Home Office
UK Border Agency

# ZIMBABWE

## COUNTRY OF ORIGIN INFORMATION (COI) REPORT

**COI Service**

19 August 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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# Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 12 July 2011. The 'Latest News' section contains further brief information on events and reports accessed from 13 July 2011 to 18 August 2011. The report was issued on 19 August 2011.

ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

**Country of Origin Information Service**
UK Border Agency
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20-26 Wellesley Road
Croydon, CR0 9XB
United Kingdom
**Email:** cois@homeoffice.gsi.gov.uk
**Website:** http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/

## INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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**Website:** http://icinspector.independent.gov.uk/country-information-reviews/

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# Latest News

## EVENTS IN ZIMBABWE FROM 12 JULY TO 18 AUGUST 2011

***The Latest News provides a non-exhaustive selection of significant events since 12 July 2011. Further information may also be available from the list of useful sources below.***

***The Home Office is not responsible for the content of external websites.***

16 August 2011 Retired General, Solomon Mujuru, the power behind his wife, Vice-President Joice Mujuru, who is bidding to succeed Mr Mugabe as President, died in a fire at his farm. Mr Mujuru, a former head of the Zimbabwe military, was widely seen as one of the key power brokers in ZANU-PF with influence in the security forces and the more moderate faction of the party. Mr Mujuru's death may significantly reduce his wife's chances of securing the leadership of the party when Mr Mugabe stands aside or dies. It is also likely to strengthen the hand of Defence Minister, Emmerson Mnangagwa, who will now be the front runner to take over from Mr Mugabe. With Zimbabwe's history of politically suspicious deaths, observers have speculated over the cause of the fire.

**The Guardian**
Zimbabwe's ruling party shrouded in suspicion after ex-military chief dies, 16 August 2011
http://www.guardian.co.uk/world/2011/aug/16/zimbabwe-party-military-chief-dies
Date accessed 17 August 2011

**The Telegraph**
Zimbabwe 'kingmaker' general dies in fire, 16 August 2011
http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/8704888/Zimbabwe-kingmaker-general-dies-in-fire.html
Date accessed 17 August 2011

15 August 2011 Pressure from senior ZANU-PF officials for President Mugabe to quit and allow a younger generation to take over was reported to be mounting with the party's spokesman Rugare Gumbo confirming that the issue of leadership renewal had become "pertinent" following thinly veiled remarks from former Information Minister, Jonathan Moyo, that the older generation within the party should step aside.

**Daily News**
Mutasa vows not to close 'torture base', 16 August 2011
http://dailynews.co.zw/index.php/news/53-top-story/3755-zanu-pf-push-for-mugabe-exit.html
Date accessed 17 August 2011

15 August 2011 Observers commenting on the Southern African Development Community's (SADC) summit in Luanda, Angola, noted that a lack of regional consensus among leaders meant that it was unlikely to make significant progress on the political situation in Zimbabwe.

**The Times Live**
Zim crisis solution unlikely at SADC summit: analysts, 15 August 2011
http://www.timeslive.co.za/africa/2011/08/15/zim-crisis-solution-unlikely-at-sadc-summit-analysts
Date accessed 17 August 2011

14 August 2011 Over 500 victims of the June 2008 political violence are still unaccounted for in Masvingo province alone, according to a local human rights group. Gamuchirai Mukura, the director of the Community Tolerance and Reconciliation Development (Cotard) reported that while his organisation had identified about 500 who were still missing, the figure could be closer to 1,000.

**Daily News**
More than 500 still missing after 208 poll violence, 14 August 2011
http://www.zimbabwesituation.com/aug15a_2011.html
Date accessed 17 August 2011

14 August 2011 War Veterans leader Jabulani Sibanda is reported to have allegedly warned villagers at Zvehuru Primary School, Masvingo province, that "sell outs" would have their livers "roasted" if they failed to support ZANU-PF. Mr Sibanda later denied the accusations that he had threatened villagers.

**The Standard**
Jabulani Sibanda threatens to 'roast livers' of opponents, 14 August 2011
http://www.thestandard.co.zw/local/31090-jabulani-sibanda-threatens-to-roast-livers-of-opponents.html
Date accessed 17 August 2011

11 August 2011 Only a quarter of the government's works programme for 2011 had been implemented by end of June due to lack of capacity as Zimbabwean professionals continue to leave the country. Finance minister Tendai Biti told senators who were debating his midterm fiscal policy statement that the inclusive government was struggling with funding.

**Zimbabwe Independent**
Only 25% of GWP implemented – Biti, 11 August 2011
http://www.theindependent.co.zw/local/32008-only-25-of-gwp-implemented--biti.html
Date accessed 17 August 2011

11 August 2011 The humanitarian situation in the country remains fragile, with food security, health, water and sanitation a serious cause for concern. Millions of people are reported to be drinking from unprotected water sources. Due to the immediate humanitarian needs, aid agencies through the United Nations Office for the Coordination of Humanitarian Affairs (Unocha), last week appealed for US$488 million, an increase of US$73 million from the original requirements of US$415 million.

**Zimbabwe Independent**

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Zim food security 'pressing issue'. 11 August 2011
http://www.theindependent.co.zw/local/32010-zim-food-security-pressing-issue.html
Date accessed 17 August 2011

8 August 2011 A BBC Panorama documentary reported that it had evidence of torture camps being run in the Marange diamond fields by the security forces. The camps were reportedly being used to beat and torture illegal miners and those recruited by the security forces who raised objections to their working conditions and share of proceeds. There were also credible reports of rapes and murders of miners and their families.

**BBC News**
Marange diamond field: Zimbabwe torture camp discovered, 8 August 2011
http://www.bbc.co.uk/news/world-africa-14377215
Date accessed 12 August 2011

7 August 2011 Zaka West (Masvingo Province) MP, Festus Dumbu, and ward secretary, Tawand Chiriga Imbayago, were arrested and held for three hours for organising a funeral procession for the daughter of a local party official. The two were arrested under the POSA after they ignored police orders that MDC party regalia (t-shirts etc) should not be worn at the funeral.

**The Standard**
MP arrested, 7 August 2011
http://www.thestandard.co.zw/local/30992-mp-arrested.html
Date accessed 12 August 2011

4 August 2011 ZANU-PF's Justice Minister, Patrick Chinamasa, halted the second reading of the Public Order and Security Act (POSA) Amendment Bill saying that it was subject to negotiations between ZANU-PF and the MDC. The article noted that POSA has long been used by ZANU-PF to prohibit public and political gatherings.

**Voice of America**
ZANU-PF blocks senate passage of Public Order Act revision, 4 August 2011
http://www.voanews.com/zimbabwe/news/politics/ZANU-PF-Blocks-Senate-Passage-of-Public-Order-Act-Revision-126786753.html
Date accessed 12 August 2011

Ayaya Kassim, the MDC-T youth chairman of Harare's Mbare 11th ward, was attacked by ZANU-PF supporters and had hot cooking oil thrown in his face. Mr Kassim was reported to have been badly injured and will require surgery. Mbare has in recent months been a hot spot for political violence.

**Voice of America**
Political violence flares in Zimbabwe even as Mugabe preaches tolerance, 4 August 2011
http://www.voanews.com/zimbabwe/news/Violence-Flies-in-Face-of-Calls-for-Peace-by-Zimbabwes-Mugabe-126784328.html
Date accessed 12 August 2011

2 August 2011 With the next Southern African Development Community (SADC) summit due to take place in Angola in less than two weeks (16 August), observers noted that there continued to be deadlock on three main areas of the election roadmap: staffing at the Zimbabwe Electoral Commission, security sector reform, and state sponsored violence.

**SW Radio Africa**
Mugabe and Tsvangirai still divided over electoral roadmap, 8 August 2011
http://www.swradioafrica.com/news020811/mugsandmt020811.htm
Date accessed 12 August 2011

31 July 2011 The London based Africa Confidential claimed that the two MDC formations are in talks with less hard-line elements of ZANU-PF led by Vice President Joice Mujuru. ZANU-PF insiders have reported that the MDC leaders, Morgan Tsvangirai and Welshman Ncube, may have even held talks with ZANU-PF hardliner, Defence Minister Emmerson Mnangagwa. The security forces are believed to be looking at their own ZANU-PF candidate (following Mr Mugabe's likely departure) who will protect their interests.

**The Zimbabwean**
Secret Zanu, MDC talks confirmed, 31 July 2011
http://www.thezimbabwean.co.uk/news/zimbabwe/51374/secret-zanu-mdc-talks-confirmed.html?utm_source=thezim&utm_medium=homepage&utm_campaign=listarticle&utm_content=headinglink
Date accessed 12 August 2011

Observers commented on continuing attempts by senior security figures to paralyse the MDC-T by uncovering genuine or made-up evidence of corruption and sleaze. Ongoing investigations into the affairs of Prime Minister Tsvangirai and Finance Minister Biti have led in recent weeks to allegations from ZANU-PF supporters of financial irregularities and sexual impropriety. However, observers suggest that hard-line figures within ZANU-PF will need to tread a careful path as even if allegations of this nature were true, any prosecutions might backfire as the electorate may believe that these are politically motivated.

**Times Live**
Net closing on top MDC-T leaders, 31 July 2011
http://www.timeslive.co.za/africa/2011/07/31/net-closing-on-top-mdc-t-leaders
Date accessed 31 July 2011

28 July 2011 The house of an MDC activist in Nyanga South, Manicaland province, was burnt down by known ZANU-PF supporters on 26th July. The incident was reported to Nyanga Police but no investigation was undertaken. The MDC Today publication noted that the arson attack was the second in a week, with the home of the party's ward secretary in Chiredzi West, Masvingo province, also being burnt down. The police were again reported to have failed to investigate the incident.

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**MDC Today (via SW Radio Africa)**
The MDC Today - Issue 223, 28 July 2011
http://www.swradioafrica.com/pages/mdctoday223280711.htm
Date accessed 12 August 2011

27 July 2011 13 activists from Restoration of Human Rights Zimbabwe (ROHR) were arrested up by the police outside the High Court on Wednesday, for protesting against ongoing human rights abuses in the country. ROHR said their activists were protesting against the continued incarceration of eight MDC-T activists who have remained behind bars since they were arrested on 29th May.

**SW Radio Africa**
13 ROHR activists arrested outside High Court for protesting, 27 July 2011
http://www.swradioafrica.com/News270711/ROHR270711.htm
Date accessed 12 August 2011

23 July 2011 A Movement for Democratic Change (MDC) legislator and five journalists were Saturday beaten up by hordes of Zanu (PF) supporters who invaded the Parliament building to disrupt a public hearing by a parliamentary committee on the Human Rights Bill.

**RadioVOP**
Zim journos, MDC MP beaten up by Zanu (PF), 23 July 2011
http://www.radiovop.com/index.php/national-news/6751-zim-journos-mdc-mp-beaten-up-by-zanu-pf.html
Date accessed 12 August 2011

22 July 2011 MDC MP Douglas Mwonzora, who is co-chair of the committee tasked with drafting a new constitution, admitted that the draft constitution would not be ready by September and that a new deadline had been set for 31st December. Mr Mwonzora blamed the delays on a lack of funding and disagreements between the MDC and ZANU-PF about how the findings are to be analysed and interpreted.

**The Zimbabwean**
COPAC deadline for a referendum now 31 December, 22 July 2011
http://www.thezimbabwean.co.uk/human-rights/51080/copac-deadline-for-a-referendum.html?utm_source=thezim&utm_medium=homepage&utm_campaign=listarticle&utm_content=textlink
Date accessed 12 August 2011

18 July 2011 The MDC-T district chairperson for Headlands (Manicland province), Allan Svotwa, was reported to have been abducted by police from his home on the night of 13th July. A spokesman for the MDC-T reported that the police service had refused to reveal where Mr Svotwa was being held and were concerned that he may have been beaten and tortured.

**SW Radio Africa**
MDC-T continues hunt for abducted activist, 18 July 2011

http://www.swradioafrica.com/news180711/huntcontinues180711.htm
Date accessed 12 August 2011

17 July 2011 The Catholic Commission for Justice and Peace (CCJP) released a statement claiming that there had been significant levels of politically motivated violence in Mbare (south Harare) since the beginning of the year. The CCJP noted that the perpetrators of the violence appeared not to be locals but from other areas. The statement also noted that the incidents of violence were centred on Carter and Paget Houses where patients with HIV/AIDS collect their medication - the violence has resulted in people being too afraid to collect their medication.

**Catholic Commission for Justice and Peace**
Violence in Mbare Township: Testimonies from the Victims, 17 July 2011
http://www.zimbabwesituation.com/jul17_2011.html
Date accessed 12 August 2011

## USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex E – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Zimbabwe Situation http://www.zimbabwesituation.com/index.html#polis
SW Radio Africa http://www.swradioafrica.com/
Sokwanele http://www.sokwanele.com/
Kubatana http://www.kubatana.net/
Crisis Group: http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?EndDate=99991231&StartDate=00010101&CountryIDs=%7bB104FADF-4411-45C7-BBED-5D96FD3CEFFD%7d

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## REPORTS ON ZIMBABWE PUBLISHED OR ACCESSED BETWEEN 12 JULY TO 18 AUGUST 2011

***The Home Office is not responsible for the content of external websites.***

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SADC urged to tackle Mugabe about surge in press freedom violations, 12 August 2011.
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Date accessed: 11 August 2011

**Refugee Documentation Centre (Ireland)**
Zimbabwe: Societal treatment of disabled people in Zimbabwe, 19 July 2011.
http://www.unhcr.org/refworld/country,,,,ZWE,,4e3ba8842,0.html
Date accessed: 17 August 2011

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# Background Information

## 1. GEOGRAPHY

1.01 Jane's *Sentinel Security Risk Assessment,* Zimbabwe, dated 7 September 2010, noted that: "Zimbabwe is a landlocked country located in southeast Africa. It borders Zambia to the north, Mozambique to the east, South Africa to the south and Botswana to the southwest. The country's longest border is with Mozambique (1,231 km), followed by Botswana (813 km), Zambia (797 km) and South Africa (225 km)." **[90j] (Geography)**

1.02 The Central Intelligence Agency (CIA), *World Factbook*, Zimbabwe, updated on 8 March 2011, noted that there are: "8 provinces and 2 cities* with provincial status; Bulawayo*, Harare*, Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South, Midlands." **[56a] (Government)** Europa World Online, undated, accessed 13 May 2010, noted that the principal towns (those with a population of over 100,000) are Harare (the capital), Bulawayo, Chitungwiza, Mutare (Umtali) and Gweru (Gwelo). **[1b] (Area and Population)** Jane's *Sentinel Security Risk Assessment:* Zimbabwe, dated 7 September 2010, noted that: "In 2009, the urban population comprised 38 per cent of the total population, up from 29 per cent in 1990. … The urban areas of Harare and Bulawayo have the status of provinces. Other major towns and cities are Mutare, Gweru, Kadoma, Kwekwe, Masvingo, Marondera, Zvishavane, Hwange and Chinhoyi." The following table provided by Jane's should be considered as a guide to the population of Zimbabwe; the country has experienced significant migration and emigration since 2002.

| Province | Population (1992 census) | Population (2002 estimate) | Density (Population per km$^2$) |
|---|---|---|---|
| Manicaland | 1,537,000 | 1,900,000 | 52 |
| Midlands | 1,308,000 | 1,450,000 | 29 |
| Masvingo | 1,223,000 | 1,350,000 | 24 |
| Mashonaland West | 1,113,000 | 1,400,000 | 24 |
| Mashonaland East | 1,034,000 | 1,300,000 | 40 |
| Mashonaland Central | 857,000 | 1,250,000 | 44 |
| Matabeleland North | 641,000 | 850,000 | 11 |
| Matabeleland South | 592,000 | 650,000 | 12 |

**[90k] (Demography)**

1.03 The most recent estimate for the size of the Zimbabwean population was made by the United Nations (UN) in 2009 – it estimated that the population was slightly above 12.5 million. (Europa World Online, accessed 13 May 2010) **[1b] (Area and Population)** A joint report published by Food and Agriculture Organisation of the United Nations and the World Food Programme, entitled *FAO/WFP Crop and Food Security Assessment Mission to Zimbabwe*, dated 9 August 2010, noted that: "About 30 percent of Zimbabwe's total population lives in urban and peri-urban areas. An estimated 60 percent of this urban population is concentrated in two urban provinces of Harare and Bulawayo." **[104a] (p22)**

1.04 The majority of Zimbabweans are Shona, making up around 75 per cent of the population. The Ndebele comprise about 20 per cent with the Tonga, Venda and smaller ethnic groups such as the Hlengwe/Shangaan, San, descendants of white settlers and Asians making up the remaining 5 per cent. (Jane's *Sentinel Security Risk Assessment*: Zimbabwe, 7 September 2010) **[90k] (Demography)**

1.05 Europa noted in an undated entry accessed 13 May 2010, that: "The official languages are English, ChiShona and SiNdebele. About 55% of the population are Christians. A large number of the African population follow traditional beliefs, while the Asian minority comprises both Muslims and Hindus." **[1a] (Location, Climate, Language, Religion, Flag, Capital)**

Please see the sections on Ethnic groups and Freedom of religion for more information.

## PUBLIC HOLIDAYS

1.06 Europa World Online, accessed on 13 May 2010, noted the following national holidays: "1 January (New Year's Day); 2–5 April (Easter); 18 April (Independence Day); 1 May (Workers' Day); 25 May (Africa Day, anniversary of OAU's foundation); 11 August (Heroes' Day); 12 August (Defence Forces National Day); 22 December (National Unity Day); 25–26 December (Christmas)." **[1f] (Public Holidays)**

## MAP

1.07

1.08 The following links provide a selection of different maps of Zimbabwe. The Multimap and Google maps are searchable.

- UN Map, updated 2004: http://www.un.org/Depts/Cartographic/map/profile/zimbabwe.pdf
- United Nations - Provincial map of Zimbabwe with district boundaries: http://ochaonline2.un.org/Portals/161/zimbabwe%20-%20provincial%20and%20district%20boundaries.pdf
- UN OCHA - Political and Administrative Boundaries, as updated in 2008 http://www.unhcr.org/refworld/pdfid/4af146d60.pdf

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## 2. ECONOMY

2.01 The US State *Background Note: Zimbabwe*, updated 6 April 2011, provided the following data:

"Zimbabwe's wide range of natural resources makes agriculture and mining the main pillars of the economy. In 2009 agriculture and industry accounted for about 19% and 24% of gross domestic product (GDP), respectively. Zimbabwe has an important percentage of the world's known reserves of metallurgical-grade chromite. Other commercial mineral deposits include coal, platinum, asbestos, copper, nickel, gold, and iron ore. In order to develop these mineral deposits, Zimbabwe relies on foreign investment … Since the mid-1990s, Zimbabwe's infrastructure has been deteriorating rapidly, but it remains better than that of most African countries. Political turmoil and poor management of the economy have led to considerable economic hardships. The Government of Zimbabwe's chaotic land reform program, recurrent interference with the judiciary, and imposition of unrealistic price controls and exchange rates caused a sharp drop in investor confidence. Since 1999 the national economy has contracted by as much as 40%. Foreign direct investment has all but stopped. In July 2007, the government had made a desperate attempt to control inflation, which brought persistent shortages fuel, food, and other goods, by forcing firms and supermarkets to reduce prices by half, which resulted in severe shortages of basic commodities. Inflation vaulted over 200 million percent (year on year) in July 2008, according to official estimates; independent economists estimated inflation was at least in the quadrillions of percent. In January 2009, official recognition of dollarization stopped hyperinflation. Investor confidence remains low due to insecurity of land tenure and indigenization laws that require, in theory if not always in practice, 51% of investments to be owned by Zimbabwean citizens.

"Agriculture is no longer the backbone of the Zimbabwean economy. Large-scale commercial farming has nearly collapsed over the course of the last 9 years under the government's controversial land reforms. Corn is the largest food crop and tobacco had traditionally been the largest export crop, followed by cotton. Tobacco production in 2006, however, slumped to its lowest level--about 50 million kg--since independence, off from a peak in 2000 of 237 million kg, before recovering to 57 million kg in 2009. Gold production, another former key foreign currency source, has also slumped. In 2009, the country produced only 4.2 tons of gold. Poor government management has exacerbated

meager corn harvests in years of drought or floods, resulting in significant food shortfalls every year since 2001." **[2i]**

2.02 The Economist Intelligence Unit's (EIU) Zimbabwe, *Country Report – Main Report,* dated 1 June 2011, noted that:

"Economic policy will continue to be driven by political considerations, with the proximity of elections overshadowing policy reform. The government remains deeply split on proposed indigenisation legislation under which firms would have to ensure that at least 51% of their shares are held by indigenous (black) Zimbabweans, and there are currently few details of how the policy would work in practice… After a prolonged period of collapse the economy started to recover in 2009-10, albeit from a low base. Although data vary widely, it is generally estimated that Zimbabwean GDP shrank by more than 40% between 1998 and 2009. With the continuation of strong international prices for some of Zimbabwe's key commodities notably platinum and gold and the likelihood that polls will be held in 2012 rather than this year, the Economist Intelligence Unit has raised its 2011 GDP growth forecast to 5%, from 3.3% previously." **[24b] (p5-6)**

2.03 The EIU report continued, noting that:

"According to official data, inflation has continued to moderate through the first four months of 2011, to 2.7% year on year in April. However, these figures almost certainly understate the rate of price rises. Inflationary pressures are set to intensify strongly in 2011 because of rising food and fuel prices and increasing wage demands (a substantial review of civil service salaries and other pay is promised in mid-2011). As a result, average inflation will rise to 5.9% in 2011 before accelerating to 9% in 2012 as the authorities boost spending in the run-up to polls." **[24b] (p7)**

2.04 An article written by Dr Kate Adams and published in the *British Medical Journal*, dated 7 August 2010, noted that: "The average monthly wage is [US]$150 (£95; 110 Euros), 90% of adults are unemployed …" **[116a] (p302)** The African Travel Guide, dated 4 May 2010, reported that: "More than 75 per cent of Zimbabwe's 13 million people live on less than US$1 … a day, according to the Consumer Council of Zimbabwe …". **[110a]** Bulawyo24 reported on 7 June 2011 that the average urban family of six needed US $504 to survive (figure for April 2011). **[143a]**

## REMITTANCES

2.05 The Inter Press Service News Agency reported on 24 January 2009 that a large number of Zimbabweans rely on remittances (cash/credit) sent by relatives working abroad. It was estimated by the Global Poverty Research Group (attached to the universities of Oxford and Manchester) that "… in 2006, 50 percent of all households surveyed in Zimbabwean cities and towns were regular recipients of money, food and other goods …" **[15a]** A joint report published by Food and Agriculture Organisation of the United Nations, and the World Food Programme, entitled *FAO/WFP Crop and Food Security Assessment Mission to Zimbabwe*, dated 9 August 2010, noted that: "Diaspora remittances play a major role in supporting household food needs and alleviating poverty." **[104a] (p23-24)** An article in *The Zimbabwean* dated 24 December 2010, noted that a paper by the International Fund for Agriculture Development (IFAD), an arm of the World Bank, reported that at least US$490 million was sent to Zimbabwe in remittances each year. **[99f]**

2.06 A report by the Solidarity Peace Trust entitled *Gone to Egoli*, dated 30 June 2009, found that remittances, far from providing a regular source of foreign exchange and food, was something that only a small proportion of Zimbabweans with family members in the diaspora, could count on. The report went on to note that poorer rural families were less likely to receive remittances than the urban middle classes. **[65c] (p5&7)**

### MILITARY INVOLVEMENT IN THE ECONOMY

2.07 A report by the Crisis Coalition of Zimbabwe titled *The Military Factor in Zimbabwe's Political and Electoral Affairs*, dated 3 June 2011, noted that:

"Over the years, in line with an elaborate patronage system, the previous ZANU-PF government controlled by president Mugabe systematically deployed military personnel to strategic positions in various state institutions responsible for governance such as the judiciary, the Zimbabwe Electoral Commission (ZEC), the Delimitation Commission, local government institutions, and state-controlled companies such as the National Railways of Zimbabwe (NRZ), the Grain Marketing Board (GMB) and the National Oil Company of Zimbabwe (NOCZIM). As a result, the military is deeply entrenched in the economy making their economic interests just as powerful as their fears for accountability for human right abuses." **[43a] (p6)**

### SANCTIONS

2.08 Voice of America News (VAN) reported on 16 February 2011 that that the European Union (EU) renewed its sanctions targeted against ZANU-PF members of Robert Mugabe's government, senior government officials, military figures and some businesses with close links to Mugabe. Under the sanctions, key figures in the regime are prevented from travelling to Europe and are subject to an asset-freeze. **[83a]** BBC news reported on 16 February 2010 that: "The EU sanctions target 200 people and 40 firms …" **[3d]** However, the VAN article of 16 February 2011 observed that the EU announced that it had "... lifted restrictions against 31 people, mostly wives of those on the sanctions list and a few minor political personalities." **[83a]**

Full list of EU measures, including list of individuals affected can be accessed: http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf

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## 3. HISTORY (19TH CENTURY TO 2010)

The following section provides a brief history from 19th century to 2010, with the focus on events in the last 10-15 years. Further information can be obtained in: http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad28 and in *History of Nations*: http://www.historyofnations.net/africa/zimbabwe.html. In addition Annex A provides a timeline of major events taken from the BBC News website.

More detailed information can also be provided on request.

