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## Zimbabwe

### Country Reports on Human Rights Practices - [2005](#)

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Zimbabwe, with a population of approximately 12.7 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, were not free and fair. There were reports of fraud and improper participation of security forces in counting and tabulation of ballots, restrictions on access to voter education, irregularities in voter registration, limitations on the opposition's ability to campaign, and continued restrictions on speech, press, and assembly. Although the constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters—both perceived and actual—and obstructed their activities. The Movement for Democratic Change (MDC) was the country's principal opposition party; it held 41 of 120 elected parliamentary seats 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's human rights record remained very poor. While violence during the election campaign period was lower than in previous elections, the government continued to interfere with campaign activities of the opposition. The ruling party's two-thirds parliamentary majority enabled it to amend the constitution without a referendum or broad consultation. Constitutional amendments passed by parliament and signed by President Mugabe granted the government the ability to restrict exit from the country for reasons of public interest, transferred title to the government to all land reassigned in the land acquisition program, and removed the right to challenge land acquisitions in court. The government's Operation Restore Order campaign to demolish allegedly illegal housing and businesses displaced or destroyed the livelihoods of over 700 thousand persons and further strained the country's poor and depressed economic activity. Many of the displaced lost access to education, treatment for HIV/AIDS, other medical care, and their livelihoods. The economy continued to decline, with hyperinflation and widespread shortages, primarily due to the government's command and control economic policies. The following human rights and societal problems were reported:

- inability of citizens to change their government
- politically motivated killings and kidnappings
- torture, rape, and abuse of persons perceived to be opposition supporters by security forces, government-sanctioned youth militia, and ruling party supporters
- harassment of properly elected local officials from the MDC
- official impunity
- harsh and life-threatening prison conditions
- repeated arbitrary arrest and detention and lengthy pretrial detention
- executive influence and interference in the judiciary
- passing a constitutional amendment that removed the right to judicial appeal in land reform cases
- government distribution of land on a partisan basis, with numerous senior ruling party officials holding multiple farms
- restrictions on freedom of speech, press, academic freedom, peaceful assembly, association, and movement
- widespread government corruption
- harassment of human rights and humanitarian nongovernmental organizations (NGOs) and obstruction of their activities
- 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

There were reports of three political killings during the year by the government or ruling party supporters and one killing by opposition supporters. Individuals targeted for harassment, torture, and killing tended to be active members of the opposition or high-level ZANU-PF

members in disfavor with the ruling party. The government routinely used selective violence to achieve its political objectives. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.

On March 3, Gift Chimbandi, a war veteran, was burned to death in a fire at his farm, reportedly as the result of a dispute with other war veterans on the farm, who were suspected of being politically motivated MDC supporters. Veterans of the liberation war, both actual and so-called, led the invasions of commercial farms that began in 2000. The matter was reported to the police, but no official action was taken by year's end.

On April 13, five men assaulted eight settlers of Kimcote Farm and raped four of them, reportedly for being suspected MDC supporters. One of the victims, a 70-year-old grandmother, died from the assault. At year's end officials had taken no action.

On April 28, Elifas Gora and Newman Zifodya, ZANU-PF supporters, beat Ebrahim Mofat to death at Gora's house after a group of war veterans and ZANU-PF supporters abducted and tortured him. Police had arrested Mofat on allegations that he burned houses belonging to ZANU-PF supporters and detained him for three days before releasing him. He was abducted soon after his release. Mofat's family reported the murder and police arrested Gora and Zifodya but later released them on bail. By year's end there were no developments in the case.

On May 2, Godwin Ganda, a Marondera war veteran believed to have spearheaded the first farm occupation in the country in 1998, was found dead near his farm. Prior to the March parliamentary elections, Ganda received multiple threats on his life and told his brother that he was constantly under surveillance and in danger from "political rivals." Witnesses found Ganda bound and strangled in the manner of the murder of another prominent war veteran. There were no developments in the case at year's end.

In mid-September a magistrate sentenced three Lupane war veterans, Seith Themba Jubane, Nicholas Minenhle Ncube, and Patrick Ndlovu, to four years in jail for kidnapping and assaulting MDC member of parliament (MP) David Mpala, who later died of complications from injuries sustained during the attack in 2003.

There were no developments in the following killings from 2004: the January killing of MDC supporter Alexander Chigega; the February killing of Shemi Chimbarara, a farm worker on former MDC MP Roy Bennett's farm; and the March killing of Francis Chinozvina by Minister without Portfolio and ZANU-PF Commissar Elliot Manyika.

There were no further developments in the reported 2003 killings.

Harsh prison conditions and a high incidence of HIV/AIDS were widely acknowledged to have contributed to a large number of deaths in prison; however, some deaths in custody and prison may have been due to abuse by prison officials or guards as well as from other causes (see section 1.c.).

## **b. Disappearance**

During the year there were multiple reports of politically motivated kidnapping committed by ZANU-PF supporters and one reported kidnapping committed by MDC supporters. Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by progovernment factions. Abductees were often tortured. The government often did not investigate abductions and torture of MDC supporters.

On February 11, ZANU-PF supporters abducted MDC candidate for Hurungwe West, Godfrey Gumbo, as well as the district chairperson and organizing secretary. The abductors took them to the Harare police headquarters and beat them severely in the presence of the police. By year's end no official action had been taken.

In early April ZANU-PF youths and war veterans kidnapped and severely beat Wilson Mushonga, the son of the MDC candidate in Mazowe East, and a group of his colleagues. He and his colleagues were hospitalized as a result of the attack. By year's end there was no official action against the attackers.

There were no developments in the 2004 kidnappings of an MDC supporter in Dzivaresekwa, abducted by ZANU-PF youths; ZANU-PF supporter Elias Musavi, abducted by MDC supporters; or Bob Makone, abducted by ZANU-PF youths.

There were no further developments in the reported 2003 abductions.

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

Although the constitution prohibits such practices, security forces tortured, raped, and otherwise abused persons. There continued to be reports that police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to torture suspected opposition members and farm laborers.

Human rights groups reported physical and psychological torture perpetrated by government supporters. The Zimbabwe Human Rights NGO Forum reported 135 cases of torture during the first 11 months of the year. National youth training camps were a source of ruling party-directed youth militia forces, which were deployed to harass and intimidate suspected MDC supporters with impunity. There were reports of indoctrination against political opposition (see section 5).

Security forces were involved in incidents of political violence, including instances where soldiers and persons in military uniforms beat civilians, particularly in areas suspected of heavy support for the opposition.

On February 26, unidentified persons abducted and tortured a Guruve man believed to be an MDC supporter. The perpetrators tied his hands, suspended him from a tree by his neck, and beat his face and body with a stick. No official action was taken against the attackers by year's end.

On April 7, MDC MP-elect for Kuwadzana constituency, Nelson Chamisa, was arrested and detained for three days for allegedly inciting violence. Police denied Chamisa food while he was detained. Police officers removed him from the police station in the middle of the night, beat him, and removed him from the police vehicle and forced him to march in leg irons alongside the vehicle. On April 8, Chamisa's attorney officially complained to police officers in charge of the first police station, but there was no official action by year's end.

In December 2004 police arrested Kenny Karidza, the ZANU-PF deputy director of security, on charges of breaching the Official Secrets Act by allegedly selling state secrets to foreign governments. Karidza claimed police detained him at a police station for 14 days in underground cells and tortured him repeatedly. Subsequently, he was blindfolded and moved to a military camp. Karidza claimed he signed a written confession to end the torture. At year's end his trial had not yet begun.

Although there was less violence associated with the March parliamentary elections than in previous elections, throughout the year persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, continued to be singled out for assault or intimidation by ruling party supporters. There were some reports of retribution against MDC supporters after the March elections. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or investigate political crimes.

In April there were multiple reports that ZANU-PF candidates and MPs-elect led attacks on suspected MDC supporters in areas where the MDC garnered the most votes or where the race was close. The attacks included beatings and home burnings. For example, in Karoi ZANU-PF supporters beat MDC supporters and reportedly threatened to intensify attacks once international observers had left the country. There were similar reports from around the country. In all of the cases, police took no action.

In early May several ZANU-PF youths surrounded two schools in Marondera, a rural town near Harare. The youths accused several teachers of supporting the MDC and ordered them to leave their posts. The teachers did not report the incident to the police but requested reassignment by the Education Ministry because they feared for their safety.

There were no developments in the following 2004 cases: the violent looting, beating of farm workers, and occupation of Roy Bennett's farm in Chimanimani; the attack by ZANU-PF supporters on MDC supporters at a colleague's memorial service; the kidnapping and beating of Zimbabwe National Students Union president Philani Zamchiya; attacks by youth militia on MDC supporters in connection with the Zengeza by-elections; the assault on three pregnant women by ZANU-PF supporters; the investigation of security officers in the kidnapping and torture of ZANU-PF youths mistaken as MDC supporters; and arrest of ZANU-PF MPs for inciting or participating in intraparty violence.

