Zimbabwe

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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 is 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. The divided Movement for Democratic Change (MDC) is the country's principal opposition; 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. The 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. 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 kidnappings occurred. The state sanctioned the use of excessive force and torture, and security forces tortured members of the opposition, union leaders, and civil society activists. Prison conditions were harsh and life threatening. Security forces arbitrarily arrested and detained journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary were problems. The government continued to forcibly evict citizens and to demolish homes. The government continued to use repressive laws to suppress freedom of speech, press, assembly, movement, association, and academic freedom. Government corruption and impunity 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; child labor and prostitution; discrimination against persons with disabilities and ethnic minorities; an increase in the number of HIV/AIDS orphans and child-headed households; harassment and interference with labor organizations critical of government policies; and attempts to supplant legitimate labor leaders with hand-picked supporters.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no reports of politically motivated killings by the government or ruling party supporters; however, security forces killed several persons during apprehension.

On June 29, two police officers in Bulawayo assaulted a group of men at a bar when they overheard one of the patrons saying that he wished President Mugabe had died instead of the recently deceased minister of information and publicity. Two of the men, Gift Jubane and Prince Ndebele, died a day later as a result of their injuries. The other victims, several of whom required hospitalization, reported that during the beating police accused them of working with the MDC to topple the government. The two unidentified police officers were suspended. An investigation was ongoing at year's end.

Unlike in the previous year, there were no reports of killings by war veterans or ZANU-PF supporters.

There were no developments in the following killings from 2005: the March killing of Gift Chimbandi, a war veteran burned to death reportedly as a result of a dispute with other war veterans living on a seized farm; the April killing of a 70 year old grandmother, who was beaten to death during an assault on suspected MDC supporters; the April killing of Ebrahim Mofat, who was beaten to death for suspicion of burning houses belonging to ZANU PF supporters; and the May killing of Godwin Ganda, a war veteran believed to have spearheaded the first farm occupation in the country in 1998.

Unlike in the previous year, there were no reports that prisoners died from abuse by prison officials or guards.

b. Disappearance

There were no reports of disappearances during the year; however, there were reports of politically motivated kidnappings and related torture committed by ZANU PF supporters. Domestic human rights organizations believed that many such incidents were not reported due to
Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS related illnesses.

At Khami Maximum Prison in Bulawayo. The inspection revealed that the prison, built to accommodate 650 prisoners, had 1,167 inmates. A prison inspection held approximately 25,000 according to media reports. In December 2004 the Law Society of Zimbabwe (LSZ) conducted a prison inspection (see section 2.a.).

Prison conditions remained harsh and life threatening. The government’s 47 prisons were designed for a capacity of 16,000 prisoners but held approximately 25,000 according to media reports. In December 2004 the Law Society of Zimbabwe (LSZ) conducted a prison inspection at Khami Maximum Prison in Bulawayo. The inspection revealed that the prison, built to accommodate 650 prisoners, had 1,167 inmates.

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.

Human rights activists reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. The Zimbabwe Human Rights NGO Forum recorded 337 cases of torture during the first nine months of the year. Youth militia forces, trained by ZANU-PF, were deployed to harass and intimidate suspected supporters of the MDC and Zimbabwe Congress of Trade Unions (ZCTU).

There were reports of indoctrination against political opposition (see section 5).

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. Individuals targeted for harassment and torture tended to be active members of the opposition or high level ZANU PF members in disfavor with the ruling party. According to the Human Rights Watch (HRW) report You Will Be Thoroughly Beaten - The Brutal Suppression of Dissent in Zimbabwe, “police have arbitrarily arrested hundreds of civil society activists” for participating in “routine meetings or peaceful demonstrations, often with excessive force, and in some cases subjected those in custody to severe beatings that amounted to torture.”

No action was taken against the perpetrators of the following 2005 abuse cases: the February abduction and torture by unidentified persons of a Curuve man believed to be an MDC supporter; the April arrest and beating by police of MDC MP-elect Nelson Chamisa; or the assaults and intimidation through the year of persons perceived to be supporting the opposition, including teachers, civil servants, health workers, and laborers.

The trial of Kenny Karidza, who was arrested and tortured in 2004 for allegedly selling state secrets to foreign governments, had not begun by year's end.

On September 13, police arrested more than 100 members of the ZCTU to prevent the labor movement from staging nationwide marches planned that day. Police severely beat several of the organizers, including ZCTU Secretary General Wellington Chibebe (see section 6.a.). Numerous ZCTU members were hospitalized as a result of their injuries.

War veterans and ZANU PF supporters continued to harass, intimidate, and abuse journalists considered to be sympathetic to the opposition (see section 2.a.).

Security forces repeatedly used force to disperse nonviolent gatherings and demonstrations; security forces also beat participants and demonstrators (see section 2.b.).

There was at least one report of a politically motivated rape during the year. A woman alleged that police in Harare detained her for three days after she attended an MDC meeting in April. Upon her release, she claimed that police forced her into a van and took her to an isolated area where a police officer raped and beat her. The victim reported that the police officer threatened her with death if she reported the incident.

According to a Zimbabwe Torture Victims/Survivors Project report released in December, 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.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. The government's 47 prisons were designed for a capacity of 16,000 prisoners but held approximately 25,000 according to media reports. In December 2004 the Law Society of Zimbabwe (LSZ) conducted a prison inspection at Khami Maximum Prison in Bulawayo. The inspection revealed that the prison, built to accommodate 650 prisoners, had 1,167 inmates. Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS related illnesses.
Harsh prison conditions and a high incidence of HIV/AIDS were widely acknowledged to have contributed to a large number of deaths in prison. The Institute of Correctional and Securities Studies, a local NGO, estimated that 52 percent of the country's prisoners were HIV positive. One doctor who worked with former prisoners in the Harare area estimated that the prevalence figure was closer to 60 percent. In February Zimbabwe Prisons Service Commissioner General Paradzai Zimondi described the mortality rate in prisons as a "cause for concern."

The LSZ also reported that 127 prisoners in Khami prison died in 2004; the deaths were attributed to overcrowding and unsanitary conditions resulting in the spread of diseases, including tuberculosis.

In August the Institute for War and Peace Reporting (IWPR) reported that torture in prisons was common. IWPR quoted Roy Bennett, a former MDC parliamentary deputy jailed for eight months in Chikurubi prison beginning in 2005, as saying he saw other prisoners "crippled" from beating on the soles of their feet. Bennett added that "if you are too slow in sitting down or squatting - because you can't talk to the guards standing up, you have to grovel on the floor to talk to them - you are beaten."

The government did not make any efforts 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 that more than 200 children were living in the country's prison system with their detained mothers. Pretrial detainees generally were held in group cells until their bail hearings. Once charged, if detainees were refused bail, they were held in a separate remand prison.

