of them won by ZANU-PF.

In 2005 the government used its two-thirds majority in parliament to pass a constitutional amendment that established a 66-member Senate. The government was criticized for creating the Senate, which was widely seen as a vehicle for patronage and a useless and expensive body. It is to sit for a single five-year term and has no independent political authority.

The MDC's president called for a boycott of the elections. However, several other MDC leaders opposed the boycott decision. The MDC split in 2005, ostensibly over participation in the newly recreated Senate, although long-simmering leadership divisions appear to have been the root cause. Both factions claimed the MDC name and logo. One faction, conventionally called the anti-Senate faction, remained loyal to MDC President Morgan Tsvangirai and appeared to maintain the bulk of grassroots support. Another faction, conventionally called the pro-Senate faction, emerged under the leadership of Arthur Mutambara. Twenty-six candidates ran under the MDC banner.

Of the 50 elected seats, ZANU-PF won 19 unopposed and an additional 24 on election day; MDC pro-Senate candidates won seven. However, the boycott appeared to have been successful, as turnout was historically low at only 19 percent of eligible voters. In addition President Mugabe appointed six seats, and the ruling party-controlled council of chiefs appointed 10, giving ZANU-PF an overwhelming majority of seats. Despite the fraudulent elections, the MDC factions held 41 of 120 elected seats in the House of Assembly and seven of 50 elected seats in the Senate at year's end.

There were few regional and no international observers at the elections. Domestically, the Zimbabwe Election Support Network (ZESN), a local NGO dedicated to promoting democratic elections, mounted a small observation effort. However, ZESN observed that at some polling stations there were much larger numbers of voters than at others, a possible indication of fraud, and that the circumstances remained heavily tilted toward the ruling party.

In February 2006 the Supreme Court rejected MDC President Morgan Tsvangirai's application to have it take over from the High Court the MDC's 2002 election challenge. The electoral challenge was still pending at year's end.

In July 2006 the Supreme Court found unconstitutional the process of judicial appointments to the electoral court, which was established in 2005 to resolve electoral disputes. As a result of the Supreme Court's decision, all pending and new complaints arising from elections must be heard by the already overburdened ordinary courts.

The president appointed a large majority of ZEC members. MDC reported that only a few of the names it submitted appeared on the list that went to the president. The ZEC presided over two parliamentary by-elections during the year, during which the government's manipulation of the electoral process, including partisan disbursement of food and other material assistance to perpetuate public dependence on the ruling party, disenfranchised voters and skewed elections in favor of ruling party candidates. In some areas a ZANU-PF card was required to obtain food and agricultural inputs. According to the ZESN, ZANU-PF prevailed on traditional leaders to get out the vote for the ruling party. For example, on February 2, Chief Fortune Charumbira, president of the national Council of Chiefs, ordered traditional leaders to expel villagers who supported the opposition and to withhold government-supplied food aid from them.

ZESN observed the mobile voter registration exercise in each of the country's 62 districts from June 18 to August 17 and reported that the process was not sufficient due to a lack of adequate publicity, registration centers, and resources. The government extended the registration for an additional three weeks; however, ZESN expressed concern that the extension was not nationwide. In December the Zimbabwe Peace Project, a local NGO, reported that the restrictive requirement to

obtain stamped confirmation letters as proof of residence from local traditional leaders or to register to vote in rural areas resulted in discrimination, especially against opposition supporters who frequently could not obtain these letters.

Domination by the ruling party resulted in restrictions and violence against the opposition. On March 18, a group of unidentified assailants attacked anti-Senate MDC spokesperson and MP Nelson Chamisa with iron bars at Harare International Airport as he attempted to travel to a European Union-sponsored meeting of parliamentarians in Brussels, Belgium. Chamisa sustained serious head injuries in the attack. The attack was believed to be carried out by government security agents or youth militia because the incident occurred in full view of airport police, who failed to react.

On April 7, police raided the home of Philip Katsande, a provincial executive member of the anti-Senate MDC faction, seeking to arrest him in connection with alleged gasoline bomb attacks. Police shot Katsande three times in the arms and chest; Katsande survived. None of the officers involved in the shootings were disciplined.