There were no developments in the reported 2003 cases of torture and beating.

In May during Operation Restore Order (see section 1.f.), hundreds of thousands of persons lost their homes, property, and livelihoods without compensation or provision for alternative accommodation that would allow relocation without destitution.

During the operation security forces intimidated those being relocated and beat many of them.

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.).

Zimbabwe Human Rights NGO Forum reported that at least four politically motivated rapes were committed during the year but noted that the figure likely was grossly underreported due to cultural taboos. The attacks targeted MDC supporters and their families (see section 1.a.).

Unlike in previous years, there were no reports of rape at national youth service training camps (see section 5).

There were no developments in the 2004 rape of a farm worker by a war veteran on Roy Bennett's farm in Chimanimani.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and life threatening. The government's 47 prisons were designed for a capacity of 16 thousand prisoners but held approximately 25 thousand at the end of 2003. In December 2004 the Law Society of Zimbabwe conducted a prison inspection at Khami Maximum Prison in Bulawayo that revealed the prison, built to accommodate 650 prisoners, had 1,167 inmates. Based on this review and another prison inspection, the law society concluded that overcrowding increased in 2004 and believed that it probably continued to increase during the year.

In September an official from the Justice, Legal, and Parliamentary Affairs Ministry acknowledged in a report in the state-controlled

newspaper *The Herald* that "prisons were in a deplorable state." There were shortages of food, water, electricity, clothing, soap, and other toiletries. During the year there were reports that prisoners at a holding cell in Norton, a town near Harare, went for three days without eating as prison officials stated there was no money to buy food. Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. One NGO estimated that HIV prevalence among prisoners was as high as 50 percent and reported that AIDS was a major cause of death in detention.

In April a local NGO, Zimbabwe Lawyers for Human Rights, together with Wellington Chibebe, the secretary general of the Zimbabwe Congress of Trade Unions, and Nancy Kachingwe, a member of a regional development NGO, filed a constitutional challenge to the conditions of remand prisons and police holding cells. Chibebe and Kachingwe, who had once been incarcerated at Matapi police station in Mbare and Highlands police station respectively, argued that conditions in the cells amounted to inhuman and degrading treatment, in contravention of the constitution. Despite supporting evidence, in July the supreme court ruled that, although conditions in these cells did not "comply with internationally accepted minimum standards," those two cells could not be used as a general yardstick for all holding cells in the country. Subsequently, the government did not improve conditions.

Juveniles were not held separately from adults. 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.

In May officials transferred Roy Bennett, the MDC MP for Chimanimani who was imprisoned for assaulting a cabinet minister in parliament (see section 1.d.), from a rural minimal security prison to a congested maximum-security prison. He then was held under the same conditions as violent offenders. Officials denied Bennett clean clothing, forcing him to wear filthy, revealing garments.

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. Unlike previous years, there were no reports of any group denied access.

#### **d. Arbitrary Arrest or Detention**

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

#### **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, and the ZRP has become increasingly politicized. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security; however, there were cases in which the government called upon them for domestic operations. The Central Intelligence Organization (CIO), under the minister of state for national security in the president's office, is responsible for internal and external security.

The police are centrally controlled, with the command center in Harare. The police are further divided with provincial headquarters overseeing two to three district headquarters, each of which supervises up to seven stations. Decreased resources, both human and material, especially fuel, further reduced police effectiveness during the year. It was difficult for police to remain impartial due to continued politicization within the force's upper echelons, which further lowered their professionalism. There were also reports that untrained or unqualified personnel were placed in the lower levels solely because of their support for ZANU-PF. Corruption increased, due, in large part, to low salaries.

Security forces rarely are held accountable for abuses.

#### **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.

Although the Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the attorney general or his agents, 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. In 2004 parliament amended the act to allow the police to hold persons suspected of committing economic crimes for up to four weeks without bail. In April 2004 Finance Minister Christopher Kuruneri was arrested on charges of dealing illegally in foreign currency. Authorities repeatedly deferred or denied his applications for bail. After 18 months in prison, he was granted bail in July, and on September 14, authorities suspended his trial citing his ill health; at year's end the trial had not resumed.

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.). 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.

There was a continuing problem, particularly in rural areas, of victims or witnesses of crimes being detained or charged with a crime after reporting a crime to the police. On March 3, ZANU-PF supporters led by a war veteran known as Kangachepi abducted and tortured MDC parliamentary candidate for Zvimba North, Prince Chibanda, and several members of his campaign team. Several of the abducted persons escaped and reported the incident to the police. Police arrested Kangachepi but also took Chibanda and one of his campaigners, Paidamoyo Muzulu, to the Chinhoyi police station and detained them for the night. Officials had taken no further action by year's end.

No action was taken in the May 2004 case where MDC activists were beaten by ZANU-PF supporters and, subsequently, arrested by police after reporting the attack.

The Official Secrets Act and the Public Order and Security Act (POSA) 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.

Unlike in previous years, there were no reports that police detained farmers in connection with seizing their land despite court orders confirming their title; however, authorities and ZANU-PF supporters continued farm invasions, beatings, and intimidation of farm owners and workers (see section 1.c.).

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

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

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

During the year police arrested several MDC MPs (Thokozani Khupe, Nelson Chamisa, Gift Chimanihire, and Gilbert Shoko), candidates, and their supporters. Unlike in previous years, police did not arrest ZANU-PF MPs. Former ZANU-PF MP Chris Kuruneri and former MDC MP Roy Bennett remained in detention for part of the year.

There were no developments in the arrest cases reported in 2003 and 2004.

Prolonged pretrial detention remained a problem, and some detainees were incarcerated as long as four years before trial because of a critical shortage of magistrates and court interpreters. One prominent NGO estimated 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; 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.

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.

Justice Benjamin Paradza was charged in 2003 with obstruction of justice for trying to influence a fellow judge in a murder case. Paradza maintained that his consultations with his colleague were common among judges and were not improper. A tribunal of judges from the region was to try Paradza in 2004 to determine if he should be removed as a judge, but the proceedings were postponed when Paradza challenged the appointments of judges. In August the supreme court ruled that the composition of the tribunal was constitutional, but the tribunal was postponed pending a criminal trial, which began in August and was ongoing on year's end.

#### **Trial Procedures**

The constitution provides for the right to a fair trial; however, this right frequently was compromised 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 can request legal assistance from the NGO

Legal Resources Foundation or Zimbabwe Lawyers for Human Rights.

Attorneys sometimes were denied access to their clients. For example, on March 31, police arrested dozens of Women of Zimbabwe Arise! (WOZA) members who were holding a prayer vigil on election day. Police beat some women and refused them medical treatment. All the women were held in an open courtyard and denied access to lawyers. Police told them that they could pay a fine and admit guilt or spend the weekend in jail and be charged under POSA. Fearing further abuse and without the benefit of legal representation, the women paid the fines.

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. A prominent local NGO reported there were several cases when the government denied these rights for political motives. Defendants and their attorneys generally had access to government-held evidence relevant to their cases. Some defendants were denied the right to wear civilian attire to court. For example, on May 26, Roy Bennett was forced to appear in court in a prison uniform for a hearing to seek early release from prison. The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed.

In October 2004 the high court found MDC President Morgan Tsvangirai not guilty of plotting a coup and assassination of President Mugabe. On August 2, the government withdrew its second treason charge against Tsvangirai.

The Zimbabwe Women's Lawyers Association (ZWLA) reported that some magistrates in the country were not aware of some of the contents of the Sexual Offenses Act (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, with 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**

There was one political prisoner, Roy Bennett, who was sentenced to prison in 2004 for an incident in which he pushed a cabinet minister, an offense that normally would be punished by a fine. He was released on June 28 for good behavior. He was permitted to see his wife for 20 minutes every other week. There were no reports that international humanitarian organizations gained access to him during his imprisonment. There were no other reported political prisoners.

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

The constitution prohibits such actions, but the government did not respect these provisions. 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 dispersed persons from their homes. In April ZANU-PF supporters reportedly burned the house of Richmond Zitha, the MDC campaign manager in Lupane, a district in Matabeleland where there was government-sponsored violence associated with the parliamentary by-elections in 2004. Zitha reported the arson to the police, who stated they were investigating; however, at year's end there was no further official action.

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.

On March 15, suspected ZANU-PF supporters burned an MDC supporter's home after they broke into the house and held an unauthorized meeting.