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. Permission was required from the commissioner of prisons and the minister of justice, which sometimes was not granted or took a month or longer to obtain. 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. The police, the military, and the CIO became increasingly politicized as they were frequently used to suppress dissent and opposition to the government.

The police are centrally controlled, with the command center in Harare. The police are hierarchically divided, with provincial headquarters overseeing two to three district headquarters, each of which supervises up to seven stations. 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 within the force's upper echelons, which further lowered their professionalism. 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.

Arrest and Detention

Arrests require court issued warrants. The law requires that police inform an arrested person of the charges before taking the individual into custody. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities disregarded the law if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Friday, which permitted legal detention until Monday. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. There were multiple reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organization's 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" (see section 1.e.). In February, for example, police officials in Harare denied activists arrested during the annual Women of Zimbabwe Arise (WOZA) Valentine's Day march access to their attorney, Tafadzwa Mugabe, for five days. Family members sometimes were denied access unless accompanied by an attorney. Detainees, particularly those from rural areas without legal representation, sometimes were held incommunicado. Family members and attorneys often could not verify that a person had been detained until the detainee appeared in court.
Unlike in the previous year, there were no reports that victims or witnesses of crimes were detained or charged with the crime after reporting it to police.

The Official Secrets Act, Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act ("the criminal code") grant the government a wide range of legal powers and give extensive powers to the police, the minister of home affairs, and the president to prosecute persons for political and security crimes that are not clearly defined.

The July enactment of the amended criminal code served to repeal the Sexual Offenses Act (SOA) and consolidated a variety of criminal offenses, including crimes against public order. 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 instance, making a false statement prejudicial to the state now carries a maximum prison sentence of up to 20 years in prison. POSA requires that an organizer of a meeting or demonstration give the requisite notice to police before holding a public event; such requests were routinely denied (see section 2.b.).

Police arbitrarily arrested journalists and religious leaders (see sections 2.a. and 2.c.).

Police arrested persons holding meetings and during forcible dispersal of gatherings (see section 2.b.).

There were no developments in the arrest cases reported in 2005 and 2004.

Prolonged pretrial detention remained a problem, and some detainees were incarcerated as long as nine years before trial or sentencing because of a critical shortage of magistrates and court interpreters. One prominent NGO estimated that in 2005 the courts would require at least two years to address the backlog of cases.

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 law provides for a unitary court system consisting of headmen's courts, chiefs' courts, magistrates' courts, the high court, and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that increasingly defendants in politically sensitive cases were 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.

The government and police routinely failed to enforce court decisions that went against their interests. Furthermore, the government routinely continued to delay payment of court costs or judgments awarded against it in civil cases.

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.

In January the high court found Justice Benjamin Paradza guilty of obstruction of justice for trying to influence a fellow judge in a murder case. Paradza, charged in 2003, maintained that consultations with colleagues were common among judges and were not improper. Paradza reportedly fled the country; the judge sentenced him in absentia.

Trial Procedures

The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. 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 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 (see section 1.d.). Defendants enjoy a presumption of innocence, the right to present witnesses, and the right to question witnesses against them; however, these rights were not always observed in practice. In 2005 a local NGO reported that the government sometimes denied those rights for political reasons. 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.

The Zimbabwe Women's Lawyers Association (ZWLA) reported in 2005 that some magistrates in the country were not aware of some of the contents of the SOA, that the law was in effect, or lacked complete understanding of how to apply it. ZWLA's research illustrated that many
Magistrates continued to make judgments based on old laws.

There was a large volume of rape cases in the Harare victim friendly courts, special courts created to accommodate children and sexual offense victims, that had specially trained magistrates and prosecutors and equipment that allows the victims to testify without being seen. These courts were understaffed, in part because many magistrates left the country seeking to improve their circumstances.

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.

Political Prisoners and Detainees

There were numerous reports of political detainees throughout the year, including opposition officials, their supporters, and civil society activists. Most were held for one or two days and released. During the year police severely beat and tortured numerous opposition and civil society leaders while in detention (see section 1.c.). At year's end there were no political detainees in police custody.

Unlike in previous years, 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 (see section 2.a.).

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 was believed to monitor some private correspondence and telephones, particularly international communications; and the government forcibly displaced persons from their homes. The government coerced ruling party support in food distribution and agricultural inputs (see section 3).

The law permits the government to monitor and intercept e-mails entering and leaving the country. Security services reportedly continued to monitor e-mail and Internet activity and acquired new technology to do so; however, the extent of monitoring was unknown (see section 2.a.).

Failure to serve court orders was a problem (see section 2.a.).

In May 2005 the government embarked on Operation Restore Order without prior notice, in which more than 700,000 persons lost their homes, their means of livelihood, or both. 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 affected before beginning the operation. Those who returned to rural areas often faced unemployment, food shortages, and other economic and social stresses. An estimated 300,000 children lost access to education as a result of displacement. The operation disrupted 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.

During the year the government continued with a campaign of forced evictions and the demolition of homes and businesses in high density suburbs in several cities and towns despite a court order prohibiting further evictions.

On June 15, municipal police in Harare forcibly evicted a group of approximately 150 persons living on land previously razed during Operation Restore Order.

On July 14 and 15, police demolished the Magaba informal marketplace in Harare's high density suburb of Mbare, displacing approximately 200 vendors who made their livelihoods at the market.

In September police in Harare evicted 20 families from the Epworth high density suburb and 35 vendors from Glen View 1 high density suburb.

A September Amnesty International study confirmed that "despite the government's numerous public statements about a reconstruction program to address the homelessness created by Operation Restore Order, almost none of the victims have received any assistance from the government." The AI study found that while authorities demolished more than 92,000 homes, the government has only built approximately 3,300 new permanent shelters for those displaced as of May. Many of the displaced persons were unable to afford the program application fee or the cost of a housing plot if one was made available to them. There were credible reports that civil servants, military, and ruling party supporters were the main beneficiaries of the plots and vending sites.
A 2005 constitutional amendment transferred title of all land previously acquired 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.

Disruptions at farms and seizures of property continued and were sometimes violent. In September the government summoned two white commercial farmers in Karoi to appear in magistrates' court for failing to vacate their properties after receiving 90 day notices. A magistrate in the lower court, however, declined to hear the matter and dismissed the case for lack of jurisdiction. The eviction notices were also subject to a pending legal challenge in the high court at year's end. During the year, more than 80 white commercial farmers were ordered to surrender their land to the government, leaving approximately 500 of an original 4,500 large scale producing farmers in the country. On December 20, the Gazetted Land (Consequential Provisions) Act passed into law requiring all farmers whose land was compulsorily acquired by the government and who are not in possession of an official offer letter, permit, or lease, to cease to occupy, hold, or use that land within 45 days and vacate their homes within 90 days. According to a local NGO, only a small number of farmers had received an offer letter or lease. Failure to comply is a criminal offense punishable by a maximum fine of $3.20 (Z$800.00) and a maximum prison sentence of up to two years.