The president may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve parliament and to appoint or remove a vice president and any minister or deputy minister; and directly appoints 20 of the 150 MPs, including 12 nonconstituency MPs, eight provincial governors who sit in parliament, and six senators. 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 MPs and 10 as senators. All 30 of the appointed MPs have been consistent ZANU-PF supporters. While most of the Senate appointments were ZANU-PF supporters, some appeared to maintain relatively neutral positions.

There were reports that the government removed from the civil service and the military persons perceived to be opposition supporters. Additionally, the government deployed soldiers and youth service training center graduates to help enforce the price control program launched in June. There also were reports that the government assigned soldiers and youth service members to work in government ministries.

The government routinely interfered with MDC-led local governments. Commissions appointed by Minister of Local Government Ignatius Chombo continued to run the cities of Harare, Mutare, and Chitungwiza in place of democratically elected MDC mayors. In March a High Court judge declared the Harare commission illegal, but the government ignored the ruling. On August 6, Sekesayi Makwavarara, who was appointed to chair the commission in 2004 after the dismissal of the popularly elected executive mayor of Harare, resigned. The Combined Harare Residents' Association (CHRA), a local NGO, called for immediate elections to select a new executive mayor and councilors; however, Chombo appointed Michael Mahachi and announced that the new commission would run until local government elections could be held in 2008.

The ruling party's candidates continued to benefit from the ZANU-PF's control of the state- and party-owned firms that dominated the country's economy and from its control of the state-monopolized broadcast media. Youth wings of the ruling party continued to commit abuses against the opposition and members of civil society with impunity.

There were 24 women in the 150-seat House of Assembly and 23 women in the Senate, including the president of the Senate. The vice president, four ministers, and two governors were women. In July 2006 Rita Makarau became the first woman to hold the position of judge-president of the High Court. Women participated in politics without legal restriction, although according to local women's groups, husbands commonly directed their wives to vote for the husband's preferred candidates, particularly in rural areas. The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations.

There were 10 members of minority groups in the cabinet, including Vice President Joseph Msika. There were 36 members of minority groups in the 216-seat House of Assembly, including 30 Ndebele, four Tonga, and two whites.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively and impartially, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide indicators reflected that corruption was a severe problem. Implementation of the government's ongoing redistribution of expropriated, white-owned, commercial farms substantially favored the ruling party elite and continued to lack transparency. Top ruling party officials continued to handpick multiple farms and register them in the names of family members to evade the government's one-farm policy. The government continued to allow individuals aligned with top officials to seize land not designated for acquisition.

Top ruling party officials and entrepreneurs supporting the ruling party received priority access to limited foreign exchange and fuel. The government's campaign to provide housing plots and vending sites for victims of Operation Restore Order mostly benefited civil servants, security forces, and ruling party supporters.

On June 26, Minister of Industry and International Trade Obert Mpofu introduced "Operation Reduce Prices," a campaign to lower prices on goods and services by half or more. Price reductions had the consequence of inducing consumers to

purchase mass quantities of goods, which caused widespread shortages of basic commodities such as bread, milk, maize meal, meat, and cooking oil throughout the country. Over the following months, police arrested and fined more than 5,000 business executives and store managers for violating the price reduction decree. Despite official condemnation of the practice, some price monitoring teams, composed of police and ZANU-PF supporters, took advantage of the situation by ordering prices reduced to arbitrary levels, after which other supporters entered the stores and bought out the stock at the lowered prices. Many of the products were later resold on the black market at original or higher prices. The government often did not investigate reported abuses by price monitoring teams, and police frequently denied that goods were seized when business owners attempted to reclaim their stocks.

There were continuing government efforts to combat corruption, but they were ineffective and lacked political will. A government-appointed Anticorruption Commission was established in 2005 but had yet to register any notable accomplishments.

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted persons who had fallen out of favor with the ruling party or individuals without high-level political backing. Prosecutions were often for externalizing foreign currency, which was a common practice among the political and business elites.

The government stated that the AIPPA was intended to improve public access to government information; however, the law contains provisions that restrict freedom of speech and press, and these elements of the law were the ones the government enforced most vigorously. One NGO reported in 2005 that it made several information requests under AIPPA, but the government had not provided any information. The NGO stated it had taken the government to court in several cases, but the courts had not ruled in its favor.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however, they were subject to government restrictions, interference, monitoring, and harassment.

Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA; increasing poor women's access to the courts; constitutional and electoral reform; raising awareness of the abuse of children; conducting civic education; preserving the independence of the judiciary; and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major local human rights NGOs included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZLHR, Zimbabwe Peace Project, NCA, SST, and WOZA.

The government continued to use the state-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that were considered critical of the government as groups that merely did the bidding of "Western governments."

During the year police arrested or detained NGO members, often in connection with demonstrations or marches; many were beaten during arrest and tortured while in custody. In at least one case, an NGO member died. On July 25, Bronislawa Kwinjo, a 64-year-old grandmother and supporter of local NGO NCA, suffered brain trauma as a result of injuries sustained when police tortured her and more than 200 other NCA activists for over five hours after a demonstration in Harare calling for a new constitution. Kwinjo fell into a coma on August 21 and died as a result of her injuries on September 7. None of the officers involved had been disciplined at year's end.

On July 25, police detained more than 240 NCA activists after a demonstration in Harare calling for a new constitution. Police at Harare Central Police Station forced the activists, who included elderly women and women with young children, to lie down as more than 100 uniformed and plainclothes officers and suspected ZANU-PF youth militia took turns assaulting the group for approximately five hours. More than 170 required medical attention for injuries, including broken bones, lacerations, and head wounds. Police released all detainees without charge that same evening. None of the officers involved had been disciplined by year's end.

The government harassed some NGOs it believed opposed government policies with raids on their offices and investigations into their activities. For example, on March 23, police raided the offices of CHRA three days after the group held a demonstration in downtown Harare. CHRA members also reported receiving threatening phone calls and visits from police at their homes.

The government increased its harassment and intimidation of human rights lawyers during the year. Police often threatened, and in some cases assaulted, lawyers when they attempted to gain access to their clients in police custody. For example, on March 11, police denied ZLHR member Harrison Nkomo access to his MDC clients who were detained at Machipisa police station; police beat Nkomo with a baton stick before forcing him to leave the station.

On April 16, Information Minister Sikhanyiso Ndlovu announced that the government would deregister all NGOs to screen out groups with ties to Western governments; however, the Ministry of Labor and Social Welfare, the agency responsible for registering NGOs, disavowed any knowledge of the initiative. Many political observers believed the government's intention was to intimidate civil society. No official action had been taken to deregister the NGOs by year's end.

The government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. The government restricted feeding programs and blocked efforts by local and international NGOs to provide humanitarian relief to those affected by Operation Restore Order.

In October 2006 the government submitted its long overdue 7th, 8th, 9<sup>th</sup>, and 10th combined periodic report to the ACHPR in accordance with Article 62 of the African Charter on Human and Peoples' Rights. Although African Union (AU) member states are required to submit updates on the human rights situation in their countries every two years, the report covered an eight year period. According to a shadow report submitted to the ACHPR in May by a coalition of five internationally respected human rights organizations, the government's "glowing account of Zimbabwe's record on civil and political rights" and the claim that the government "has shown commitment to the protection and promotion of the human rights" were undermined by the realities on the ground. The report stated that the government was acting in violation of the African Charter. On May 19, a group of NGOs in attendance at the 41st Session of the ACHPR in Ghana declined to make an address during the proceedings, citing fear of retribution by the Zimbabwean government. In an earlier briefing, Justice Minister Patrick Chinamasa had accused NGOs operating in Zimbabwe of working to destabilize the country. At the 42nd Session of the ACHPR in November, the Commission adopted a resolution on the upcoming elections and the status of freedom of expression in Zimbabwe. The resolution reaffirmed the fundamental importance of freedom of expression as a cornerstone of democracy and called on the Zimbabwean government to ensure that it created conditions conducive to free, fair, and credible elections by pursuing the ongoing SADC talks with the political opposition.

In September parliament unanimously approved Constitutional Amendment 18, which provides for the establishment of a parliamentary human rights commission. Critics charged that the law would circumvent efforts by international human rights organizations to accurately report on the country's human rights situation. No further action was taken toward establishing the commission by year's end.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide that no person can be deprived of fundamental rights, such as right to life, liberty, and security of person, based on one's race, tribe, place of origin, political opinions, color, creed, sex, or disability; however, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities remained problems. The government and ruling party infringed on rights to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

#### Women

The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and, feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases, and the government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to infect anyone knowingly with HIV.

Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes.

On October 25, the government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in December 2006. The government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 15 killing of his wife. The case was pending at year's end.

During the year the government conducted a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women's rights groups reported that awareness of domestic violence increased following the October

enactment of the Domestic Violence Act.

Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's worsening economic problems were forcing more women and young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the border with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year.

Labor legislation prohibits sexual harassment in the workplace and an employer may be held liable for civil remedies if found in violation of provisions against "unfair labor practices" including sexual harassment; however, women commonly faced workplace sexual harassment, and there were no reports of any prosecutions during the year.

Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.

The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.

Women and children continued to be adversely affected by the government's forced evictions and demolition of homes and businesses in several cities and towns. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband's family when married and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband's family in rural areas where resources were already strained.

The Ministry of Women's Affairs, Gender, and Community Development showed some improvement in efforts to advance the cause of women. The ministry, through collaboration with local NGOs, introduced training workshops for traditional leaders in the rural communities to create more awareness on women's issues. Women's Affairs Minister Oppah Muchinguri also established "gender units" in every ministry to advance women's rights. The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government.

Several active women's rights groups concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.

#### Children

The government's commitment to children's rights and welfare showed some improvement during the year; however, declining socioeconomic conditions continued to place more children at risk. On February 15, the Ministry of Public Service, Labor, and Social Welfare and the UN Children's Fund (UNICEF) formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached 100,000 OVC with comprehensive support and protection during the year. Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the government made improvements during the year by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country.

Primary education is not compulsory, free, or universal for any children. According to the UNICEF *Humanitarian Action Report 2007: Zimbabwe*, "the education system has been eroded by deteriorating infrastructure, reduced public expenditure and high attrition of human resources. School enrollment ratios are low, attendance and completion ratios declining, and learning spaces and teaching/learning materials scarce." The Central Statistical Office's consumer price index statistics showed that education costs increased nearly 1,162 percent from April 2006 to April 2007. In February the IRIN news service reported that increased tuition fees forced many parents to withdraw their children from school.

UNICEF estimated 82 percent net primary school enrollment through 2005; however, children's welfare activists believed the number to be much lower than in 2005 due to Operation Restore Order and the displacement of thousands of children

from their homes and schools. The highest level achieved by most students was primary level education. UNICEF figures through 2005 showed a net secondary school enrollment of 35 percent for boys and 33 percent for girls.

In most regions of the country, fewer girls than boys attended secondary schools. If a family was unable to pay tuition costs, it was most often female children who left school. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In October 2006, in collaboration with UNICEF and other partners, the government launched a National Girls' Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school.

According to *Children Crossing Borders*, a July report by Save the Children UK, unaccompanied children as young as seven crossed the South African border to find work. Many of them could not afford school fees.

Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. The local NGO Girl Child Network reported cases of child sexual abuse had increased during the year. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network reported that girls believed to be virgins were at risk for rape due to the belief among some that having sex with a virgin would cure men of HIV and AIDS.

The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year. Arranged marriage of young girls also continued. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among AIDS orphans. In July IRIN news service reported that poverty had driven many heads of households to demand a large amount of money or other commodity as the dowry price for their daughters.

The government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to racist and partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence.

There were an estimated 1.6 million HIV/AIDS orphans in 2006, and the number was increasing. The number of AIDS orphans (including children who lost one as well as both parents) was about 10 percent of the country's population. Many grandparents were left to care for the young, and, in some cases, children or adolescents headed families and were forced to work to survive. AIDS orphans and foster children were at high risk for child abuse. Some children were forced to turn to prostitution as a means of income. According to local custom, other family members inherit before children, leaving many children destitute.

During the 2005 Operation Restore Order, the government detained many street children and took them to transit camps or juvenile detention centers. At year's end NGOs were uncertain how the operation affected the number of children living on the streets, which in previous years had risen dramatically. One local child welfare advocacy group reported that the continuing economic decline and the government's lack of support to social welfare institutions contributed to a noticeable rise in the estimated 12,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

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#### Trafficking in Persons

No laws specifically or comprehensively address trafficking in persons, and the country was a source, transit, and destination country for trafficking in persons.