3.01 The Foreign and Commonwealth Office (FCO) *Zimbabwe Country Profile*, updated 19 June 2009, noted that:

"Until the 19th century the area was ruled by a succession of Shona kingdoms, including the builders of the famous Great Zimbabwe complex (from which the country takes its name). By the 1820s internal and external pressures had led to the collapse of the Shona polities, laying the country open to occupation. Nguni conquerors from South Africa occupied what is now Matabeleland, and in 1890 Cecil Rhodes' British South Africa Company (BSAC) founded Salisbury (now Harare) and took control of the rest of the country by 1893. The BSAC's defeat of the 1896 Shona and Ndebele rebellion (the 'First Chimurenga') secured the country for widespread European settlement. In 1923, after a referendum which rejected union with South Africa, the country became a self-governing colony. In an attempt to pre-empt black majority rule the white-controlled Rhodesian parliament made a Unilateral Declaration of Independence in 1965, leading to a 15 year guerrilla war ('the Second Chimurenga')." **[13d]**

3.02 Europa World Online – Zimbabwe, undated, accessed 14 May 2010 noted that following the unilateral declaration of independence (UDI) by Ian Smith in 1965 black nationalists organised the fight for majority rule. The principal nationalist groups were the Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, and the Zimbabwe African National Union (ZANU), led initially by the Reverend Ndabaningi Sithole and later by Robert Mugabe. ZAPU and ZANU merged their military efforts in 1976 in the uneasy Patriotic Front alliance. In 1979, according to Europa, the UDI administration concluded an 'internal settlement' with some black nationalists, under which Bishop Abel Muzorewa became Rhodesia's first black Prime Minister. Later in 1979, all parties to the conflict participated in the Lancaster House Conference in London, which agreed an independence settlement. Initially Mugabe adopted a conciliatory stance towards Nkomo but relations became strained and in February 1982 Nkomo was removed from the Cabinet, with two colleagues under suspicion of plotting against the government. **[1d] (Recent History)**

## MATABELELAND MASSACRES 1983–87

3.03 Europa stated that the alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland in 1982 led to Joshua Nkomo's dismissal from government office. Dissidents from Nkomo's former guerrilla force, Zimbabwe People's Revolutionary Army (ZIPRA), perpetrated indiscriminate acts of violence. The Government responded by sending the North Korean-trained Fifth Brigade to Matabeleland in early 1983 to quell dissent. The mainly Shona Fifth Brigade was accused of committing atrocities against civilians in its 'pacification' campaign and it alienated support for the Government amongst Matabeleland's Ndebele population. **[1c] (p1254-55)** A book entitled *Zimbabwe - Years of hope and despair*, written by Philip Barclay a former FCO official in Harare, published by Bloomsbury 2010, noted that: "Between 1983 and 1985, Mugabe broke the Ndebele as a rival political force by means of a militarised programme of terror, 'Gurkurahundi', in which at least 20,000 people were killed." **[59a] (Introduction xv)** A figure of 20,000 deaths during the 'Gurkurahundi' was also reported by the *The Independent* on 30 March 2010. **[4b]**

3.04 Europa noted that a unity agreement between ZANU-PF and ZAPU was reached in 1988. The merged party retained ZANU-PF's name and Nkomo became one of two vice-presidents and took a senior cabinet post. An amnesty in 1988 led to a rapid improvement in the security situation in Matabeleland. Constitutional changes in 1987 ended reserved seats for whites and created an executive Presidency, replacing the ceremonial post of President formerly held by Canaan Banana and incorporating the

post of Prime Minister. Mugabe became Zimbabwe's first executive President at the end of 1987. **[1c] (p1255)**

3.05 *The Independent* noted in an article dated 19 October 1999, that at Vice-President Joshua Nkomo's funeral, President Mugabe expressed his regret for the actions of the Fifth Brigade in Matabeleland during the 1980s. At a memorial service for Nkomo in October 1999, Mugabe announced the willingness of the Government to compensate the families of the thousands of people killed during the insurgency. **[4g]** Further promises of compensation projects were made in June 2002 by John Nkomo, the then Minister for Home Affairs. **[20f]**

## ZANU-PF WIN 1990S ELECTIONS

3.06 Jane's *Sentinel Country Risk Assessment: Zimbabwe*, dated 12 October 2010, noted that:

"A merger between ZANU-PF and ZAPU was finally achieved in December 1989 and Mugabe became leader of the united ZANU-PF party. He then publicly called for a one-party state. Mugabe replaced the bicameral parliament with a one-chamber parliament but had to fight the 1990 elections against four other parties. ZANU-PF's overwhelming victory, winning 116 of the 120 seats available, led to Mugabe reiterating his call for the introduction of a one-party state while the rest of the continent was rejecting authoritarianism in favour of multi-party politics. In July 1990 the state of emergency that had been in force since 1965 was lifted. In the following year ZANU-PF officially renounced its dedication to Marxism and the one-party system." **[90e] (Internal Affairs)**

## LAND REFORM AND WAR VETERANS: 1990 - 97

3.07 The Institute for the Democratic Alternative for South Africa, States in Transition Observatory, noted in a report, *The Politics of Land in Zimbabwe*, dated 30 May 2011, that:

"During the 1990 elections, both Mugabe and Joshua Nkomo made land into a core election issue. At the time, a newly unified Zanu PF faced a series of corruption allegations and economic challenges, as well as a possible threat from a new political party, the Zimbabwe Unity Movement.

"However, public dissatisfaction and anger ensued as early as 1993 and 1994 when Zimbabwean media disclosed that senior politicians, military officials and ministers received farms well below market value. As Scoones notes [Zimbabwe's Land Reform: Myths + Realities, 2010], little happened between 1990 and 1996. Only 20,000 households had been resettled.

"It was 1997 when a series of developments began that would culminate in the violent land seizures that characterised the Fast Track Land Reform process.

"In 1997 benefits and payments to War Veterans, had been suspended when it was found that corruption and theft had left the War Victims fund empty.

"As a result, the War Veterans Association applied significant public pressure on Mugabe through demonstrations, vandalising Zanu PF headquarters and publicly heckling Mugabe on a nationally televised event. A group of ranking veterans forced a

meeting with Mugabe and demanded that if they did not receive land and other forms of compensation they would begin to seize commercial farms.

"Shortly after, Mugabe, bypassing parliament, unilaterally announced that veterans would receive a one-time payment of Z$4,100 and a monthly life pension of Z$163. The government, at the time, was not able to pay for these unbudgeted benefits… At the Zanu PF party congress at end of 1997, the war veterans dominated the proceedings. Their influence tipped the balance of power within Zanu PF away from the technocrats that had been responsible for reform toward more radical and populist members. The influence of the war veterans reshaped the politics of land and was detrimental to the relationship between commercial farmers and the state." **[9h] (p3-4)**

For more detailed information regarding land and politics see section 26; also see a full copy of the above quoted report here: http://www.idasa.org/media/uploads/outputs/files/the_politics_of_land_in_zimbabwe.pdf

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## ECONOMIC CRISIS, REFERENDUM AND NATIONAL ELECTIONS:1998 - 2000

3.08 Jane's continued:

"Facing a shortage of funds to finance both land reclamation and financial compensation for the war veterans, in late 1997 the government sought to raise taxes… Already burdened by high taxes and the eroding purchasing power of their money, workers reacted angrily by threatening a general strike. The strike was organised by the ZCTU (Zimbabwe Congress of Trade Unions) secretary general, Morgan Tsvangirai. Threats by government ministers carried in the media soon hardened attitudes. It was not long before demonstrations turned violent and, in response, the army was mobilised across the country to quell the riots, only returning to barracks in February 1998." **[90b] (Internal affairs)**

3.09 Jane's also noted that:

"It is possible to interpret 1998 as a year of political and economic crisis for Zimbabwe. Despite some positive signs, such as the IMF agreeing to restore USD183 million in aid, which had been suspended in 1995 following governmental failure to achieve first phase economic reform targets, the overall pattern of the economy showed a downward trend. An attempt to halt the economic malaise afflicting the country came in May 1998, when the new Zimbabwe Programme for Economic and Social Transformation (ZIMPREST) reforms were announced at the second National Economic Forum, coinciding with the welcome release of ZWD1 billion (USD59 million) by the IMF." **[90b] (Internal affairs)**

3.10 The Economist Intelligence Unit's *Zimbabwe Profile 2008*, dated 9 May 2008, noted that sections of the union movement, led by Morgan Tsvangirai's ZCTU (Zimbabwe Congress of Trade Unions):

"… eventually formed an opposition political party, the Movement for Democratic Change (MDC), in September 1999.

"It led a successful campaign against Mr Mugabe's proposed amendment of the constitution (which included some controversial clauses on land reform), which

culminated in a 'no' vote in a national referendum on the issue in February 2000 that was widely perceived as a vote of no confidence in the government." **[24n] (p4)**

3.11 Europa World Online, undated, accessed 9 October 2009, reported that in the aftermath of the failed national referendum, the "… Government embarked on a campaign to restore its popularity prior to the legislative elections, which, it was announced in March 2000, were to be held in May rather than April [2000]." As part of its drive to improve its popularity, the government oversaw the "… Illegal occupations of white-owned farms by black 'war veterans' (many of whom, too young to have taken part in the war of independence …" However, "Mugabe repeatedly denied that his administration was behind the occupations, but made no secret of his support for them. The invasions became increasingly violent, and two farmers were killed in April [2000]. …" **[1d] (Recent history)**

3.12 The BBC *Timeline* for Zimbabwe, last updated on 11 August 2010, noted that Mugabe's party (ZANU-PF) narrowly fought "… off a challenge from the opposition Movement for Democratic Change (MDC) led by Morgan Tsvangirai [in the legislative elections], but lost its power to change the constitution." **[3ag]** Europa, undated, accessed 12 June 2009, noted that there were widespread reports of violence and polling irregularities. International observers declared that the elections had not been free and fair. **[1d] (Recent history)**

## LAND INVASIONS, ELECTIONS AND OPERATION MURAMBATSVINA: 2000 TO 2005

3.13 Throughout 2000 and 2001 the government issued thousands of notices appropriating white farms, providing farmers with little in the way of a right of appeal. Europa, undated, accessed April 2009, noted that in November 2001 the government "… amended the Land Act by decree. According to the revised legislation, any farm issued with a 'notice of acquisition' would become the property of the state with immediate effect; previously, a farm owner had been served 90 days' notice." During this time, there were reports of continuing violent land seizures against white farmers by militia groups such as the 'War Veterans'. **[1d] (Recent history)**

See also Humanitarian issues, Land reform

3.14 In March 2002 Mugabe was re-elected in presidential elections and was declared the "… winner on 13 March, with 56.2% of the valid votes cast; Tsvangirai secured 42.0%." Europa went on to note that the elections were condemned as seriously flawed by the opposition and foreign observers with reports of "… widespread electoral fraud and intimidation of the electorate and of observers by members of ZANU-PF." **[1d] (Recent history)**

3.15 Europa noted that:

"Immediately after the election the Government enacted the Access to Information and Protection of Privacy Act [AIPPA], which required all journalists reporting in Zimbabwe to be approved by the state; seven journalists had been detained under the Act by early May [2002]. In April the NCA [National Constitutional Association] organized demonstrations in support of demands for a new constitution and a rerun of the presidential election, at which more than 80 demonstrators were arrested. Violence directed at supporters of the MDC intensified following the election, allegedly committed by ZANU-PF supporters, and more than 50 people were reported to have been killed between the election and the end of April." **[1d] (Recent history)**

3.16 Europa noted that:

"Land seizures … escalated, and in late March 2002 the Government listed almost 400 white-owned farms for compulsory acquisition, bringing the area scheduled for redistribution to the black population to around 85% of total commercial farmland. In June Mugabe issued an order listing some 2,900 white-owned farms for seizure … In September the Land Acquisition Act was amended to allow the eviction of white farmers within seven days, as opposed to the 90 days previously required." **[1d] (Recent history)**

3.17 Europa noted that in Parliamentary elections held in March 2005, Mugabe won two-thirds of the votes allowing him "… to amend the Constitution. International observers from the African Union (AU) and the Southern African Development Community (SADC) [initially] endorsed the results …" but "… later reversed their opinion and called for investigations into allegations of electoral fraud." The opposition, US and EU governments again condemned the results citing widespread electoral fraud. **[1d] (Recent history)**

3.18 Europa noted that: "In late May 2005 the Government launched Operation Murambatsvina ('Sweep Away the Rubbish'), which targeted black market trading—principally in foreign currency and fuel—and 'general lawlessness'. The MDC claimed that it was a punitive action against the urban poor who had voted against ZANU—PF in the elections in March." Planned and unplanned poor urban developments "… razed to the ground in Harare and other major cities, including Bulawayo and Gweru. The operation attracted widespread international condemnation and, according to a report by UN-Habitat published in late July [2005], some 700,000 people were made homeless …" **[1d] (Recent history)**

3.19 Europa noted that:

"In late August 2005 the House of Assembly approved a bill which … provided for the reintroduction of a 66-member Senate (abolished in 1990) as the second chamber of the legislature; senatorial elections were held in late November 2005. The MDC was deeply divided over the issue of participating in the elections. Tsvangirai opposed electoral participation, advocating mass protests and 'democratic resistance'; however, a faction led by the party's Secretary-General, Welshman Ncube, fielded 26 candidates. ZANU-PF won 43 of the 50 elected seats, receiving 73.7% of the vote; MDC candidates took the remaining seven seats with 20.3% of the vote. The MDC effectively split in two, a 'pro-Senate' faction electing Arthur Mutambara as its leader in February 2006. The rump [the largest part] of the party re-elected Tsvangirai as its President in late March [2006] …" **[1d] (Recent history)**

## BUILD-UP TO 2008 NATIONAL ELECTIONS

3.20 Europa stated that:

"In mid-February 2007 police used tear gas and water cannons to prevent an MDC rally from proceeding in Harare, despite the organization obtaining a High Court order allowing the rally to take place. In late February anti-Government protesters took control of Budiriro township in Harare for several hours, setting up roadblocks of boulders and burning tyres. Political tensions intensified further when Tsvangirai was arrested in mid-March along with five other members of the MDC after riot police violently dispersed a 'Save Zimbabwe' prayer meeting in Harare's Highfield township. One activist was killed

by the police and Tsvangirai suffered severe injuries while in police custody. The Government stated that the rally breached a recently introduced three-month ban on political gatherings. The incident provoked widespread international condemnation and demands for the release of those detained. Following an SADC summit in Dar es Salaam, Tanzania, in late March, it was announced that Mbeki had agreed to mediate between the MDC and the Zimbabwean Government; however, there were further reports of the mistreatment of MDC activists in police custody, provoking renewed opposition protests and repeated calls for Mugabe to relinquish the presidency. Nevertheless, in early April ZANU-PF declared that Mugabe would stand as the party's candidate in the 2008 presidential election." **[1d] (Recent history)**

3.21 Europa noted that:

"In early June 2007 constitutional amendments were proposed that would allow the legislative elections to be brought forward to coincide with the presidential election in 2008, harmonizing the presidential and parliamentary terms of office. The proposals also contained provisions for amendments to the structure of the House of Assembly and the Senate. The MDC opposed the proposals, which would, inter alia , allow the House of Assembly to nominate a new President should the incumbent stand down; under the existing structure, new elections would be required if the presidency were vacated. The MDC continued to be weakened by divisions between party members and in July it was announced that the two factions planned to field separate candidates in the presidential and legislative elections. Meanwhile, South African-led mediation between the MDC and ZANU-PF faltered amid worsening political and economic conditions; however, Mbeki denied that negotiations would collapse." **[1d] (Recent history)**

3.22 Europa noted that:

"On 30 October 2007 a number of changes to the Constitution were officially adopted. With effect from the 2008 elections, the House of Assembly was to be enlarged to comprise 210 directly elected members, while the total number of members of the Senate was to be increased to 93. … The presidential term was reduced to five years. However, talks between ZANU-PF and the opposition failed to produce any agreement on electoral procedures and negotiations continued. ZANU-PF representatives insisted that further negotiations, expected to continue throughout November, would not delay the March 2008 elections." **[1d] (Recent history)**

A thorough chronology of events in Zimbabwe is available from the BBC's Timeline http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1831470.stm and from the Guardian http://www.guardian.co.uk/world/2007/oct/04/zimbabwe

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## PARLIAMENTARY ELECTIONS: MARCH 2008

3.23 Amnesty International's *Report 2009 – Zimbabwe* (AI report 2009), published on 28 May 2009, covering events in 2008, reported that:

"On 29 March [2008] the country held presidential, parliamentary and local government elections in an environment that was relatively peaceful compared to previous elections. The elections followed a year-long dialogue between ZANU-PF and the two formations of the Movement for Democratic Change (MDC), facilitated by the Southern African

Development Community (SADC). The March elections saw ZANU-PF losing its majority in parliament for the first time since independence in 1980." **[14b] (p360)**

3.24 A book entitled *Zimbabwe - Years of hope and despair*, written by Philip Barclay published in 2010, noted that:

"Regionally, the MDC-T [MDC–Tsvangirai – the larger of the two MDC parties] dominated [in the national elections] Harare, Bulawayo and other urban areas, as expected. Much more surprisingly, it had made dramatic advances in Masvingo (taking most of the seats around Zaka and Gutu and even achieving gains in Chivi and Bikita) and Manicaland. These areas used to be solidly ZANU-PF, but were now overall MDC provinces. ZANU-PF scored heavily in rural areas of the three Mashonaland provinces and its vote also held up in Midlands. Mutambara's [MDC-M] successes were in Matabeleland." **[59a] (p78)**

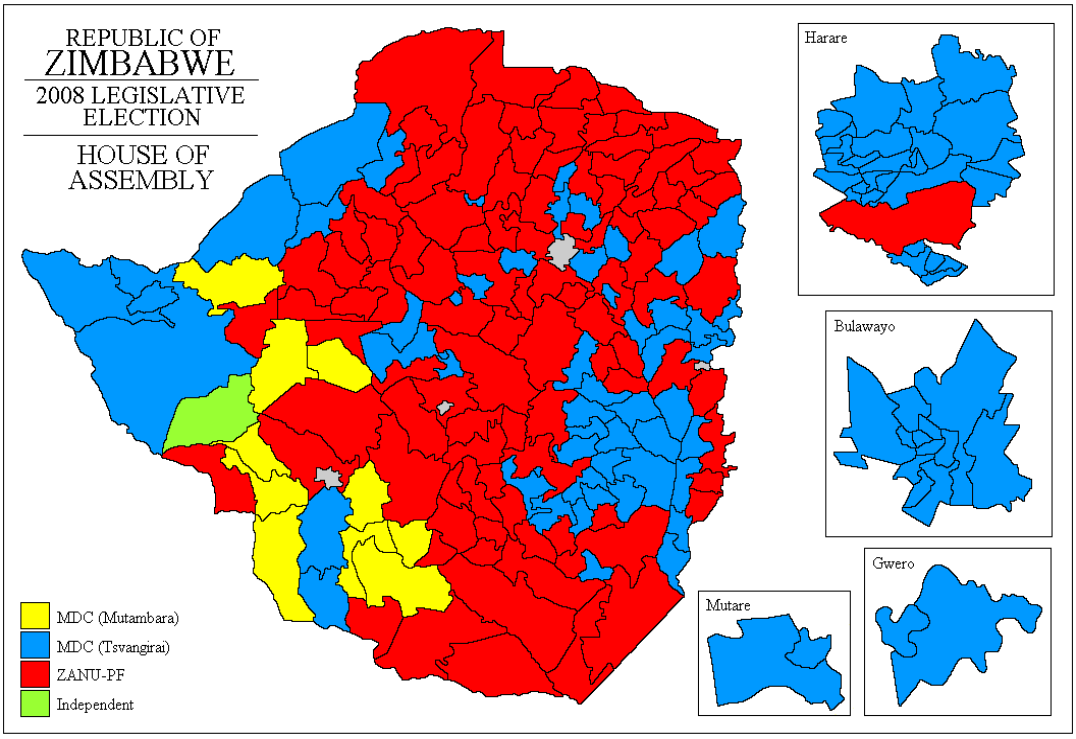
3.25 Sokwanele reported on 3 April 2008 that the Zimbabwe Electoral Commission (ZEC) had announced the results for 207 of the 210 parliamentary constituencies. The remaining three constituencies were to be determined by by-elections following the deaths of three candidates prior to the March 29th elections: Pelandaba/Mpopoma, Gwanda South, and Redcliff.

House of Assembly results (ZEC)

(Based on 207 constituencies counted)

| | |
|---|---|
| MDC Mutambara | 10 |
| MDC Tsvangirai | 99 |
| ZANU-PF | 97 |

(ZEC: Final results for the House of Assembly, 3 April 2008) **[37b]**




Map sourced from Psephos Adam Carr's Election Archive http://psephos.adam-carr.net/ Detailed information about election results for the 2000, 2005 and 2008 elections can be found here: http://psephos.adam-carr.net/countries/z/zimbabwe/

3.26 On 5 April 2008, Sokwanele reported that the ZEC had announced the results for all 60 elected Senate seats. ZANU-PF won 30 seats, the MDC T gained 24 seats and the MDC M took 6 seats. The Senate consists of 93 Senators: 60 directly elected by voters in 60 constituencies; 5 Senators appointed by the President; 10 Provincial Governors; 18 chiefs – 16 elected by fellow chiefs, plus the President and Deputy President of the Council of Chiefs ex officio. (ZEC: Final results for the House of Assembly, dated 5 April 2008) **[37a]**

## Presidential elections: March - June 2008

3.27 Human Rights Watch noted in a report entitled *Sleight of hand*, dated 20 April 2010, that:

"Results for the presidential elections, which took place the same day [as the parliamentary elections], were not announced until May 2 [2008], when the Zimbabwe Electoral Commission (ZEC) declared that, although MDC leader Morgan Tsvangirai had garnered more votes than Mugabe, he had not secured the simple majority (50 percent plus one vote) required to be declared president. A presidential runoff election was set for June 27 [2008] and held, despite Tsvangirai pulling out of the race because of violence against supporters of his party. Mugabe had himself declared winner of the election, which triggered a political impasse. The then president of South Africa, Thabo Mbeki, facilitated Southern African Development Community (SADC)-mandated talks between ZANU-PF and MDC with a view to resolving the stalemate." **[69j]**

3.28 The US State Department report, *Background Note: Zimbabwe*, updated in 6 April 2011 observed that: "As of early June 2008, over 50 Zimbabweans had been killed, at least 2,000 injured, and over 30,000 displaced as a result of widespread post-election

violence, including state-sponsored violence. Due to these and other events, and out of concern for the lives of his MDC supporters, Tsvangirai announced in late June [2008] that he would not contest the runoff election." **[2i]**

The March 2009 update of the Zimbabwe Country Report provides a detailed narrative of the events surrounding the 2008 parliamentary and presidential elections. http://webarchive.nationalarchives.gov.uk/20101208171359/http://rds.homeoffice.gov.uk/rds/country_reports_zimbabwe.html

## GLOBAL POLITICAL AGREEMENT AND FORMATION OF THE GOVERNMENT OF NATIONAL UNITY (GNU): SEPTEMBER 2008 – FEBRUARY 2009

3.29 Amnesty International reported in its Annual Report 2009, Zimbabwe, dated 30 May 2009 that increased "Efforts by SADC [Southern African Development Community] to find a political settlement between ZANU-PF and the two formations of the MDC resulted in a political agreement signed in September [2008]. However, negotiations to set up a unity government stalled over allocation of key government ministries including the Ministry of Home Affairs.") **[14b] (p360)**

3.30 Human Rights Watch noted in its report, *Sleight of Hand*, dated 20 April 2010, that by February 2009 ZANU-PF and the two MDC formations had agreed to form a transitional power-sharing government. "Mugabe retained the post of president, while Tsvangirai became prime minister and Arthur Mutambara, leader of the smaller MDC formation, deputy prime minister." **[69j] (p8)** The Human Rights Watch *World Report 2010* – Zimbabwe, published 20 January 2010, noted that "… the deal left ZANU-PF with most of its power intact, effectively maintaining the status quo ante: it has kept control of all the senior ministries including justice, security, and defence." HRW noted that the deal left the MDC without and real power. **[69l]**

3.31 Jane's *Sentinel Country Risk Assessment: Zimbabwe*, updated 10 September 2009, noted that:

"Under the power-sharing agreement concluded by Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the opposition Movement for Democratic Change formations of Morgan Tsvangirai (MDC-T) and Arthur Mutambara (MDC-M), a new constitution is to be drafted and submitted to a referendum. Preparation in this regard began with the creation of a 25-member select committee of members of parliament in April 2009. The provisional time frame for the draft constitution is for February 2010, with a referendum by July of that year." **[90g] (Constitution)**

The BBC provided on 15 September 2008 a breakdown of the 'key points' of the GPA, details of which can be found through the following link: http://news.bbc.co.uk/1/hi/world/africa/7617731.stm

The full text of the GPA can be found at the following link: http://www.iss.co.za/dynamic/administration/file_manager/file_links/ZIMAGMT150908.PDF?link_id=5&slink_id=6575&link_type=12&slink_type=13&tmpl_id=3

## MDC DISENGAGES FROM THE GNU

3.32 Freedom House in its *Freedom in the World 2010* report, Zimbabwe, covering events in 2009, released on 3 May 2010, stated that: "The survival of the unity government

remained in doubt throughout 2009. … the ongoing crackdown, as well as the rearrest of MDC stalwart Roy Bennett on terrorism and other charges …" **[96b] (p3)** and President Mugabe's failure to implement political agreements, caused Morgan Tsvangirai to announce on 16 October 2009 that he was disengaging the MDC-T from the transitional government. (BBC News, 5 November 2009) **[3i]** Mr Tsvangirai's disengagement from the transitional government resulted in the MDC withdrawing representation in the Cabinet and Council of Ministers. (Prime Minister's Office website, 16 October 2009) **[103a]**

3.33 Following the MDC's decision to disengage from the unity government sources noted a stepping up of violence and intimidation against MDC activists and supporters. *The Times*, dated 30 October 2009, noted that MDC officials and supporters, and civil society activists were arrested and abducted. **[82i]** Both *The Standard* (Zimbabwe), dated 31 October 2009, and *The Times*, dated 30 October 2009, reported that ZANU-PF militias had re-deployed to rural areas and that they were holding political meetings to intimidate MDC and opposition supporters. **[70d] [82i]** *The Standard* (dated 31 October 2009) noted that there were reports of MDC activists homes being torched and threats to kill people. There were also reports of youth militia camps being opened and the recruitment of a youth militia was underway. **[70d]** The States in Transition Observatory report, dated 10 November 2009, noted that in Chiweshe district, 50 homes of MDC supporters were burnt to the ground by ZANU-PF youth militia members. **[9f] (p8)**

## MR TSVANGIRAI CALLS OFF MDC BOYCOTT OF GNU

3.34 The BBC reported on 5 November 2009 that Morgan Tsvangirai announced that he was calling off his party's boycott of the unity government with President Robert Mugabe's ZANU-PF. Mr Tsvangirai said he was giving Mr Mugabe 30 days to implement the power-sharing agreement on "… the pertinent issues we are concerned about". **[3i]** Mr Tsvangirai's decision to re-engage in the power-sharing government followed discussions at a special Southern African Development Community (SADC) summit brokered by South African President Jacob Zuma. (Monsters and Critics, 8 November 2009) **[109a]** The summit's leaders set a 30 day period for Mr Mugabe and Mr Tsvangirai to iron out their differences and prioritise issues of national interest. (Business Day, 6 November 2009) **[17a]**

3.35 SW Radio Africa reported on 16 November 2009 that the talks between the MDC factions and ZANU-PF were postponed to the last week in November, whenl the MDC-M negotiators returned to the country. The negotiations were reported to be centred on the appointment of provincial governors, the fate of the Attorney-General and Governor of the Reserve Bank, the swearing-in of Roy Bennett and the National Security Council. **[53b]**

## GNU REACHES AN IMPASSE – EARLY 2010

3.36 Europa World Online, undated, accessed 21 January 2011, noted that:

"In early 2010 ongoing negotiations between ZANU-PF, the MDC-T and the MDC-M on power-sharing issues were reported to be at an impasse, while the programme to draft a new constitution had been suspended owing to lack of funding. … Later in March 2010 Zuma continued mediation efforts in Harare to resolve the impasse between the government parties; however, Mugabe demanded the removal of all sanctions prior to any concessions and rejected the MDC's demands, which were, principally, for

Bennett's inauguration as Deputy Minister of Agriculture, the allocation of five provincial governorships to the MDC, and the replacement of Gono (who had been reappointed as Governor of the Reserve Bank for a further five-year term in November 2008) and the Attorney-General. Despite widespread criticism, Mugabe also remained determined to continue the plans for 51% of shareholdings in all companies operating in Zimbabwe to be transferred to black Zimbabweans. Meanwhile, Mugabe had announced his intention to seek a further presidential term in office. At the end of March 2010 Mugabe inaugurated the country's first Human Rights Commission, chaired by a former senior Commonwealth official, and a new Electoral Commission; under the terms of the IPA, elections had been scheduled to take place within two years of its signature." **[1g] (Recent developments: the Interparty Political Agreement)**

## REVISION OF THE CONSTITUTIION AND THE CONSTITUTIONAL OUTREACH PROGRAMME (APRIL 2009 TO SEPTEMBER 2010)

3.37 Jane's Sentinel *Country Risk Assessment: Zimbabwe*, updated 10 September 2009, noted that one of the cornerstones of the Global Political Agreement was the drafting of a new constitution to be submitted to the electorate in a referendum ahead of future natiional elections. Preparations for the new constitution began in April 2009 with the appointment of a Constitutional Parliamentary Committee (COPAC) to oversee the process. **[90a] (Constitution)**

3.38 The Economist Intelligence Unit, *Zimbabwe Country Report: July 2010* noted that disagreements between the three power-sharing political parties in government delayed the start of the COPAC constitutional outreach process **[24a] (p4)** and it did not finally begin until mid June 2010. (Amnesty International, 29 June 2010) **[14c]**

3.39 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, (CSMM Report 2011) released on 21 February 2011, observed that:

"Seventy (70) outreach teams comprising of (10) ten members each (3 core members – one from each party, 3 rapporteurs, and 4 civics1) plus a technician to operate video and voice recorders were trained and deployed for outreach meetings in June 2010.… The accreditation of the outreach teams was undertaken on 21st June and the induction on 22nd June. The nationwide public consultations commenced on 23rd June. The outreach meetings in Harare, Chitungwiza and Bulawayo were held from the 18th to the 20th September 2010. COPAC also managed to reconvene the meetings which were disrupted in Harare and Chitungwiza on 30th and 31st October 2010.