In 2004 the government evicted and burned the homes of thousands of families accused of squatting on farms acquired by the government in Mashonaland West, Mashonaland East, and Manicaland. The government blocked international organizations from assisting these displaced farmers. Many of the affected were displaced again during Operation Restore Order.

No action was taken against security officials involved in numerous 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 2005 and 2004 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 expression, but legislation limits this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health." The government restricted this right in practice. Journalists and publishers practiced self-censorship.

The government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. Using POSA authority, the government arrested individuals for criticizing Mugabe in public; they were usually fined and released.

In February Media Monitoring Project Zimbabwe, a local NGO, quoted State Security Minister Didymus Mutasa as stating the authorities would "not relent in their determination to hound into extinction the country's few remaining alternative sources of information." SW Radio Africa reported that Mutasa warned journalists that "the net will soon close in on them," stating they were "threatening national security" and accusing them of selling out the country to the "enemy by writing falsehoods with the intention of agitating violence."

The Ministry for Information and Publicity controlled the state run media while the Ministry for National Security acquired a controlling financial interest in the Daily Mirror, a formerly privately owned newspaper. Consequently, the government controlled the only three daily newspapers -the Chronicle, the Herald, and the Daily Mirror. The news coverage in these newspapers, and in the state controlled media as a whole, generally positively portrayed the activities of government officials, negatively portrayed opposition parties and other antigovernment groups, and downplayed events or information that reflected adversely on the government.

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.

None of the media outlets closed in previous years were re opened. The four newspapers closed by the government in the last three years remained closed.

Radio remained an important medium of public communication, particularly for the majority of the population living 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.

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

The popularity of independent shortwave and medium wave radio broadcasts to the country continued to grow resulting in government jamming of news broadcasts by radio stations based in other countries. Voice of America (VOA) and SW Radio Africa based in the United Kingdom were both jammed for extended periods of time during the year.

In December there were reports that CIO agents seized radios donated to teachers in the area of Gokwe. A local Gokwe magistrate ordered
the radios returned after ZLHR successfully filed a complaint. Gokwe police, however, reportedly refused to serve the court order, leaving the ZLHR lawyers to do it themselves.

The government controlled the only domestically based television broadcasting station.

The Broadcasting Authority of Zimbabwe has not issued licenses to private television and radio broadcasters since its establishment in 2001. All televisions and radios in the country must be registered with the government.

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.

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

On January 18, police in Mutare arrested Sydney Saize, an independent journalist, for allegedly filing a false story for VOA claiming that militants of the ruling ZANU PF party had beaten teachers in the city. Police released Saize without charge after detaining him for three days.

On April 30, police in the southwestern border town of Plumtree arrested Beauty Mokoba and Keketso Seofela, journalists with Botswana Television, for allegedly investigating an outbreak of foot and mouth disease in Botswana and the possible connection with cross border cattle rustling. Police released the two journalists after two days and charged them under the Access to Information and Privacy Protection Act (AIPPA) for allegedly practicing journalism without accreditation. The trial of the two journalists was pending at year's end.

On July 19, police arrested and detained Godwin Mangudya, a freelance journalist, and Ndamu Sandu, a journalist for the Standard, while covering a Combined Harare Resident's Association demonstration against City of Harare officials. Police released the two journalists after they each paid an admission of guilt fine under the Miscellaneous Offences Act.

On September 13, police arrested and detained Mike Saburi, a freelance camera person attempting to cover the ZCTU demonstrations. Prosecutors withdrew charges and released Saburi from remand before he could enter a plea.

Unlike in the previous year, immigration officials did not seize the passports of a newspaper owner; however, in December the government announced a decision to strip a newspaper owner of his citizenship and not to renew his passport (see section 3, Elections and Political Participation).

During the year the government failed to provide a conclusive resolution of investigations into the 2002 bombing of independent shortwave broadcast station Voice of the People's (VOP) Harare offices, but intensified the harassment of VOP staff and board members. In December 2005 police and officials from the government appointed by the Broadcasting Authority of Zimbabwe raided the VOP's offices and arrested three journalists and the station manager for operating without a license. This harassment continued during the year with legal measures and intimidation. On January 19, police arrested and detained four employees of Arnold Tsunga, one of the VOP trustees facing trial, for failing to disclose Tsunga’s whereabouts to police. Two days later another set of police officers visited the house of Nhlanhla Ngwenya, another trustee of VOP, and threatened to take away some of his properties as ransom.

On September 25, the state argued for a third postponement in the trial. The Harare magistrate refused to place the defendants on further remand, effectively dropping the charges. However, he did not rule that they could again operate as VOP, did not order the return of their seized equipment, and did not set the date of the next hearing.

There were no developments in other 2005 or 2004 cases of harassment, abuse, and detention of journalists.

The government continued to use AIPPA, signed by President Mugabe in February 2002, to serve as the primary justification to control media content. 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."

In January the Media and Information Commission (MIC), created under the AIPPA, threatened to cancel the license of the Financial Gazette if it did not retract a story that had questioned the commission’s independence from government. On January 29, the commission refused to renew the accreditation of fifteen journalists working for the Zimbabwe Independent, until the paper retracted a similar story.

The legal wrangling between the MIC and the Associated Newspapers of Zimbabwe that began with the 2003 banning of the independent Daily News and its Sunday edition for not having registered for a license, continued to move from court to court.

In February the government passed the General Laws Amendment Act (GLAA), which amends sections of the 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 jail 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.

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. Throughout the year legal rights groups criticized the act for limiting free speech.

Internet Freedom

There were no government restrictions on the Internet; however, the law permits the government to monitor all international e mail messages entering and leaving the country, and security services reportedly continued to monitor Internet activity (see section 1.f.). Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers.

In September parliament began consideration of an Interception of Communications Bill that would greatly expand the government's ability to monitor internal communications and Internet usage. The proposed bill generated a significant amount of domestic and international criticism given its potential to further suppress freedom of expression in the country.

Academic Freedom and Cultural Events

The constitution provides for freedom of assembly; however, the government restricted this right in practice through laws such as POSA, which many legal experts believed were unconstitutional. 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 prevent public gatherings from taking place. Police also arrested numerous demonstrators during the year. For example, in February the protesters were initially charged under the Miscellaneous Offences Act for allegedly breaching the peace, but all were released the next day after they paid admission of guilt fines.