On May 19, without prior notice the government embarked on Operation Restore Order, in which over 700 thousand 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, but it made no provision for the affected before beginning the operation. Police, security forces, and some local authorities demolished, or required the victims to demolish, their homes and businesses. Police and security forces beat some residents and market vendors and arrested thousands of informal traders. Residents were sometimes fined or threatened with fines for not demolishing their houses. Government or security officials also destroyed or confiscated goods and furniture, as well as destroying homes, buildings including HIV/AIDS clinics, orphanages, and places of worship. International NGOs and the UN confirmed that several persons were killed by falling debris during the demolition. Most of the operation's activities occurred in June and July, at the height of the country's winter.

Thousands of those evicted from their homes were forcibly moved to transit camps. The UN special envoy's report stated that five thousand persons were held at Caledonia Camp and two thousand persons at Hopely Camp. Transit camps did not consistently have basic necessities such as shelter, water, and hygiene facilities, and the government in some instances blocked humanitarian aid to the camps. Reportedly, police instructed the displaced to return to their rural areas; officials also published statements to this effect in the government-sponsored media.

On July 20 and 21, police sent trucks to collect displaced persons staying at churches in Bulawayo and moved them to a transit camp. This occurred despite cooperation from the churches and NGOs in setting up a camp with appropriate facilities and despite earlier agreement by the police not to move anyone forcibly or before the camp was ready. Officials initially allowed the local Red Cross to set up tents for displaced persons at a sports field in Mutare; however, they subsequently forced the Red Cross to dismantle the tents in anticipation of the visit by the UN special envoy. In September the government forcibly dismantled tents that the International Organization for Migration had erected in Headlands to house some of the displaced, further displacing those persons.

In early October police and municipal authorities ordered victims of Operation Restore Order, who had been living in temporary shelters in the Harare suburb of Mbare since the demolition of their homes, to vacate the area by October 14. On October 10, a high court judge ordered a temporary stay of eviction in response to a Zimbabwe Lawyers for Human Rights application. On November 14, in violation of the court order, police moved these persons to Hopely Camp, where living conditions remained poor at year's end.

Also in October police launched Operation No Turning Back against the reestablished informal sector and arrested approximately 14 thousand vendors. Police fined and quickly released most of those arrested.

In addition to severely curtailing employment opportunities in the informal sector, disruptions associated with the displacements also cost many working in the formal sector their employment. Some displaced families joined others in already cramped and inadequate housing. Those who returned to rural areas often faced unemployment, food shortages, and other economic and social stresses. Persons born outside the country or whose parents were born outside the country usually had no rural home to which they could return. Furthermore, lacking ties in their country of origin, they were particularly disadvantaged by the displacements. Such individuals numbered in the thousands.

Many displaced children could not continue to attend school and were unable to take their winter term exams. The Child Protection Working Group (CPWG) of UN Children's Fund (UNICEF) reported that an estimated 300 thousand children lost access to education as a result of displacement. CPWG also reported that some children in transit camps were physically and sexually abused and subjected to forced labor.

The operation disrupted medical care, particularly for HIV/AIDS patients. Those on antiretroviral therapy could no longer obtain these drugs, while patients receiving other medical services, including home-based care, lost access to them. In many cases clinics and day centers for orphans could not locate their former clients. There were reports that one AIDS orphanage was destroyed in the Harare suburb of Hatcliffe. Dismantling urban markets contributed to food insecurity, which exacerbated health problems.

One international NGO estimated that, prior to the operation, at least two million persons were on waiting lists for approved housing, a factor that prompted creation of the informal settlements the government subsequently demolished. Similarly, with 80 percent formal sector unemployment, informal businesses and markets were a major source of income and consumer goods for the majority of the population. In many cases the areas demolished were housing cooperatives that the government had encouraged, where residents were paying for public utilities. In some cases, the government demolished homes for which the owners held title and all necessary permits. At year's end the government had not compensated any owners.

In June the UN secretary general sent special envoy on human settlements issues in Zimbabwe, Anna Tibaijuka (head of UN-Habitat) to assess the effects of the operation. The special envoy's report, issued on July 22, criticized the government for beginning the operation without warning, without adequate alternative shelter for those affected or alternative means for them to set up legal businesses, and in a manner that caused human suffering. The report also criticized the government's plan to move the displaced to rural areas violating their right to choose where to live. The report concluded that the operation had been "carried out in an indiscriminate and unjustified manner, with indifference to human suffering," and recommended holding accountable those government officials responsible for the operation. The government dismissed the report as biased. The government blocked the activities of an African Union (AU) envoy sent to survey the situation (see section 5).

In July 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. There were credible reports that civil servants, military, and ruling party supporters were the main beneficiaries of the plots and vending sites. To apply for a housing plot or vending site, applicants had to pay large application and permit fees, prove employment, submit fingerprints, and undergo a police check. The MDC claimed that the government used this vetting process to assure that MDC supporters did not receive any plots or vending sites. A local human rights NGO stated that those who had received new plots did not have any legal title to them and were thus vulnerable to a similar operation in the future.

Some of the approximately 300 remaining white commercial farmers lost their farms as the government continued to list farms for compulsory acquisition. The new constitutional amendment (see section 3) transferred title to the state of all land previously acquired, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land (undefined in the text of the amendment) for any purpose simply by publishing a notice of acquisition.

Land invasions and seizures of property continued and were sometimes violent. In September CIO, police, and ZANU-PF militia invaded farms in Manicaland. On September 21, a gang led by senior CIO official Joseph Chiminya invaded Ashanti Farm in Chipinge and severely beat the farm manager, Allen Warner, and co-owner, David Wilding-Davies. Warner said Chiminya pointed a firearm at him and tried to fire, but the weapon jammed. At year's end no action had been taken against the attackers. Armed gangs led by security forces and government officials invaded several other farms in Chipinge and Nyazura; they beat and intimidated farm workers. The farm invaders also confiscated farm equipment from at least one farm, despite a court order prohibiting such confiscation. When the farm owner contacted police, the police did not respond. In November in Masvingo Province, police assisted in one case of unlawful seizure of farm equipment, despite a court order against the person confiscating the equipment.

In September and October 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.

There was no action taken, nor was any anticipated, in the reported 2003 or 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. The government closed an independent weekly during the year, and three newspapers closed in 2003 and 2004 remained closed. Security forces arbitrarily detained and harassed journalists. Journalists 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.

The ministry for information and publicity controlled the state-run media. The government controlled two daily newspapers, the *Chronicle* and the *Herald*. The news coverage in these newspapers generally focused on the activities of government officials, negatively portrayed opposition parties and other antigovernment groups, and downplayed events or information that reflected adversely on the government. The government-controlled media generally portrayed President Mugabe and the government favorably. *The Daily Mirror*, a daily semi-independent newspaper owned by ZANU-PF-aligned interests, continued some critical coverage of government policy and ruling party interests and aired the views of the opposition and critics of the government, although its editorial pages were firmly pro-ZANU-PF. There were allegations that the CIO owned or controlled the *Daily Mirror*.

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

Radio remained the most 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 Corporation (ZBC), supervised by the information and publicity ministry. 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.

There were independent short-wave radio broadcasts to the country during the year; however, they were not widely heard because few citizens had access to short-wave radios. Voice of America broadcast a program daily on short wave and AM featuring interviews with local opinion makers on a range of topics in English, Shona, and Ndebele. Short Wave Radio Africa broadcast daily from the United Kingdom, using local sources and reporters. On May 31, the station switched to medium-wave since the government had interfered with its short-wave broadcasts, forcing the station to broadcast on multiple frequencies, a financially unsustainable course. Short Wave Radio Africa continued to broadcast 24 hours a day from its Web site. Voice of the People (VOP) broadcasts daily from the Netherlands.

On December 15, police raided the VOP Harare offices, confiscated equipment and files, and arrested three administrative staff. On December 19, the government initially charged the staff in court for operating a broadcast service without a government license and working as journalists without accreditation; however, they were released after the attorney general determined that they were neither journalists nor owners of the station and, therefore, could not be prosecuted. Also on December 19, police arrested VOP executive director John Masuku and held him without charge until December 23, beyond the 48-hour maximum. On December 23, Masuku was charged with operating a radio station without a license and released on bail. His trial was scheduled for January 2006. Police demanded that VOP's trustees surrender; however, at year's end, they remained in hiding.

The government controlled all domestically based television broadcasting stations, and the ZBC owned and operated television broadcasting facilities. ZBC banned most international programs in favor of programs produced locally or by Africans.

International television broadcasts were available freely through private satellite firms, but their expense and the requirement for payment exclusively in foreign currency made them unavailable to most citizens. In June there were reports in the independent media that police questioned satellite subscribers on their sources of foreign currency used to pay the subscriptions.