"Following the conclusion of the outreach meetings the management committee approved the outreach report submitted by COPAC within 90 days after the public consultations, as stipulated by the GPA. The data from outreach meetings is currently being uploaded for discussion in the thematic committees." **[48] (p11)**

3.40 Amnesty International reported that violence marred the start of the process with "… a spate of attacks on human rights activists by supporters of President Robert Mugabe's ZANU-PF party …" **[14c]** SW Radio Africa reported on 25 June 2010 that: "The Joint Operations Command (JOC), a state security organisation only accountable to Robert Mugabe, is spearheading ZANU-PF's campaign to foist the Kariba draft on the people of Zimbabwe… Armed and uniformed soldiers have been threatening and intimidating villagers to support ZANU-PF views in many districts of Manicaland and Masvingo

provinces." **[53e]** The Economist Intelligence Unit's (EIU) Zimbabwe October 2010 report noted that: "… the outreach programme … [ran] into problems, with public meetings being abandoned in the capital, Harare, and Mutare because of violence blamed on ZANU-PF youths." **[24h] (p10)**

3.41 The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, noted that:

"… the Constitutional Outreach … meetings were marked by increasing violence and intimidation, mainly by ZANU-PF supporters and war veterans allied to ZANU-PF. In February police disrupted MDC-organized preparatory constitutional reform meetings, beat participants, and arbitrarily arrested 43 people in Binga, 48 in Masvingo, and 52 in Mt. Darwin. The violence worsened in Harare, the capital, and led to the suspension of 13 meetings in September. …

"On September 19 [2010], ZANU-PF supporters attacked MDC supporters and prevented some from attending an outreach meeting in Mbare, Harare. The meeting ended when violence broke out. ZANU-PF supporters and uniformed police assaulted 11 residents and MDC supporters from Mbare with blunt objects as they left the meeting. One resident, Chrispen Mandizvidza, died from his injuries on September 22." **[69a]**

See a recent article in the Latest News section for more information about the constitution making process.

More information about the Constitutional Outreach Programme can be found on the Constitutional Parliamentary Committee (COPAC) website - http://www.copac.org.zw/ and the Civil Society Monitoring Mechanism report - Annual review of the performance of the inclusive government of Zimbabwe February 2010 - February 2011 http://www.cisomm.org/index.php?option=com_docman&task=doc_download&gid=55&Itemid=5

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## 4. RECENT DEVELOPMENTS (22 FEBRUARY 2011 – 12 JULY 2011)

Crisis Group's CrisisWatch Database provides a useful monthly snapshot of political, social, economic and human rights related news.

### THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY APPLIES PRESSURE ON ZANU-PF

14.01 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"Since 2009 the [Southern African Development Community] SADC facilitation team has struggled to find ways to ensure the full implementation of the GPA [Global Political Agreement], largely due to the refusal of the Mugabe regime to move on the outstanding issues. At the SADC summit in Namibia in August 2010 the parties agreed that the completion of the constitutional reform process and the referendum should be followed by an election … Following this summit there was continued lack of movement on the GPA, with Zanu PF persisting in its refrain that it would make no further 'concessions' until sanctions had been lifted. Frustrated with these developments both

MDCs expressed frustration with the South African facilitation team in January 2011. Welshman Ncube commented that South Africa's conduct was 'nothing short of disgraceful' and that 'South Africa rather than SADC should be blamed for the Zimbabwe crisis.' Nelson Chamisa, the MDC-T spokesperson agreed noting that the 'action of our guarantors, SADC and the African Union, is in deficit.' This seeming lethargy of the SADC facilitation took a dramatic turn at the SADC Trioka summit in Zambia on the 31st March [2011] Noting with 'grave concern' the political polarization in Zimbabwe characterised by the 'resurgence of violence, arrests and intimidation', the Summit made five resolutions on Zimbabwe:

- "There must be an immediate end of violence, intimidation, hate speech, harassment, and any other form of action that contradicts the letter and spirit of the GPA.

- "All stakeholders to the GPA should implement all the provisions of the GPA and create a conducive environment for peace, security, and free political activity.

- "The Inclusive Government should complete all the steps for the holding of the election including the finalization of the constitutional amendment and the referendum;

- "SADC should assist Zimbabwe to formulate guidelines that will assist in holding an election that will be peaceful, free and fair, in accordance with the SADC Principles and Guidelines Governing Democratic Elections.

- "The Troika of the Organ shall appoint a team of officials to join the Facilitation Team and work with the Joint Monitoring and Implementation Committee (JOMIC) to ensure monitoring, evaluation and implementation of the GPA. The Troika shall develop the Terms of Reference, time frames and provide regular progress reports, the first, to be presented during the next SADC Extraordinary Summit. Summit will review progress on the implementation of the GPA and take appropriate action.

"Without naming Mugabe directly, these resolutions were arguably the most forthright diplomatic criticism that SADC had issued of the Mugabe regime, with the recommendations largely echoing the demands that the MDCs and the civic movement had been making since 2009. Moreover for the first time since SADC began discussing the outstanding issues of the GPA the sanctions issue was not mentioned, an issue that consistently kept the region in solidarity with Mugabe. The style of diplomatic intervention shifted significantly from Mbeki's 'quiet diplomacy', which the Zuma team had largely adopted on taking over the reins of the facilitation. At this point it might be argued that the reasons for the change in SADC's approach were the result of a combination of factors. These included: increased international pressure in the wake of events in North Africa; the growing frustration of SADC with the obstructive behaviour of the Mugabe regime; and the persistent pressure of the lobbying of the MDCs and civil society in both Zimbabwe and South Africa. It remains to be seen whether SADC has the united political will to follow this through." **[65a] (p17-19)**

4.02 The report continued:

"The response to the SADC resolutions by the Mugabe regime was, to say the least, apoplectic. On April 1st Mugabe complained at a Zanu PF Politburo meeting:

"'The facilitator is the facilitator and must facilitate dialogue. (Zuma) cannot prescribe anything. We prescribe what we should do in accordance with our own laws and our agreement.'

"[This reaction] … clearly showed that for Zanu PF and Mugabe, who had since 2000 clearly articulated a strategy that sought to displace the Zimbabwe crisis on to the SADC region and the African continent through a discourse of Pan Africanism and anti-imperialism and in so doing tie both into a solidarity pact, the Troika resolutions in Livingstone represented a decisive crack in the strategy." **[65a] (p19-20)**

4.03 The Institute for the Democratic Alternative for South Africa (IDSA) noted in its *States in Transition Observatory (SITO) Political Brief Zimbabwe – June 2011*, that:

"Since April [2011], Zanu-PF has had one sole objective – to undo the resolutions at Livingstone. In pursuit of this, and given the concern sparked by the stronger SADC stance, they ran a regional campaign to change hearts and minds. President Mugabe even spoke to President Zuma about Livingstone, complaining that the report had not been show to him. The Livingstone communiqué and the roadmap have also exacerbated factional divisions in the party. The Mujuru faction remains happy with the status quo but the roadmap is problematic for the Mnangagwa faction. This contest will influence the resolution of the 'outstanding issues' within the roadmap." **[9i]**

4.04 The Economist Intelligence Unit's (EIU) Zimbabwe*, Country Report – Main Report,* dated 1 July 2011 report, (EIU July Report) noted that:

The Southern African Development Community (SADC) held yet another summit meeting on Zimbabwe in early June. The participants are split, predictably, on just what was achieved, but the South Africans, who are the lead facilitators in the protracted dispute between the coalition partners, Mr Mugabe's ZANU-PF, Morgan Tsvangirai's Movement for Democratic Change (MDC) and Welshman Ncube's small MDC-N splinter group, claim that when the SADC next meets in Angola in August, there will be a final agreement on a road-map for new elections." **[24g] (p9)**

## GOVERNMENT OF NATIONAL UNITY

4.05 Sokwanele's ZIG Watch (Zimbabwe Inclusive Government): Issue 28, published 15 June 2011, noted that:

"Polarisation of the three GPA signatories continues to develop. ZANU-PF hardliners pushed for President Mugabe to abandon the GPA and mediation efforts by South African President Jacob Zuma on behalf of SADC with regard to the proposed roadmap to elections. The security forces are seen to be the biggest instigators in this position over fears that an agreed upon document will allow too many concessions to the MDC thereby weakening ZANU-PF's hold on political and military power." **[37g]**

4.06 The EIU July Report noted that:

"Relations are extremely poor between the two main parties in the country's power-sharing government, Robert Mugabe's Zimbabwe African National Union-Patriotic Front

(ZANU-PF) and Morgan Tsvangirai's Movement for Democratic Change (MDC), and there has been little progress towards implementing the conditions of the Global Political Agreement (GPA) signed in September 2008. In fact, there are tensions both within and between the MDC and ZANU-PF, and such friction will clearly increase in the run-up to the polls: ZANU-PF, for example, could face a power struggle should rumours about Mr Mugabe's health prove accurate and the incumbent decide not to contest the 2012 polls. Political stability is likely to be undermined if there is another ZANU-PF victory in disputed circumstances. It is also questionable whether hardliners within the former ruling party would accept an MDC victory.… **[24g] (p4)**

## POSSIBLE TIMING OF NATIONAL ELECTIONS

4.07 The Economist Intelligence Unit's (EIU) Zimbabwe, *Country Report – Main Report*, dated 1 July 2011 noted that:

"Zimbabwe's electoral schedule remains in flux. According to the Southern African Development Community (SADC), an election road-map will finally be agreed at a summit meeting in August. If such a road-map is indeed agreed, it is likely to defer the polls until mid-2012—or possibly even 2013, given the time required to finalise a constitution, hold a referendum and carry out the re-registration of voters and the delimitation of new constituency boundaries, as mandated under the GPA. However, while this timetable appeals to some sections of ZANU-PF—which believe that the MDC is steadily losing popular support—Mr Mugabe and ZANU-PF's hardline wing, led by the defence minister, Emmerson Mnangagwa, continue to insist that elections will be held this year. In part this appears to reflect fears that, unable to choose a successor, ZANU-PF could face acrimonious splits should Mr Mugabe decide (or be forced by ill health) to step down before the next elections. A poll in 2011, with ZANU-PF led by Mr Mugabe or Mr Mnangagwa, would increase the likelihood of a violent and destabilising campaign: there is little sign that ZANU-PF could win free and fair polls at present, suggesting that the ruling party would resort to its previous tactics of violence, intimidation and electoral manipulation. Indeed, there are signs that intimidation of MDC supporters is on the rise, while recent analysis of the current voters' roll has shown it to be highly flawed. The ZANU-PF "doves", led by the vice-president, Joice Mujuru, are keen to rebrand the party once Mr Mugabe steps down. Thus a poll in 2012 and a Mujuru-led party might increase the likelihood of a more orderly poll. However, this cannot be guaranteed, given Zimbabwe's electoral history."**[24b] (p4)**

4.08 The EIU Zimbabwe, *Country Report – Main Report*, dated 1 June 2011 observed:

"It is clear that ZANU-PF is deeply split on the issue [of elections]: the party's two negotiators at the constitutional talks, Patrick Chinamasa and Nicholas Goche, both senior cabinet ministers, actually agreed with their MDC counterparts that elections would not be possible in 2011. However, following a meeting of the ZANU-PF politburo in mid-May, a party spokesman said it had been agreed to uphold the resolution approved at the December 2010 party congress to hold elections before the end of 2011. Hardliners who want polls in 2011 are led by the defence minister, Emmerson Mnangagwa, who is generally perceived to be Mr Mugabe's preferred successor. The 'doves' led by the vice-president, Joice Mujuru want time to rebuild and re-brand the party, calculating that ill health will force Mr Mugabe to step down soon.

"Both of the other parties in the coalition are also deeply divided, mostly on personality issues rather than policy. MDC-N, the tiny splinter wing of the MDC led initially by Arthur

Mutambara but now by Welshman Ncube, is embroiled in the courts, where Professor Ncube's election as party leader is being challenged. In the mainstream MDC, meanwhile, Mr Tsvangirai is under attack from some party members for packing the party's national committee with his own supporters, notwithstanding the fact that the people he nominated to the national committee lost their places in elections held during an party congress at the end of April. His critics accuse him of packing the committee to ensure that he gets his own way at meetings." **[24b] (p9-10)**

4.09 The EIU July Report noted that:

"… it is looking increasingly unlikely that Mr Mugabe … will be able to proceed with polls this year, despite his repeated insistence that elections will be held in 2011.

"[the election] … road-map is likely to defer the polls until mid-2012 at the earliest. Indeed, given the time it will take to finalise a constitution, hold a referendum and carry out the re-registration of voters and the delimitation of new constituency boundaries, 2013 looks to be a more realistic date.

"It seems, therefore, that polls will not be held this year unless Mr Mugabe decides to go it alone and run an uncontested poll, the results of which not even SADC, let alone the international community, would recognise. This would of course be an extremely high-risk strategy, although it is one that is still being considered by some in ZANU-PF, since the party cannot agree on a successor. Some members fear that if Mr Mugabe were to quit voluntarily now or be forced out by ill health … the party would collapse into two bitterly opposed factions." **[24g] (p9)**

The Institute for the Democratic Alternative for South Africa's group's States in Transition Observatory (SITO) produces a regular Zimbabwe election watch document providing detailed information of the party's progress towards elections. A link to the most recent publication is below:

http://www.idasa.org/media/uploads/outputs/files/electionwatchmay-june.pdf

## MILITARY BACKING FOR ZANU-PF

4.10 A report by the Crisis Coalition of Zimbabwe titled *The Military Factor in Zimbabwe's Political and Electoral Affairs,* dated 3 June 2011, noted that:

"Sources close to ZANU-PF indicate that the military has demanded, and ZANU-PF has agreed, that at least 25% of all legislative seats that ZANU-PF will contest must be reserved for serving or retired military personnel. Vice Air Marshall Henry Muchena has allegedly 'resigned' from the army to take on the role of ZANU-PF director of election campaigns ahead of the next election. The military has so far this year recruited at least 5,000 soldiers possibly to boost numbers ahead of elections. The deployment of Vice Air Marshall Muchena to the party is to ensure that the military takes direct control of rebuilding party structures from cell, to branch, ward, district, provincial to national level. This strategy will result in a take over of ZANU-PF by the military.

"Earlier this year, various civic groups reported deployment of soldiers across the country to direct election campaigns for ZANU-PF and to spearhead violence and intimidation. Zimbabwe Peace Project (ZPP) … reported that the army has stepped up its presence in villages while ZANU-PF militia have set up torture camps in some parts

of the country – in a chilling reminder to voters of the unprecedented violence that swept across Zimbabwe in 2008.

"Military presence in communities has been a source of constant fear for villagers, who anticipate a repeat of the 2008 electoral violence at the hands of the ZANU PF militias and serving members of the army. …Information from military sources is that more than 80,000 youth militia, war veterans and soldiers will be deployed across the country in an army-led drive to ensure victory for ZANU-PF candidate, President Mugabe in the next elections. … [Some military top brass have even been] openly bragging that they would topple the Prime Minister should he somehow triumph against the planned violence to emerge the winner of the polls.

"The military plans to deploy senior commanders from either the Zimbabwe Defence Forces (ZDF) or the Central Intelligence Organization in each of Zimbabwe's 59 districts to coordinate the fight to retain Mugabe in power. The strategy is to unleash enough violence and terror, worse than that seen in the bloody 2008 presidential run-off poll in which at least 200 of Tsvangirai's supporters died and tens of thousands others were left homeless. The move is aimed at ensuring that a thoroughly cowed electorate will, on voting day back Mugabe in enough numbers to save the veteran President from having to face another second round vote." **[43a] (p26-27)**

## MUGABE'S HEALTH

4.11 On 16 January 2011 *The Telegraph* reported that President Mugabe "… who will be 87 in February had medical examinations while on holiday in Malaysia earlier this month. He returned home to Harare but his prostate suddenly flared and he has returned to Kuala Lumpur for … [an] operation. Diplomatic sources in both Harare and South Africa said this was a 'serious' operation and Mr Mugabe was ill, but within his ZANU-PF party there is confidence he will return home within a week and recover fully." **[5g]** *The Guardian* reported on 1 September 2010 that Mugabe was believed to be suffering from cancer. **[34b]**

4.12 Throughout 2011 there were reports concerning the rumoured deterioration in President Mugabe's health. SW Radio Africa reported on 27 April 2011 that Mr Mugabe had "… travelled to Singapore, on what is believed to be his sixth visit this year …" The visit, ostensibly to collect his wife – who was apparently receiving treatment for an injured back, was seen by a number of observers as further proof of Mr Mugabe's worsening health. **[53j]** SW Radio Africa reported on 11 April 2011 that when Mr Mugabe attended the Southern African Development Community (SADC) summit in Zambia at the end of March 2011, he travelled with six medical staff and was seen using a golf buggy after having difficulty walking. **[53ab]** Mr Mugabe is reported to have visited the private 'Medical Chambers' in the avenues district of Harare on at least two occasions in June 2011. "The centre houses specialist doctors and physicians like urologists, oncologists …" (new Zimbabwe, 18 June 2011) **[41f]** (Daily News, 17 June 2011) **[132g]** (Zimbabwe Metro, 17 June 2011) **[136a]** (Daily News, 29 June 2011) **[132h]**

4.13 The Economist Intelligence Unit's (EIU) *Zimbabwe May 2011 report* noted that "… ZANU-PF … could face a power struggle should rumours about Mr Mugabe's health prove accurate …" EIU suggested that this may increase instability ahead of elections should Mr Mugabe decide not to stand again. **[24c] (p4)**

4.14 The Economist Intelligence Unit's (EIU) *Zimbabwe July 2011 report* noted that there was further evidence of President Mugabe's declining health when at the recent SADC summit in South Africa in June he appeared "… unable to follow the discussions …" and mistook President Zuma (of South Africa) for Nelson Mandela. **[24g] (p9)**

### ZANU-PF: the battle for a successor to Mr Mugabe

4.15 The Institute for the Democratic Alternative for South Africa, States in Transition Observatory, noted in a report, *The Politics of Land in Zimbabwe*, dated 30 May 2011, that:

"Many erroneously assume that the real battle for power in Zimbabwe is between Zanu PF and the MDC led by Morgan Tsvangirai. In fact, it is within Zanu PF. More specifically, between Vice President Joyce Mujuru and her husband and former general Solomon and Defense Minister Emmerson Mnangagwa.

"The composition of parliament is at the heart of a succession dispute between Mujuru and Mnangagwa; with the former urging a delay and the latter advocating for early elections. Elections would allow the reconfiguration of parliament which could be used to promote Mnangagwa to the post of Deputy Vice President, a coveted position as we all watch Mugabe get older. A push for elections, which could still happen this year, although South Africa is exercising significant pressure to postpone the elections until 2012 or beyond, is being driven by the military. This past Friday, Brigadier General Douglas Nyikayaramba, told the Zimbabwe Independent newspaper that that Mr. Mugabe's Zanu PF party would win the next elections and 'ensure stability.'" **[9h] (p9-10)**

### ROY BENNETT LOSES HIS SENATE SEAT

4.16 The EIU Zimbabwe, *Country Report – Main Report*, dated 1 May 2011 noted that:

"The long-running saga over the appointment of Roy Bennett as the MDC's deputy minister for agriculture has drawn to a close. Mr Bennett fled the country last year after being acquitted on charges of treason. His comments subsequent to that trial about a member of the bench led to his being accused of contempt of court and criminal defamation. Mr Bennett's prolonged absence in South Africa means that he has missed 21 consecutive meetings of the Senate, of which he is a member, and thus loses his seat. Mr Tsvangirai, who has supported Roy Bennett and championed his appointment, now has no choice but to nominate a replacement. In theory this removes one of the longstanding sources of dispute between the MDC and ZANU-PF, since Mr Mugabe had persistently refused to swear in Mr Bennett. However, numerous other points of contention remain including disputes over indigenisation legislation and Mr Mugabe's unilateral appointment of the attorney-general, Johannes Tomana—and Mr Tsvangirai's defeat over Mr Bennett's appointment is likely to lead to increased MDC pressure on the prime minister to take a harder line in other disputed areas." **[24c] (p10)**

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## 5. CONSTITUTION

5.01 Jane's Sentinel *Country Risk Assessment: Zimbabwe*, updated 12 October 2010, noted that:

"The Lancaster House Constitution (agreed to in December 1979 just prior to independence from the UK), together with 16 amendments, has been the fundamental law that determines Zimbabwe's governmental structure. It provided for a parliamentary democracy with majority rule, the protection of minority rights and three separate branches of government: the executive, the legislature and the judiciary. An incorporated bill of rights affords extensive protection of human rights which, during the first 10 years of independence, could only be amended by unanimous vote of the House of Assembly … A constitutional amendment required for the formation of a power-sharing government in Zimbabwe, as per a September 2008 agreement, was passed on 5 February 2009. Under the power-sharing agreement concluded by Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the opposition Movement for Democratic Change formations of Morgan Tsvangirai (MDC-T) and Arthur Mutambara (MDC-M), a new constitution is to be drafted and submitted to a referendum.

"Preparation in this regard began with the creation of a 25-member select committee of members of parliament in April 2009. The provisional time frame for the draft constitution was for February 2010, with a referendum to be held by July of that year. However, this process has suffered delays and the deadline for drafting the new document has been moved to 2011. In June 2010 the constitution-making process got underway again with the launch of the constitution outreach programme." **[90a] (Constitution)**

A copy of the Zimbabwe constitution can be found here: http://aceproject.org/ero-en/regions/africa/ZW/zimbabwe-constitution-of-zimbabwe-2008-1

Kubatana provides a directory of accessible legislation going back to 1972 – link here: http://www.kubatana.net/html/archive/archorg_index.asp?orgcode=par001

See Constitutional Outreach Programme

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## 6. POLITICAL SYSTEM

For information about political rights and freedom of expression in practice see Political affiliation, Freedom of speech and media, and Human rights institutions, organisations and activists.

6.01 The US State Department *Background Note: Zimbabwe*, updated 6 April 2011, stated that

"According to Zimbabwe's constitution, the president is head of state and head of government, and is elected by popular majority vote. Constitutional Amendment 19 requires that the president consult with the prime minister on many key issues of state, including senior appointments. Parliament is bicameral and sits for up to a 5-year term. On October 1, 2007 Constitutional Amendment 18, which provides for significant changes in the country's electoral dispensation, went into effect. The amendment set out the framework to harmonize presidential and parliamentary elections, to reduce the presidential term of office from 6 years to 5, to increase the number of seats in the House of Assembly and in the Senate, to empower parliament to serve as an electoral college should the office of president become vacant for any reason, and to empower

the Zimbabwe Electoral Commission (ZEC) to delimit parliamentary and local constituencies. The 214-member House of Assembly is filled by direct election in 210 constituencies and the appointments of 4 other MPs. Sixty of the 100 Senators are directly elected by voters. Other Senators include 10 provincial governors, 5 others that are appointed by the president, 7 new appointments created by Constitutional Amendment 19, 16 chiefs that are elected by other chiefs, plus the president and deputy president of the Council of Chiefs." **[2i] (Government)**

6.02 Jane's *Sentinel Country Risk Assessment: Zimbabwe*, updated 12 October 2010, noted that:

"Under the September 2008 [Global Political Agreement] deal, Mugabe chairs the cabinet as well as the National Security Council, while Tsvangirai, as prime minister, chairs a new council of ministers, is deputy chair of the cabinet and is a member of the National Security Council. The cabinet (which was subsequently enlarged) was originally to consist of 13 ministers nominated by the MDC-T, three by the MDC-M and 15 by ZANU-PF. ZANU-PF were also to nominate eight deputy ministers, the MDC-T six and the MDC-M one. However, actual implementation of the deal suffered months of deadlock as the rival sides fought over key ministries in the future government. By the end of January 2009, after months of deadlock and further regional mediation, the MDC-T appeared to have decided that the best option for it was to join the government rather than face possible exclusion. Tsvangirai was subsequently inaugurated as prime minister on 11 February, with the cabinet sworn in on 13 February. However, the lack of resolution to key outstanding issues led Morgan Tsvangirai to temporarily disengage from cabinet between October and November 2009 and the power-sharing pact has suffered ongoing tensions into late 2010." **[90d] (Executive summary)**

See History for more details of the Government of National Unity

## EXECUTIVE BRANCH

6.03 Jane's Sentinel *Country Risk Assessment: Zimbabwe*, dated 12 October 2010, noted:

"In terms of the current constitution, the president of the republic is head of state and government and commander in chief of the defence forces. To qualify for nomination, a presidential candidate must be a Zimbabwean citizen by birth or descent, aged 40 or above and resident in Zimbabwe. The president is elected by popular majority vote for a term of six years and may be re-elected for any number of further terms. He may appoint two vice-presidents, whose functions include assisting him to discharge his executive responsibilities. Executive authority has been vested in the president and cabinet of ministers, which includes the vice-presidents and other ministers whom the president appoints. Together they control senior public service appointments, including those in the military and police. Each of the eight provinces of Zimbabwe is administered by a provincial governor.

"Following the September 2008 power-sharing agreement, the posts of a prime minister and two deputy prime ministers were also created, with MDC-T leader Morgan Tsvangirai becoming prime minister. Presidential powers remain largely the same, with the president still head of the National Security Council and the cabinet, although in theory parliament can only be dissolved in consultation with the prime minister. According to the deal, executive authority is also to be shared between the president and the prime minister, with the latter chairing the Council of Ministers.

"The National Security Council also comprises the prime minister and the heads of security services, among others, while the Council of Ministers comprises cabinet ministers. The president chairs the unity cabinet with the prime minister deputising. The executive committee comprises the president, vice-presidents, the prime minister and the deputy prime ministers." **[90e] (Internal Affairs)**

### LEGISLATIVE BRANCH

6.04 The CIA *World Fact Book (Zimbabwe)*, updated on 5 May 2009, noted that the: "… bicameral Parliament consists of a Senate (93 seats - 60 elected by popular vote for a five-year term, 10 provincial governors nominated by the president, 16 traditional chiefs elected by the Council of Chiefs, 2 held by the president and deputy president of the Council of Chiefs, and 5 appointed by the president) and a House of Assembly (210 seats - all elected by popular vote for five-year terms)." **[56a]**

### POLITICAL PARTIES

6.05 The CIA *World Fact Book*, updated 13 January 2011, noted that the following political parties, with the leaders in square brackets, operated in Zimbabwe:

"African National Party or ANP [Egypt DZINEMUNHENZVA]; Movement for Democratic Change or MDC [Morgan TSVANGIRAI, Arthur MUTAMBARA, splinter faction]; Peace Action is Freedom for All or PAFA; United Parties [Abel MUZOREWA]; United People's Party or UPP [Daniel SHUMBA]; Zimbabwe African National Union-Ndonga or ZANU-Ndonga [Wilson KUMBULA]; Zimbabwe African National Union-Patriotic Front or ZANU-PF [Robert Gabriel MUGABE]; Zimbabwe African Peoples Union or ZAPU [Agrippa MADLELA]; Zimbabwe Youth in Alliance or ZIYA." **[56a]**

6.06 Bloomberg reported on 10 January 2011 that Welshman Ncube replaced Arthur Mutambara as leader of the smaller faction of the MDC. **[131a]**

See Annex B – Political organisations for more information on political parties.