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 through laws such as POSA, which many legal experts believed were unconstitutional. 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 prevent public gatherings from taking place. Police also arrested numerous demonstrators during the year. For example, in February police in Harare arrested 63 members of WOZA during the group's annual Valentine's Day demonstration. The marchers were released after a few days and in August a court magistrate found the women not guilty, ruling that the demonstration did not constitute a breach of public peace. In Bulawayo more than a hundred WOZA marchers were arrested for the Valentine's Day march, but all were released after a short detention without charges.

Cont Mhlanga of Amakohosi Theatre Productions in Bulawayo was arrested and briefly detained in early May on the grounds that his plays were antigovernment and meant to incite an uprising against the Mugabe regime.

The police repeatedly used force to break up nonviolent demonstrations by critics of the government and erected roadblocks in urban areas to prevent public gatherings from taking place. Police also arrested numerous demonstrators during the year. For example, in February police in Harare arrested 63 members of WOZA during the group's annual Valentine's Day demonstration. The marchers were released after a few days and in August a court magistrate found the women not guilty, ruling that the demonstration did not constitute a breach of public peace. In Bulawayo more than a hundred WOZA marchers were arrested for the Valentine's Day march, but all were released after a short detention without charges.

On February 23, police arrested 62 National Constitutional Assembly (NCA) supporters in Harare as they protested on President Mugabe's birthday. The protesters were initially charged under the Miscellaneous Offences Act for allegedly breaching the peace, but all were released the next day after they paid admission of guilt fines.

On May 4, police in Bulawayo arrested 185 WOZA supporters, including 73 children, who marched against escalating school fees for the term that began that month. The children were released the same day and the adults five days later. WOZA also conducted a smaller demonstration against school fees in Harare, but there was no police response.

On August 21, WOZA supporters demonstrated against the government's currency redenomination program. Police in Bulawayo arrested 183 women; they were detained for several days and then released.
On September 13, police arrested, detained, and beat more than 100 members of the ZCTU to prevent the labor movement from staging countrywide marches planned for that day (see section 6.a.).

On September 20, police ordered approximately 180 demonstrating members of the National Constitutional Assembly (NCA) to sit on the ground. Police then beat and arrested the demonstrators. Police released the demonstrators that evening after each paid a fine.

On September 25, police violently disrupted a peaceful march by about 500 NCA members demonstrating for a new constitution and protesting the September 13 assaults. After ordering the demonstrators to sit, police beat them, triggering a stampede in which 24 persons were injured.

On November 29, police in Bulawayo arrested and detained more than 50 WOZA demonstrators, including children, marching to commemorate the international campaign "16 Days of Gender Activism" and the release of the group's People's Charter. Numerous persons were injured in a stampede, including a one-year-old baby who suffered a broken leg when police attempted to disperse the crowd by beating the demonstrators. Several WOZA members also alleged that police beat them during detention. Police released 23 of the demonstrators that night and released the remaining group two days later. The demonstrators awaited trial at year's end. There were no reports of action taken against the police.

There was no further action in the 2005 cases in which opposition political figures 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 instance, on February 15, police arrested and quickly released 20 student protesters at Bulawayo's National University of Science and Technology. On September 8, police arrested and briefly detained 70 student leaders in Mutare.

High ranking government officials, including President Mugabe and State Security Minister Didymus Mutasa, used the state controlled media to threaten violence against anyone who protested against the government. In the weeks prior to the ZCTU protests, the state controlled newspaper the Sunday Mail quoted Mutasa as saying the protest would be a "grave mistake," and that security forces would not hesitate to "crush" the protesters. On September 25, President Mugabe defended the September 13 assault on ZCTU protestors by telling a crowd of supporters that the ZCTU organizers who "resisted police orders" were inviting a violent response. According to an HRW report released in November, assault and arrest of peaceful demonstrators appeared to be intended to harass and deter activists from engaging in their right to assemble.

There was no action taken against police who used excessive force to disperse a number of demonstrations and rallies in 2005 and 2004.

Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right in practice for many organizations. Organizations generally were free of governmental interference as long as 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 (see section 1.c.). The government raided the offices and inquired into the activities of some NGOs it believed opposed government policies (see section 4).

The formation of political parties and unions was not restricted; however, the government interfered with activities of political parties and unions during the year (see sections 3, 6.a. and 6.b.).

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.

In August police arrested Bishop Levee Kadenge, Reverend Pius Wakatama, Reverend Ancelimo Magaya, and Reverend Brian Mungwindi, four leaders of the Christian Alliance, after a meeting of the Christian Alliance leadership. Police released the group without charge after questioning them about the activities of their organization and plans to start a political party.

Unlike in the previous year, there were no reports that the government forced congregants to dismantle their places of worship.

Religious organizations that operate schools or medical facilities are required to register those specific institutions with the appropriate ministry regulating their activities.

Traditional indigenous religions generally included or accommodated belief in the efficacy of witchcraft, which was viewed at times as the cause of unknown diseases. Harmful witchcraft was sometimes used for defensive or retaliatory purposes. The government amended the widely criticized Witchcraft Suppression Act that identifies witchcraft practices as "those commonly associated with witchcraft" and criminalizes those practices only if intended to cause harm. Under this new framework, spoken words alone are no longer considered to be a witchcraft practice or evidence of illegal activity. The amendment criminalizes witch hunts, imposes criminal penalties for falsely accusing others of witchcraft, and rejects the killing of a witch as a defense for murder. At year's end there were no new or outstanding cases under the witchcraft law. Attacks on individuals in witchcraft related cases appear to be prosecuted under laws for assault, murder, or other crimes.
Tension between government and some indigenous churches resulted from the latter's disdain for scientifically-based medical practices. Some members of indigenous churches and groups believed in healing through prayer only and refused to have their children vaccinated. The Ministry of Health had limited success in vaccinating children against communicable childhood diseases in these religious communities. Human rights activists also criticized these indigenous churches for sanctioning marriages for underage girls.

Unlike in previous years, there were no reports of Muslims being refused time to worship by employers.

Societal Abuses, Discrimination, and Anti-Semitism

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

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

For a more detailed discussion, see the 2006 International Religious Freedom Report.

The constitution provides for these rights; however, the government restricted them in practice.

During the year police continued routinely to erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In August when the government issued new currency notes to replace old bills, police significantly increased the number of roadblocks and the intensity of their searches. Additionally, the government deployed soldiers and youth service training center graduates to augment the roadblocks and border security. Police claimed that they were looking for criminals, smuggled goods and food, illegal weapons, or in the August exercise "excessive" amounts of cash, but legal rights groups asserted that the measures were designed to discourage or limit opposition organizing. Periodic roadblocks established by the Zimbabwe Revenue Authority along the main highways from South Africa and Botswana to search for foreign currency remained in place. Police also searched for and confiscated smuggled maize at roadblocks on major roads.