Trafficking was a serious problem. Rural children were trafficked into farms or cities for agricultural labor, domestic servitude, and commercial sexual exploitation, often under the false pretenses of job or marriage proposals, according to one NGO. Reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. Women and children were reportedly trafficked for sexual exploitation in towns along the borders with the four surrounding countries. There were also reports that young women and girls were lured to South Africa, the People's Republic of China, Egypt, the United Kingdom, Canada, and Zambia with false employment offers that resulted in involuntary domestic servitude or commercial sexual exploitation. Women and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia were trafficked through the country to South Africa. Small numbers of South African girls were trafficked to the country for forced domestic labor.

Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young men and boys were exploited by "guides" when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South Africa before their "employers" reported them to authorities as illegal immigrants. Traffickers often transported victims covertly across borders at unrecognized border crossing points. The use of child laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members.

The constitution and law prohibit forced or compulsory labor, including by children, with the exception of working for parents or the national youth service; however, there were reports that such practices occurred. Forced labor is punishable by a fine, two years' imprisonment, or both. It is a crime under the criminal code to transport persons across the border for sex. The law provides for a fine and a maximum prison sentence of two years (10 years if the victim is under the age of 16) for procuring another person to become a prostitute, whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws.

The government demonstrated interest in combating trafficking; however, it did not devote sufficient resources to investigating and prosecuting cases.

There was no statistical tracking of trafficking prosecutions. The primary government authority to combat trafficking was the ZRP, which relied on NGOs to alert them to any cases. In April 2006 the government formed an interministerial taskforce to coordinate efforts to combat trafficking, but had not registered any notable accomplishments by year's end. The Interpol National Central Bureau Zimbabwe's "antitrafficking desk" was staffed with ZRP officers who assisted with international investigations.

There were anecdotal reports that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The government took steps during the year to educate and train officials to combat trafficking. Several senior government officials attended an International Organization for Migration (IOM) seminar on trafficking during the year. Officials from social services, law enforcement, immigration, and health care agencies attended five antitrafficking workshops conducted by IOM during the year.

Although the government lacked resources to provide protective services on its own, the police Victim Friendly Unit, social services, and immigration officials utilized an established process for referring victims to international organizations and NGOs that provided shelter and other services. The government coordinated closely with the IOM-run migrant reception center in the town of Beitbridge on the border with South Africa, which provided social and reintegration services to the large number of illegal migrants repatriated from South Africa. During the year, the government allocated land to the IOM to open a second reception center in the town of Plumtree on the border with Botswana.

Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception center in Beitbridge for unaccompanied children and trafficking victims.

The government-run media prominently featured articles about trafficking in persons, and the government had prevention programs to provide alternatives for children at risk. The government also cooperated with the IOM and Interpol in a public awareness radio campaign that led to the identification of several victims during the year.

#### Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched, and children with disabilities often were hidden when visitors arrived.

According to the National Association of Societies for the Care of the Handicapped, persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, the sector was largely been marginalized from HIV/AIDS intervention programs. Except for a short period in the 1990s, instructions on the use of condoms have never been distributed in Braille for the visually impaired, and no efforts were made to advertise condoms in sign language for the deaf. Additionally, there was no HIV/AIDS information in Braille. The organization also reported that only 33 percent of children with disabilities had access to education.

Operation Restore Order in 2005 severely affected persons with disabilities, and, according to the UN special envoy's report on the operation, the government held approximately 50 persons with physical and mental disabilities without care

at a transit camp separated from the rest of the camp population.

The government broadcasts a regular, prime-time program on state radio to promote awareness of the rights of persons with disabilities.

#### National/Racial/Ethnic Minorities

According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

The government attempted to attribute the country's economic and political problems to the white minority and Western countries. On some occasions, President Mugabe, members of his government, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program.

On October 2, parliament passed the Indigenization and Economic Empowerment Bill; however, President Mugabe had yet to sign it into law at year's end. The bill's official purpose was to increase participation of indigenous citizens in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980--the date of the country's independence--was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU-PF.

#### Other Societal Abuses and Discrimination

Over a period of years, President Mugabe publicly denounced homosexuals, blaming them for Africa's ills. Although there was no statutory law proscribing the activities of homosexuals, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In July 2006, the 2004 amended criminal code became effective, broadening the definition of sodomy to include "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act."