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# Human Rights

## 7. INTRODUCTION

7.01 The US State Department *2010 Country Reports on Human Rights Practices*, *Zimbabwe*, released on 8 April 2011, noted in its introductory section that:

"Although the constitution allows for multiple parties, ZANU-PF, through the use of government and paramilitary forces, continued to intimidate and commit abuses against members and supporters of other political parties and obstructed their activities. In numerous instances, ZANU-PF leadership took actions and implemented policies that were contrary to the terms set out in the GPA. In February 2009 the National Security Council (NSC) was established to provide policy oversight and guidance to the security forces and direction to the Joint Operation Command (JOC – a group of senior security and civilian authorities). There were instances in which elements of the security forces acted independently of civilian control.

"Security forces, police, and ZANU-PF-dominated elements of the government continued to commit numerous, serious human rights abuses. ZANU-PF's dominant control and manipulation of the political process through trumped-up charges, arbitrary arrest, intimidation, and corruption effectively negated the right of citizens to change their government. There were no politically motivated killings by government agents during the year; however, security forces continued to torture, beat, and abuse non-ZANU-PF political activists and party members, student leaders, and civil society activists with impunity. Projections of an early election in 2011 also led to an increase in the number of cases of harassment and intimidation of civil society, humanitarian organizations, and the media toward the end of the year. Security forces continued to refuse to document cases of political violence committed by ZANU-PF loyalists against members of other political parties. Prison conditions improved but remained harsh and life threatening. Security forces, which regularly acted with impunity, arbitrarily arrested and detained political activists not associated with ZANU-PF, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued, and the government infringed on citizens' privacy rights. The government continued to use repressive laws to suppress freedom of speech, press, assembly, association, and movement. The government restricted academic freedom. High-ranking government officials made numerous public threats of violence against demonstrators and political activists not associated with ZANU-PF. The government continued to evict citizens and to demolish homes and informal marketplaces. Farm invasions continued, and the government impeded nongovernmental organization (NGO) efforts to assist those displaced, as well as other vulnerable populations, albeit to a lesser degree than in 2009. Government corruption remained widespread. The following human rights violations also continued: government restrictions on domestic and international human rights NGOs; violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, the lesbian, gay, bisexual, and transgender (LGBT) community, and persons with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including by children." **[2b] (Introduction)**

7.02 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2010*, published in 13 May 2011, noted that:

"The human rights environment in Zimbabwe continued to stabilise throughout 2010 and the economy grew stronger. Many well-respected human rights defenders acknowledge that the situation, while still serious, has greatly improved from 2008 when violence erupted after the election and before the presidential run-off election. Levels of harassment and abuse have reduced since the Government of National Unity took office in February 2009." **[13h] (p348)**

7.03 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"It is likely that the rest of 2011 will be characterized by a continuation of the trends established already this year, in particular the shutting down of democratic spaces. The state is likely to become more directed and more targeted in terms of whom it arrests, and whom it beats. As SADC and others are keeping events in Zimbabwe under scrutiny in the wake of the recent SADC meeting in Zambia, it is NOT likely that Zanu PF will use a sledgehammer at this stage, and will rather intensify intimidation methods. These can be very effective in breeding apathy and fear, and in distancing people from opposition political activities, yet are very difficult to measure forensically.

"The state will concentrate on continuing to harass and wear down those NGOs that it considers most threatening, which are those that document human rights abuses. While intense and widespread state organized violence during 2011 seems unlikely to the authors at this stage, Zanu PF is a party that has regularly shown that when all else fails, violence is considered a good fallback. Mugabe's uncertain health, and the general uncertainty of Zimbabwean politics as evidenced over the last decade, means that 2011 remains unpredictable in human rights terms. However, the agreement to establish a SADC committee to work alongside JOMIC in Harare could be an important step towards reducing blatant human rights violations." **[65a] (p46)**

7.04 The Economist Intelligence Unit *Country Report – Main Report*, Zimbabwe, dated 4 January 2011 stated:

"The Economist Intelligence Unit's 2010 democracy index ranks Zimbabwe 146th out of 167 countries, putting it among the states considered 'authoritarian'. This designation includes North Korea, as well as a number of other African countries such as Angola and the Democratic Republic of Congo. Zimbabwe scores particularly badly in the electoral process category—unsurprisingly, given the repeated problems with elections in the country. Elections are neither free nor fair, while violence during campaigns is a major problem; even though the former opposition has nominally been in a government of national unity with the ruling party since the last poll—which has contributed to the marginal improvement in the country's score compared with the 2008 index—there is little doubt that power remains with the latter, and that the next election will be similarly fraught with difficulties. The country scores almost as poorly in the functioning of government category: the military is often used as a tool of suppression, there is endemic corruption and a lack of confidence in government among the electorate. Political participation scores higher, although still not very high. Voter turnout at general elections is usually significant, but the score is held back by the fact that many voters, especially those in rural areas, are more preoccupied with scraping together a living than they are with following the latest political developments (while rural voters in particular are dependent on government-dominated media for political news).

"Democracy index

| | Regime type | Overall score | Overall rank |
|---|---|---|---|
| "2010 | Authoritarian | 2.64 out of 10 | 146 out of 167 |
| "2008 | Authoritarian | 2.53 out of 10 | 148 out of 167… |

"Political culture is the highest-scoring category, buoyed by the general support that there is among the electorate for democracy, even if they do not actually experience it. The score for civil liberties is predictably low, hindered by the lack of an independent media, the frequent use of violence by the state or its proxies and the partisan nature of the judiciary." **[24i]**

Further information about the EIU's democracy index can be found in its white paper, *Democracy index 2010, Democracy in retreat*, undated but based on information current as of November 2010.

7.05 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, (CSMM Report 2011) released on 21 February 2011, observed that:

"The language of political tolerance that was initially espoused by Principals in the IG [Inclusive Government] has given way to verbal attacks in the public media and through press statements, demonstrating a complete collapse of the façade of unity. According to analyses made of the media, ZANU-PF leads decisively in making divisive statements, which at times have amounted to hate speech. The President Mugabe's speech at the December 2010 ZANU PF congress was writ violence. He told the delegates to adopt a 'reciprocal matrix' when he said, … 'We do not condone violence, but when beaten retaliate' … He also said, 'I am saying … If I am slapped on both cheeks, I will use my fist' … Such statements have undertones that incite violence and this is demonstrated by a concomitant rise in reports of intimidation and violence in the final months of the year." **[48c] (p37)**

7.06 The same report also noted:

"State institutions are unlikely to be able to perform their duties in an unpartisan way, as many of them are instrumentalized for political gain and the call to elections has already mobilised some of them into early campaign mode, with threats and intimidation intended to be reminiscent of 2008. Thus, the 'Human Rights and Operating Environment' was seen to decline. There is no political will behind the process of transitional justice as the victims of political violence remain unheard by the State Organ, and prosecutions of perpetrators are glaringly absent." **[48c] (p4)**

7.07 Sokwanele's *ZIG Watch (Zimbabwe Inclusive Government): Issue 23*, published 24 January 2011, noted the views of "Human Rights Watch United Kingdom Director Tom Porteous …" who stated that "… his investigations revealed that revenue from the Marange mines [was] propping up President Mugabe and his cronies …" and was "… concerned that the funds will be used to support political violence by ZANU-PF against their opponents." **[37d] (p3)**

7.08 Following the publication of a survey by Afrobarometer, *The Zimbabwean* reported on 8 January 2011 that a majority of Zimbabweans surveyed believed that their liberties had "… worsened since the formation of the coalition government two years ago and fear

that [the] political temperature could deteriorate in coming months amid election rhetoric by the main parties …" **[99e]** The Afrobarometer's Briefing paper, *Zimbabwe: The Evolving Public Mood*, published on 5 December 2010, noted that while "… Zimbabwean citizens remained broadly supportive of power sharing as an antidote to political crisis … they were increasingly critical of the halting performance of their country's coalition government. Most people also perceived declining civil liberties and feared resurgent political violence …" The report noted that those Zimbabweans canvassed for the paper also felt that "recurrent political threats" had caused a reduction in confidence in expressing political opinions with only 32 per cent stating that they felt completely free in expressing themselves as opposed to 51 per cent in May 2009. **[123a] (p3&4)**

7.09 Sokwanele's *ZIG Watch (Zimbabwe Inclusive Government): Issue 28*, published 15 June 2011, noted that during May 2011, of the 100 articles analysed published in the month: "ZANU-PF were either responsible for, or involved in, 99.0% of all breaches [of the Global Political Agreement] recorded." **[37g]**

7.10 However, the Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted : "One of the problems with the many commentaries of the GPA [Global Political Agreement] that have been written by the civic groups, is that they have overlooked or underestimated the fact that the agreement, notwithstanding its multiple problems, has provided certain parameters of accountability for ZANU-PF." **[65a] (p8)**

Please see the following sections for more information regarding abuses of human rights: Recent Developments, Politically motivated violence, Police/Armed Forces – Extra judicial killings, Abuses by ZANU-PF Youth Militia, and Abuses by War Veterans, Prison conditions

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## 8. SECURITY FORCES

8.01 The US State Department *Country Report on Human Rights Practices 2010, Zimbabwe*, released on 8 April 2011, (USSD Report 2010), noted that:

"The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP is officially under the authority of the Ministry of Home Affairs, in practice the President's Office, through the [Joint Operational Command] JOC, controlled some roles and missions. In February 2009 the [National Security Council] NSC replaced the JOC in this role. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the government called upon them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security.

"Security forces perpetrated politically motivated violence, including torture of citizens in custody, largely at the behest of the leadership loyal to ZANU-PF. Police disrupted public gatherings and demonstrations, sometimes using violent means. Similarly, requests by civil society to hold public events were routinely denied if security chiefs believed the agenda contradicted their own political goals or, just as frequently, to make a counter-point on an issue under debate. Reports that security services tortured political and civil society activists who defied ZANU-PF's political agenda continued throughout the year. It was difficult for rank-and-file police to remain impartial due to the

continued politicization of the force's upper echelons. Police and army personnel suspected of being sympathetic to the MDC and other political parties continued to be threatened with demotion, suspension, incarceration, or transfer to remote areas. While not widespread, there were reports of police using excessive force in apprehending and detaining certain criminal suspects due to lack of resources and lack of appropriate training." **[2b] (section 1d)**

8.02 A report by the Crisis Coalition of Zimbabwe, titled *The Military Factor in Zimbabwe's Political and Electoral Affairs*, dated 3 June 2011, noted that:

"Through an elaborate patronage system established to reward partisan senior military officials and keep them loyal to ZANU-PF and to President Mugabe, the military has increasingly played [a] central and critical role in directing production and controlling ownership of the means of production. The military, through political patronage, has become a significant part of the domestic bourgeoisie class and many top commanders have teamed up with politicians and businessmen to form political and economic interest groups venturing into lucrative businesses such as platinum and gold mining. This section examines the extent to which ZANU-PF's political patronage has entrenched the military in national economic affairs and the likely impact on electoral processes.

"Retired and serving senior military officers have, in the recent past, been appointed in large numbers to run various state-owned companies. …Senior military officers were also appointed to lead strategic state institutions including the Zimbabwe Prisons Service (ZPS), the Zimbabwe Republic Police (ZRP), the Central Intelligence Organization (CIO), the Zimbabwe Electoral Commission (ZEC), National Railways of Zimbabwe (NRZ) (under retired Air Commodore Michael Karakadzai) and The Department of National Parks and Wildlife. The increased militarization of the state has led to the military taking control of an expanding range of decisions and actions, from political strategy to the formulation and implementation of agrarian and economic policy." **[43a] (p19)**

The following link provides details at page 23 of 52 military personnel who have or are currently appointed to key state institutions.

8.03 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), reported the views of a representative of the Counselling Services Unit, who stated that:

"Real power lies with the senior military (JOC), with Robert Mugabe as the political front. The military are very aware of the regional pressure to maintain a civilian government, but have developed a powerful structure of control of the political party. At present, Robert Mugabe retains control over all critical decisions, but if one wants to know what is happening in the political sphere one should watch the Joint Operational Command (JOC)." **[121a] (p20)**

8.04 The Economist Intelligence Unit's Zimbabwe, *Country Report – Main Report*, dated 1 May 2011 noted that: "There has also been speculation that the military has usurped the political powers of the government of national unity (GNU)." **[24c] (p4)** An article published by Voice of America, dated 28 June 2011, reported that Mr Tsvangirai had told supporters in Bulawayo that he believed that the heads of the security services were in charge of the country and "… that rogue elements in the state security services have

'created a war situation in the country which by its very nature subverts the constitutional order and undermines … civilian authority.'" **[83c]**

8.05 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, (CSMM Report 2011) released on 21 February 2011, observed that since the formation of the GNU one of the main sticking points has been reform of the Security Sector, where "… there has been utter disregard for the reformist, power-sharing elements of the [Global Political Agreement] GPA, and ZANU PF has continued to use these structures as instruments of the party." **[48c] (p45)** *The Zimbabwean* reported on 6 July 2011 that ZANU-PF continued to refuse "… to countenance security sector reforms." While negotiators for the ZANU-PF and the two factions of the MDC were reported to have reached agreement on a number of outstanding elements of the GPA, ZANU-PF's chief negotiator Patrick Chinamasa is reported to have said "… that his party would never agree to security sector reforms and there was nothing the MDC could do about this." **[99n]**

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## POLICE

8.06 Jane's *Sentinel Security Assessments – Southern Africa (Zimbabwe)*, updated 12 October 2010, noted that:

"The [police] force is an armed, quasi-military organisation modelled more along the lines of a military gendarmerie than a civilian police force. It has approximately 20,000 full-time members and is deployed throughout the country. Its presence is most evident in cities and towns, but thinly spread in rural areas. It is responsible to the Ministry of Home Affairs. Following the signing of the power-sharing agreement in September 2008, one of the key portfolios fought over by the political rivals was that of Home Affairs. Subsequently, as per a recommendation of the regional Southern African Development Community (SADC), the portfolio was initially to be co-managed by Robert Mugabe's Zimbabwe African National Union - Patriotic Front (ZANU-PF) and Morgan Tsvangirai's Movement for Democratic Change formation (MDC-T)." **[90c] (Security and Foreign Forces)**

8.07 The same source noted that:

"The Police Support Unit (PSU) trains its members to a similar level of competence as enjoyed by military special forces. Used as a de facto counter-insurgency and border patrol force, these well trained policemen are considered the first line of defence for the state in times of peace.

"The PSU is thought to number in excess of 2,000 full-time personnel, part-time numbers having declined since the 1980s." **[90c] (Security and Foreign Forces)**

8.08 The USSD Report 2010 noted that: "The lower ranks of the police were poorly trained and underpaid. The entire force was ill-equipped in both operational and administrative resources. Severely depleted human and material resources, especially fuel, further reduced police effectiveness in both deterring and responding to criminal activity during the year." **[2b] (Section 1d)** The same noted that: "Corruption occurred at every level of the police force but took different forms depending on position, rank, or location. At the

lower levels, corrupt officers extorted nominal to exorbitant fees for varying offenses from the public in an effort to augment their low salaries. However, numerous reports of corrupt police officials being investigated and arrested for criminal activity appeared throughout the year." **[2b] (Section 4)**

8.09 *The Standard* reported on 31 October 2010 that corrupt police officers were using road-blocks to extract bribes from transport operators. Bus and haulage operators complained of having to pay bribes of between 25 and 60 per cent of their average daily takings; failure to pay the bribes can often result in tickets and fines being issued. Police spokesperson Wayne Bvudzijena, admitted that police corruption was a reality, but stated that officers found to be corrupt would be disciplined. **[70c]**

8.10 A report by AIDS Free World, entitled *Electing to Rape: Sexual Terror in Mugabe's Zimbabwe*, published December 2009, noted that the police remained politically biased, stating that during the 2008 elections reports of politically motivated rape were not investigated by the police ensuring impunity for the perpetrators. The report also noted that: "… widespread fear engendered by police reprisals, render[ed] local criminal proceedings practically unavailable to survivors of political rape." **[112a] (p12)** The USSD 2010 report stated that: "It was difficult for rank-and-file police to remain impartial due to the continued politicization of the force's upper echelons. Police and army personnel suspected of being sympathetic to the MDC and other political parties continued to be threatened with demotion, suspension, incarceration, or transfer to remote areas." **[2b] (Section1d)**

8.11 An article titled *Zanu PF still abusing security forces — MDC* in *The Independent* (Zimbabwe), dated 13 January 2011, reported claims by the MDC that the police were politically biased. The article stated:

"Some elements within Zimbabwe's security forces continue to allow themselves to be used by Zanu PF to abuse people's freedoms, the two MDC parties have charged.

"The parties this week made separate claims of incidences where police and the military had allegedly been used by the former ruling party to further its interests while committing human rights abuses and political violence.

"The MDC-T led by Prime Minister Morgan Tsvangirai charged in a statement on Wednesday that at least one of their supporters was abducted in Masvingo at gunpoint by a known assailant, but the police refused to open a docket on the matter on the grounds that the issue was too political for them to get involved… The MDC faction led by Welshman Ncube also claimed they experienced a lot of unfair treatment from the police during the just-ended MDC National Congress.

"Nhlanhla Dube, the MDC National Media, Information and Publicity spokesperson, said two of his political party supporters were arrested for wearing MDC T-shirts during their national congress last week… Henry Chimbiri, the MDC Provincial Chairperson for Mashonaland Central said police in Guruve were openly partisan.

"He cited an incident which allegedly happened on January 7 [2011] when Zanu PF youths blockaded the road between Mahuwe and Bakasa growthpoint with stones and logs to prevent their supporters from attending the national congress." **[11e]**

8.12 The Human Rights Watch report *Perpetual Fear – Impunity and Cycles of Violence in Zimbabwe*, published in March 2011, noted that:

"The failure of police to act has left many communities, in provinces around the country, vulnerable to further violence. Many victims and their family members believe that they remain at risk because of the failure of the police to prosecute perpetrators, some of whom still live in the areas in which they committed the crimes… The police … are severely compromised and have largely ignored calls for investigations into past and recent human rights abuses. Police who fail or refuse to file criminal complaints by victims of political violence are rarely investigated or disciplined. " **[69b] (p26 & 27)**

8.13 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"ZLHR [Zimbabwe Lawyers for Human Rights] … commented that many of the arrests this year have shown a high level of police planning and preparedness. … Arrests have, in keeping with the pattern established over recent years, been very selective. MDC-T MPs and activists have been arrested on malicious charges, and people going to report political violence against themselves, have been arrested instead of a docket being opened in their support. [The report went on to note that] … most perpetrators of violence go unpunished as long as they support the ruling party." **[65a] (p29)**

8.14 Commenting about information networks across Zimbabwe, the Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"Lawyers in Harare and other members of civic organisations have reported a dramatic increase in efficiency in state information networks on the ground across the country. State agents seem to have very good information of any meeting that takes place, whether at the level of a rural community or in the towns, and frequently move to prevent such meetings, even when they are religious in orientation or clearly have nothing to do with politics. The speed with which police in rural centres get to hear about such meetings and respond, points to a very good network of informers across the country – and improved cell phone reception across rural areas." **[65a] (p32)**

For information about the human rights abuses committed by the police see Human rights violations below

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## ARMED FORCES

8.15 Jane's *Sentinel Security Risk Assessment*, *Country Profile: Zimbabwe*, section on the Armed forces, updated 2 September 2010, noted that:

"The Zimbabwe Defence Force has an official authorised strength of 40,000 but there are thought to be only 34,000 troops currently serving. 30,000 men and women serve in the [Zimbabwe National Armey] ZNA, which has an authorised strength of 42,000, and 4,000 serve in the [Air Force of Zimbabwe] AFZ. Financial constraints saw the army reduced to 30,000 from the previous 46,000 in 2006. A major recruitment drive was, however, planned for 2007 to replace retiring personnel." **[90f]**

8.16 The Jane's report continued that:

"ZANU-PF loyalists from the liberation war dominate the senior echelons of the [armed forces] and have vested interests in perpetuating ZANU-PF's political dominance…

Commanders of the army and air force and other senior military personnel vowed they would not salute Morgan Tsvangirai who was appointed prime minister of the new unity government in February 2009. This situation held until the following August when army commander Lieutenant General Philip Sibanda and Air Marshal Perrance Shiri were seen to salute Tsvangirai during Defence Forces Day, an action reported to be a result of negotiations involving Mugabe's and Tsvangirai's political aides. They were still the only officers to show this respect to the prime minister. According to local media in mid 2010, Zimbabwe Defence Forces commander General Constantine Chiwenga and Air Marshal Shiri still refused to meet Tsvangirai unless in the presence of Mugabe. **[90b] (Armed Forces)**

8.17 The *May 2011 Summary on Politically Motivated Human Rights and food Related Violation*, published by the Zimbabwe Peace Project on 24 June 2011, noted that there were reports of a "… heavy military presence in most communities. … serving and retired soldiers are reportedly spearheading ZANU-PF campaigns ahead of the proposed elections." **[122o] (p2)**

## CENTRAL INTELLIGENCE ORGANISATION

8.18 The USSD Report 2010 observed that: "The [Central Intelligence Organisation] CIO, under the Ministry of State for National Security, is responsible for internal and external security." **[2b] (section 1d)** A report by the Council on Foreign Relations (CFR), published in the *Washington Post*, dated 28 March 2008, noted that:

"Experts say the most powerful arm of Zimbabwe's security apparatus is the Central Intelligence Organization (CIO). It is the 'brains behind the regime,' … and [is] deeply feared by Zimbabweans inside and outside the country. There is no public record of the CIO's size, but it is thought to have thousands of operatives. Many Zimbabweans think the organization has a network of informers that extends into the Zimbabwean diaspora. Within Zimbabwe, CIO agents have infiltrated the MDC, and are believed to have covertly taken over two newspapers in 2006. Organizations such as Human Rights Watch have documented systematic acts of violence and intimidation committed by the CIO and the police against opposition members or individuals suspected of allegiance to the opposition." **[31a]**

8.19 Jane's *Sentinel Security Risk Assessments* – Zimbabwe, updated 12 October 2010, noted that the Central Intelligence Organisation (CIO):

"… was formed by the Rhodesian authorities in the late 1960s as the country's main civilian intelligence agency. It was later taken over by the Zimbabwe government, ideologically re-oriented and placed under the Ministry of National Security in order to adopt a protective role for the new regime. Political direction between 1980 and 1988 came from Emerson Mnangagwa, a leading ZANU-PF personality and one of the first ZANLA cadres from the Liberation War. Mnangagwa was replaced by former ZANLA doctor Sidney Sekeramayi, who served until August 2000, when he was replaced by former diplomat Nicholas Goche… Since 2000, the CIO has been used to spearhead the ZANU-PF political-economic programme, including farm occupations and the suppression of opposition politicians and media… Libyan intelligence officers were also reported to have been sent to Zimbabwe to improve Mugabe's security and intelligence system and technology supply agreements were reported to have been made with China." **[90m] (Security and Foreign Forces)**

8.20 *The Times* reported on the 7 February 2010 that the CIO holds a privileged position in Zimbabwe that allows the organisation to "circumvent" the usual oversight of the country's finance minister. The report noted that a number of CIO operatives had been paid significant special allowances when accompanying President Mugabe abroad. **[82d]** Philip Barclay a former FCO officer in Harare, noted in his book *Zimbabwe - Years of hope and despair*, published in 2010, that the CIO also worked closely with the police and were often "in charge" of police operations. **[59a] (p117)**

8.21 The USSD 2009 noted that:

"There were credible reports that CIO agents and informers routinely monitored political and other meetings… [and] CIO personnel at times assumed faculty and other positions and posed as students at the University of Zimbabwe and other public universities to intimidate and gather intelligence on faculty and students who criticize government policies and actions. CIO officers regularly attended all lectures where noted MDC activists were lecturers or students." **[2h] (Section 2a)**

8.22 Sources have claimed that CIO operatives are working in the UK. (SW Radio Africa, July 2005) **[89a]** (Institute for War and Peace Reporting, 23 June 2006) **[77r]** A report in *The Independent* (UK) also dated 28 June 2008, noted that: "British security sources… " confirmed that the CIO was operating in the UK and was "… waging a highly organised campaign to terrify the 4,000 MDC members living in the UK." The aim of the CIO's operations in the UK is believed to be based on preventing or reducing the amount of funds raised for the MDC. **[4m]**

8.23 Professor Diana Jeater, Principal Lecturer in African History at the University of the West of England, noted in a briefing paper delivered at a seminar at the School of African and Oriental Studies on 30 March 2007, that: "The CIO and police have always been very efficient at being able to identify and locate people within Zimbabwe …There is good evidence that the CIO keeps lists of people who are suspected of sympathy with opposition positions." **[58] (paras 3.3.2 and 4.5)**

8.24 Commenting about information networks across Zimbabwe, the Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"Lawyers in Harare and other members of civic organisations have reported a dramatic increase in efficiency in state information networks on the ground across the country. State agents seem to have very good information of any meeting that takes place, whether at the level of a rural community or in the towns, and frequently move to prevent such meetings, even when they are religious in orientation or clearly have nothing to do with politics. [This] … points to a very good network of informers across the country – and improved cell phone reception across rural areas." **[65a] (p32)**

8.25 SW Radio Africa reported on the 30 June 2011 that it would be publishing a leaked list of CIO 'operatives' working in and outside Zimbabwe who were employed in April 2001. The list of over 480 CIO employees is due to be published alphabetically over a six week period. **[53ae]**

First list: http://www.swradioafrica.com/Documents/CIOpart1.htm

Second list: http://www.swradioafrica.com/Documents/CIOpart2as.htm

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## OTHER GOVERNMENT FORCES AND PRO-ZANU-PF GROUPS

### National Youth Service (aka ZANU-PF youth militia)

8.26 Jane's *Sentinel Security Assessment Country Profile – Zimbabwe*, updated 12 October 2010, noted that:

"The National Youth Service programme was established in 2001 and is ostensibly a post-school ideological and vocational training scheme for those who are seeking to enter further education or government service. While initial proposals were for a compulsory programme for all Zimbabwean youth, experience over the first four years demonstrated capacity at five residential camps for just 6,000 youths per year, or about two per cent of each age group.