A 2005 constitutional amendment allows the government to restrict foreign travel for reasons of national security and public order. Since the high court ruled in December 2005 that the seizure of passports from three regime critics was illegal and ordered their return, there have been no further attempts to seize passports under the amendment. In December, however, the government announced a decision to strip a newspaper owner of his citizenship and not to renew his passport (see section 3, Elections and Political Participation.).

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 government's immigration authorities denied entry to a delegation of foreign labor unionists. The constitution prohibits forced exile, and there were no reports that the government employed forced exile. A number of persons, including former government officials, prominent businessmen, human rights lawyers, left the country and remained in self imposed exile.

Internally Displaced Persons (IDPs)

Following Operation Restore Order in May 2005, the number of internally displaced persons increased dramatically. According to the UN special envoy's report released in July 2005, an estimated 700,000 persons lost their homes or businesses in the operation, 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 (see section 1.f.). 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 continue 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 they feared persecution, and granted refugee status or asylum. The government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

According to the UNHCR, there were 3,200 refugees and asylum seekers registered in the country during the year. The largest groups of refugees and asylum seekers continued to be from the Democratic Republic of Congo, Rwanda, and Burundi.

According to law, refugees must live at Tongogara refugee camp, but the camp only had a capacity for 2,000 persons and afforded no means to earn a livelihood. Most other refugees lived in urban areas without the permission of the government. UNHCR reported that approximately 1,100 refugees were living in and around Harare. 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 March 2005 resulted in the election and continued domination of President Robert 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 the March 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 out of the 120 contested seats. Western observers declared the elections fundamentally flawed.

Approximately 10 percent of would-be voters were turned away from the polls, especially in opposition areas, in the March 2005 parliamentary elections. In all, more than 100,000 potential voters appear to have been turned away. Most voters were rejected because they tried to vote in the wrong constituency due to inadequately publicized redistricting, and no longer appeared on the voter roll. 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, a procedure intimidating to some voters. Some chiefs also reportedly pressured villagers to vote for the ruling party. There were reports that voters in some districts had been told that the translucent ballot boxes would be used to note how individuals voted.

On election day in March 2005, the ZANU-PF candidate for Insiza, Andrew Langa, threatened to shoot MDC polling agents at Silalatshani Business Center as they were being deployed in readiness for the election. The MDC polling agents reported the incident to the Gwanda police station, but police took no action to prevent intimidation. Consequently, the polling station opened without MDC polling agents.

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 to maintain order. 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 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 five thousand 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 September 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 will 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. 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 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.

There were few regional and no international observers. Domestically, the Zimbabwe Election Support Network (ZESN) 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.

The ZEC, which was created in 2005, presided over three parliamentary by elections and country wide rural council elections during the year. 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 government invested immense powers in the presidency through the Electoral Act, enacted in 2005, 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.

In July 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.

In the by elections and rural council elections during the year, the government's manipulation of the electoral process disenfranchised voters and skewed elections in favor of ruling party candidates. In the run up to the rural council elections in October, ZEC disqualified hundreds of opposition candidates for failure to meet obstructive registration requirements, leaving the ZANU PF candidates to run unopposed in over one third of the elections. According to the ZESN, a local NGO dedicated to promoting democratic elections, one thousand voters were excluded in Kadoma for improper registration, a sizable percentage of the total turnout in that district. Also, the ruling ZANU PF party distorted the political campaign and manipulated voter registration rolls. ZANU-PF allegedly prevailed on traditional leaders in several rural areas to get out the vote for the ruling party. The chiefs and headman in turn reportedly used pressure and threats on voters. For example, in several districts in the Manicaland province, ZESN reported that leaders forced their subjects to vote for ZANU-PF by threatening to cut off access to government-supplied maize for those who did not vote for the ruling party. Pre-election violence was not widespread; however, in one instance ZANU-PF supporters allegedly threw stones at the house belonging to Jonas Ndenda, the MDC mayoral candidate in Kadoma, breaking windows, doors and the roof. Unlike in previous years, election observers did not report voter intimidation at polling stations.

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. The pro Senate faction held seven of 50 elected seats in the Senate at year's end.

On July 2, Member of Parliament (MP) Trudy Stevenson of the pro Senate faction of the MDC and four other party officials were attacked after holding a rally in the Harare suburb of Tafara Mabvuku. An independent report commissioned by the MDC concluded that the CIO had infiltrated the MDC and was probably involved, although the source of the order and motivation for the attack remained unknown at year's end.

There were reports that the government's partisan disbursement of food and other material assistance to perpetuate public dependence on the ruling party further bolstered support for ZANU PF and subverted electoral processes. In some areas a ZANU PF card was required to obtain food and agricultural inputs. In August the Zimbabwe Peace Project (ZPP), a local NGO, documented 83 incidents of abuse of aid based on political affiliation in Manicaland Province, including denial of food and antiretroviral drugs to treat HIV/AIDS, as well as exclusion from the basic education assistance module (BEAM), a national financial assistance plan for school children (see section 5). ZPP reported that most of those affected were considered to be supporters of the opposition.

The opposition also noted irregularities in the Budiriro voter roll during the May by elections, but these discrepancies were not enough to prevent an anti Senate MDC victory.

In 2004 the high court dismissed without explanation the first phase of the MDC's legal challenge seeking nullification of the results of the 2002 presidential elections. The second phase, involving factual evidence and witness testimony regarding the election's conduct, had not begun by year's end. During the year the government refused to turn over ballot boxes to the MDC for use in its legal challenge to the 2002 presidential vote.

On February 12, the Supreme Court rejected MDC President Morgan Tsvangirai's application to have it take over the 2002 election challenge from the high court.

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 chart relatively neutral positions.

The legislature, which traditionally has been subordinate to the executive branch, had a viable opposition that called on the government to be accountable and transparent. Some parliamentary committee chairpersons gradually adopted a critical view of government policies and criticized government mismanagement, especially in areas such as agriculture and communications.

There were reports that the government removed people from the civil service and the military who were perceived as opposition supporters. Additionally, the government deployed soldiers and youth service training center graduates to roadblocks erected nationwide in August to enforce the currency conversion (see section 2.d.). 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.
Zimbabwe Amendment Act removes the renunciation requirement for persons born in the country with parents from the Southern African countries. The 2003 Citizenship Act challenged the decision in the high court asserting he had no entitlement to Zambian citizenship merely because his father was born there. Ncube's decision to strip Trevor Ncube, owner of the local independent newspapers the Standard and the Zimbabwe Independent, of his Zimbabwean citizenship and refused to renew his passport because he had a claim to Zambian citizenship and had not renounced it. 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 (see section 2.a.).