Journalists were arrested during the year. The government arrested and prosecuted editors and journalists who contributed to published stories critical of government policies or security force operations.

On February 14 and 15, police raided the offices of freelance journalists Angus Shaw, Jan Raath, and Brian Latham. Police confiscated computer equipment and questioned the journalists for several hours on multiple occasions. Initially the journalists fled the country due to fear of arrest; however, Raath and Shaw subsequently returned, while Latham remained out of the country.

On February 25, police in Chimanimani detained Netsai Kembo, a reporter for the local newspaper *The Daily Mirror*, when he attempted to

cover President Mugabe's rally. Police accused Kembo of working for the foreign press and questioned him for over two hours before releasing him without charge.

On August 4, police arrested Desmond Kwande, chief photographer of *The Daily Mirror* newspaper, for taking photos of police rounding up destitute individuals in Harare's city center. Kwande claimed to have sought and received permission to take the photos. Police confiscated his press card and camera and released him the same day after he paid a fine admitting guilt.

During the year, police arrested several other journalists and editors covering activities associated with Operation Restore Order and the March parliamentary elections.

There were no new developments in the other reported 2003 and 2004 cases of harassment, abuse, and detention of journalists.

On February 25, the Media and Information Commission (MIC), the government body charged with registering and regulating media outlets and journalists, suspended the operating license of independent regional weekly, *The Weekly Times*, ostensibly for misrepresenting information on its license application. According to the newspaper's editors, the government threatened to ban the paper after its first issue for publishing political and economic stories, claiming the newspaper was licensed only to report on social issues.

On July 13, the MIC announced that it refused an operating license to the semi-independent weekly *Tribune* newspaper, which had ceased publication in June 2004 after the MIC suspended its license. The MIC rejected the *Tribune's* application to resume publishing because it lacked sufficient capital, and its publisher, Kindness Paradza, (who had been suspended from ZANU-PF in 2004), reportedly told the MIC that he planned to publish the newspaper from home. The *Tribune* had become increasingly critical of the government in the months before it was closed.

On July 19, the MIC also denied an operating license to the independent daily, *The Daily News*. The MIC closed *The Daily News* in 2003 for challenging the Access to Information and Protection of Privacy Act (AIPPA) in court and refusing to apply for a license. The MIC then denied *The Daily News* a license when it applied. In March the supreme court ruled the MIC must consider a new application for a license. The MIC cited its violations of AIPPA as the reason for the new refusal. However, *The Daily News* and its journalists have never been convicted of violating AIPPA. The Associated Newspapers of Zimbabwe, publisher of *The Daily News*, was to appeal its decision on September 22, but the court postponed the hearing indefinitely, and at year's end, the appeal had not been heard. At year's end *The Daily News* only published an online edition from South Africa, with a smaller staff.

On October 3, the board of *The Daily Mirror* suspended Ibbo Mandaza, the newspaper's chief executive and editor. Mandaza immediately filed a suit to overturn the suspension, alleging that his ouster was illegal and engineered by the CIO. On December 6, a court ruled the suspension null and void, but the board immediately issued a new suspension. Mandaza filed a complaint with the court, claiming the board had violated the court order to reinstate him. On December 19, the court issued an order nullifying the re-suspension pending the conclusion of a suit to determine control of the newspaper.

On December 1, the *Financial Gazette* published a story that the MIC had voted to approve an operating license for *The Daily News* and *The Daily News on Sunday* but that the CIO had vetoed the decision. The story cited court papers filed by a former MIC commissioner and other unnamed sources. On December 2, the MIC ordered the *Financial Gazette* to retract its story or face charges under AIPPA. The paper refused to publish the retraction, and at year's end the MIC had taken no additional action.

On December 7, immigration officials confiscated the passport of Trevor Ncube, the owner of the *Independent* and *Standard* newspapers, after he landed in Bulawayo. Ncube successfully pleaded in court for the return of his passport, claiming the government targeted him because of his press connections (see section 2.d.).

The Broadcasting Services Act, which parliament's legal committee found to be unconstitutional but 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.

In November 2004 the Broadcasting Authority of Zimbabwe (BAZ) invited applications for an independent radio and television station. One television station and four radio stations submitted applications, but BAZ denied all five applications. The television application was denied on the basis that it owed money to the state-owned Zimbabwe Broadcasting Holdings and the four radio stations for reportedly not meeting license requirements. The government did not issue a new call for applications.

On February 16, the government published rules for political parties' access to the media during the campaign prior to the March parliamentary elections. Although MDC received more coverage of its campaign rallies and interviews of its top leaders than in the past, the government-controlled media often rejected MDC advertisements, and coverage of MDC was slight or negative in comparison to that given to ZANU-PF.

POSA makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the constitution. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons.

On January 12, the government dropped criminal defamation charges against *Zimbabwe Independent* editor Iden Wetherell, news editor Vincent Kahiya, and reporters Dumisani Muleya and Itai Dzamera for publishing a story that President Mugabe commandeered an Air

Zimbabwe plane for travel on personal business.

On August 3, the trial of Willie Mponda, editor of a community weekly, began. Mponda denied publishing falsehoods in a June 10 article reporting that a Gweru woman committed suicide after police destroyed her business during Operation Restore Order (see section 1.f.). The prosecution stated that police did not destroy the woman's shops and that no woman in Gweru committed suicide as a result of Operation Restore Order.

Under AIPPA mass media companies and journalists must register for accreditation. Companies must pay burdensome application fees, and journalists were required to pay application fees in US dollars, which were difficult to obtain. In November 2004 parliament amended AIPPA to impose penalties, including jail sentences, on journalists operating without accreditation. Under the new law, which entered into force on June 2, the penalty for publishing falsehoods is as much as 20 years in prison.

In early June police served summons on charges of practicing journalism without accreditation on eight journalists who had worked for *The Daily News*. Police reportedly also attempted to serve summons on other former *The Daily News* journalists but could not locate their residences. Their trial was scheduled for October 12, but it was postponed due to continued police inability to serve all summons. Another *Daily News* journalist, Kelvin Jakachira, was acquitted of similar charges on August 31.

The government regularly denied visas to foreign correspondents during the year. Some of the more than 100 foreign journalists who applied for accreditation to cover the March parliamentary elections were reportedly denied visas. On March 31, the date of the parliamentary elections, two British journalists, Julian Simmonds and Tony Harden of the *Sunday Telegraph*, were arrested for reporting on the elections without accreditation and for overstaying their visas. They were acquitted of the charges on April 14 and 15, respectively. The court granted them bail during the trial, but police defied the court order and continued to hold the journalists until their acquittal.

The government continued to ban the satirical play *Super Patriots and Morons*, about an intolerant dictator.

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 (see section 1.f.).

The government restricted academic freedom. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricts the independence of universities, subjecting them to government influence, and extends the disciplinary powers of the university authorities against staff and students. The higher education and technology ministry controlled the state universities and appointed their chancellors and vice chancellors; the ministry also appoints the deans of faculty, and most members of the university council.

CIO personnel took faculty and other positions and posed as students at the University of Zimbabwe to intimidate and gather intelligence on students who might protest government actions. Approximately five students were suspended or expelled during the year for political activity (see section 2.b.).

Police and CIO harassed teachers perceived to be opposition supporters. On September 20, two CIO personnel kidnapped Henry Taruva, a high school teacher in Gweru, interrogated and tortured him for teaching opposition views to his students. Unlike previous years, there were no reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC.

## **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 most groups that conducted meetings did not seek permits, some groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not permission was sought. Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. The CIO also routinely sent personnel undercover to monitor meetings perceived as being potentially antigovernment.

Despite a more open campaign environment than in previous elections, police sometimes refused to permit MDC campaign activities, especially in military and police facilities and certain "no-go" rural areas where government officials and ruling party supporters do not allow the opposition to operate.

On January 26, riot police arrested MDC MP Thokozani Khupe and 80 supporters during a campaign rally. Khupe was charged under POSA, released, and appeared at hearings in August, October, and December, but the trial was postponed each time in a tactic deliberately designed to inconvenience the defendant.

On January 23, police arrested MDC candidate Goodrich Chimbaira for allegedly violating POSA by holding a meeting with constituents in his home. He was detained overnight and released without charge.

On February 16, police prevented the MDC from training 120 parliamentary candidates and arrested Ian Makone, the party's election director. Police released Makone the same day without filing charges.

There was no further action on the 2004 cases in which opposition political figures were harassed or arrested by government authorities.

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 January police in Harare arrested 11 members of WOZA for demonstrating against declining education standards. Police released the women without charges on the same day. In February police arrested more than 50 members of WOZA in Bulawayo during the group's annual Valentine's Day demonstration; the women were all quickly released. On the same day, police in Harare dispersed a group of more than 100 women who planned to march.