"Critics of the scheme say that the training camps are effectively ZANU-PF indoctrination facilities aiming to co-opt a new generation of supporters for the ruling party and its third phase of the 'liberation struggle', replacing ZANLA veterans lost to age and illness. It has previously been alleged that cadres, nicknamed Green Bombers or ZANU-PF Youth Militia, are trained in intimidation techniques. Training is certainly paramilitary in style, with uniforms and weapons handling." **[90c] (Security and Foreign Forces)**

8.27 Jane's Sentinel Security Assessments, updated 2 September 2010, also noted that the stated "… mission of the National Youth Service is to 'transform and empower youths for nation building through life skills training and leadership development'. However, members of the service are thought to be taught using ZANU-PF speeches and campaign material and have been condemned by the West and Africa for carrying out gross human rights violations on behalf of the party." **[90b] (Armed Forces)**

8.28 The United States Department of Labor report, *2008 Findings on the worst forms of child labor – Zimbabwe* (USDL 2008), dated 10 September 2009, noted that: "The minimum age for joining the National Youth Service training is 16 years." **[38a]** However, the most recent report from the United States Department of Labor report, dated December 2010, noted that: "The National Service Act of 1979 prohibits persons under age 18 from compulsory and voluntary military service." **[38b] (p727)**

8.29 The USSD 2010 report noted that:

"Traditionally, the government gave preference to National Youth Service (NYS) graduates among those seeking employment in the government, especially in the security forces. From the time of its inception in 2000 until its suspension in 2007, an estimated 80,000 NYS youths underwent militia training at more than 150 training camps across the country. The stated purpose of the training camps was to instil national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as stating that the camps subjected trainees to partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence, human rights violations, and intimidation. There were numerous reports from NGOs that children as young as 16 participated in ZANU-PF affiliated youth militias, which perpetrated violence across the country during the 2008 election period. After the program's suspension in 2007, some participants were

absorbed into the country's security structures, including the army, prisons, air force, intelligence organization, and police. Persons under the age of 18 are prohibited from joining the military or police." **[2b] (Section 5)**

8.30 *The Zimbabwean*, dated 21 May 2010, and ZimOnline, dated 19 January 2011, noted that the Youth Training Programme, also know as the ZANU-PF youth militia or the Green Bombers, has been suspended. **[99h] [49d] (p4)** However, the ZimOnline noted that while "… many of the youths had been absorbed into the civil service…" **[49d] (p4)** The Institute for the Democratic Alternative for South Africa's group, States in Transition Observatory, noted in a report, *Zimbabwe Government of National Unity Watch* (SITO Report) April 2009, that an estimated 29,000 ZANU-PF youth militia were "… receiving government salaries as civil servants." **[9a] (p3)**

8.31 The MDC's Information and Publicity Department reported in an article titled *Students forced to register for Zanu PF militia training* dated 23 November 2010, accessed via the website www.zimbabwesituation.com, that ZANU-PF militia were allegedly involved in the recruitment of male students from Sotisi High School in Gutu, Masvingo Province. The MDC stated that: "All male students in 'O' and 'A' Levels at the school were forced to supply their names age and names of their headmen … The terrified students were told to prepare for ZANU-PF militia training once they completed their examinations in December." **[12c]**

8.32 Freedom House noted in *Freedom in the World 2010 – Zimbabwe*, covering events in 2009, published on 3 May 2010, that: "ZANU-PF militias operate as de facto enforcers of government policies and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment; the incidence of these abuses increased significantly in 2008 and continued, though at a decreased rate, in 2009." **[96b] (p6)**

8.33 *The Independent* (Zimbabwe), dated 8 July 2011, reported that ZANU-PF minister with responsibility for Youth Development, Saviour Kasukuwere, had submitted a plan to cabinet to reintroduce the National Youth Service Programme. The plans were reported to have been put on hold after a number of MDC ministers opposed its re-introduction during a high-level government meeting. Mr Kasukuwere's plan proposed re-launching the project to target 'youths' up to 35 years of age with 300,000 going through the scheme annually. The same article noted that a report:

"… by the National Association of Non-governmental Organisations (Nango) this year titled: 'A critical review of the National Youth Service in Zimbabwe'… says that the weakness of the National Youth Service (NYS) emanated from the way it was implemented.

"It accuses the previous NYS of not adhering to the age limit, using a biased curriculum that promoted Zanu PF's political agenda and using the majority of the trainers who were war veterans and members of the army and police.

"Nango says the majority of the training camps had poor infrastructure which were designed to imitate military training camps leaving Zimbabweans conclude that the NYS 'is simply a ruse for a youth militia programme operated by the ruling party.'

"Of concern were the youth militia pregnancies and sexually transmitted infections including HIV/Aids that Nango says were reported to have been rampant." **[11f]**

See politically motivated violence, and Recent Developments

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## War veterans

8.34 Jane's *Sentinel Security Risk Assessment* - – Zimbabwe, updated 10 September 2009, reported that:

"The Zimbabwe National Liberation War Veterans' Association (ZNLWA) emerged as a major pro-government pressure group in the 1990s, leading the occupation of white-owned farms in early 2000 and some forming pro-ZANU-PF militias to attack MDC supporters during the 2000 election campaign. War veterans have been able to act with impunity as the police have refused to restrain their activities. Indeed, the police, Zimbabwe Defence Force (ZDF) and Central Intelligence Organisation (CIO) are all run by veterans of the liberation war and genuine war veterans are technically stipended reserve force members of the ZDF, numbering about 55,000." **[90h] (Internal Affairs)**

8.35 Jane's *Sentinel Security Assessments*, updated 2 September 2010, also noted that: "Some 55,000 registered war veterans from the liberation war have also been included in the reserve force [of the army] and receive a gratuity (increasingly sporadically) from the Ministry of Defence for being technically available for duty." **[90b] (Armed Forces)**

See Latest news, Recent Developments, Politically Motivated Violence and Political Affiliation

### HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES AND PRO-ZANU-PF GROUPS

For more detailed information on the scale and range of politically motivated violence, See Political affiliation, sub section Politically motivated humans rights violations.

8.36 The US State Department *Country Report on Human Rights Practices 2010, Zimbabwe*, released on 8 April 2011, (USSD Report 2010), noted that:

"Security forces, police, and ZANU-PF-dominated elements of the government continued to commit numerous, serious human rights abuses. … There were no politically motivated killings by government agents during the year; however, security forces continued to torture, beat, and abuse non-ZANU-PF political activists and party members, student leaders, and civil society activists with impunity. Projections of an early election in 2011 also led to an increase in the number of cases of harassment and intimidation of civil society, humanitarian organizations, and the media toward the end of the year. Security forces continued to refuse to document cases of political violence committed by ZANU-PF loyalists against members of other political parties. … Security forces, which regularly acted with impunity, arbitrarily arrested and detained political activists not associated with ZANU-PF, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem" **[2b] (Introduction)**

## Impunity

8.37 The Human Rights Watch *World Report 2011*, released on 24 January 2011, (HRW Report 2010) covering events in 2010, stated that: "The power-sharing government has

not investigated widespread abuses, including killings, torture, beatings, and other ill-treatment committed by the army, ZANU-PF supporters, and officials against real and perceived supporters of the MDC." **[69a]**

8.38 The CSMM Report 2011 observed that: "State-sponsored violence or intimidation has not ceased as a tactic to ensure compliance with party positions and the structures have not in the least been dismantled. Army, youth militia, war veterans and even police are complicit. None of the perpetrators of human rights violations have been held accountable and the assumption is that they can operate in that way with impunity." **[48c] (p8)** The same source noted that: "Attorney-General has failed to bring to account any of the perpetrators of recent political violence, and was instead occupied with persecuting genuine human rights defenders and political opponents." **[48c] (p9)**

8.39 Sokwanele published a report by an anonymous Zimbabwean human rights activist entitled *The Anatomy of Terror.* The report, dated 9 June 2011, which looks at politically motivated human rights violations in 2008, and specifically at violence that took place in ZANU-PF bases, noted that police were often partisan way, and noted that:

"The police in all the constituencies studied [the report looked at 15 constituencies in six provinces] openly show support for the personnel at the Bases or those connected with the structure of violence, and ensure that criminal dockets are either not opened against those who perpetrate violence and other crimes, or, if a docket is opened, that the matter is not pursued. Victims reporting crimes by ZANU PF supporters are simply turned away from the police station, sometimes with the comment that the matter is 'political' and that there is nothing that the police can do, even where the crime reported is murder.

"On the few occasions where the police have arrested perpetrators, they have been released shortly thereafter after intervention by those coordinating the Bases or ZANU PF politicians. As a result, in all constituencies there are instances where victims of crime simply do not report the incident as they are aware that nothing will be done. There are also numerous press reports of those seeking to file complaints being themselves arrested as perpetrators, supporting similar information from the field researchers." **[37f] (paragraph 3.4.6)**

8.40 The USSD Report 2010 noted that:

"Despite the more than 270 confirmed killings resulting from political violence in 2008, there were no prosecutions or convictions in any of the cases. The Zimbabwe Human Rights NGO Forum filed 655 suits in court against perpetrators for human rights violations. Of the total cases, 305 were filed against nonstate actors. By year's end, four cases were settled out of court, three cases were scheduled for trial, and 280 cases were referred to the community courts.

"During his annual address on Heroes' Day on August 9, President Mugabe stated that the government would not punish those responsible for past politically motivated violence." **[2b] (section 1b)**

8.41 The USSD Report 2010 stated:

"Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials, who

claimed that the actions were necessary to maintain public order. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. For example, police were reluctant or refused to record reports of politically motivated violence or similarly motivated destruction of property that occurred. Government efforts to reform the security forces were minimal, and training was rarely provided." **[2b] (Section 1d)**

## Arbitrary arrest and detention

8.42 The USSD Report 2010 stated that: "The constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily arrested and detained persons." The same also noted that: "The government continued to use arbitrary arrest and detention as a tool of intimidation and harassment, especially against MDC members and supporters, civil society and student activists, and journalists." **[2b] (Section 1d)** Human Rights Watch stated in its report *Zimbabwe*: *One Year On, Reform a Failure*, dated 12 February 2010, that security forces continued to be responsible for human rights abuses including arbitrary arrest. **[69i]**

8.43 The Zimbabwe Peace Project's (ZPP) April 2011 *report*, published 28 May 2011, noted that: "State security agents, police officers and soldiers have continued to violate people's rights with impunity with sporadic cases of selective application of the law being reported. Police officers have been accused of only arresting MDC-T supporters as they are regarded as the enemies of the state leaving known perpetrators of violence roaming freely." **[122n] (p7)**

8.44 Zimdiaspora and *The Zimbabwean* reported on 18 August 2010 that at least seven MDC officials were believed to have been abducted at gunpoint by state security agents (CIO) in Manicaland Province. **[117a] [99d]** The Zimbabwean noted that the seven were abducted for "… being too vocal at a recent COPAC [constitutional outreach programme] meeting." **[99d]**

8.45 The HRW Report 2010 provided examples of arbitrary arrest: "In February [2010] police disrupted MDC-organized preparatory constitutional reform meetings, beat participants, and arbitrarily arrested 43 people in Binga, 48 in Masvingo, and 52 in Mt. Darwin. The violence worsened in Harare, the capital, and led to the suspension of 13 meetings in September [2010].) **[69a]**

8.46 The Zimbabwe Peace Project (ZPP) report, *Summary on politically-motivated human rights and food-related violations*, *December 2010*, dated 21 February 2011, (ZPP Report December 2010) stated that the ZPP had documented 91 cases of "unlawful detention" in 2010 compared to 284 in 2009 and 514 in 2008. **[122j] (p9)**

For information on politically motivated violence see Latest News, Recent Developments, Perpetrators of political violence, and Political affiliation

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## Torture, ill-treatment, harassment and use of excessive force

8.47 The USSD Report 2010 noted that:

"Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices. Security forces continued to commit political violence, including torture of citizens in custody. Army and police units organized, participated in, or provided logistical support to perpetrators of political violence and generally permitted their activities. Police also continued to refuse to record reports of politically motivated violence or destruction of property. Police used excessive force in apprehending and detaining criminal suspects due to lack of resources, lack of training, and a culture of disregard for human rights. ZANU-PF supporters continued to assault suspected and known MDC members and their families, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either ZANU-PF or the MDC continued.

"Human rights groups reported that physical and psychological torture perpetrated by security agents and ZANU-PF supporters continued. Torture and other assault methods commonly reported included beating victims with sticks, clubs, whips, and cables; suspension; burning; electric shock; and falanga (beating the soles of the feet). "During the year, one NGO reported 5,051 victims seeking treatment for injuries and trauma throughout the country. Approximately 65 percent of the victims were male, and an estimated 7 percent were victims who had experienced injuries and trauma prior to this year. An estimated 93 percent did not declare an affiliation with any particular political, religious, or civil society group. Of the victims who reported their affiliation, nearly 40 percent were affiliated with the MDC; 34 percent were civilians with no affiliation; 10 percent were public officials; and 7 percent were associated with civil society organizations." **[2b] (section 1c)**

8.48 The same source noted that: "Police repeatedly used cruel, inhuman, or degrading treatment or punishment against those in custody… Within the security forces, intelligence officers and soldiers used torture to discipline and extract confessions from soldiers." It further noted that "Police also used excessive force to disperse demonstrators." **[2b] (section 1c].**

8.49 The Human Rights Watch report *Perpetual Fear – Impunity and Cycles of Violence in Zimbabwe*, published in March 2011, noted that: "The use of torture by state agents is endemic in Zimbabwe. [The] … state's failure to investigate and bring perpetrators of torture and ill-treatment to justice can be a violation of the ICCPR [International Covenant on Civil and Political Rights]." **[69b] (p31)**

8.50 The Human Rights Watch *World Report 2009 – Zimbabwe*, published 20 January 2010, noted that security forces continued to "… harass, abduct, torture … those it considers opponents, including senior MDC figures." **[69l] (p1)** The Human Rights Watch report, *Diamonds in the rough*, dated 26 June 2009, noted that the army was implicated in the tortured of hundreds of mine workers in the Marange Diamond Fields. **[69d] (p4)**

8.51 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that: "The use of torture remains endemic across Zimbabwe, and it is regularly used by police officers when interviewing suspects in criminal cases. It has also been used by the security sector in politically motivated interrogations." **[13h] (p351)**

8.52 The USSD Report 2010 noted that the National Youth Service "Youths and 'war veterans' trained by ZANU-PF were also deployed to harass and intimidate MDC

members; labor, student movement, and civic groups; journalists considered critical of the government; and white farmers and their employees." **[2b] (Sections1c)**

8.53 The HRW Report 2011 noted that:

"Companies with connections to ZANU-PF are mining diamonds in Marange, where military control and abuses continue. Corruption is rife, and smuggling of diamonds by soldiers in the fields is prolific… Soldiers continue to perpetrate abuses in Marange, including forced labor, beatings, and harassment, which Zimbabwe's government has failed to investigate or prosecute State security agents have harassed local civil society organizations attempting to document smuggling and abuses in the fields." **[69a]**

8.54 A report by Human Rights Watch as a contribution to the UN Human Rights Committee Universal Periodic Review of Zimbabwe, dated 29 March 2011, noted that:

"Torture and other ill-treatment of activists by police and members of Zimbabwe's intelligence services remain a serious and systemic human rights problem in Zimbabwe. Detainees in police custody are at significant risk of torture. Acts of torture that Human Rights Watch has documented include severe beatings that involved being punched, kicked, and struck with batons; beatings on the soles of the feet; repeated banging of detainees' heads against walls; and the shackling of detainees in painful positions.

"The government has taken no significant action to halt the torture and ill-treatment of individuals, including opposition supporters and civil society activists, in the custody of the police or intelligence services. In some cases torture is an element of coercive interrogations, while in others it is used as a form of punishment for the activists' perceived leanings or intentions. Allegations of torture by police or intelligence officers are rarely investigated." **[69c]**

8.55 Professor Diana Jeater, Principal Lecturer in African History at the University of the West of England, noted in a briefing paper delivered at a seminar at the School of African and Oriental Studies on 30 March 2007, that: "The CIO and police have always been very efficient at being able to identify and locate people within Zimbabwe …There is good evidence that the CIO keeps lists of people who are suspected of sympathy with opposition positions. … Evidence gathered by human rights groups confirms that the information in these lists covers a wide range of citizens, and is often based on information extracted by torture." **[58] (paras 3.3.2 and 4.5)**

8.56 A report by AIDS Free World, entitled *Electing to Rape: Sexual Terror in Mugabe's Zimbabwe*, published December 2009, noted that it is believed that "hundreds and possibly thousands" of women were raped during the 2008 election campaign, most rapes are believed to have been carried out by ZANU-PF youth militia in collaboration with the Central Intelligence Organisation and 'War Veterans'. **[112a] (p12)**

8.57 A report entitled *No hiding place: Politically motivated rape of women in Zimbabwe*, published by the Research and Advocacy Unit and the Zimbabwe Association of Doctors for Human Rights (IDSA /RAU report), dated December 2010, documented that since 2001 women have been subjected to politically motivated rape as a means of political control. In a sample of rapes committed between 2001 and 2008 the army had been responsible 5 cases out of the 27 women who were interviewed. **[127a] (Introduction & p11)**

8.58 A report by AIDS Free World, entitled *Electing to Rape: Sexual Terror in Mugabe's Zimbabwe*, published December 2009, noted that it is believed that "hundreds and possibly thousands" of women were raped during the 2008 election campaign, most rapes are believed to have been carried out by ZANU-PF youth militia in collaboration with the Central Intelligence Organisation and 'War Veterans'." **[112a] (p12)**

8.59 In the report produced by An Institute for Democracy in Africa, the International Center for Transitional Justice and the Research and Advocacy Unit, *Preying on the 'Weaker' Sex: Political Violence against Women in Zimbabwe*, dated November 2010, based on interviews with 2149 women stated that

"More than half [of the women interviewed] stated that they had been victims of violence;

"The most commonly reported perpetrators were non-state agents [ZANU-PF supporters, war veterans, youth militia];

"The most common violations reported at the hands of both state officials and non-state agents were assault, threats, and torture in that order;

"2% reported being personally raped…

"45% of the women surveyed indicated that they had witnessed violence against members of their families;

"23% reported that they had witnessed violence against their family members between 2-5 times;

" 5% witnessed the violence 6-10 times, and 5% reported that this had happened more than 10 times to family members;

"The most frequent violations witnessed by the women against their family members by non-officials were assault, threats, torture and arson, and the first three were also the most common violations witnessed against family members by officials…" **[9d] (p2)**

8.60 The USSD Report 2010 noted that: "During 2010] NGOs reported no cases of rape being used as a tool of political violence." **[2b] (Sections1c)**

See politically motivated violence, Latest News, Perpetrators of political violence, Violence against women, and Recent Developments for more information.

## Extra-judicial killings

8.61 The USSD 2010 noted that: "Unlike in 2009, there were no reports that the government or its agents committed arbitrary or unlawful killings." However, the report noted that ZANU-PF supporters were responsible for "… three confirmed killings by political party supporters during the year." **[2b] (section 1a)**

8.62 The Human Rights Watch *World Report 2010 – Zimbabwe*, published 20 January 2010, noted that security forces continued to "…kill those it considers opponents, including senior MDC figures." **[69l] (p1)** In addition to the murder of political opponents, security forces, specifically the army and the police, were also implicated in the murder of

hundreds of mine workers in the Marange Diamond Fields, noted the Human Rights Watch report, *Diamonds in the rough*, dated 26 June 2009. **[69d] (p4)**

8.63 *The Zimbabwean* reported on 31 October 2009, that "At least 12 soldiers died last week after they were brutally tortured by military intelligence agents …" All 236 soldiers based at the barracks were reportedly arrested and held in custody and subject to questioning. The torture of military personnel was reported to have been carried out by Angolan or Congolese military under the orders of a Zimbabwean commanding officer. Observers commented that the tortures followed the alleged disappearance of guns from Pomona Barracks in Harare. **[99b]**

See politically motivated violence, Perpetrators of political violence, and Recent Developments

## Disappearance and abductions

Also see the section above detailing arbitrary arrests.

8.64 The USSD Report 2010 noted that:

"There were several credible reports of politically motivated abductions and attempted abductions during the year. MDC leaders reported that state security agents and ZANU-PF party supporters abducted and tortured dozens of MDC and civil society members, as well as student leaders, as part of an effort to intimidate them. The number of abductions spiked during the constitutional outreach process. In the majority of cases, victims were abducted from their homes or off the streets by groups of unidentified assailants; driven to remote locations; interrogated, assaulted, or tortured for one or two days; and abandoned. In some cases, the abducted person was located in police custody days or weeks later. … The government did not investigate reported abductions." **[2b] (section 1b)**

8.65 Zimdiaspora and *The Zimbabwean* reported on 18 August 2010 that at least seven MDC officials were believed to have been abducted at gunpoint by state security agents (CIO) in Manicaland Province. **[117a] [99d]** The Zimbabwean noted that the seven were abducted for "… being too vocal at a recent COPAC [constitutional outreach programme] meeting." **[99d]**

8.66 The following provides total kidnappings and abductions recorded by the Zimbabwe Peace Project for years 2008, 2009, and 2010. *Figures for the first five months of 2011 have also been provided.

| Yearly totals | 2008 | 2009 | 2010 | 2011* |
|---|---|---|---|---|
| Kidnapping / Abduction | 511 | 147 | 43 | 10 |

**[122j] (p9), [122l] (p8), [122m] (p11), [122n] (p9), [122o] (p10)**

See Politically motivated violence, Perpetrators of political violence, and Recent Developments

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## 9. MILITARY SERVICE

9.01 Jane's Sentinel *Security Assessment – Zimbabwe* (Armed Forces, updated: 8 October 2008), noted that Zimbabwe does not have conscription but plans to reintroduce some form of compulsory military service were announced in 2000. "Lack of resources modified this plan …" and it is unlikely that this situation will change any time soon owing to the state of the economy. **[90i]**

9.02 The United States Department of Labor report, *2009 Findings on the worst forms of child labor – Zimbabwe* (USDL 2009), covering the period March 2009 to February 2010, although major developments up to October 2010 were also included, dated December 2010, noted that: "The National Service Act of 1979 prohibits persons under age 18 from compulsory and voluntary military service." **[38b]**

9.03 The *World Survey of Conscription and Conscientious Objection to Military Service* conducted by War Resisters International in 1998, noted that "conscientious objection is legally recognised" in Zimbabwe. Section 24 of the 1979 National Service Act provides for exemption from military service on conscientious grounds, such as religious beliefs, if conscription were to be introduced. It is not clear whether this exemption "applies to professional serving members of the armed forces." **[21]**

9.04 The Foreign and Commonwealth Office (FCO), in a letter dated 2 June 2005, regarding the termination of military service in the Zimbabwean Army, stated, that it is possible to resign from the Zimbabwean Army although anyone doing so will be required to serve a period of notice. The period of notice will vary depending upon the training that has been provided. "Any man claiming that he has left the Zimbabwe Armed Forces legitimately should have documents of discharge in his possession.

"Terms and conditions of service are very similar to those in the British Army. Other ranks in the Zimbabwe Army sign on for 3, 7 or 20 years service. They can terminate their service at any time provided all their obligations, current at the time, have been met. Obligations might include time-bars for any training paid for by the military in civilian organisations. If the soldier wishes to leave before any time-bar has expired he will first be required to refund the Service all the charges for the course and the military salary paid to him while he attended the course. Early termination of service also brings penalties to pension entitlements." **[13b]**

9.05 A Human Rights Watch report, entitled *Diamonds in the rough*, published in June 2009, noted that the standard period of notice to leave the Zimbabwean Army was three months, although the report noted that because of increasing resignations and desertions, this may have increased to nine months. **[69d] (p29)**

9.06 The FCO, in a letter regarding the termination of military service in the Zimbabwean Army, stated on 2 June 2005 that:

"If a soldier is absent for more than 28 days he will be charged with desertion upon recapture, or his surrender. Absence for less than 28 days is normally dealt with under the lesser charge of 'Absent Without Leave (AWOL)' and can be dealt with summarily by the soldier's Commanding Officer, with punishment ranging from restriction of privileges, to small fines or short custodial sentences of a few days' duration. Desertion is a serious charge to be dealt with by Courts Martial and depending on the circumstances, could result in long custodial sentences e.g. years, forfeiture of all

benefits and salary and dishonourable dismissal from the Service. In wartime, of course, the penalties of desertion are very severe indeed. Occasionally, a Commander will not follow the 'book' and summary punishments will go beyond delegated powers." **[13b]**

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## 10. JUDICIARY

10.01 Jane's Sentinel *Security Assessment – Zimbabwe*, updated 12 October 2010, noted that: "The legal system is based on a mixture of Roman-Dutch and English common law. Judicial authority is vested in the Supreme Court, the High Court and subsidiary courts including Magistrates' Courts, Local Courts headed by traditional chiefs and headmen and Small Claims Courts." **[90l] (Internal Affairs)**

### ORGANISATION

10.02 Europa World Online, undated, accessed 2 February 2009, noted that there are four levels of courts, the highest being the Supreme Court.

- "The Supreme Court has original jurisdiction in matters in which an infringement of Chapter III of the Constitution defining fundamental rights is alleged. In all other matters it has appellate jurisdiction only. It consists of the Chief Justice, a Deputy Chief Justice and such other judges of the Supreme Court, being not less than two, as the President may deem necessary.

- "The High Court consists of the Chief Justice, the Judge President, and such other judges of the High Court as may from time to time be appointed. Below the High Court are Regional Courts and Magistrates' Courts with both civil and criminal jurisdiction presided over by full-time professional magistrates.

- "The Customary Law and Local Courts Act, adopted in 1990, abolished the village and community courts and replaced them with customary law and local courts, presided over by chiefs and headmen; in the case of chiefs, jurisdiction to try customary law cases is limited to those where the monetary values concerned do not exceed Z.$1,000 and in the case of a headman's court Z.$500.