The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country by January 2002 to retain their citizenship and the right to vote. The act also revokes the citizenship of persons who fail to return to the country in any five year period. On December 30, the state-run newspaper the Herald reported that the government announced a decision to strip Trevor Ncube, owner of the local independent newspapers the Standard and the Zimbabwe Independent, of his Zimbabwean citizenship and refused to renew his passport because he had a claim to Zambian citizenship and had not renounced it. Ncube challenged the decision in the high court asserting he had no entitlement to Zambian citizenship merely because his father was born there. The case was pending at year's end. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 200,000 commercial farm workers, many of whom have origins in neighboring countries; and the approximately 30,000 mostly white dual nationals. Persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for renouncing citizenship. The 2003 Citizenship of Zimbabwe Amendment Act removes the renunciation requirement for persons born in the country with parents from the Southern Africa Development Community (SADC) countries or who were born in SADC countries with parents from Zimbabwe.

There were 21 women in the 150 seat House of Assembly and 20 women in the Senate, including the president of the Senate (see section 5, Women). There were seven women in the highest ranks in the executive branch: the vice president, three ministers, a deputy minister, and two governors. On July 6, President Mugabe appointed Rita Makarau as judge-president of the Supreme Court, which is the most senior position of the country's highest court. Makarau is the first woman to hold the position. On September 25, however, the state controlled daily newspaper the Herald reported that the Minister of Local Government, Public Works and Urban Development Ignatius Chombo presented a country position paper at the Fourth Africities Summit that found the representation of women in local government was "very low" with no female executive mayors and only two women leading local government boards. Women participated in politics without legal restriction, although according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. 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, two whites, and four Tonga.

Government Corruption and Transparency

There was widespread corruption in government. 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 hand pick 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 in distribution of the country's resources, including 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 (see section 1.f.) mostly benefited civil servants, security forces, and ruling party supporters.

There were continuing government efforts to combat corruption, but they were ineffective and designed largely for show. A government appointed Anti Corruption Commission was established in January 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 (see section 1.d.).

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 (see section 2.a.). One NGO reported in 2005 that it made several information requests under AIPPA, but the government had not provided any information. The NGO said 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, and harassment. The government monitored their activities closely and was generally unresponsive to their concerns.

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 voter 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 Zimbabwe Human Rights NGO Forum, ZLHR, Zimbabwe Peace Project, Crisis in Zimbabwe Coalition, and Amani Trust.

During the year police arrested or detained NGO members, often in connection with demonstrations or marches (see section 2.b.).
The government harassed some NGOs it believed opposed government policies with raids on their offices and investigations into their activities. On June 8, an intelligence officer from CIO raided the offices of the Combined Harare Residents Association (CHRA), alleging staff members had kidnapped a water authority official for an hour when he came to the CHRA offices to disconnect the water supply for failure to pay. On September 20, a magistrates' court cleared the CHRA staff of the kidnapping charges.

The government continued to use the state controlled newspaper the Herald 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.” In March the government announced plans to establish its own human rights commission, an effort designed to circumvent efforts by international human rights organizations to accurately report on the country's human rights situation.

In October 2005 the Ministry of Labor and Social Welfare announced new operational guidelines for NGOs. The guidelines require each NGO to obtain clearance in each district and province in which it operates.

The government continued to obstruct the activities of organizations involved in humanitarian activities. NGOs continued to report difficulties in carrying out their programs in rural areas. For most of the year, the government restricted feeding programs to specific targets such as school feeding or home-based care programs. During and after Operation Restore Order, the government blocked some efforts by local and international NGOs to provide humanitarian relief to those affected by the operation (see section 1.f.).

Unlike in the previous year, the government did not threaten NGOs with closure.

In February 2005 the African Union (AU) released a report by the African Commission on Human and Peoples' Rights (ACHPR), which reports to the AU, based on a human rights fact finding mission the ACHPR performed in the country in June 2002. The report contained allegations of government complicity in or acquiescence to a wide range of rights abuses, including torture and arbitrary arrest of opposition MPs and human rights lawyers. The government initially criticized the fact finding mission and rejected its conclusions. The government did not respond to a subsequent letter outlining remedies. After several efforts by the government to suppress the report, the ACHPR passed a resolution in December 2005 condemning human rights abuses in the country, especially in connection with the May 2005 Operation Restore Order. During the year the government continued to ignore the numerous recommendations listed in the resolution.

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 his 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

Domestic violence against women, especially wife beating, continued to be a serious problem and crossed racial, ethnic, and economic lines. No legislation specifically addresses domestic abuse. Musasa Project, a local NGO that works 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. According to the Minister of Women's Affairs, Gender, and Community Development Oppah Muchinguri, approximately 60 percent of murder cases heard by the high court directly related to violence in the home. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes. In one reported case, a man received a 15 year jail sentence for killing his wife in a domestic dispute. Domestic violence legislation passed parliament and was waiting the president's signature at year's end.

During the year, the government conducted a public awareness campaign in the state media and through pamphlets and billboards. Musasa Project reported that treatment of victimized women varied because 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. 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.

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. The act 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 spousal rape was a crime and, particularly in rural areas, feared losing the support of their families. The criminal code provides for penalties up to life in prison for sexual crimes; however, there were continued reports of rape, incest, and sexual abuse of women and young girls. In many cases the victims knew their rapists. The criminal code also makes it a crime to infect anyone knowingly with HIV/AIDS, and the government prosecuted some individuals for the crime.

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 for financial survival. 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. A local NGO reported that most prostitutes operated independently of pimps but that a growing number of minors were using pimps for protection. There were increasing reports that women and children were sexually exploited in towns along the border with South Africa and Botswana (see section 5, Trafficking).

Labor legislation prohibits sexual harassment in the workplace; however, women commonly faced workplace sexual harassment, and there
were no reports of any prosecutions during the year.

There are laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband's brother.

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

Women and children continued to be adversely affected by the government's ongoing campaign of forced evictions and the demolition of homes and businesses in several cities and towns (see section 1.f.). 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 did little to advance the cause of women beyond a public information campaign and lobbying for a proposed Domestic Violence Bill. The government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions. According to the 2004 Zimbabwe Millennium Development Goals Progress Report, women represented 30 percent of the civil service in 2002. A local NGO reported that in recent years women progressed in health and education but in general were concentrated in lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government (see section 3, Elections and Political Participation).

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 remained weak. Little action was taken during the year on the August 2005 National Action Plan for Orphans and Vulnerable Children (NAP for OVC) designed to ensure that orphans and vulnerable children are able to access education, food, health services, and birth registration and were protected from abuse and exploitation. According to one prominent child welfare advocacy group, the lack of funding remained the primary challenge in addressing the protection and promotion of welfare of children. Although legislation existed to protect children's rights, it was difficult to administer and enforce.