On April 27, Police arrested six Zimbabwe Congress of Trade Union (ZCTU) activists in Mutare ahead of the May Day celebration despite POSA's exemption for labor activities (see section 6.a.). Police released all six the same day without charge. On April 28, police arrested six additional ZCTU members in Harare for participating in a government-organized march to commemorate World Day for Safety and Health at Work. ZCTU had been invited by a government agency, the National Social Security Authority (NSSA), to take part in the march. The police released all six without charge the same day.

On July 21, police armed with truncheons and tear gas and accompanied by dogs dispersed a demonstration organized by the National Constitutional Assembly to protest government plans to amend the constitution. Police beat and arrested 33 members, and a woman was mauled severely by the police dogs.

On October 19, the police arrested two University of Zimbabwe students for organizing a demonstration. Police charged them with inciting public violence and released them three days later. University officials suspended them and two others and expelled the four from their school residence for their political activity.

In November the National Constitutional Assembly (NCA) and the ZCTU staged protests; the NCA called for a new constitution, and ZCTU protested the government's economic policies. After the NCA protests in several cities on November 8, which the NCA said were largely uninterrupted by police, police arrested Chairman Lovemore Madhuku, NCA official Bernard Dube, and the mayor of the heavily populated suburb Chitungwiza, Misheck Shoko, for their roles in the protests. On November 9, ZCTU planned to stage protests in several cities, but police disrupted the protest in Harare and prevented activity in other cities by cordoning off areas in some cities and arresting ZCTU officials before the protests in others. Police arrested over 100 ZCTU activists, including President Lovemore Matombo and General Secretary Wellington Chibebe. Police charged all with POSA violations and released them by November 11. At year's end their trials had not taken place.

On December 1, police arrested five AIDS activists at an event in Harare commemorating World AIDS Day, despite police clearance for the event. The attorney general's office agreed there was no basis for the arrests, but police detained the activists until the following day when police released them without charge.

There was no action taken against police who used excessive force to disperse a number of demonstrations and rallies in 2003 or 2004.

### **Freedom of Association**

Although the constitution provides for freedom of association, the government restricted this right in practice for political 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 persons perceived to be associated with the opposition (see section 1.c.). The government harassed some NGOs it believed opposed government policies with raids on their offices, inquiries into their activities, and obstacles for renewing work permits of foreign employees (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 1.c., 6.a., and 6.b.).

### **c. Freedom of Religion**

The constitution provides for freedom of religion, and the government generally respected this right in practice. However, a law that criminalizes purporting to practice witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.

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 the course of Operation Restore Order (see section 1.f.), the government tore down or forced congregants to dismantle some places of worship.

On June 14, police destroyed a mosque serving approximately 100 families in Hatcliffe Extension. According to reports, the local Muslim community had an opportunity to remove religious articles and other items prior to the mosque's destruction.

On July 26, in the process of removing Porta Farm residents who returned after the first demolitions in the area, ZRP officers destroyed a church and a mosque on Porta Farm. The police had spared the church and mosque during the initial Porta Farm demolitions.

In March 2004 the government charged the Catholic diocese of Hwange and the Catholic Mater Dei Hospital in Bulawayo for allegedly exchanging foreign currency illegally. The government's intention appeared to have been to use these charges to put pressure on the church to desist from criticizing the Mugabe regime. Subsequently, the government and the church settled the problem out of court.

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

Witchcraft—widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons—traditionally has been a common explanation for otherwise unexplainable diseases. Although traditional indigenous religions generally included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

The 2004 Criminal Law (Codification and Reform) Act criminalizes purporting to practice witchcraft. The law defines witchcraft as "the use of charms and any other means or devices adopted in the practice of sorcery," and provides punishments for intending to cause disease or injury to any person or animal through the use of witchcraft. At year's end there were no new or previously 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.

There was tension between the government and individual indigenous African churches because of the preference of the latter for prayer over science-based medical practices that have reduced avoidable childhood diseases and deaths in those communities. 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.

Muslims complained of discrimination by private employers who refused to allow them sufficient time to worship at their mosques on Fridays.

### **Societal Abuses and Discrimination**

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

According to a prominent member of the Jewish community, there are approximately 300 Jews in the country—200 in Harare and 100 in Bulawayo. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

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

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. Police claimed that they were looking for criminals, smuggled goods and food, or illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition organizing. 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.

The Constitutional Amendment (17) Law, signed by President Mugabe in September, allows the government to restrict foreign travel for reasons of national security and public order. In public statements on multiple occasions, government officials indicated their intention to revoke passports of human rights defenders and key opposition leaders. On December 7, immigration officials confiscated the passport of Trevor Ncube, the owner of the *Independent* and *Standard* newspapers, after he landed in Bulawayo. On December 12, Ncube filed a court case to get his passport back, arguing the confiscation violated his basic rights (see section 2.a.). On December 8, immigration officials confiscated the passport of MDC official Paul Themba Nyathi. On December 14, immigration returned both passports after the attorney general determined that officials could not confiscate passports without specific enabling legislation.

On December 14, immigration officials seized the passport of Raymond Majongwe, secretary general of the Progressive Teacher's Union, upon his return to the country after attending an International Labor Organization (ILO) conference in Nigeria. The independent press reported that 64 civil society and opposition members were on a list of those whose passports were revoked.

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

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

Internally Displaced Persons (IDPs)

Following Operation Restore Order (see section 1.f.), the number of internally displaced persons increased dramatically. The UN special envoy's report estimated at least 700 thousand persons lost their homes or businesses. The government forcibly relocated some of the displaced; others stayed near their demolished homes with limited or no shelter. The action again displaced some of the approximately 500 thousand former farm workers who sought refuge in cities and towns following government resettlement policies in 2004. The government prevented international organizations from assisting IDPs on some occasions.

There continued to be reports of MDC supporters displaced internally, most of them as part of Operation Restore Order. The government condoned and even encouraged an environment of lawlessness that permitted war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators (see section 1.f.). In most cases police did not intervene.

### 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. The government also provided temporary protection to certain individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol and was providing it to six persons in at year's end, according to UNHCR.

According to UNHCR, there were 13,850 refugees and asylum seekers registered in the country during the year, although refugee experts believed many refugees had migrated to neighboring countries. The largest groups of refugees and asylum seekers continued to be from the Democratic Republic of the Congo, Rwanda, and Burundi.

According to law refugees must live at Tongogara refugee camp, but the camp only had a capacity for two thousand persons and affords no means of earning a livelihood. Most other refugees lived in urban areas without the permission of the government. In some cases, the government permitted refugees with special needs to live in urban centers. The government granted work permits to very few refugees, primarily to those with special skills. During Operation Restore Order, the government relocated refugees that had been living in urban areas and who lost their homes in the operation to the Tongogara refugee camp. The UNHCR reported that the number of refugees and asylum seekers in the camp temporarily increased to 2,500, exceeding the camp's capacity. By the end of the year, most of those originally taken to the camp during Operation Restore Order had relocated to urban areas.

### 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

In January the Zimbabwe Electoral Commission (ZEC) Act went into effect. The law established an electoral commission, largely appointed by the president, and regulates the provision of voter education. However, the electoral supervisory committee (ESC), which remained in operation through the March parliamentary elections, generally was hampered by an insufficient budget and an overburdened staff seconded from the ministry of justice. It also lacked authority to order the correction of irregularities, including of the voters' roll, which contained a large number of redundancies and errors. The government invested immense powers in the presidency through the Electoral Act, including full control of voters' rolls 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.

The government manipulated the electoral process the effect of which was to disenfranchise voters and to skew elections in favor of ruling party candidates. The ruling ZANU-PF party distorted the political campaign and manipulated voter registration rolls and vote tallies to ensure its large margin of victory in the March 31 parliamentary elections. ZANU-PF captured 78 out of the 120 contested seats. Western observers declared the elections fundamentally flawed. The delimitation commission gerrymandered three constituencies in historically MDC-controlled areas, diluting them with additional voters from nearby rural traditional ZANU-PF areas. The government undertook a vigorous voter registration drive targeting likely ruling party voters in rural areas, while much of the country remained off limits to the opposition until after registration closed. The Electoral Act, passed by parliament in December 2004 and signed into law in January, requires citizens to be resident in a designated constituency to vote, thus preventing citizens living outside the country from voting. Absentee ballots were only provided for diplomats and armed forces. On March 17, the supreme court upheld this provision of the new law.

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. The government held ruling party campaign rallies in conjunction with government food distributions. In some areas a ZANU-PF card was required to obtain food. There were credible reports of known MDC supporters forced to leave food distribution lines or to turn in MDC party cards and T-shirts in exchange for food. In the constituency of Gwanda where ZANU-PF won in March amid allegations of fraud, there were credible reports that MDC supporters were not allowed to purchase grain from the Grain Marketing Board. Partisan food distribution made it more difficult and expensive for those denied to find food.