- "Magistrates' Courts. 'Appeals from the Chiefs' Courts are heard in Magistrates' Courts and, ultimately, the Supreme Court. All magistrates now have jurisdiction to try cases determinable by customary law." **[1e] (Government and Politics – Judicial System)**

10.03 Jane's Sentinel *Security Assessment – Zimbabwe*, updated 12 October 2010, noted that: "The judiciary is headed by the chief justice who, together with other judges of the Supreme and High Courts, is appointed by the president after consultation with the Judicial Service Commission. According to the current constitution, a judge may serve until the retirement age of 65 but this is often extended to 70 when a judge is in good health." **[90l] (Internal Affairs)** The US State Department *Country Reports on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, noted that: "The constitution provides that they [judges] may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons." **[2h] (Section 1e)**

## INDEPENDENCE AND FAIR TRIAL

10.04 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that:

"The justice system in Zimbabwe continues to be controlled by a system of patronage which stifles judicial independence and continues to create a lack of confidence around the rule of law. Two pieces of legislation, the Public Order and Security Act 2002, and the Criminal Procedure and Evidence Act, were regularly abused by the attorney-general's office, which is headed by political hardliner Johannes Tomana. Section 121 of the Criminal Procedure and Evidence Act, which ensures that a defendant remains in custody for at least a further seven days, was regularly invoked by prosecutors after magistrates awarded bail to a defendant." **[13h] (p350)**

10.05 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"Defendants enjoy a presumption of innocence under the law; however, this was not always respected in practice. Trials were held by magistrates or judges without juries and were open to the public, except in cases involving minors or state security matters. Assessors, in lieu of juries, could be appointed in cases in which the offense could attract a death penalty or lengthy prison sentence. Every defendant has the right to a lawyer of his or her choosing, but 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 request was rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request free legal assistance from the Legal Resources Foundation or ZLHR." **[2b] (Section 1e)**

10.06 The USSD 2010 continued:

"Magistrates heard the vast majority of cases. On June 18 [2010], the Judicial Services Act (JSA) went into effect. The JSA intended to provide greater independence for magistrates by removing authority over judicial magistrates and their support staff from the Public Service Commission and transferring it to the Judicial Services Commission (JSC). The act states that the JSC will also determine the remuneration and other conditions of service for the magistrates. Legal experts said that 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. According to a November 2008 Human Rights Watch report, most junior magistrates and magistrates in rural areas did not benefit from government patronage. Instead, ZANU-PF sympathizers relied on threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government's favor. Some urban-based junior magistrates demonstrated a greater degree of independence and granted MDC and civil society activists bail against the government's wishes. Other judicial officers, such as prosecutors and private attorneys, also faced political pressure, including harassment and intimidation. These conditions persisted in spite of the formation of the transitional unity government in 2009. … Unlike in 2009, there were no reports of lawyers and court officers being arrested on criminal charges after taking action that some in government opposed." **[2b] (Section 1e)**

10.07 The Human Rights Watch report *Perpetual Fear – Impunity and Cycles of Violence in Zimbabwe*, published in March 2011, noted that: "Zimbabwe's criminal justice system has promoted impunity by rarely providing justice for serious human rights violations. The police and judiciary are severely compromised and have largely ignored calls for investigations into past and recent human rights abuses." **[69b] (p26)**

10.08 The International Crisis Group (ICG) reported on 20 April 2009, that the "… police have repeatedly refused to obey … court orders …" where judges and magistrates ruled against the interests of ZANU-PF. **[100a] (p5)** *The Times* (dated 1 June 2009) also noted that court rulings were often ignored by security forces. **[82b]**

10.09 SW Radio Africa reported on 21 May 2010 that President Mugabe unilaterally, and without the knowledge of his MDC partners, "… appointed a new Supreme Court judge and four High Court judges …" The article went on to note that: "To emphasize his powers Mugabe also promoted retired Brigadier General George Chiweshe as the new High Court Judge President. Chiweshe is the former chairperson of the discredited Zimbabwe Electoral Commission that kept Mugabe in power in 2008 by withholding election results for a month while massaging the figures." **[53f]**

10.10 The report of a fact finding mission comprised of the Chairman of the General Council of the Bar of England and Wales, Desmond Browne QC, the President of the Commonwealth Lawyers Association, Mohamed Husain, a representative of Avocats Sans Frontières, Lara Deramaix, a representative of the Belgian and Flemish Bars, Philippe De Jaegere, the Vice-President of Avocats Sans Frontières, Netherlands, Hans Gaasbeek, the Chairman of the Bar Human Rights Committee, Mark Muller QC, the Project Coordinator of the Bar Human Rights Committee, Jacqueline Macalesher, and Ijeoma Omambala and Andrew Moran of the English Bar, undertaken between 24 October and 4 November 2009, titled *A place in the sun – Zimbabwe*, dated June 2010, stated:

"… By far the majority of the senior judiciary remains fundamentally compromised by state patronage, grants of land and other gifts given to them by the former government. The present government has not sought to claw-back such inducements from the senior judiciary nor has there been any policy initiative directed at re-establishing the integrity of the senior judiciary in the eyes of the public.

"6. The magistracy is under pressure as it has been for years and magistrates are subject to threats, intimidation, arrest and prosecution when they displease the authorities. In one notorious case referred to in the body of this report a magistrate in Eastern Zimbabwe was himself prosecuted by the authorities as a result of having granted bail to the Deputy Minister designate for Agriculture, Mr Roy Bennett. One interviewee described the magistracy as the unsung heroes of recent years.

"7. The Law Society of Zimbabwe endeavours to represent its membership against a background of intimidation and harassment of, in particular, human rights lawyers. It reflects greatly to the credit of the Law Society that in the absence of government action in relation to the compromising of the senior judiciary, the Law Society has taken the initiative in seeking to open a dialogue with the judiciary. The Law Society stands out as an organisation prepared vocally and committed actively to oppose measures which are anathema to the rule of law and to support its membership in the discharge of their duties as lawyers.

"8. Accounts of harassment and intimidation of lawyers are referred to in the body of the report. Two examples provide illustrations of what confronts the profession in Zimbabwe today. Whilst the mission was present in Zimbabwe a former President of the Law Society was arrested apparently for nothing more than having represented his client's legitimate interests. Lawyers in Manicaland, Eastern Zimbabwe, have been threatened with violence and, in one case, with lethal force by the police and the military in the course of seeking to discharge their professional obligations to their clients.

"9. The physical infrastructure for the teaching of law is crumbling: the mission saw for itself the dilapidated state of the Law Faculty of the University of Zimbabwe. Glimpses of hope for the future of the teaching of law in Zimbabwe are to be found in the dedication of its staff. However, the mission was deeply disturbed by accounts it received that the Central Intelligence Organisation had infiltrated the student body in the Law Faculty with the result that the content of lectures and open debate in seminars was circumscribed by fear of the consequences of candour.

"10. Access to justice is virtually non-existent. The legal aid system is so starved of funds that the Legal Aid Directorate is itself on the verge of collapse. Although small numbers of cases are taken on by certain independent organisations such as the Legal Resources Foundation and Zimbabwe Lawyers for Human Rights who need and deserve more financial support than they receive at present, the picture as regards access to justice is grim." **[107] (p4-5)**

Further information about the courts system and the workings of the criminal justice system can be found at the UK Bar Council's report - *A Place in the Sun Zimbabwe: A Report on the state of the rule of law in Zimbabwe after the Global Political Agreement of September 2008*, published June 2010. **[107]**

http://www.barcouncil.org.uk/assets/documents/7351_BHRC_Zimbabwe_Report.pdf

10.11 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, (CSMM Report 2011) released on 21 February 2011, observed that:

"Judicial attempts to exercise independence and impartiality are welcomed. Fostered by the Judicial Service Act and encouraging statements at the highest levels; however these are hindered by the other elements, including law enforcement officials and the Attorney-General's Office, the Legislature and also the Ministry of Justice… **[48c] (p9)** There have been a number of occasions on which the Judiciary has exercised independence and delivered judgements free of political taint." **[48c] (p46)**

Further discussion of the rule of law can be found in the chapter titled Institutional and Legislative Reform in the CSMM Report 2011.

For information about pre-trial detention, see Arrest and detention – legal rights

## PENAL CODE

10.12 The following link to the International Labour Organisation website provides copies of a number of criminal and penal laws.
http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=ZWE&p_classification=01.04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY

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## 11. ARREST AND DETENTION – LEGAL RIGHTS

11.01 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), Zimbabwe, published on 8 April 2011, noted that:

"The Criminal Procedure and Evidence Act (CPEA) stipulates that arrests require a warrant issued either by the court or a senior police officer. The law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. The law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend). Police typically made arrests, which may have been politically motivated, on Fridays, which permitted legal detention until Monday. There were numerous reports that security forces arbitrarily arrested political and civil society activists, interrogated and beat them for information about their organizations' activities, and then released them the next day without charge.

"According to the CPEA, the court reserved the power to grant bail. However, the attorney general has the power to suspend bail while an appeal is lodged. High court judges at times granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to four weeks without bail." **[2b] (Section 1d)**

11.02 The USSD 2010 report also noted:

"In 2008 Johannes Tomana, then deputy attorney general, announced that the Attorney General's Office would 'deny bail to all suspects arrested on charges of either committing or inciting political violence.' In some cases, those arrested and denied bail were kept detained for weeks or months. In other cases, police continued to hold persons in jail even after a judge had granted bail or dropped the charges… Authorities often did not allow detainees prompt or regular access to their lawyers, and often informed lawyers who attempted to visit their clients that detainees were 'not available,' especially in cases involving MDC members and civil society activists. Often detainees were 'moved' overnight or on weekends from one police station or prison to another, and police refused to disclose the new location to their families and lawyers. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado." **[2b] (Section 1d)**

11.03 The same source also noted that:

"Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several years before trial or sentencing because of a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and for political reasons. During the year some detainees in Harare Remand Prison went for months without attending court for bail hearings because the ZPS lacked fuel to provide transport. Others who had bail set but could not afford to pay remained in detention. According to lawyers, pretrial detainees were held without charge for as long as 11 years. Lawyers also reported that juveniles usually spent more time in pretrial detention than adults because they could not attend court unless a parent or guardian accompanied them; however, the government did not routinely notify parents when a juvenile was arrested." **[2b] (Section 1d)**

See also Security forces, Arbitrary and selective arrest and detention, Prison conditions and Judiciary

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## 12. PRISON CONDITIONS

12.01 King's College London's *World Prison Brief*, Zimbabwe, (KCL Prison Brief 2011) website last modified 8 June 2011 however the data on the page is mostly dated October 2010, provided a statistical breakdown of the prison estate and population:

| | |
|---|---|
| Country | ZIMBABWE |
| Ministry responsible | Ministry of Justice, Legal and Parliamentary Affairs |
| Prison administration | Zimbabwe Prison Service |
| Contact address | Private Bag 7718, Causeway, Harare, Zimbabwe |
| Telephone/fax/website | tel: +263 4 706501/4 or 777384/5 or 710095/7 or 754197<br>fax: +263 4 754157<br>Web: zps@gta.gov.zw |
| Head of prison administration (and title) | Paradzayi Willings Zimondi<br>Commissioner |
| Prison population total (including pre-trial detainees / remand prisoners) | c.15,000<br>at October 2010 (national prison administration) |
| Prison population rate (per 100,000 of national population) | c.121<br>based on an estimated national population of 12.4 million at October 2010 (from United Nations figures) |
| Pre-trial detainees / remand prisoners (percentage of prison population) | c.30%<br>(October 2010) |
| Female prisoners (percentage of prison population) | 3.0%<br>(October 2010) |
| Juveniles / minors / young prisoners incl. definition (percentage of prison population) | 1.8%<br>(October 2010 - under 18) |
| Foreign prisoners (percentage of prison population) | 0.7%<br>(31.12.2008) |
| Number of establishments / institutions | 46<br>(2010 - there are also 26 satellite prisons) |

| | | | |
|---|---|---|---|
| Official capacity of prison system | 17,000<br>(October 2010) | | |
| Occupancy level (based on official capacity) | c.88%<br>(October 2010) | | |
| Recent prison population trend<br>(year, prison population total, prison population rate) | 1992 | 21,212 | (191) |
| | 1995 | 21,212 | (180) |
| | 1998 | 18,977 | (155) |
| | 2001 | 19,376 | (156) |
| | 2004 | 19,608 | (157) |
| | 2007 | 16,429 | (131) |

**[32a]**

12.02 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"Prison conditions improved but remained harsh and life threatening. The government's 46 main and 22 satellite prisons were designed for a maximum of 17,000 prisoners. There are two remand prisons and one juvenile prison in the Zimbabwe Prison Service (ZPS). The ZPS estimated that there were between 13,500 and 14,000 prisoners in the system at year's end, a number confirmed by the International Committee of the Red Cross. This constituted a significant reduction from a 2008 NGO estimate of 35,000 and the 2008 government estimate of 22,000 to 24,000. Prison guards beat and abused prisoners. Poor sanitary conditions due to dilapidated prison infrastructure and overcrowding persisted, which aggravated health conditions and outbreaks of diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses.

"Lawyers, NGOs, and church officials familiar with prison conditions reported that, although the situation had improved since 2009, shortages of food, water, electricity, clothing, and soap continued. NGOs started working with the ZPS to revitalize 23 prison farms, which totalled approximately 35,830 acres of land, to ameliorate food shortages. NGOs reported that prisoners were able to produce enough maize for consumption and that malnutrition was no longer an endemic problem at year's end. Malnutrition was largely eliminated by therapeutic feeding and food assistance. Prisoners were fed at least once daily; however, nutritional deficiencies remained a critical problem." **[2b] (Section 1c)**

12.03 The USSD 2010 report noted:

"NGOs reported the death rate among prisoners was lower than in 2009, although neither the ZPS nor NGOs provided information on the death rate during the year. In 2009 NGOs estimated the death rate was 40 deaths per month, a reduction from the estimated 40 to 50 deaths per week during the height of the 2008 prison crisis. Most prison deaths between 2008 and 2009 were attributed to harsh conditions, hunger, and HIV/AIDS. NGOs continued to estimate that approximately 70 percent of prisoners were HIV-positive; the ZPS did not routinely test prisoners for HIV. Due to inadequate facilities, outdated regulations, and the lack of medical personnel and medication, the majority of prisoners suffered from routine medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. NGOs also reported cases of pellagra, a serious illness caused by protein deficiency, which causes severe diarrhoea,

dermatitis, and dementia. Poor lighting and ventilation also aggravated the situation."**[2b] (Section 1c)**

12.04 The International Committee of the Red Cross (ICRC) noted in an operational update entitled *Zimbabwe: addressing the essential needs of prisoners*, dated 28 October 2010, that: "The situation in Zimbabwe's prisons is better than it was two years ago…" The ICRC continued, noting that:

"… while still helping to improve the nutritional situation and food supply, the ICRC is also upgrading prison kitchen facilities, supplying blankets and hygiene items, and enhancing prisoner's access to health care. In addition, it is improving water supply and sanitation, and reinforcing preparedness measures aimed at stemming outbreaks of diseases such as cholera… The ICRC has continued to supplement the Zimbabwe Prison Service diet by providing beans and oil in 17 of the largest prisons, which together hold some 8,300 prisoners, or nearly 65 per cent of the country's total prison population. Since June 2010, it has also been providing groundnuts so as to help protect against pellagra, a vitamin-deficiency disease causing skin lesions and diarrhoea… The Zimbabwe Prison Service and the ICRC have organized training and workshops aimed at delivering better quality health care. The ICRC also helps the prison service to ensure that basic equipment and essential drugs are available in prison clinics and that sick detainees receive suitable treatment." **[125a]**

12.05 An article published by New Zimbabwe on 15 February 2011 reported that:

"The Red Cross announced on Tuesday it is withdrawing food aid to the Zimbabwe Prison Service due to the country's improved economy.

"The aid organisation said it would help the Zimbabwean authorities to gradually take over full responsibility for meeting the nutritional needs of 8,000 inmates to whom it has been distributing food since April 2009.

"'The direct food aid we have been providing in prisons for almost two years was an emergency measure taken in response to a situation in which malnutrition had reached critical levels,' said Thomas Merkelbach, head of the International Committee of the Red Cross (ICRC) regional delegation in Harare.

"He added: 'An assessment undertaken jointly with the authorities established that the Zimbabwe Prison Service is now far more capable of meeting the dietary needs of inmates.

"During the handover period, which will last until 2012, the ICRC will closely monitor the situation. Together with the authorities, it will ensure that an appropriate diet for detainees is maintained'." **[41e]**

12.06 The International Committee of the Red Cross (ICRC) *Annual Report (Zimbabwe) 2010*, published May 2011, noted that: "During the year, the joint efforts of the ZPS [Zimbabwe Prison Service] and the ICRC contributed to stabilizing inmates' nutritional status and ensuring a regular food supply to prison." With regard to health, the report noted that "Detainees have improved health care and hygiene conditions … Dispensaries still lacking drugs and medical items got a regular supply from ICRC. … [And] Inmates in prisons also benefited from preventative health measures supported by the ICRC, including the provision of hygiene kits. Nearly 10,000 detainees also received soap, plates, jerrycans and blankets …" **[125b]**

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### WOMEN AND CHILDREN

12.07 The KCL Prison Brief 2011 profile stated that 1.8% of the prison population (around 280 of the estimated 15,000 prisoners) were under 18 years and 3% were women (around 450) as of October 2010. **[32a]** The USSD Report 2010 observed that:

"NGOs estimated that there were 412 women in prison, 250 of whom were convicted as of June, and 72 children under the age of three lived with their incarcerated mothers. NGOs reported that female prisoners generally fared better than males. Female prisoners were held in separate wings of prisons and were guarded by female officials. Women generally received more food from their families than male prisoners. However, children living with their incarcerated mothers were required to share their mothers' food allocation. Prison officials also appeared to have prioritized food distribution to women. NGOs were unaware of women reporting rapes or physical abuse, which were common among the male population. NGOs suggested that female guards may have been more diligent about protecting female prisoners from abuse, and female prisoners may not have reported abuse. However, female prisoners continued to endure significant hardship. For example, prisons did not provide feminine sanitary supplies for women, resulting in frequent fungal infections, as female inmates were forced to reuse torn pieces of dirty blankets during their menses. Pregnant and nursing mothers were not provided additional care or food rations." **[2b] (Section 1c)**

12.08 The USSD 2010 report noted that:

" NGOs estimated that there were between 350 and 400 juveniles in prison facilities; the majority were being held in pretrial detention. There was one juvenile prison in the ZPS; however, juveniles also were held in adult prisons throughout the country. Although juveniles were not officially held separately from adults, officials generally tried to place juvenile inmates in cells separate from adults. It became more common for juveniles to be sent to prison instead of to reformatory homes, as stipulated in the Children's Act. Juveniles were particularly vulnerable to the effects of poor prison conditions, and local NGOs reported several complaints of physical and sexual abuse." **[2b] (Section 1c)**

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## 13. DEATH PENALTY

13.01 Hands Off Cain profile on Zimbabwe, undated though articles cited on the webpage were dated 1 January 2011, noted that capital crimes were murder, treason and mutiny. **[71a]**

13.02 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that:

"The death penalty continues to be handed down as a sentence, although executions are rarely carried out. There were 55 people on death row at the end of 2010, including two women. The last execution was carried out in 2005 but the most recent death sentence was issued in 2010. The EU unsuccessfully lobbied the Zimbabwean

government to support a UN General Assembly resolution proposing a moratorium on the use of the death penalty." **[13h] (p351)**

13.03 IPSNews reported on 4 July 2011 that there were 60 people on 'death row' but there had been a "moratorium" on executions since 2005 when the country's last hangman retired. The government is reported to be searching for a replacement but "superstition and cultural reasons" was making it difficult to fill the post. The article quoted the country's deputy justice minister. Obert Gulu: "'For this matter [the lack of a state executioner] we are waiting for a proper directive from cabinet. There is currently a moratorium on the death penalty since the matter is before cabinet…'" **[57a]**

13.04 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that: "The right to appeal against both conviction and sentence exists in all cases, and it is automatic in cases in which the death penalty is imposed. The law extends these rights to all citizens; however, in politically sensitive cases, these rights were not always protected in practice." **[2b] (Section 1e)**

Also see Prison Conditions above

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## 14. POLITICAL AFFILIATION

For background on the political system see section of the same name. Additionally, for a wider appreciation of freedom of expression see also Freedom of speech and media, and Human rights institutions, organisations and activists.

14.01 Jane's *Sentinel Security Risk Assessment*, Zimbabwe, Executive Summary, updated 12 October 2010, stated that:

"The defining feature of Zimbabwe's political situation since 1999 has been the ZANU-PF government's authoritarian response to the emergence of a broad-based opposition party. In June 2000, the MDC won 58 of 120 seats in the 150-member parliament, thereby depriving the government of its habitual two-thirds majority. Thereafter, the political situation worsened, with suppression of opposition rallies, detainment of opposition figures and curtailment of press freedoms. ZANU-PF retained the support of the poor rural population, primarily in the three Mashonaland provinces, and mobilisation of landless rural inhabitants and former Zimbabwe African National Liberation Army (ZANLA) liberation war veterans has been a major feature of political conflict, including the confiscation of some 90 per cent of white-owned commercial farms. Under such conditions, and some dubious electoral arrangements, Robert Mugabe was returned for another six years as president with almost 54 per cent of the vote in March 2002. The MDC unsuccessfully lodged a court challenge to the election outcome. However, in 2008, the ruling party were seemingly caught by surprise when first-round victory in the presidential and parliamentary polls went to the MDC-T. Mugabe subsequently won the presidency following a run-off in June that was boycotted by the opposition. However, Mugabe and ZANU-PF started facing stronger criticism from some African countries over the March and June elections, with regional leaders pushing for negotiations between the rival sides. This subsequently culminated in the signing of a power-sharing pact in September 2008, in which Mugabe remains president, with Tsvangirai appointed prime minister." **[90d]**

14.02 A paper published by NGO Pulse entitled *Zimbabwe: Civil Society and Democracy*, accessed, 17 January 2011, discussed the background to the political system. The paper noted that:

"Constitutionally, Zimbabwe is a democracy. However, the existing flawed Constitution, which is amenable to manipulation and abuse by the ruling elites, renders Zimbabwe's democratic status grossly dysfunctional. Thus, political domination has, since 1980, lent itself more towards authoritarian, than democratic rule … In Zimbabwe, patronage and clientele politics has entrenched authoritarianism. The culture of intolerance and bad governance in the wake of the 2008 Harmonised Elections threatens to block the smooth democratic transition. Since 2000, there exists a fractious relationship between the discourses of democracy and sovereignty, espoused by the self-acclaimed democrats (opposition political parties and Civil Society Organisations) and the so-called nationalists (ZANU-PF and war veterans) … The pervasive patronage politics and these competing discourses explain recent raids on civil society in the context of the unfinished 2008 electoral process in Zimbabwe … Since … [2000], there has been a systematic militarisation and patronisation of all major and strategic state institutions for purposes of defending the ZANU-PF regime. In turn, this has grossly compromised the jurisdictional provisions of a rational-legal bureaucracy that guarantee efficiency and accountability of the government and is currently the greatest threat to democratic transition in Zimbabwe." **[133a] (p1-2)**

14.03 The Solidarity and Peace Trust report, *Hard Road to Reform*, 13 April 2011, observed:

"Since the signing and initiation of the Global Political Agreement in Zimbabwe in September 2008 and February 2009 respectively, the politics of the country has been convulsed with a recurring set of problems even as it has allowed for a certain political and economic stabilization. The agreement, with its attendant Inclusive Government, was set up to establish the conditions for a free and fair election. However it was always clear that, in a more determinate sense, it would provide the site for intense struggles over the state between the contending parties, with Zanu PF always in an advantageous position because of its control of the coercive arms of the state. It is thus not surprising that the Mugabe regime has used its control of the police, security and military sectors to contain the constrained promise of the GPA to open up democratic spaces. It is also clear that both MDCs have made strategic mistakes that have added to the already difficult challenges that confronted them at the outset of the process. Moreover the problems of the GPA have, on occasion, been compounded by the different roles of SADC and the West." **[65a ] (p6)**

## FREEDOM OF POLITICAL EXPRESSION

14.04 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that: "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 biased heavily in favor of ZANU-PF, which has dominated politics and government since independence in 1980." **[2b] (Section 3)**

14.05 The USSD 2010 noted with regard to the 2008 parliamentary and presidential elections that:

"Harmonized elections for the presidency, the House of Assembly, Senate, and local government were held in 2008. As in previous elections in 2000, 2002, and 2005, the pre-election period was not free and fair. The environment was characterized by some violence and a media environment that heavily favored Mugabe. Although Tsvangirai was allowed to campaign, the police did not permit the MDC to hold all of its planned rallies, and some MDC activists were intimidated and beaten in the weeks before the election. Foreign journalists were not granted permission to cover the elections." **[2b] (Section 3)**

14.06 The Freedom House report, *Freedom in the World 2010*, Zimbabwe, (FH Report 2010) released on 3 May 2010, covering events in 2009, noted that:

"Zimbabwe is not an electoral democracy. President Robert Mugabe and the ZANU-PF party have dominated the political landscape since independence in 1980, overseeing 18 amendments to the constitution that have expanded presidential power and decreased executive accountability. Presidential and legislative elections in March 2008 were marred by a wide-ranging campaign of violence and intimidation, flawed voter registration and balloting, biased media coverage, and the use of state resources – including food aid – to bribe and threaten voters. The government failed to implement changes to electoral, security, and press laws that were agreed to in a 2007 constitutional amendment. The period leading up to the presidential runoff in June 2008 featured accelerated violence against oppositionists, prompting a UN Security Council resolution declaring the impossibility of a fair poll. The election, in which Mugabe ultimately ran unopposed, was declared illegitimate by observers from the African Union and the SADC. Although the September 2008 power-sharing agreement between ZANU-PF and the opposition MDC – known as the Global Political Agreement (GPA) – called for a new, independent election commission, the body had not been formally constituted by the end of 2009.

"Since the restoration of the Senate in 2005, Zimbabwe has had a bicameral legislature. A 2007 constitutional amendment removed appointed seats from the House of Assembly, increased the number of seats of both chambers (to 210 seats in the House of Assembly and 93 seats in the Senate), and redrew constituency boundaries. In 2008, despite political violence and vote rigging, the two factions of the MDC won 109 seats in the House of Assembly, leaving ZANU-PF with 97. In the Senate, where 33 seats are held by traditional chiefs, presidential appointees, and other unelected officials, ZANU-PF retained its majority; the 60 elected seats were divided evenly between ZANU-PF and the MDC factions. All elected officials serve five-year terms. A 2009 constitutional amendment stemming from the GPA created the post of prime minister (and two deputy prime ministers) while retaining the presidency, leaving the country with a split executive branch." **[96b]**

14.07 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), (FFM Report 2010) reported the views of a source that wished to remain anonymous in response to the question, "What have been the main differences in the political environment since the formation of the GNU?":

"People in Zimbabwe are tentative about the current peace and are aware that it is fragile. There is some optimism, but the uncertainty about the future is evident in the population. It is believed that MDC have little power within the government and there is variable freedom of expression, although in MDC strongholds, it is more open. There

was uncertainty about the timing of the next elections. The police interfere less with political action, however, war veterans sometimes interrupt meetings about the constitution. There is intimidation by some war veterans and people allied with Zanu PF in some areas which limits expression and participation. In rural areas there is some fear of reprisal for speaking against Zanu PF. People can talk about politics more freely than previously but are still inhibited by memories of past persecution." **[121a] (p20-21)**

14.08 In response to the same question in the same report a major NGO which asked to remain anonymous noted: "The situation now is more permissive but the Source doubts how sustainable this is and is very concerned that the next elections will see a return to the previous more restrictive state of affairs." **[121a] (p21)** In the same report and question, activist Anastasia Moyo [based on experiences in Bulawayo] observed that:

"There has been a slight improvement in freedom of expression since the GNU was formed, however people do not trust people they do not know enough to openly discuss politics.