In October in collaboration with the UN Children's Fund (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 can stay in school. Education is compulsory and the government placed responsibility on parents to enforce attendance; however, it was not free. The Central Statistical Office's (CSO) consumer price index statistics showed that school costs increased nearly 846 percent from November 2005. The Child Protection Society, a local NGO, reported that enrollment and attendance continued to decline during the year because many families could not afford to send all their children to school and economic hardships forced children to drop out to work to supplement the household income. UNICEF estimated 80 percent net primary school enrollment in 2004; however, children's welfare activists believe the number to be much lower during the year and in 2005 due to Operation Restore Order and the displacement of thousands of children from their homes and schools (see section 1.f.).

In most regions of the country, fewer girls than boys attended secondary schools. According to the 2004 Zimbabwe Millennium Development Goals Progress Report, 42 percent of secondary school age boys and 40 percent of girls of the same age attended school. Of these, 82 percent of the boys and 73 percent of the girls completed secondary school. The highest level achieved by most students was primary level education. UNICEF figures through 2004 show a net secondary school enrollment of 44 percent for boys and 42 percent for girls. If a family was unable to pay tuition costs, it most often was 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.

Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. The local NGO Girl Child Network reported that in 32 of the 58 districts within which it works, there were an average of 700 cases of child sexual abuse per month in 2005. Anecdotal evidence suggested that a relative or someone who lived with the child was the most likely abuser.

In March a local magistrate sentenced James Sangarwe to 22 years in jail for the rape and sexual abuse of students at Macheka Primary School in 2004. The government also charged temporary teacher Edward Chiripamberi and handyman Only Musengi; there was no new information regarding their cases.

Girl Child Network and UNICEF 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.

Unlike in the previous year, there were no reports of child deaths or mutilations related to witchcraft.
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 as children. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans. The Musasa Project reported an increase in instances where families pledged girls and unborn babies in marriage in exchange for economic protection. Such girls often “married” well before the age of 12.

Local and regional NGOs reported instances of trafficking of children and child prostitution (see section 5, Trafficking).

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 credible reports that graduates were used for political violence.

Child labor was a problem (see section 6.d.).

There were an estimated 1.6 million HIV/AIDS orphans, 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. Many such children were unable to obtain birth certificates, which then prevented them from obtaining social services.

During the 2005 Operation Restore Order (see section 1.f.), 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.

The government, with support from civil society, donors, and the private sector, has a national secretariat to implement the NAP for OVC. Both donors and the government contributed to OVC activities, but most programs were not adequately funded to reach the large number of OVCs in the country. Among the projects designed to assist OVCs and other needy children was the BEAM program, which paid school fees, and the Children in Difficult Circumstances program (CDC), which paid other related fees. A local child welfare NGO reported that, in comparison to the high level of need, BEAM and other government funding only managed to assist a very small number of children at any given school. There also were reports that favoritism and corruption affected the beneficiary selection process.

NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

 Trafficking in Persons

No laws specifically or comprehensively address trafficking in persons, and there continued to be anecdotal reports that the country was a source, transit, and destination country for trafficking in persons. 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 (see section 6.d.). Forced labor is punishable by a maximum fine of $3.20 (Z$800.00), 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 maximum fine of $20.00 (Z$5,000.00) and a maximum prison sentence of two years (10 years if that person is under the age of sixteen) for procuring another person to become a prostitute and have sex whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws.

The primary government authority to combat trafficking is the ZRP, which relied on NGOs to alert them to any cases. In April the government formed an interministerial taskforce to coordinate efforts to combat trafficking, but had yet to register any notable accomplishments. However, several senior government officials attended an International Organization for Migration seminar on trafficking in November.

There was little information on the extent of external trafficking beyond anecdotal reports of girls exchanging sex for passage across the South African border, women lured to other countries with false job promises, immigration officials of neighboring countries sexually abusing children during deportation, children working as domestic or agricultural workers, and employers requiring sex from undocumented Zimbabwean workers in South Africa under threat of deportation. There also were anecdotal reports that victims were trafficked to border areas, into Botswana and South Africa, and through the country to South Africa from Botswana, Ghana, and East Africa.

Anecdotal information suggested that citizens who emigrated to seek a better life were exploited while employed illegally in a neighboring country after being lured there by false employment schemes. The groups at highest risk were HIV/AIDS orphans and displaced persons.

There were reports of child prostitution, trafficking in children, and child labor. As with adults, reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. One local NGO reported that traffickers took girls from rural areas to work as prostitutes in brothels and lodges in cities under the false pretenses of job or marriage promises. The NGO also reported that rural girls were sometimes trafficked to farms as agricultural labor or to urban areas as domestic labor, where they were sometimes sexually abused.
In August during the currency redenomination program, ethnic Indian owned businesses alleged that authorities unfairly targeted their shops during raids, ostensibly searching for evidence of involvement in speculative activities, money laundering, and hoarding large sums of cash. The state controlled media reported that during the inspection by Reserve Bank officials of a prominent ethnic Indian businessman's establishment, a large sum of cash was seized. In 2005 ZANU-PF officials reportedly demanded approximately the then equivalent of $170 thousand (Z$1 billion) from businesses and families from the minority ethnic-Indian community for the ruling party's election campaign, and many complied, fearing retribution.

Other Societal Abuses and Discrimination

Over a period of years, President Mugabe has 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. On July 2, the 2004 amended
incriminating evidence presented against him. The determining authority may have been influenced by the circumstances of the case, the parties involved, or other factors.

On May 5, 2004, ZCTU President Lovemore Matombo was dismissed from his job at the postal service for union activities. ZCTU appealed the dismissal, but the Authority for Civil Service Professions upheld the dismissal. The Action for Accountability and Retribution Against Unfair Labor Practices (AARUP) appealed the decision to the Constitutional Court, which ruled in favor of Matombo, a landmark case for union rights.

The government has a national HIV/AIDS policy that prohibits 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. In 2004 materials used at National Youth Service Camps identified enemies of the state in racist terms and demonized whites.

Section 6 Worker Rights

a. The Right of Association

While the Labor Relations Amendment Act (LRAA) provides private and public sector workers with the right to form or join unions without prior authorization, and workers exercised these rights, some pro ZANU PF employers declared their shops off limits to the ZCTU, the national umbrella labor confederation. Furthermore, the government also restricts union activity indirectly by defining all senior employees as managers even though such employees do not enjoy benefits attached to the title. 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. 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 800,000 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, had few activities throughout the year. During the two weeks prior to the ZCTU demonstration on September 13, the ZFTU placed advertising in state controlled newspapers with messages intended to discourage worker participation and create confusion about the level of support for the action. While the ZFTU continued to support splinter unions in each economic sector, 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 and arresting ZCTU leaders at various labor rallies. According to HRW, use of excessive force against peaceful demonstrations has become a "common occurrence."