On October 17, Judge Nicholas Ndou of the electoral court ruled that ZANU-PF had politicized food distribution and used violence in the rural constituency of Insiza, but it did not affect the result. He upheld the victory by ZANU-PF candidate Andrew Langa despite witness accounts

of Langa firing at MDC supporters and threatening villagers with withdrawal of food if they voted MDC. On October 18, Judge Rita Makarau made a similar determination regarding the election in the rural constituency of Makoni North, upholding the victory of ZANU-PF's Didymus Mutasa despite politicization of food. Witnesses said MDC supporters were forced to turn in MDC items such as T-shirts in exchange for food distributions.

Pre-election violence was lower in March than in past election campaign periods in 2000 and 2002, but there was violence and intimidation of MDC supporters.

On February 21, ZANU-PF supporters severely beat an MDC activist and his wife for posting campaign rally notices in Hurungwe East. Reportedly acting under orders, police refused to investigate the incident and did not arrest ruling party supporters engaged in acts of violence.

On February 25, ZANU-PF militants attacked MDC activists as they campaigned west of Harare. The militants severely beat the MDC activists and took their campaign materials. The MDC candidate for the area reported the incident to police, but officials took no action.

Approximately 10 percent of would-be voters were turned away from the polls, especially in opposition areas. In all, more than 100 thousand 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 rolls. Rejected potential voters were likely to be disproportionately opposition voters because the demographics matched those of MDC supporters. Critics noted the process for registering and ensuring a voter was registered 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, March 31, 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 in maintaining 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 5 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 the government used its two-thirds majority in parliament to pass a constitutional amendment that established a 66-member senate. The government was widely criticized for creating the senate, 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 despite a decision by the party's senior policy organ to boycott the elections.

Of the 50 elected seats, ZANU-PF won 19 unopposed and an additional 24 on election day; MDC candidates won 7. 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 6 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 most stations, a possible indication of fraud, and that the circumstances remained heavily tilted toward the ruling party.

On July 29, police raided the home of MDC election expert Topper Whitehead and confiscated three computers and other information that the MDC planned to use in its continuing legal challenge to the 2002 presidential election. On August 8, police returned the items after a judge so ordered, but some of the computer files had been damaged.

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 May 27, a court sentenced the country's registrar general, Tobaiwa Mudede, to a two-month suspended jail term for refusing to surrender the ballot boxes.

In June 2004 the high court dismissed without explanation the first phase of the MDC's legal challenge seeking nullification of the 2002

election results. The second phase, involving factual evidence and witness testimony regarding the election's conduct, had not begun by year's end.

The Constitutional Amendment (17) Act, published in the *Government Gazette* on September 14, abolished the ESC and established the ZEC as the only constitutional body in charge of elections. The MDC and human rights NGOs supported the consolidation of these two organizations but said the ZEC was not truly independent and that a separate, ruling party-aligned registrar general remained.

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 and 8 provincial governors who sit in parliament and directly appoints 6 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.

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. However, after the March 31 parliamentary elections, ZANU-PF used its two-thirds majority to limit question time and debate.

There were reports that the government removed from the civil service and the military persons who were perceived as opposition supporters. Additionally, there were reports that the government assigned soldiers and graduates of ZANU-PF's national youth service training centers to work in government ministries.

The government routinely interfered with MDC-led local governments. On July 23, Minister of Local Government Ignatius Chombo suspended Mutare Mayor Misheck Kagurabadza and three other senior city officials, officially for mishandling the city's finances. Chombo announced the suspension immediately after Kagurabadza showed the UN special envoy the effects of Operation Restore Order (see section 1.f.), leading the mayor to conclude that his cooperation with the UN envoy was the true reason for the suspension. On December 29, Chombo suspended the remaining MDC councilors for mismanagement. Also on December 29, Chombo suspended Chitungwiza Mayor Misheck Shoko for failing to maintain city services. According to Shoko, the government made service delivery in Chitungwiza difficult, including diverting approximately the then equivalent of \$1.25 million (Z\$5 billion) of the town's money to the ruling party's parliamentary election campaigns.

In April 2004 Chombo fired the elected MDC mayor of Harare, Elias Mudzuri, and subsequently fired 19 MDC councilors. Although legally an election must be held within 90 days of a mayor vacating the office, a commission appointed by Chombo continued to run the city at year's end.

The ruling party's candidates continued to benefit from the ZANU-PF's control of the state-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; however, there were no reported cases of persons losing their citizenship under this provision during the year. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 500 thousand commercial farm workers, many of whom have origins in neighboring countries; and the approximately 30 thousand mostly white dual nationals. Persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. The 2003 Citizenship of Zimbabwe Amendment Act removes the renunciation requirement for persons born in the country with parents from the Southern African Development Community (SADC) countries or who were born in SADC countries with parents from Zimbabwe.

There were 22 women in the 150-seat parliament. There were 20 women in the senate, including the president of the senate. There were seven women in the highest ranks in the executive branch: the vice president, three ministers, a deputy minister, and two governors. 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. The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations.

There were 10 members of minority groups in the cabinet, including Vice President Joseph Msika. There were 36 members of minority groups in the 150-seat parliament, including 30 Ndebele, 2 whites, and 4 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 invade and seize land not designated for acquisition.

Top ruling party officials and businessmen supporting the ruling party received priority in distribution of the country's resources, including priority access to limited foreign exchange and fuel. There were credible reports that 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 new government efforts to combat corruption, but they were ineffective. In January the government enacted an Anti-Corruption Act, which established a government-appointed Anti-Corruption Commission. It included no members from civil society or the private sector. Also in January the government established the Ministry of State Enterprises, Antimonopolies, and Anticorruption to investigate and raise awareness about corruption.

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, including senior ZANU-PF Central Committee member James Makamba and former finance minister Christopher Kuruneru. 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 that it made several requests information under AIPPA, but at year's end 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, Zimbabwe Lawyers for Human Rights, Zimbabwe Peace Project, and Amani Trust.

During the year police arrested or detained NGO members, often in connection with demonstrations or marches (see section 2.b.). On July 12, police arrested a worker from Action Aid for taking photographs of a woman's organization distributing assistance to individuals affected by Operation Restore Order.

The government harassed some NGOs it believed opposed government policies with raids on their offices, investigations into their activities, and obstacles to renewing work permits of foreign employees. For example, in March security officers raided a local NGO dealing with girls victimized by rape or abuse. Officials searched the organization's offices, shelters for rape and abuse victims, and the home of the organization's head. Officials claimed to be looking for subversive materials.

In April the government directed raids on the offices of at least a dozen NGOs, reportedly those that criticized government policies. A team of officials from various ministries led by the Ministry of Public Service but including police and CIO officials conducted the raids. Officials reviewed the NGOs' documents for information on their registration, sources of funding, and activities; however, the government did not prosecute NGOs or their staff as a result of these raids.

At year's end the president had not signed the controversial Nongovernmental Organizations Bill, passed by parliament in December 2004, within the time required, and the NGO community did not expect the government to introduce a new bill. However, on December 10, the ruling party adopted a report that recommended the government take action against NGOs perceived to be aligned with the opposition.

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.).

In March the Ministry of Social Welfare threatened to close dozens of NGOs for mispending donor funds, claiming that the NGOs had instead used the money to fund the opposition. At year's end no NGOs had been closed.

In October 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 each province as a condition of operation wherever it operates.

The government declined to issue a formal request to the World Food Program (WFP) for food assistance, despite estimates that up to half of the country's population would require emergency relief by the end of the year. In October the government permitted WFP to resume vulnerable group feeding, which targets families in need and, in the last week of November, it signed an memorandum of understanding with the organization for further food assistance.

International NGOs had continued difficulties renewing temporary employment permits for their international staff. The government refused readmission to the director of one NGO whose permit renewal was pending when he left the country for a trip and deported him from the airport. Subsequently, he returned and received his permit.

The government cooperated with a UN special envoy who visited to survey the effects of Operation Restore Order but attempted to limit her access to victims and claimed bias when her team's report criticized the government (see section 1.f.). Also in June the chairman of the AU Commission sent Balame Tom Nyanduga, rapporteur on refugees for the African Commission on Human and People's Rights (ACHPR), to

survey the effect of Operation Restore Order. The government claimed that the AU did not inform it of Nyanduga's visit until he was traveling to the country. Despite AU efforts to persuade the government to allow Nyanduga to carry out his assessment, the government restricted him to a hotel and insisted on his recall. Nyanduga left without visiting any of the areas affected by the operation, and the AU did not send another envoy. Although confined to his hotel, Nyanduga met with human rights and humanitarian NGOs as well as some victims of Operation Restore Order.