"The organisation has been collecting information for the COPAC process and has found that people are sometimes reluctant to express their views openly in case of reprisals. The organisation attempts to convince people that they are free to discuss whatever they want, however the fear is deeply ingrained and there can be no guarantees that people are safe. However, the organisation is not aware of any recent arrests for speaking against the government." **[121a] (p21)**

14.09 Further comments from other sources in the same report included a major international humanitarian organisation, which stated that: "Generally the source believes that the political space has opened up to allow people to discuss political issues more freely. However, an increase in incidents of violence in connection with the constitutional outreach programme has complicated the picture." **[121a] (p22)** While the Zimbabwe Human Rights Association stated:

"The political space has not really opened up at all at the local level. People cannot speak freely about political matters and there have been instances of people in Combis being arrested after being overheard doing so. This is more of a problem in rural areas but applies to some extent anywhere. The space has opened up to some extent for civil society, who can now access previously out of bounds areas although some remain problematic, for example Mutoko and Chiwesha." **[121a] (p24)**

## Constitutional Outreach Programme

14.10 Jane's Sentinel *Country Risk Assessment: Zimbabwe*, updated 10 September 2009, noted that one of the main cornerstones of the Global Political Agreement was the drafting of a new constitution to be submitted to the electorate in a referendum ahead of future elections. Preparations for the new constitution began in April 2009 with the appointment of a Constitutional Parliamentary Committee to oversee the process. **[90a] (Constitution)**

14.11 The FH Report 2010 observed:

"The GPA called for a new constitution following consultations with the public and the presentation of a draft in a referendum, but efforts to formally draft the charter made little progress in Parliament in 2009. In July, police had to forcefully disperse a

constitutional conference intended as the official start of national consultations after ZANU-PF militants disrupted the conference and a series of fights broke out among ZANU-PF and MDC delegates. Major civil society organizations like the National Constituent Assembly (NCA) and the Zimbabwe Congress of Trade Unions (ZCTU) opposed Parliament's role in drafting the new constitution, calling for greater participation by civic groups and the general public." **[96b]**

14.12 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, released on 21 February 2011, (CSMM Report 2011) observed in its executive summary that the Constitutional Outreach Programme (COPAC) was launched in June 2009 and concluded in October 2010:

"● COPAC held weekly briefing sessions with the media and concerned stakeholders… Logistical problems and difficulties in accessing the funds from government and donors delayed the process;

"● An inhibitive environment characterised the outreach meetings, with inimical legislation such as POSA still in force;

"● A repressive and polarised political environment was also engendered by the army, war veterans, youth militia, traditional leaders and party activists intimidating civilians in advance of the consultative meetings;

"● Coaching and political interference as well as intimidation and bullying, were the most common violations of the principles of the outreach; Public participation was more limited than anticipated, partly due to COPAC disorganisation and due to fear of not being able to express views freely;

"● Discrimination of special interest groups including the differently-abled, sexual and racial groups." **[48c] (Executive summary, p5)**

14.13 The CSMM report, *Periodic Report, October to November 2010*, dated 12 October 2010, observed in its executive summary that:

"The increase in political violence that was recorded across the country as well as the erosion of civic space in the last two months can be attributed mainly to two factors: the conclusion of the constitution outreach process and the declaration of forthcoming elections. The first has demonstrated the state's intolerance for free and democratic participation as violence was mainly retributive; and the latter has mobilised political agents to intimidate opposition members in advance with pre-emptive threats. There is pressure on rural citizens to submit to ZANU-PF orders and the police and courts can do little to protect the rights and freedoms of the people according to the constitution and the agreed provisions of the GPA. The patterns of politicial intimidation indicate a thorough strategy which needs only remind the population that they have no democratic anonymity and that there will be even more violent repercussions if they step out of line." **[48c] (p2)**

14.14 The Solidarity Peace Trust's report The Hard Road to Reform, published 13 April 2011, noted that: Despite the expectations that the COPAC process would be violent, due to the contested nature of a new constitution and politicization of the process, the survey trend was one of relative contentment with the process, and observations that violence

only played a small role in it. This was the case in both rural and urban areas, and across the provinces." **[65a] (p9)**

For further information about COPAC see History/Events 2008 – 2010/Constitutional Outreach Programme, and limits on freedom of association and intimidation/violence associated with the process see following subsections.

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## FREEDOM OF ASSOCIATION AND ASSEMBLY

14.14 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"2011 has been characterised first and foremost, by the closing of democratic space, with a surge of bans on rallies, marches and meetings, accompanied by a large number of associated arrests that peaked in February and early March, and have continued to date. This can be viewed as a direct response to events in North Africa, where several popular revolutions have led to heightened concern among the Zimbabwe military and ZANU-PF about the possibility of an uprising in Zimbabwe. … In terms of POSA, meetings taking place inside a building do not require the police to be informed, but this is being routinely ignored, as even meetings in private buildings are being repeatedly raided and shut down." **[65a] (p23)**

14.15 The report continued, noting claims by the MDC-T that the police had infringed its freedom of assembly by banning its political rallies and gatherings. The report noted:

"The Commissioner of Police prepared a report for cabinet in early April [2011], in which he claimed that 94% off MDC meetings had been approved by the police. He confirmed the refusal to allow 38 meetings out of 682 applied for by MDC-T so far this year: he does not indicate when these 38 meetings were disallowed, but it seems likely that all 38 of these refusals were within a short time span in March. Significantly, the refusals affected several attempts by the MDC-T to organise a rally featuring Morgan Tsvangirai, thus denying him a public platform." **[65a] (p25)**

14.16 The USSD 2010 noted that:

"The constitution provides for freedom of assembly; however, the government restricted this right in practice. [The Public Order and Security Act] 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, which by definition constitutes 15 or more individuals, seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. In 2008 POSA was amended as part of constitutional amendment 18 to require police to go to a magistrate's court and state in an affidavit why a public gathering should not take place. Although many groups that held meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not they were notified." **[2b] (Section 2b)**

14.17 The USSD 2010 report also noted that:

"Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organizations generally were free of governmental interference only if the government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with other political parties. Suspected security force members visited the offices and inquired into the activities of numerous NGOs and other organizations that they believed opposed government policies." **[2b] (Section 2b)**

16.18 A report by Human Rights Watch entitled *Universal Periodic Review of Zimbabwe*, a submission to the UN Human Rights Council, dated 29 March 2011, noted that:

"Zimbabwean citizens who publicly and peacefully express opinions critical of the government are routinely subject to arrest. The government passed two major pieces of legislation before presidential elections in 2002, the Public Order and Security Act (POSA) and the Miscellaneous Offences Act (MOA), which severely limit criticism of government and public debate.

"The police in Zimbabwe have often used key provisions of these laws, as well as the Criminal Law (Codification and Reform) Act, to justify arrests that violate basic rights and systematically deny civil society activists the right to peacefully assemble and associate. The police have used provisions in POSA to strictly monitor and prevent public meetings or disrupt peaceful demonstrations.

"Peaceful protests in Zimbabwe are often violently disrupted by the police. At various times over the past decade, hundreds of peaceful demonstrators, including student activists, trade unionists, and human rights activists, have been arrested for exercising their right to peacefully assemble. On February 19, 2011, police arrested 45 activists who were meeting in Harare to discuss events in the Middle East." **[69c]**

14.19 The International Trade Union Confederation's (ITUC) *Annual Survey of Violations of Trade Union Rights, Zimbabwe 2011, undated,* noted that:

"Agricultural workers' leader Gertrude Hambira was forced into exile after threats and harassment from the police. Several events held by the Zimbabwe Congress of Trade Unions (ZCTU) were disrupted, curtailed or prevented by the police, and in some instances participants were arrested. A ZCTU official was assaulted by a manager at a security company, while a worker at a Chinese-owned company was dismissed for protesting about working conditions. Union activities are hampered by restrictive legal provisions, and there are no trade union rights in the public sector." **[148a] (Introduction)**

The ITUC Zimbabwe – 2011 report also lists documented rights violations of trades union members: http://survey.ituc-csi.org/Zimbabwe.html#tabs-5

14.20 The Freedom House report, *The Global State of Workers' Rights*, Zimbabwe, 31 August 2010, noted that:

"Labor unions in Zimbabwe have been regular targets of organized repression and violence by the state in recent years. The Zimbabwe Congress of Trade Unions (ZCTU) was established in the early 1980s, bringing together six labor organizations and emerging as the country's main labor umbrella group… trade unionists are not free to operate without government interference. The government created an alternative labor

body, the Zimbabwe Federation of Trade Unions, which is not influential in practice but fosters confusion among workers… The state has repeatedly and systematically violated fundamental workers' rights, according to a special commission of inquiry of the International Labour Organization. Trade unionists have been arrested, detained, and subjected to torture by security forces. A conspicuous case was the arrest of ZCTU president Lovemore Matombo and other union leaders, who were reportedly harassed and beaten after they attempted to hold labor meetings in November 2009. Both union leaders and rank-and-file members have been intimidated through detention or targeted violence on a regular basis under the Mugabe regime, which uses the Public Order and Security Act to mask antiunion action." **[96a] (p49-50)**

Further detailed information regarding trade union rights and violations can be found at the International Trade Union Confederation's report.

14.21 Sokwanele published a report by an anonymous Zimbabwean human rights activist entitled *The Anatomy of Terror.* The report, dated 9 June 2011, noted that:

"ZANU PF has clearly developed a comprehensive strategy for dealing with other parties competing in elections that strongly draws on its control of the structures and processes operating in the rural areas. Each aspect of a villager's life, from the very ability to occupy land within the area, access to food, agricultural inputs, and, in some instances, access to his or her church, may be subject to the control of ZANU PF. This is accomplished through the control over formal governmental structures as provided by statute, the adulteration of these structures and legislated procedures, through traditional authorities, and through ZANU PF party structures and personnel in the area in question.

"Any person attempting to evade this control can be swiftly dealt with by restricting the access to resources, and, in the event of the individual having some degree of independence or autonomy, through overt violence. The degree of pressure exerted appears to be adjusted according to the support or lack of support that ZANU PF has in each ward. For the purposes of elections then, ZANU PF is able, for example, to determine whether subtle pressures, using the control of resources can be used in some areas or whether overt violence is required. This is graphically illustrated if one compares the strategies adopted by ZANU PF in the elections of 2000, 2002 and 2008 with 2005. In the latter instance, ZANU PF clearly utilized the more subtle forms of coercion, which this report has intended to show are available, rather than outright violence.

"What is remarkable that, given the power ZANU PF can exercise over villagers, any person living in the rural areas should admit to being an MDC supporter, let alone an activist. That many people still do so is a testimony to their courage and resilience." **[37f] (The anatomy of terror)**

14.22 The UKBA FFM report 2010 reported comments of the Zimbabwe Human Rights Association, which stated: "There has been an improvement in terms of the movement of people and freedom of association." **[121a] (p22)** However, the same report reported the views of an organisation which asked to remain anonymous:

"The police recently refused the MDC-T to hold a rally in Hwange recently, but the party, led by the country's Prime Minister, Morgan Tsvangirai, held the rally anyway and there was no interference. Although some forms of media reported this, it was not covered in

the state media. Therefore a proportion of the population are unaware of these issues. However, other public events organized by less high profile political figures and civic activist organizations have been disrupted or prevented from going ahead by the police." **[121a] (p23)**

More detailed information about freedom of association and assembly, from a range of NGOs and civil society activists, can be found in the UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe* – a copy is available via this link: http://www.ecoi.net/file_upload/1226_1289391521_zimbabwe271010.pdf

14.23 In the same report the Research and Advocacy Unit stated:

"Now the Constitution making process has begun, the political space is closing down dramatically. There are increasing reports of political violence and intimidation. RAU is currently researching communities where militia bases exist and looking at Northern Zimbabwe where the violence was worse in 2008. We are looking at what was in place in 2008 where there were multiple bases which explicitly targeted MDC and non-participating voters. There is evidence that the Government has placed "environment officers", who are ex-militia members, in schools to ensure co-operation. Land redistribution has resulted in 127,000 families resettled. They are controlled as ZANU-PF supporters through the allocation of land without land rights. They can therefore be evicted at any time, and hence owe allegiance to ZANU-PF." **[121a] (p23)**

14.24 The CSMM Report 2011 noted in its executive summary that:

"● Very mixed results for this cluster with a marked decline in the operating environment and respect for human rights during the constitutional outreach phase and following election announcements by Principals.

"● Some rallies, demonstrations, and community workshops [were] allowed to go ahead, including some level of participation from local officials and even state agents. Early gains saw an improvement in dialogue and trust due to the power-sharing in Government filtering down to the grassroots

"● Other rallies, demonstrations or community workshops banned by police or ZANU-PF supporters or veterans – under the impression that all such events are MDC sponsored.

"● Legislation used as a tool of repression. Double standards very evident." **[48c] (p8)**

## OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.25 Movement for Democratic Change-Tsvangirai (MDC-T) and Movement for Democratic Change-Ncube (MDC-N) (Bloomberg reported on 10 January 2011 that Welshman Ncube replaced Arthur Mutambara as leader of the smaller faction of the MDC. **[131a]**) agreed to join a government of national unity with President Robert Mugabe's ZANU-PF in February 2009. Although, part of the government, both formations of the MDC are opposed to many of ZANU-PF's policies. (International Crisis Group, 20 April 2009) **[100a] (p2)**

Information about the situation and treatment of the MDC (both 'formations'), its supporters and others considered to oppose the ZANU-PF is covered in further detail below, under Politically motivated human rights violations. Additionally there is relevant

information in a number of sections throughout the report. See Recent developments, Political affiliation, Human rights institutions, organisations and activists and Security forces/Human rights violations by security forces and pro-ZANU-PF groups.

14.26 There are a number of smaller political parties in Zimbabwe; however, none holds any seats in either of the legislative bodies. More information about these parties can be found at Annex B – Political organisations.

## Teachers

14.27 The UN Educational, Scientific and Cultural Organisation (UNESCO), noted in a report entitled *Education under attack 2010*, dated 10 February 2010, that: "… in recent years students, teachers and academics have been either beaten, arrested, tortured, threatened with murder or shot dead by state forces or state-backed forces in … Zimbabwe …" **[33a] (p48)** "Teacher trade unionists were [and continue to be **[33a] (p48)**] singled out for assassination, false imprisonment or torture in … Zimbabwe …" **[33a] (23)**

14.28 Noting the recent situation for teachers, the UNESCO report continued, noting:

"Around 45,000 teachers left Zimbabwe between 2004 and 2008 to escape the economic crisis or political violence. Many thousands more were reportedly afraid to leave their homes in 2008 due to the political violence, which halted education in most schools, particularly in the rural areas. As a result, schools were empty and there were reports of their being used as bases for the Green Bombers and other state forces. The activities of all NGOs were also banned for a long period in 2008, with some staff members facing persecution." **[33a] (p101)**

14.29 Africasia reported on 11 May 2008 that for at least 10 years, teachers have been the victims of violent attacks by ZANU-PF supporters, especially around election time, with many teachers accused of supporting the opposition MDC. Africasia claims that part of the reason for much of the violence directed against teachers arose following the formation of the Movement for Democratic Change, when it "… identified teachers as the perfect messengers for the party, not least because of their work with voter education programmes." **[40b]**

14.30 The Foreign and Commonwealth Office noted in its annual *human rights report*, published on 26 March 2009, that education was severely disrupted in 2008. "Teachers were specifically targeted in post-election violence and some schools were taken over as torture bases. The education system has not recovered. UNICEF reported that in October attendance rates for teachers stood at just 40 per cent." **[13a] (Women's and children's rights)**

14.31 Radiovop reported on 3 November 2010 that teachers in Zimbabwe continued to face "… serious political threats that have so far seen six being transferred at the orders of war veterans… Six teachers from Gwangwava Primary School in Rushinga [Mashonaland Central] were recently forcibly transferred to other schools [in Bindura, also in Mashonaland Central] … after war veterans and ZANU-PF supporters said they did not want the teachers in their community." The six were said to have been transferred "…to ZANU-PF strongholds so that they could 'fix' them." **[28f]**

14.32 Education International reported on 30 March 2011 that the prospect of forthcoming national elections has resulted in Zimbabwe's teachers:

"… experiencing increased political threats and serious violent attacks…President of the Progressive Teacher's Union of Zimbabwe (PTUZ), Raymond Majongwe [Mr Majongwe is actually the Secretary General of the PTUZ **[132j]**], has expressed dismay at reports his union has received of teachers being victimised and threatened with extreme violence since President Robert Mugabe announced elections [in November 2010] would take place in 2011… teachers, especially in rural areas, have been the victims of political violence and extortion by war veterans and ZANU-PF supporters … [with some] reports of teachers being targeted to join ZANU-PF." **[61a]**

14.33 The Zimbabwe Peace Project (ZPP) report, *Summary on politically motivated human rights and food related violations: May 2011*, (ZPP Report May 2011) published on 24 June 2011, noted that: "Harassment and intimidation of teachers was reported at Nyamandi Methodist School in Gutu District where the headmaster was threatened with unspecified action and accused of being an MDC-T activist." **[122o] (p6)**

14.34 Zimeye reported on 23 June 2011 that the PTUZ reported that its teachers had been "… harassed in some areas for taking part in the strike action that started Wednesday (22nd June). PTUZ President, Takavafira Zhou, told SW Radio Africa that youth militia, intelligence agents and school heads aligned with ZANU-PF, are intimidating teachers and making threats." **[144a]**

A commentary of events since September 2007 noting intimidation and attacks against teachers and the education system can be found in the UNESCO report entitled, Education under attack - Zimbabwe, dated 10 February 2010.

See also Latest news, Recent Developments and Political affiliation

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## POLITICALLY MOTIVATED HUMAN RIGHTS VIOLATIONS

14.35 The USSD 2010 report, in its introduction, summarised the human rights situation in 2010 as:

"Security forces, police, and ZANU-PF-dominated elements of the government continued to commit numerous, serious human rights abuses. ZANU-PF's dominant control and manipulation of the political process through trumped-up charges, arbitrary arrest, intimidation, and corruption effectively negated the right of citizens to change their government. There were no politically motivated killings by government agents during the year; however, security forces continued to torture, beat, and abuse non-ZANU-PF political activists and party members, student leaders, and civil society activists with impunity. Projections of an early election in 2011 also led to an increase in the number of cases of harassment and intimidation of civil society, humanitarian organizations, and the media toward the end of the year. Security forces continued to refuse to document cases of political violence committed by ZANU-PF loyalists against members of other political parties." **[2b] (Introduction)**

### Numbers of incidents: 2008 - 2011

14.36 Sokwanele's *Zimbabwe Inclusive Government Watch: Issue 28*, published 15 June 2011, noted that 91.4 per cent of the breaches it had recorded of the GPA during May 2011, based on analysis of 100 media articles, were attributable to ZANU-PF with

"Violations in the form of violence, intimidation, hate speech, threats, abductions and brutality … Legal harassment of perceived opposition politicians and supporters …" Sokwanele noted that the trend in breaches of the GPA by ZANU-PF since 2008 continued to increase. **[37g]**

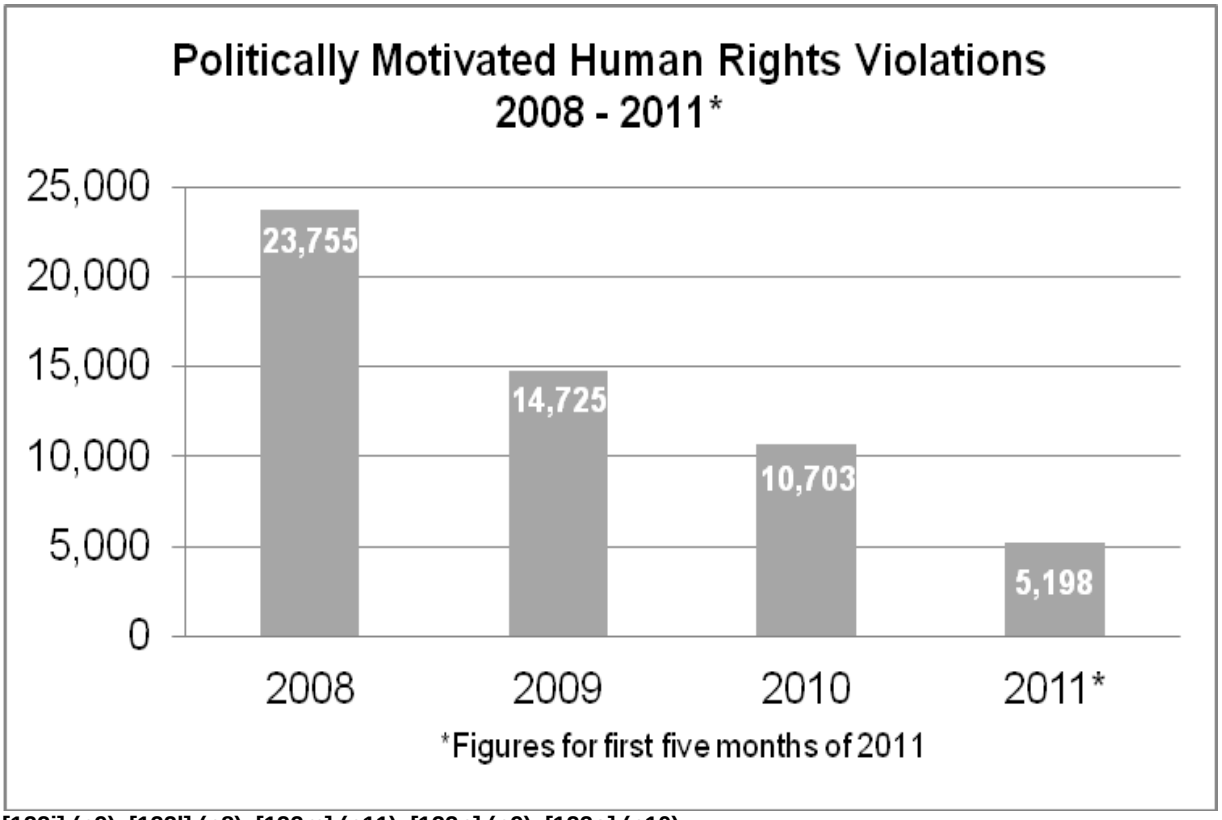
14.37 The Zimbabwe Peace Project (ZPP) report, *Summary on politically motivated human rights and food related violations: May 2011*, (ZPP Report May 2011) published on 24 June 2011 that in the election year of 2008 it recorded 23,755 human rights violations. (Violations recorded were: displacement; harassment/intimidation; unlawful detention; torture; malicious damage to property (MDP); discrimination; theft/looting; assault kidnapping/abduction; rape and murder.) The number of violations fell to 14,725 in 2009, then to 10,673 in 2010. The large majority of human rights violations in 2010 were for harassment/intimidation (6839), assault (1929) and discrimination (1051), which in total represented over 90% of incidents. **[122o] (p10)** To note: ZPP recorded incidents as documented by its monitors or as reported to it, it does not claim to have recorded all incidents that may have happened.

14.38 The following provides a comparison of the total human rights violations for years 2008, 2009, and 2010 documented by ZPP. Figures for the first five months of 2011 have also been provided,

| Act / Year | 2008 | 2009 | 2010 | 2011 |
|---|---|---|---|---|
| Murder | 207 | 8 | 4 | 1 |
| Rape | 61 | 69 | 24 | 8 |
| Kidnapping / Abduction | 511 | 147 | 43 | 10 |
| Assault | 4,886 | 3,296 | 1,929 | 818 |
| Theft/Looting | 611 | 598 | 283 | 103 |
| Discrimination | 366 | 1,314 | 1,051 | 536 |
| MDP | 1,009 | 294 | 111 | 61 |
| Torture | 452 | 157 | 35 | 14 |
| Unlawful Detention | 514 | 284 | 91 | 41 |
| Harassment / Intimidation | 12,593 | 7,865 | 6,839 | 2,908 |
| Displacement | 2,508 | 680 | 281 | 233 |
| Attempted Rape | 23 | 3 | 0 | NA |
| Attempted Murder | 16 | 10 | 0 | NA |
| Total | 23,755 | 14,725 | 10,673 | 5,198 |

**[122j] (p9), [122l] (p8), [122m] (p11), [122n] (p9), [122o] (p10)**

14.39 The bar chart below has been created using data from the ZPP reports from 2008 to 2011 and shows the cumulative levels of politically motivated human rights violations (as defined in paragraph 14.37) documented by the ZPP.




**[122j] (p9), [122l] (p8), [122m] (p11), [122n] (p9), [122o] (p10)**

14.40 The following table provides figures for human rights violations by type recorded by the Zimbabwe Peace Project in its monthly reports for the period June 2010 to May 2011.

| Acts | June | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | March | April | May | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Murder | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Rape | 6 | 4 | 3 | 1 | 2 | 0 | 1 | 2 | 0 | 2 | 2 | 2 | 25 |
| Kidnapping / Abduction | 1 | 13 | 0 | 3 | 0 | 2 | 1 | 2 | 4 | 3 | 1 | 1 | 31 |
| Assault | 169 | 154 | 155 | 136 | 144 | 134 | 173 | 143 | 184 | 177 | 143 | 171 | 1,883 |
| Theft / Looting | 27 | 17 | 42 | 15 | 17 | 16 | 14 | 23 | 25 | 22 | 18 | 15 | 251 |
| Discrimination | 62 | 98 | 86 | 104 | 143 | 109 | 129 | 117 | 114 | 85 | 89 | 131 | 1,267 |
| MDP | 25 | 10 | 6 | 12 | 6 | 10 | 7 | 12 | 9 | 20 | 6 | 14 | 137 |
| Torture | 7 | 3 | 2 | 3 | 4 | 0 | 1 | 7 | 2 | 1 | 2 | 2 | 34 |
| Unlawful Detention | 7 | 7 | 8 | 2 | 5 | 12 | 10 | 6 | 10 | 7 | 9 | 9 | 92 |
| Harassment / Intimidation | 587 | 558 | 531 | 561 | 558 | 520 | 525 | 558 | 717 | 786 | 688 | 624 | 7,213 |
| Displacement | 22 | 20 | 15 | 24 | 17 | 17 | 12 | 16 | 17 | 17 | 19 | 24 | 220 |
| **Total** | **913** | **884** | **848** | **861** | **896** | **820** | **873** | **885** | **1,082** | **1,120** | **977** | **994** | **11,154** |

**[122j] (p9), [122l] (p8), [122m] (p11), [122n] (p9), [122o] (p10)**

14.41 Sokwanele's *Zimbabwe Inclusive Government Watch: Issue 28*, published 15 June 2011. It noted in a report that monitored news reports of human rights violations, that:

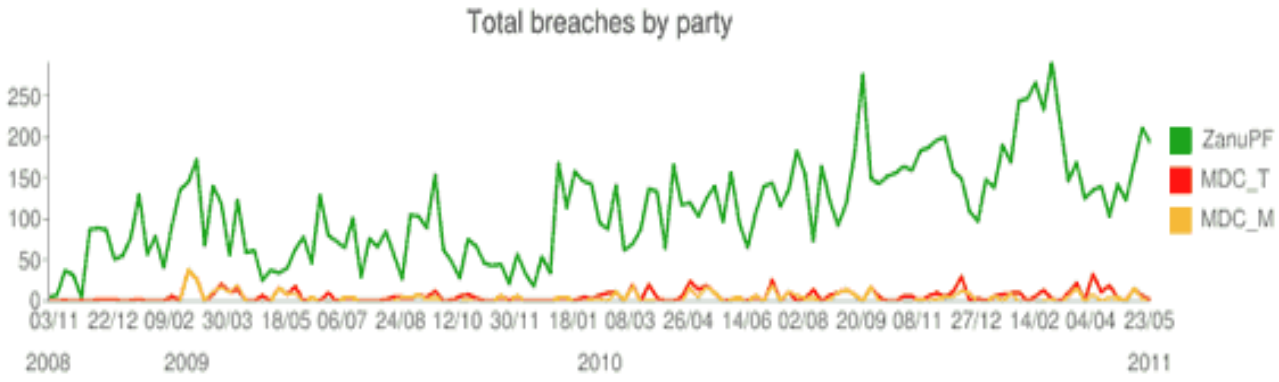
"Of the 100 media articles recorded in this edition of ZIG Watch for May, Zanu PF continue to be the party seemingly determined to stall or prevent full implementation of

the GPA. Each recorded article signifies a unique breach of the terms set out in the GPA and by categorising these articles according to the nature of the breach, we have generated representative statistics.

"Violations in the form of violence, intimidation, hate speech, threats, abductions and brutality were in shared first place with cases of economic destabilisation, or efforts to entrench corrupt practices, with 23 articles (23.0% of total each). Legal harassment of perceived opposition politicians and supporters, was in third place with 20 articles (20.0% of total), whilst fourth place was occupied by violations denying freedom of speech, with 11 articles (11.0% of total).

"In total, these four categories of breaches (77 articles) account for 77.0% of the total analysed. Zanu-PF were either responsible for, or involved in, 99.0% of all breaches recorded." **[37g]**

14.42 The same source also provided a graph of breaches of the GPA by the various political parties as reported in the media between 2008 and May 2011 (based on monitored news reports of human rights violations and violations of the GPA). (To note: in 2010 permission was granted to a number of independent newspapers to operate, increasing the range of views expressed in the press, see Freedom of speech and media.):




[37g]

14.43 The Solidarity Peace Trust's report: *The Hard Road to Reform*, published 13 April 2011, observed that:

"There has been a dramatic increase in arrests, in particular of key, high profile members of the opposition [reporting on period January to March 2011]. [Zimbabwe Lawyers for Human Rights] ZLHR report that in February, they were called to respond to between two and five cases of arrest each day, and that these arrests took place in all ten provinces of the country.