On September 13, police arrested more than 100 members of the ZCTU and detained approximately 500 people, including labor leaders, to prevent the labor movement from staging nationwide, nonviolent marches planned for that day to protest for better wages, improved government management of political and economic policies, and free access to HIV/AIDS drugs. Police in Harare took 15 ZCTU leaders and activists to the Matapi police station in Harare, where several unidentified men wearing police uniforms clubbed and beat them, among the victims were ZCTU Secretary General Wellington Chibebe, ZCTU President Lovemore Matombo, and ZCTU Vice President Lucia Matibenga. Chibebe suffered cuts to the head, three broken bones, and severe bruising all over his body. Matombo suffered a broken arm and bruising. Matibenga had whip marks all over her back, a swollen neck, and a ruptured eardrum. Police denied the group access to their attorney and medical treatment until the next day. On September 15, the ZCTU leaders were released on bail, and a trial was pending at year's end. On September 25, President Mugabe made a public statement defending police treatment of the ZCTU leaders, charging that the labor activists deserved the beating for ignoring police orders. A widely circulated video of the beatings at the point of arrest clearly showed police actions were provoked. An investigation into police treatment of the ZCTU demonstrators was ongoing; however, none of the officers involved had been charged by year's end.

In 2005 there were numerous attacks on ZCTU leaders by members of government-sponsored affiliates or hired assailants. Police harassed ZCTU leaders and raided and ransacked ZCTU offices. No action was taken against the perpetrators.

Although the LRAA prohibits antiunion discrimination, in practice union members faced discrimination and harassment. In January 2004 ZCTU President Lovemore Matombo was dismissed from his job at the postal service for union activities. ZCTU appealed the dismissal, but Matombo had not been reinstated by year's end, reportedly as the consequence of overloaded labor courts. 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.

The International Labor Organization (ILO) continued to criticize the government for ongoing interference with the unions' freedom of association and abuse of labor leaders. The International Trade Union Confederation also criticized government harassment of unions during the year. The government's immigration authorities denied entry to two delegations of foreign labor unionists during the year.

b. The Right to Organize and Bargain Collectively

The 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. The 2005 Labor Amendment Bill allows the minister of public service, labor, and social welfare (minister of labor) to appoint members to advisory councils, which resolve industrial disputes between labor and employers, without consulting ZCTU or the Employers Confederation of Zimbabwe. The law also makes lower court rulings enforceable during an appeal.

During the year the Tripartite Negotiating Forum, a consultative mechanism to discuss labor and social issues comprised of government, business, and labor representatives, continued talks but did not resolve any issues. ZCTU called for indexing wages according to the poverty datum line (PDL), which calculates the minimum required for the average family of five to pay basic expenses. In November, the PDL was approximately $912 (Z$228,133) per month. According to one prominent local economist, 80 percent of the country's population lived below the PDL.

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. The Labor Amendment Bill gives the minister unlimited time to review lay offs before they become effective. When no trade union represented a specific sector, representatives of the organized workers, such as the professional associations, met with the employer associations under the mediation of labor officers from the Ministry of Labor. Some employment councils had yet to reach an agreement or were deadlocked awaiting court supervised arbitration at year's end. Employees in positions designated as managerial were excluded from the collective bargaining process.

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. Despite court rulings against them, the police continued to monitor ZCTU and other labor union meetings.

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 at least 50 percent of the employees must vote for the strike. 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 defines essential services broadly and includes: fire personnel; employees engaged in the supply and distribution of water; employees providing veterinary services; revenue agents at ports; persons in the health care field; transport and communications employees; railway engineers; licensed electricians; and broadcast personnel during a state of emergency. 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 harsh sentences of up to five years in prison. On July 13, junior doctors at government hospitals in Harare and Bulawayo began a strike to demand better pay and working conditions. Deputy Health Minister Edwin Muguti said the strike was illegal and ordered the doctors back to work. The doctors returned to work in September as negotiations with the government continued for a long term solution. Junior doctors went on strike again in November and December, claiming the government still had failed to meet their demands. Negotiations were ongoing at year's end.

Workers protesting health and safety standards or lack of equipment may strike without the notification and arbitration procedure.

The Export Processing Zones Act states the LRAA shall 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 (see sections 5 and 6.d.). Forced labor is punishable by a maximum fine of $3.20 (Z$800), two years' imprisonment, or both. The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued in rural areas (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Under the LRAA, child labor is punishable by a maximum fine of $3.20 (Z$800), 2 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 CSO released the 2004 Child Labor Report in March. 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, and as car watchers. 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 estimated that of the country’s approximate 200,000 farm workers, 10 percent were children under the age of 16. The Employer’s Confederation of Zimbabwe observed that poverty was the main cause of child labor in the country. The Zimbabwe National Council for the Welfare of Children reported that given the increasingly difficult economic climate, coupled with the high number of HIV/AIDS orphans and child headed households, eradicating child labor in the country would be difficult.

The Child Protection Society reported that new farmers used children as cheap labor because they could not complain about working conditions. UNICEF reported children working as independent contractors so employers could evade the appearance of employing children. Zimbabwe Domestic and Allied Workers Union observed employers bringing children from their rural homes to work as domestics with parental consent. Save the Children Norway-Zimbabwe reported that sugar businesses along the Mozambique border at Catayo used children to sell sugar across the border, often with the complicity of their parents. Children in the sugar business were paid less than adults and did not attend school. Save the Children Norway-Zimbabwe also reported children working on tea estates, which sent children to school in the morning and to work in the afternoon and evening.

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. The government implemented few new initiatives to prevent child labor.

In 2004 the Ministry of Labor promoted its BEAM and children in CDC programs, which were designed to pay for school fees and other items such as uniforms and books for children who could not afford to go to school; however, fewer than 18 percent of children benefited from the program in 2004. Several child welfare NGOs reported that BEAM and other government programs focused on children were severely under funded. Several child welfare NGOs reported that the government used access to BEAM and other humanitarian assistance as a political tool to reward supporters and punish persons considered to be supporters of the opposition (see section 3).

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. 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. Domestic worker minimum wages were specifically separated from others; the latest monthly minimum wages, established in March, were: gardener, $10.00 (Z$2,500); cook/housekeeper, $11.00 (Z$2,656); child or disabled minder, $11.25 (Z$2,812); and child or disabled minder with Red Cross certification, $12.00 (Z$2,968).

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. 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.

Many of the basic legal protections did not apply to the vast majority of farm, mine, and domestic workers. In December the state media reported 74 workplace fatalities and 5,082 injuries during the year. As labor relations officers no longer existed in practice, the Ministry of Labor relied heavily on voluntary compliance and reporting by employers and employees to enforce applicable laws and regulations.

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 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. 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.