In February the AU released a report by the ACHPR, which reports to the AU, based on a human rights fact-finding mission the ACHPR performed in the country in June 2002. Although originally scheduled for presentation to the AU Executive Council in July 2004, the AU suppressed the report when then foreign minister Stan Mudenge objected that the government had not been given the opportunity to review the report. 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 criticized the fact-finding mission and rejected its conclusions.

In December the ACHPR passed a resolution condemning human rights abuses in the country, especially in connection with Operation Restore Order.

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

The constitution provides 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. However, the government conducted a public awareness campaign in the state media, and prominent officials, including Vice President Joyce Mujuru, made several statements during the year in support of women's rights and against domestic violence. Musasa Project, a local NGO that sought to protect and empower victimized women, reported that treatment of victimized women varied but authorities generally did not consider domestic violence to be a private matter and would arrest an offender for assault if there was evidence of abuse. Systemic problems and lack of education often meant that police did not respond to women's reports or requests for assistance. Musasa Project worked with law enforcement and provided training and literature on domestic violence as well as providing shelters and counseling for women. Women were reluctant to pursue cases in court, and there were few successful prosecutions during the year. During the year there were newspaper reports of wife killings; however, there was no specific record of prosecutions or convictions for such crimes.

The SOA defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent act with a child or person with mental disabilities. The act makes nonconsensual sex between married partners a crime. It provides penalties for up to 10 years in prison for sexual crimes. The SOA also makes it a crime to infect anyone knowingly with HIV/AIDS, and the government prosecuted some individuals for the crime.

There were continued reports of rape, incest, and sexual abuse of women. Approximately 1,100 rapes were reported in Harare in 2002. Although the government refused to supply figures subsequently, the rate reportedly increased. In many cases the women knew their rapist. 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. Musasa Project reported that most women initially came to the organization for other counseling, and information about the rape only came to light after several sessions. During the year there were reports of women raped and murdered as part of witchcraft rituals. Human Rights NGO Forum reported four politically motivated rapes (see section 1.c.) although Musasa Project reported that cases of political rape were no longer common. There was no evidence that authorities took action to address rapes at national youth service camps.

Prostitution is illegal, and during the year there were numerous media reports regarding concerted efforts by police to halt prostitution in the Harare city center. Police arrested both prostitutes and their clients, and the government-sponsored *Herald* newspaper published the names of arrestees. Prostitution reportedly increased. 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 some reports that women and children were sexually exploited in towns along the border with South Africa (see section 5, Trafficking).

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

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.

On September 18, the Union for the Development of Apostolic Churches in Zimbabwe Africa announced a resolution to ban polygamy in order to combat the spread of HIV.

The law recognizes women's right to own property independently of their husbands or fathers. Many women continued to be unaware of their property rights. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows; however, in 1997, shortly before the amended law was passed, the supreme court ruled that, according to customary law, women's rights to inheritance, ownership of property, and custody of children were inferior to men's. The court case was prominent, and, despite the change in law, many women still believed their rights were restricted by the court decision and often relinquished property without understanding their rights. Divorce and maintenance laws were favorable to women, but women generally lacked awareness of their rights.

Women and children were particularly affected by Operation Restore Order (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 Youth Development, Gender, and Employment did little to advance the cause of women beyond a public information campaign. 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 the lower echelons of the workforce, especially in the financial industry.

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. The government has a National Plan of Action for Orphans and Vulnerable Children (NPA for OVC), which was completed in 2004 but has not been fully implemented. It is designed to ensure that orphans and vulnerable children are able to access education, food, health services, and birth registration and are protected from abuse and exploitation, but activities set out in the plan were insufficiently funded. Children, especially those in the rural areas but also an increasing number of urban dwellers, suffered greatly. Although legislation existed to protect children's rights, it was difficult to administer and enforce.

There was no compulsory education, and schooling was not free. School fees increased dramatically during the year, and enrollment declined. According to one company's inflation analysis, school costs for low-income families increased nearly 900 percent from December 2004 through November. Many families could not afford to send all of their children to school. According to the 2002 census data and age-specific population distributions, roughly 72 percent of school-age children attended school. In September President Mugabe claimed that 97 percent of primary school-age children attended school in 2004. The highest level achieved by most students was primary level education.

Operation Restore Order displaced many children, disrupted school attendance, and forced many to drop out of school (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 attended school. Of these 82 percent of the boys and 73 percent of the girls completed secondary school. If a family was unable to pay tuition costs, it most often was female children who left school.

Child abuse, including incest, infanticide, child abandonment, and rape continued to be problems during the year. The local NGO GCN reported that, in some rural communities, young girls were pressured to submit to virginity tests, after which they were given a virginity certificate if the test was successful. Girls known as 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. This belief and its practice contributed to the spread of HIV and AIDS among children.

GCN reported that, in a study of 3 of its 16 administrative areas in 2004, it tracked a daily average of 3 child sexual abuse cases. Using these figures and police records of reported rapes in the high-density suburb of Chitungwiza, near Harare, GCN estimated that an average of 3,500 girls were abused each year nationally. A local NGO reported that a relative or someone who lived with the child was the most likely abuser. The NGO believed that since Operation Restore Order, child sexual abuse cases increased because the number of relatives in the same house increased due to family members losing their homes in the operation.

In April police arrested a handyman, James Sangarwe, for abusing students at Macheke Primary school, a boarding school in the East. During his trial in May, officials discovered evidence of further abuses of at least 53 pupils, and the government closed the school in July, a week before the school term ended. The school reopened when the new school term started in September with an entirely new staff. The government prosecuted some staff members and transferred staff not implicated in the abuse to other schools. In addition to Sangarwe, the government charged temporary teacher Edward Chiripamberi, handyman Only Musengi, and handyman Josphat Chitema. A judge postponed announcement of his judgment twice in Sangarwe's trial, because the prison at which he was held did not have enough fuel to drive him to court. Chiripamberi's trial opened on December 7, but, at year's end, Musengi's trial had not begun. On December 14, Chitema died of encephalitis while awaiting trial.

Incidents of witchcraft-related child deaths and mutilations continued during the year. Newspapers reported several instances of missing children found murdered with body parts missing, which led police to suspect the murders were 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 SOA prohibits sexual relations with anyone younger than 16 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans but lacked meaningful statistics on its prevalence. Musasa Project reported an increase in instances where families pledged girls in marriage and even unborn babies 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. In May the government announced its intention to make national service compulsory for all students, starting in primary school, but there were no reports that the government implemented this requirement. The stated purpose of the training camps was to instill national pride in the youths, 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 and military training. There were credible reports that graduates were used for political violence. Unlike in previous years, there were no reports of rape at the government's national youth service training camps.

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

There were an estimated 1.3 million HIV/AIDS orphans by year's end, 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 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, established a national secretariat to implement the NPA for OVC. Both donors and 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 were the basic education assistance module (BEAM), which paid school fees, and the Children in Difficult Circumstances program (CDC), which paid other related fees. In May the government announced an expanded budget for BEAM; however, at year's end the actual budget, number of children benefiting, and amount of the benefit were unknown. There were also reports that favoritism and corruption affected the beneficiary selection process.

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

### **Trafficking in Persons**

No laws specifically address trafficking in persons, and there continued to be anecdotal reports that the country was both a point of origin and a transit path for trafficking. Common law prohibits abduction and forced labor, and it is a crime under the SOA to transport persons across the border for sex. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws. The SOA provides for a maximum fine of \$0.41 (Z\$35 thousand) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for a maximum fine of \$0.58 (Z\$50 thousand) and a maximum prison sentence of 10 years for "procuring another person to become a prostitute and have sex whether inside or outside" the country.

The primary government authority to combat trafficking is the ZRP, which relied on NGOs to alert them to any cases.

There was little information on the extent of 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 and into Botswana and South Africa. Likewise, there were anecdotal reports that victims were transited 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, when being deported, or after being lured to another country 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. NGOs reported an increase in child prostitution since Operation Restore Order. 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 city brothels in cities under the false pretenses of job or marriage promises. The NGO 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.

Victims suffering from child or domestic abuse are treated with special procedures in victim friendly courts. A trafficked person had the option to take a case before the victim friendly court; however, there is no statistical tracking of trafficking-related prosecutions and no record of any cases filed during the year. The state-run media prominently featured articles about trafficking in persons, and the government has prevention programs, such as BEAM (see section 5, Children) to provide alternatives for children at risk. However, there are no NGOs with programs specifically designed to work with trafficking victims.