The government had a national HIV/AIDS policy that prohibited discrimination against persons living with HIV/AIDS, and the law aims to protect against discrimination of workers in the private sector and parastatals. Despite these provisions, societal discrimination against persons affected by HIV/AIDS remained a problem. Although there was an active information campaign by international and local NGOs, the Ministry of Health, and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued.

#### Incitement to Acts of Discrimination

Throughout the year government-controlled newspapers, radio, and television stations continued to selectively vilify citizens of European ancestry and to blame them for the country's problems.

### Section 6 Worker Rights

#### a. The Right of Association

While the law provides private sector workers with the right to form or join unions without prior authorization, and workers exercised these rights, they were not always respected in practice. The 2005 Labor Amendment Bill eliminated some previous public sector employee rights and excluded such employees from protection under labor laws, placing them instead under the Public Service Act, which does not provide for the right to form and belong to trade unions, collective bargaining, strikes, or alternative dispute resolution mechanisms. These restrictions, however, were not enforced in practice. The government also restricted union activity indirectly by defining all senior employees as managers even though such employees did not enjoy benefits attached to the title. Employees in positions designated as managerial were excluded from general union membership. Unions must be registered with the Ministry of Public Service, Labor, and Social Welfare.

During the year approximately 700,000 persons were employed in the formal sector, 37 percent of which belonged to the 36 unions that form the ZCTU; approximately 65 percent of industries were unionized.

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to support splinter unions in each economic sector; however, there was no evidence that either employers or employees viewed the splinter unions as legitimate. In addition to fostering confusion among workers, splinter unions forced existing unions to

spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education.

During the year the government openly targeted the ZCTU, declaring it aligned with the opposition MDC. Some pro-ZANU-PF employers declared their shops off-limits to the ZCTU. The government continued to use POSA to limit the ZCTU and its affiliates' ability to meet with and consult their constituencies, although the law does not apply to labor unions. For example, unions were prevented from holding meetings with their members, sometimes by the police and under threat of arrest. On July 27, police disrupted an HIV/AIDS workshop in Kadoma and arrested four ZCTU officials for holding an "illegal" meeting under POSA. Three of the arrestees were released without charge the same day. John Ngirazi, president of the Pulp and Paper Worker's Union, a ZCTU affiliate, was released the next day. Police failed to pursue charges against Ngirazi. The police continued to monitor ZCTU and other labor union meetings, despite court rulings against such action.

On September 18, police visited the home of ZCTU President Lovemore Matombo to question him about a planned labor action. Matombo was not home, so police arrested his brother and an employee of Matombo's to coerce them to reveal Matombo's whereabouts. Police reportedly threatened and beat the two before releasing them two days later. In September, in a response to a ZCTU lawsuit filed against the government for the arrests and beatings of union demonstrators in September 2006, police stated that they had used "only minimal force" and denied any assault. There were no further developments in the court ordered investigation into the case by year's end.

Although the law prohibits antiunion discrimination, in practice union members faced discrimination and harassment. A labor court handled complaints of such discrimination under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination be reinstated, although this did not happen in practice.

In June the International Labor Organization's (ILO) Application of Standards Committee, in its report on trade union rights abuses, included cases filed by the ZCTU concerning violations of freedom of association and protection of the right to organize after the government refused to appear before the committee to discuss the submissions. The International Trade Union Confederation also criticized government harassment of unions during the year.

#### b. The Right to Organize and Bargain Collectively

The Labor Relations Amendment Act (LRAA) provides workers with the right to organize and permits unions to bargain collectively over wages and conditions of employment, and workers exercised this right in practice; however, government harassment of union leaders and interference by ZFTU sometimes made such negotiations difficult. Collective bargaining agreements applied to all workers in an industry, not just union members. Public sector employees do not have the right to collective bargaining, strike, or alternative dispute resolution mechanisms; however, these restrictions were not enforced in practice. For example, the Apex Council, which represents civil servants, negotiated with the government over salaries. Teachers, the largest civil servant sector, engaged in labor actions during the year.

The minister of labor retained the power to veto agreements that he believed would harm the economy, but he did not involve himself directly in labor negotiations unless requested to do so by one of the parties.