### **Persons with Disabilities**

The Constitutional Amendment (17) Act (see section 3) added persons with disabilities as a group protected from discrimination. Although the law specifically prohibits discrimination against persons with disabilities in employment, in access to public places, or in provision of services, the lack of resources for training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings should be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities faced harsh customary discrimination. Traditional belief considered persons with disabilities bewitched, and reports were common that children with disabilities were hidden when visitors arrived.

Operation Restore Order severely affected persons with disabilities, and, according to the UN report on the operation, the government held approximately 50 persons with physical and mental disabilities at a transit camp separated from the rest of the camp population and were not provided care.

The government broadcast a regular, prime-time show on state radio dedicated to promoting awareness of the rights of persons with disabilities.

### **National/Racial/Ethnic Minorities**

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

Racial tensions remained relatively low despite the government's ongoing attempts to attribute the country's economic and political problems to the white minority and western countries. On some occasions, President Mugabe, members of his government, and the state-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights.

The disproportionate number of Shona-speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. During the year and notably in the aftermath of Operation Restore Order, members of the Ndebele community continued to criticize the government's unequal distribution of national resources and the government's failure to compensate victims of the 1980s Matabeleland killings of an estimated 10 thousand to 20 thousand Ndebele civilians.

In March 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.

In May over a period of several days, the ZRP raided the homes of approximately 40 ethnic Indian households ostensibly searching for illegally held foreign currency. They seized additional items during these searches, accusing the families of hoarding food and other supplies. These raids took place overnight, without prior warning. At the same time, ethnic Indian business owners alleged that government tax and other officials unfairly targeted their shops for investigation as opposed to shops owned by indigenous citizens or other minorities. Others in the Indian community viewed the investigations as part of a general government pressure on business rather than specifically targeting ethnic Indians.

### **Other Societal Abuses and Discrimination**

Over a period of years, President Mugabe has publicly denounced homosexuals, blaming them for "Africa's ills." Although there is 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 August 5, unidentified men approached the Gays and Lesbians Association (GALZ) exhibit at the Zimbabwe International Book Fair and stated that GALZ was not allowed to be there. They then entered the book fair offices where they threatened staff. Subsequently, they returned to the GALZ stand and seized GALZ literature. GALZ members sought assistance from police officers and security guards patrolling the gardens, but they refused to intervene. The GALZ staff recognized that they would receive no assistance and withdrew from the fair. GALZ staff reported that they believed the government had sent the group. No subsequent action was taken against those who threatened the GALZ members.

The authorities took no action following the incident at the August 2004 Book fair when a mob chased members of GALZ from their exhibit.

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. During a cash shortage in 2003, the government-controlled newspapers often accused Asians of hoarding millions of dollars to the detriment of the economy; however, such charges were not repeated during the year.

## Section 6 Worker Rights

### a. The Right of Association

While the Labor Relations Amendment Act (LRAA) provides private 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. The Labor Amendment Bill, passed by parliament on December 2 and effective December 30, eliminated some previous public sector employee rights and excluded them 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, strike, or alternative dispute resolution mechanisms. Employees in positions designated as managerial were excluded from general union membership.

During the year approximately 25 percent of the formal sector work force belonged to the 31 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, the most visible of which was a poorly attended May Day celebration. 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 the ZCTU and other civil society organizations, the government attempted to change ZCTU leadership using four disgruntled ZCTU associates to intimidate and disrupt ZCTU general council meetings as well as meetings of ZCTU affiliates. However, the majority of ZCTU's 30-plus associates remained loyal to the leadership.

**On April 12, at a general council meeting, members of the Construction Workers and Leather Workers Unions physically attacked ZCTU President Lovemore Matombo and his deputy Lucia Matibenga. The attackers were from two of the government-sponsored affiliates that have been at the forefront of efforts to destabilize the ZCTU. No legal action was taken against the assailants.**

**On April 23, in Bulawayo, hired assailants forced entry into a ZCTU general council meeting and assaulted ZCTU Secretary General Wellington Chibebe, President Matombo, Vice President Matibenga, and ZCTU International Relations Committee member Tabitha Khumalo. The attackers dragged the four ZCTU leaders out of the conference room and beat them. No legal action was taken against the assailants.**

**On May 6, the police called in ZCTU Informal Economy Coordinator Elijah Mutemeri for questioning regarding the misuse of union funds. The police had no apparent evidence of wrongdoing, but they questioned Mutemeri for three hours prior to releasing him without charge. Subsequently, unidentified men visited Mutemeri's home in his absence and frequently harassed his family members.**

**On May 13, 14 armed police officers from the ZRP raided the ZCTU offices using a broadly worded search warrant that did not specify an alleged offense. The police ransacked the offices for three hours, seizing both paper and electronic personnel, financial, and personal files. Subsequently, the ZCTU filed an urgent chamber application seeking the return of the documents, but the court took no action by year's end.**

On May 16, three suspended staff assistants at the Commercial Workers Union of Zimbabwe (CWUZ), the ZCTU's largest affiliate, and ZANU-PF supporters broke into the CWUZ headquarters and attempted to change the affiliate's leadership at an impromptu meeting. Noting that many present were not CWUZ members and that neither proper notice requirements nor quorum rules were observed, CWUZ President and ZCTU Vice President Matibenga immediately received a court injunction to prevent the "newly elected leadership" from carrying out union business. However, on July 13, a second judge granted the "newly elected leadership" an injunction against Matibenga, leaving CWUZ paralyzed. CWUZ leadership remained unresolved at year's end. Although the LRAA prohibits antiunion discrimination, in practice union members faced discrimination and harassment. **In January 2004 ZCTU President 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 should be reinstated, although this did not happen in practice.**

The ILO continued to criticize the government for ongoing interference with the unions' freedom of association. The International Congress of Free Trade Unions (ICFTU) also criticized government harassment of unions during the year. On February 2, the

government's immigration authorities expelled a delegation from the ICFTU-affiliated Congress of South African Trade Unions (COSATU) upon arrival in the country. COSATU had refused to promise not to meet with certain organizations and individuals.

#### **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 Labor Amendment Bill, which took effect on December 30, 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 bill also makes lower court rulings enforceable during an appeal.

In December the Tripartite Negotiating Forum resumed 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 a family of six to pay basic expenses. At year's end, the PDL was approximately \$200 (Z\$16 million) per month. According to local economists, fewer than 20 percent of those employed in the formal sector earned more than 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 with heavy police presence and under threat of arrest. Despite court rulings against them, the police continued to monitor ZCTU meetings.

**On April 27, police in Mutare forced entry into a ZCTU May Day preparatory meeting at the Hellenic Club, terminated the meeting, and arrested five regional council members and a member of the ZCTU General Council. Police released all six without charge the same day. There was no further action by year's end.**

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, and possible mandatory referral to binding arbitration. 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 30, junior and mid-level doctors at government hospitals across the country began a strike to demand a pay raise and a fuel allowance already given to senior doctors. The Zimbabwe Hospital Doctors' Association cited rising absenteeism due to inability to get to work, poor working conditions, and low pay. Health Minister David Parirenyatwa said the strike was illegal and ordered the doctors back to work or face detention. The Hospital Doctors' Association said CIO officials threatened many doctors. The doctors returned to work on August 5. 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; however, there were reports that such practices occurred (see sections 5 and 6.d.). Forced labor is punishable by an undefined fine, 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 \$0.35 (Z\$30 thousand), 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 government has not released the 2004 Labor Report. According to the most recent information, the 2000 National Child Labor Survey, approximately 25 percent of children between the ages of 5 and 17 were involved in some form of labor. 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. As a result of the land redistribution program, there were fewer instances of child labor on commercial farms. Many children sold simple wares on the streets; others worked in the growing illegal gold panning industry. 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.

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 Catiyo 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 good 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 difficult circumstances (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. At year's end the government had not released the percentage of children benefiting from BEAM.

The central statistics office conducted a labor survey in 2004; but had not released the results by year's end.

#### 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 the high inflation rate. Domestic worker minimum wages were specifically separated from others; the latest monthly minimum wages established in March, were: gardener, \$9.34 (Z\$800 thousand); cook/housekeeper, \$9.93 (Z\$850 thousand); child- or disabled-minder, \$10.50 (Z\$900 thousand); and child- or disabled-minder with Red Cross certification, \$11.10 (Z\$950 thousand).

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. The NSSA reported an increase during the year in the number of fatal accidents in the construction, electrical, and telecommunications industries; it attributed the increase to unskilled contract personnel performing jobs formerly done by professionals. In December the state media reported 340 workplace fatalities and 26,037 injuries between 2002 and 2004. The NSSA acting general manager said this level continued to be too high and claimed an estimated 4 percent of gross national product was lost due to accidents. 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 comprised 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.



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