Although the LRAA explicitly recognizes the right to strike, it has been circumscribed with procedural limits including 14-day advance notice requirements, mandated 30-day reconciliation periods, possible mandatory referral to binding arbitration, and the requirement that at least 50 percent of employees vote for a strike, although workers protesting health and safety standards or lack of equipment may strike without the notification and arbitration procedure. The act prohibits "essential services" employees from striking on the grounds that it "endangers immediately the life, personal safety, or health of the whole or any part of the public." The law also allows that "any nonessential service may be declared an essential service by the minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety, or health of the whole or part of the population is endangered." Managers also were prohibited from striking, and, in some industries, the government defined most employees as managers.

In practice, the government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes. Government-imposed delays prevented most employees and their unions from declaring legal strikes, and those who participated in strikes deemed illegal faced government intimidation and harsh sentences of up to five years in prison.

On March 13, police raided ZCTU offices in Harare and detained and assaulted ZCTU staff while searching for "subversive materials" related to planned labor protests; police similarly raided ZCTU offices in Gweru, Chinhoyi, and Mutare on March 27. In the days leading up to the strike, the government newspaper the *Herald* ran front-page headlines warning workers to ignore the "illegal" strike and stating that police would ensure shops remained open. Labor Minister Nicolas Goche stated employers would be expected "to deal with the workers" who chose to stay away from work.

In the week preceding a September ZCTU strike, security forces arrested and interrogated at least 10 ZCTU labor leaders and organizers; all were released without charge. On September 17, police arrested three ZCTU members in Harare for

distributing flyers about the strike and reportedly beat them. The union members were charged with "criminal nuisance"; a Harare magistrate dismissed the charges on October 5.

The Export Processing Zones Act states the LRAA does not apply to workers in export processing zones (EPZs); however, according to the ZCTU, employers generally applied the same wages and standards in the EPZs as in the general economy. The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, with the exceptions of working for parents or the national youth service; however, there were reports that such practices occurred. Forced labor is punishable by a fine, two years' imprisonment, or both. Forced labor by children occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Under the LRAA, child labor is punishable by a fine, two years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education.

The government released the *2004 Child Labor Report* in March 2006. According to the survey, approximately 46 percent of children between the ages of five and 17 were engaged in economic activity. The unemployment rate continued to grow, with some estimates as high as 80 percent, which decreased the number of children employed in the formal sector. However, the incidence of children who worked in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, as domestics, in illegal gold mining, as street vendors, and as car-washers. In addition there were reports of an increasing number of girls engaged in prostitution. Although the government and NGOs increasingly discussed the problem of child labor in the agricultural, domestic, and informal sectors, they were unable to gather concrete data on the number of cases.

Although the incidence of child labor on commercial farms decreased as a result of land redistribution, most economically active children still worked in the agriculture industry. The General Agricultural and Plantation Workers' Union of Zimbabwe (GAPWUZ) estimated that, of the country's approximate 200,000 farm workers, 10 percent were children under the age of 16. GAPWUZ also reported children continued to work on tea and sugar estates.

Some employers did not pay wages to child domestic workers, believing they were assisting a child from a rural home by providing housing and board. In addition employers paid the parents for the child's work. Relatives often used AIDS-orphaned children as domestics without pay. There were also reports from NGOs that police rounded up street children and took them to work on farms without pay.

The Department of Social Welfare in the Ministry of Labor is responsible for enforcing child labor laws, but the department lacked the human resources to carry out inspections or any other monitoring. On October 1, the Ministry of Public Service, Labor and Social Welfare signed a memorandum of understanding with the ILO to collaborate on a multiphased program for the elimination of the worst forms of child labor. The program was expected to address child labor issues and the implementation of ILO Convention 182, including identifying the worst forms of child labor and implementing activities pertaining to the prevention of child labor and the protection of working children.

#### e. Acceptable Conditions of Work

There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and approximately 80 percent of the population lived below the government's poverty line. The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. Minimum wages in the formal sector changed continuously as a result of the high inflation rate.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations

due to fear of losing their jobs.

The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The government designated the Zimbabwe Occupational Safety Council, a quasi-governmental advisory body made up of six representatives each from the government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The National Social Security Authority (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. The NSSA reported in December that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to service an estimated 14,000 registered factories. In December the government media reported 64 workplace fatalities and 5,568 injuries through November. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment but in practice risked the loss of their livelihood if they did so.