ZLHR have provided legal support in 577 different cases in the last two months [February and March 2011], involving politically motivated arrests, selective application of the law and malicious prosecutions. Arrests peaked during February, and have declined somewhat during March, although they remain at above-normal levels based on the usual ZLHR case-load… ZLHR has further commented that many of the arrests this year have shown a high level of police planning and preparedness. On both occasions that Energy Minister Elton Mangoma was arrested in March [2011], the state's papers were well organized and ready in advance. There is currently also a trend

84 The main text of this COI Report contains the most up to date publicly available information as at 12 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 18 August 2011.

of the police going back through very old cases that have been on file for years, and re-invoking old charges. Once again, this requires a reasonable level of police organization and time, pointing to a strategy.

"Arrests have, in keeping with the pattern established over recent years, been very selective. MDC-T MPs and activists have been arrested on malicious charges, and people going to report political violence against themselves, have been arrested instead of a docket being opened in their support. In contrast Zanu PF MPs, such as Ignatius Chombo who stand accused of corruption over property purchases, have not been arrested or properly investigated, and most perpetrators of violence go unpunished as long as they support the ruling party." **[65a] (p28-29)**

14.44 The ZPP May 2011 report observed in its summary that:

"The political environment around the country has remained tense as the political bickering among the partners to the Global Political Agreement (GPA) took the centre stage. There were more harassment/ intimidation cases recorded during the month of May as one of the political parties has reportedly upped its campaigns in preparation for elections.

"There was a slight increase in cases of politically motivated human rights violations to 994 as compared to the 977 witnessed during the month of April.

"Over the past four years, the highest number of violations during the month of May were witnessed in 2008 in the lead up to the inconclusive Presidential Election Run-off when 6 288 cases were recorded. The violations eased significantly in 2009 with 1 983 cases being recorded following the consummation of the inclusive government in February that year while in 2010 there were 978 cases". **[122oj] (p2)**

Further detailed information and statistics about human rights abuses can be found in the Zimbabwe Human Rights NGO Forum and the Zimbabwe Peace Project reports: http://www.hrforumzim.com/
http://www.kubatana.net/html/sectors/zim028.asp?like=Z&orgcode=zim028

See subsection below on Distribution of politically motivated human rights violations in 2010/11 for more qualitative and quantitative information on levels of violence.

Freedom House published a questionnaire on 4 March 2011 looking at transition and political change in Zimbabwe, around 2010. The main themes in the questionnaire centred on: the performance of the Inclusive government; constitutional reform; the timing of elections; and violence and Intimidation. I link to the report can be found here:

http://www.freedomhouse.org/uploads/specialreports/FreedomHouseMPOI2011SurveyFinaREPORT.pdf

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## Perpetrators of politically motivated human rights violations

14.45 The CSMM Report 2011 noted that: "State-sponsored violence or intimidation has not ceased as a tactic to ensure compliance with party positions and the structures have not

in the least been dismantled. Army, youth militia, war veterans and even police are complicit." **[48c] (p8)**

14.46 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), reported the views of several organisations. The Zimbabwe Human Rights Association, noted: "'The rural areas are still heavily politicised. ZANU-PF continues to use the army, police, youth militia and war veterans to intimidate'." **[121a] (p22)** An anonymous organisation stated that: "'The main offenders are reported to be ZANU PF youth militia (National Youth Service), 'ZANU PF supporters', security agents (from within the intelligence services [CIO and PISI]) and military figures (mainly the army).'" In the same report the Commercial Farmers' Union stated that: "'… there appeared to be an increase in activity now, and a change from War Veterans to youth militia.'" The Research and Advocacy Unit listed perpetrators:

"'In order of involvement in political violence:
1. ZANU-PF supporters.
2. ZANU-PF youth.
3. Youth militia.
4. War veterans.
5. Police.
6. Army (since 2005 a greater involvement of the army in rural violence).
7. CIO (very low involvement in actual violence).'" **[121a] (p29-30)**

More detailed information about politically motivated human rights violations, from a range of NGOs and civil society activists, can be found in the UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe* – a copy is available via this link: http://www.ecoi.net/file_upload/1226_1289391521_zimbabwe271010.pdf

14.47 Sokwanele published a report by an anonymous Zimbabwean human rights activist entitled: *The Anatomy of Terror.* The report, dated 9 June 2011, which looks primarily at politically motivated human rights violations in 2008 that took place in ZANU-PF bases, noted that:

"A list of the perpetrators and base commanders by constituency and base appears as Appendix E. A further list of perpetrators and crimes committed by constituency appears as Appendix F.

"91% percent of the perpetrators are male. The relatively high percentage (9%) of women that were involved in violence, accords with other studies.

"There is a wide age range of perpetrators, from 20 to 80 years. Nearly half the perpetrators (48%) are between the ages of 20 to 40 years, with another 48% are in the 41 - 60 year age group. Two elderly people, 76 and 80 years old respectively, were involved in violent activities in Makoni South. These two are Chiefs, indicating that, on occasion, the role of traditional leaders in violence is sometimes more than merely facilitative. Younger people appear to be enticed to form part of the system of violence through either cash incentives or the access to resources as detailed below.

"76% of the perpetrators are members of ZANU PF, 7% part of the Army, and 11% war veterans, supporting the view in other studies that the violence is mostly organized by ZANU PF with the active assistance of the security sector. The numbers of village

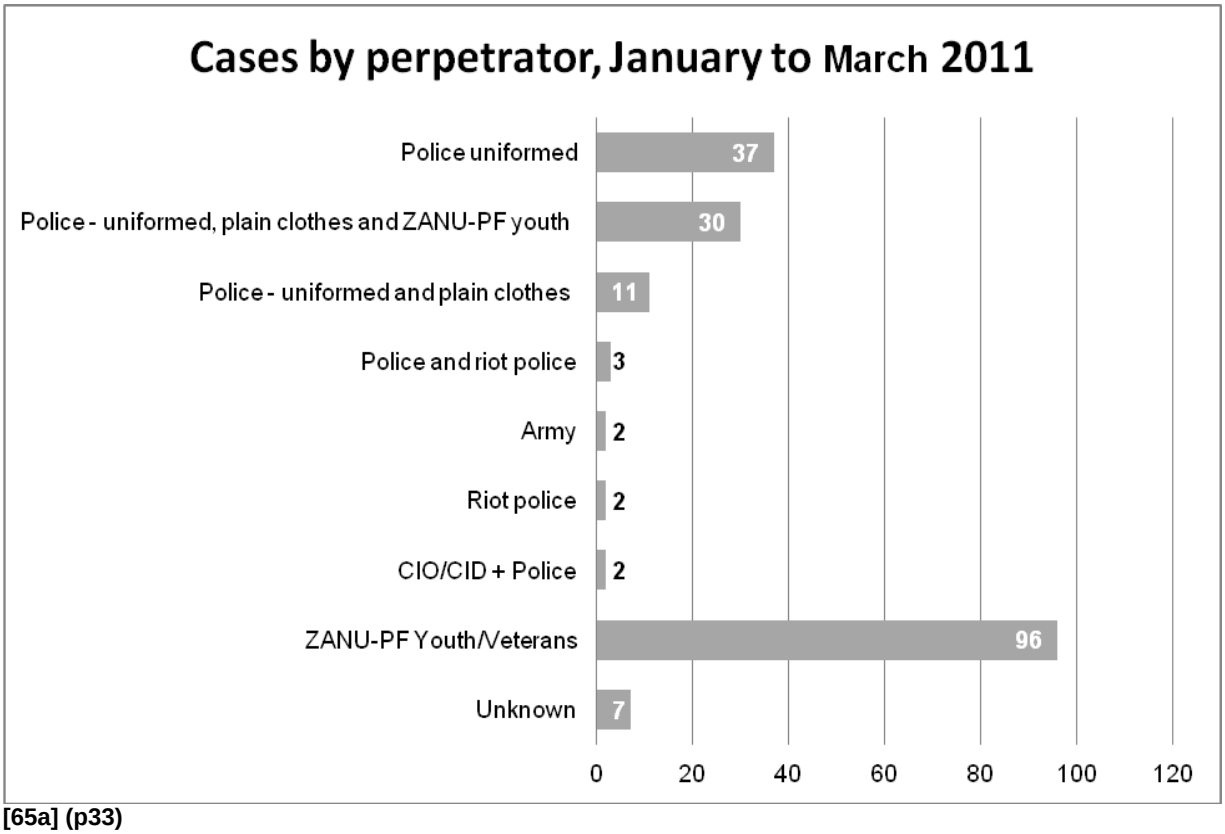
headmen, chiefs, and councillors should also be noted [see Appendix C as well as Section 3.5.3 below]."

**Perpetrators by organisation**

| | |
|---|---|
| Zanu PF | 77 |
| Zanu PF Youth | 47 |
| War veteran | 10 |
| Army | 5 |
| CIO | 1 |
| ZRP | 1 |
| Church leader | 1 |
| Councillor | 4 |
| Headman | 2 |
| Chief | 4 |
| Other | 5 |

**[37f] (paragraph 3.4.6)**

14.48 The Solidarity Peace Trust's report: *The Hard Road to Reform*, published 13 April 2011, provided a bar chart of the perpetrators of politically motivated violence in the Harare area between January and March 2011. The figures are based on reports from 190 victims.




**[65a] (p33)**

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### Human rights violations committed by MDC supporters

14.49 The ZPP *December 2010 report*, published 21 February 2011, noted that: "Assaults were not only one sided as MDC-T supporters were also recorded as perpetrators." **[122j] (p3-4)** The ZPP also noted that MDC-T supporters were involved in violence and harassment against fellow members of the MDC and ZANU-PF supporters. (ZPP Report January 2011) **[122l]**, (ZPP Report March 2011) **[122m]**, (ZPP Report April 2011) **[122n]**, (ZPP Report May 2011) **[122o]**

14.50 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that: "This situation, of the state and Zanu PF supporters having impunity to commit often horrendous acts against the presumed opposition, leads to reciprocal violence. … at times the MDC-T resorts to violence, but this seems to be most generally in response to violence against themselves, to which the police refuse to respond." **[65a] (p42)**

14.51 The ZPP Report for January 2011 noted that: "Supporters from both ZANU-PF and the MDC-T have been noted as perpetrators of politically motivated human rights violations." **[122l] (p3)** The ZPP reports for March and April 2011 noted continuing MDC-T intra party violence in the lead up to the party's national congress. **[122n] (p8) [122m] (p6, 7 & 8)** The MDC-T were also "… cited as perpetrators of assault cases in what has been seen as acts of revenge …" against ZANU-PF supporters. **(p8)** In another case, the ZPP reported that "… MDC-T stormed the house of a ZANU-PF official who had threatened to ban their meeting. The victim was severely assaulted by the 30 MDC-T supporters while they stoned his house. The incident was reported to the police but no arrests have been made." (ZPP January 2011 Report) **[122l] (p6)**

14.52 A Radiovop article, *Lawyers denied access to detained MDC supporters*, dated 1 June 2011 and *New Zimbabwe* (*Cop killers 'will die by the sword'*, dated 31 May 2011) noted that police arrested more than two dozen MDC-T activists following the murder of a police officer. The murder of the police officer occurred during an operation to break-up what police claim was an illegal political gathering in Glen View (Harare). **[28h] [41g]** *New Zimbabwe* noted on the 31 May 2011 that police chief Augustine Chihuri stated that those involved in the murder would "die by the sword" for their actions. **[41g]**

## ZANU-PF preparation for elections

14.53 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), reported the views of the Counselling Services Unit, which stated that: "There is increasing militarization of rural areas …" **[121a] (p19)** The Zimbabwe Human Rights Association noted that: "The rural areas are still heavily politicised. ZANU-PF continues to use the army, police, youth militia and war veterans to intimidate." **[121a] (p22)**

14.54 There other reports of security forces being deployed across the country continued in 2010 and 2011. News sources claimed that the deployment of the army was to intimidate the voters ahead of expected elections. (UK Border Agency Fact Finding Mission Report, 27 October 2010) **[121a] (p19&22)** (ZimOnline, 19 January 2011) **[49d] (p1-4)** (Daily News, 18 November 2010) **[132a]** (ZPP Report: January 2011) **[122l] (p6)** (ZPP Report: April 2011) **[122n] (p2-3]**

More detailed information about the security forces, from a range of NGOs and civil society activists, can be found in the UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe* – a copy is available via this link: http://www.ecoi.net/file_upload/1226_1289391521_zimbabwe271010.pdf

14.55 ZimOnline reported on 19 January 2011 that senior ZANU-PF figures, military and security chiefs were drawing-up plans to intimidate Zimbabweans into voting for Mugabe ahead of the next elections. According to Zimonline the plans entail deploying security forces in all "… 59 districts to coordinate the fight to retain Mugabe in power." The plan will turn "… most of Zimbabwe's rural areas into virtually no-go areas for the MDC." The report continued:

"More than 80,000 youth militia, war veterans and soldiers will be deployed across the country in an army-led drive to ensure victory for President Robert Mugabe in the next elections that, according to investigations by ZimOnline, look set to be the bloodiest ever witnessed in Zimbabwe… According to our investigation the Joint Military Operations Command (JOC) that brings together the commanders of the army, air force, police, secret and prison services plan to intervene at an earlier stage in the process, well before foreign or even local observers are on the ground.

"The strategy is to unleash enough violence and terror - worse than seen in the bloody 2008 presidential run-off poll in which at least 200 of Tsvangirai's supporters died and tens of thousands of others were made homeless - to make sure a thoroughly cowed electorate will on voting day back Mugabe in enough numbers to save the veteran President from having to face another second round vote…" **[49d] (p1-4)**

14.56 The Voice of America reported on 21 June 2011 that: "The Zimbabwe Election Support Network (ZESN) has issued a report accusing the ZANU-PF party of President Robert Mugabe of setting up militia bases in Mashonaland East, Central and West provinces ahead of elections the party wants this year." **[83d]** On 22 June 2011, the ZANU-PF owned *The Herald* dismissed ZESN's suggestion that such bases were being set-up. **[23c]** The ZPP report for March 2011 noted that militia bases had been re-established in Manicaland and Mashonaland Provinces. **[122m] (p6, 7, and 8)**

14.57 Sokwanele published a report by anonymous Zimbabwean activists entitled: *The Anatomy of Terror*, dated 9 June 2011, that claimed to note the location of 'bases' used by ZANU-PF during the 2008 election violence. Of the 574 identified and listed in the table below (the report only investigated 15 districts in the 9 provinces below), 44 per cent were reported to be active. The report observed that "… almost all Bases are reactivated during election periods." The report noted that Matabeleland North and South are reported to have only two such bases each. No information was provided for Bulawayo. Provincial breakdown of places where bases are found:

| Province | School | Clinic | Police station | Church | Community hall | Private home | Farm | Bush | Business centre | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| Harare | 0 | 0 | 6 | 0 | 12 | 8 | 2 | 0 | 0 | 28 |
| Manicaland | 8 | 2 | 2 | 2 | 3 | 24 | 7 | 17 | 10 | 75 |
| Mash. Central | 23 | 2 | 5 | 5 | 4 | 22 | 4 | 25 | 14 | 104 |
| Mash. East | 31 | 2 | 3 | 4 | 6 | 33 | 9 | 28 | 18 | 134 |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Mash. West | 8 | 0 | 4 | 0 | 2 | 36 | 3 | 26 | 12 | 91 |
| Masvingo | 10 | 2 | 0 | 1 | 3 | 13 | 4 | 12 | 9 | 54 |
| Mat. North | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| Mat. South | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| Midlands | 6 | 5 | 2 | 2 | 7 | 22 | 8 | 19 | 13 | 84 |
| **Total:** | **86** | **13** | **22** | **14** | **37** | **158** | **38** | **130** | **76** | **574** |
| Percentage: | 14.98 | 2.265 | 3.833 | 2.439 | 6.446 | 27.53 | 6.62 | 22.65 | 13.24 | |

**[37f] (paragraph 3.3)**

14.58 Radiovop reported on 30 January 2011 that the current upsurge of violence and setting up of militia camps is being "… driven by the need to infuse psychological fear into the populace in order to coerce their non-deliberate vote." **[28m]** *The Zimbabwean* reported on 6 December 2010 a speech by Jenni Williams of Women of Zimbabwe Arise (WOZA) who stated that ZANU-PF supporters were currently "… telling people that when you vote we have serial numbers. We know who will vote, how you will vote." **[99k]**

14.59 *The Zimbabwean* in an article dated 14 June 2011 and SW Radio Africa in an article dated 15 June 2011 noted that "scores" of villagers in President Mugabe's rural home of Zvimba in Mashonaland Central province were reported to have been beaten and forced to leave their homes by soldiers and youth militia. **[99i] [53s]** According to *The Zimbabwean* newspaper, soldiers conducted a door-to-door "purge" of MDC supporters in the Zvimba area. At least 5 people were severely beaten and scores have reportedly fled and gone into hiding.] **[99i]** SW Radio Africa reported on 21 June 2011 that video footage believed to date from April 2011 allegedlyshowed ZANU-PF MP Edward Raradza telling villagers in his constituency of Muzarabani, Mashonaland Central, that support for the MDC-T would be punished with violence and denial of food. **[53q]**

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## Distribution of politically motivated human rights violations in 2010-11

14.60 For reported numbers of human rights violations see opening subsection of Politically motivated human rights violations and Recent developments.

This section starts with an overview of the distribution of politically-motivated human rights violations during 2010/11, then breaks this down by province.

### Demography

14.61 To provide context to the frequency of violations relative to local population size see the website http://www.geohive.com/cntry/zimbabwe.aspx which provides population statistics by province and district based on the last census undertaken in 2002. The statistics should be considered a guide to the actual population size as, since 2002, there has been large-scale internal migration, emigration and some population growth. For more recent estimates of the overall population size and distribution see sources quoted in the Geography section of this report.

### National overview of distribution human rights violations in 2011

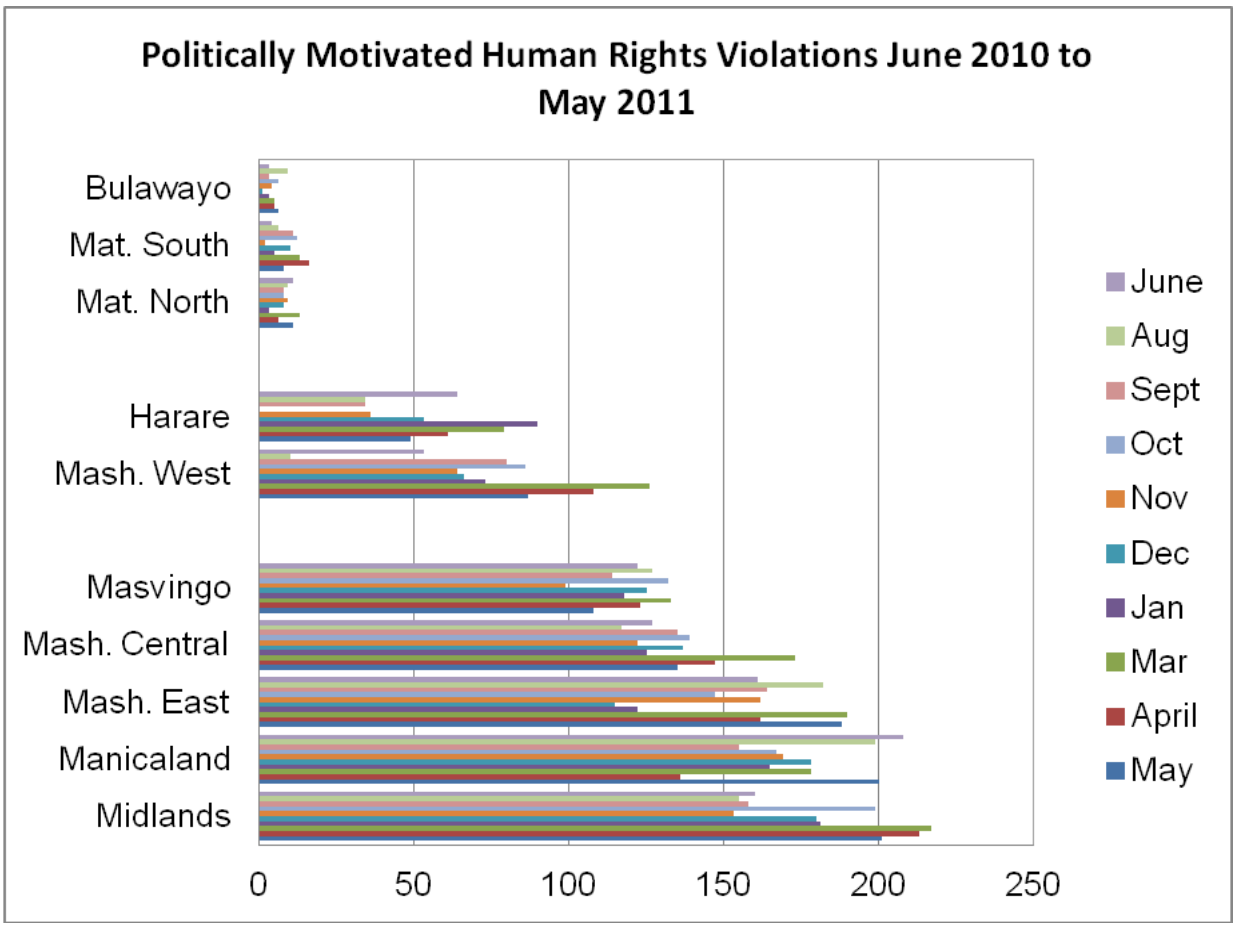
14.62 The Civil Society Monitoring Mechanism's (CISOMM) *Periodic Report* covering 31 March to 1 June 2011, noted that: "… violence between political opponents remained at a high level." And that the "… emergence of rural militia bases …" had created a climate of "… pervasive fear in communities …" **[48d] (p1)**

14.63 The Zimbabwe Peace Project (ZPP) noted in its *May 2011 report,* that: "Cases of politically motivated violence remain high and the atmosphere has remained volatile in the Midlands, Manicaland, Mashonaland Central, Mashonaland East, and Masvingo provinces. "Zanu PF supporters have been accused of leading political violence in the many incidents that were recorded during the month." **[122o] (p2)** The ZPP's April 2011 *report* noted that: "… cases of harassments, intimidation and assaults have remained high in the Midlands, Manicaland, Masvingo, Mashonaland East and Mashonaland Central provinces. … Political tensions have been heightened throughout the country as the country's political leadership from mainly ZANU-PF and the MDC-T have already started preparing for the holding of elections. **[122n] (p2)**

14.64 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that: "Political violence has been a notable factor during the first three months of 2011, with most of the political violence corroborated to date having taken place in greater Harare. …Violence around the country has occurred in a similarly mixed series of contexts, and is also often about political control of resources, including food, projects, wheelbarrows and vending stands." **[65a] (p32 & 40)**

14.65 *The Daily News* reported on 26 January 2011 that ZANU-PF has worked to "… set up campaign bases in various constituencies in … [Harare] … The bases are confined to high density areas." **[132f]** The Christian *Science Monitor* dated 27 January 2011 noted that: "The spread of violence to cities is a recent phenomenon, and a dangerous turn for Zimbabwe politics. In previous election years, political violence was mainly concentrated in those rural areas where ZANU-PF still commands some support… Political analyst Takura Zhangazha says that by unleashing soldiers and militia, ZANU-PF was trying to measure its ability to destabilize the MDC ahead of both the referendum and elections." **[138a]**

14.66 The ZPP publishes monthly* statistics (*reports were not found for July 2010 and February 2011) of human rights violations including murder, rape, kidnapping/abduction, assault, theft/looting, discrimination, MDP (malicious damage to property), unlawful detention, harassment/intimidation and displacement. The table below has been created using ZPP statistics for the months June 2010 to May 2011 (except July 2010 and February 2011) and attempts to provide an indication of the differences in human rights violations in three different groups of provinces (detailed individual figures can be found in the originating reports). (ZPP Report June 2010) **[122g]**, (ZPP Report Aug 2010) **[122h]**, (ZPP Report Sept 2010) **[122a]** (ZPP Report Oct 2010) **[122b]** (ZPP Report Nov 2010) **[122i]** (ZPP Report December 2010) **[122j] (p9)** (ZPP Report January 2011) **[122l] (p8)**, (ZPP Report March 2011) **[122m] (p11)**, (ZPP Report April 2011) **[122n] (p9)**, (ZPP Report May 2011) **[122o] (p10)**




***ZPP reports for July 2010 and February 2011 were not available.**

14.67 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), noted a representative of an organisation (which asked to remain anonymous) stated that "… seriously contested areas are still political battlegrounds … such as: Mashonaland North, Manicaland, Midlands, Masvingo provinces and in localities such as Bindura, Chiredzi, Buhera etc. There also exists some degree of intimidation in ZANU-PF strongholds." **[121a] (p37)**

14.68 The FFM report also noted that a number of organisations stated that political violence and intimidation was primarily concentrated in a number of provinces traditionally supportive of ZANU-PF. One organisation (which asked to remain anonymous) stated that violence experienced in these areas was as a result of ZANU-PF wanting to "regain lost loyalty". **[121a] (p40)** An anonymous international organisation noted that:

"Current and future political violence will follow closely the geographic distribution of the violence in 2008, concentrated in Mashonaland Central and East, Manicaland and Masvingo. That is because it is targeted at areas which were previously ZANU-PF strongholds but where they lost ground to the MDC, in an attempt to regain that ground. Targets will primarily be political activists and former ZANU-PF voters who defected to the MDC. Matabeleland on the other hand is reasonably OK." **[121a] (p38)**

14.69 The FFM report recorded the views of a major NGO which asked to remain anonymous:

"'Mashonaland East, Mashonaland Central, Manicaland and Masvingo were identified as particular 'hotspots' both for political interference in aid provision and for political violence.

"'Although stating that levels of actual political violence are currently quite low, the Source was of the view that the potential for political violence is significantly higher in most rural areas, with the exception of Matabeleland North and Matabeleland South, than it is in urban areas. This is because violence in rural areas can more easily be hidden and because that is where there are strongholds of the various parties.

"'Urban areas tend to be much more open to the scrutiny of the media, civil society, international organisations etc., ZANU does not enjoy such high levels of support, and the police are more likely to intervene to stop political violence, whoever the perpetrator, for fear that a violent incident in an urban area could escalate and not be containable in the way that rural disturbances could be. For the same reasons levels of intimidation and threat are much lower in urban areas and therefore low level supporters of one or another party (or those perceived as such) who feel no need to be active would probably not currently be at physical risk or real risk of intimidation in urban areas.'" **[121a] (p38)**

14.70 The FFM report noted the views of the Zimbabwe Human Rights NGO Forum, which stated that:

"'The geographic spread of political violence and intimidation, and the likely hotspots for escalation in future, remain the same rural areas as experienced the worst violence in 2008. Matabeleland is very safe, with very little political violence there even in 2008. This is because ZANU-PF knows it will never win an election there so doesn't waste its time.

"'High density urban areas can be considered as 'quasi rural' in the sense that the people who live there have the same capacity to upset the status quo as those in rural areas, largely because they have little to lose. That is why they are subject to more concerted efforts at political control than those in other parts of the cities.'" **[121a] (p38)**

See the Psephos-Adam Carr election database for information on areas that have traditionally voted for ZANU-PF prior to the 2008 elections.
http://psephos.adam-carr.net/countries/z/zimbabwe/

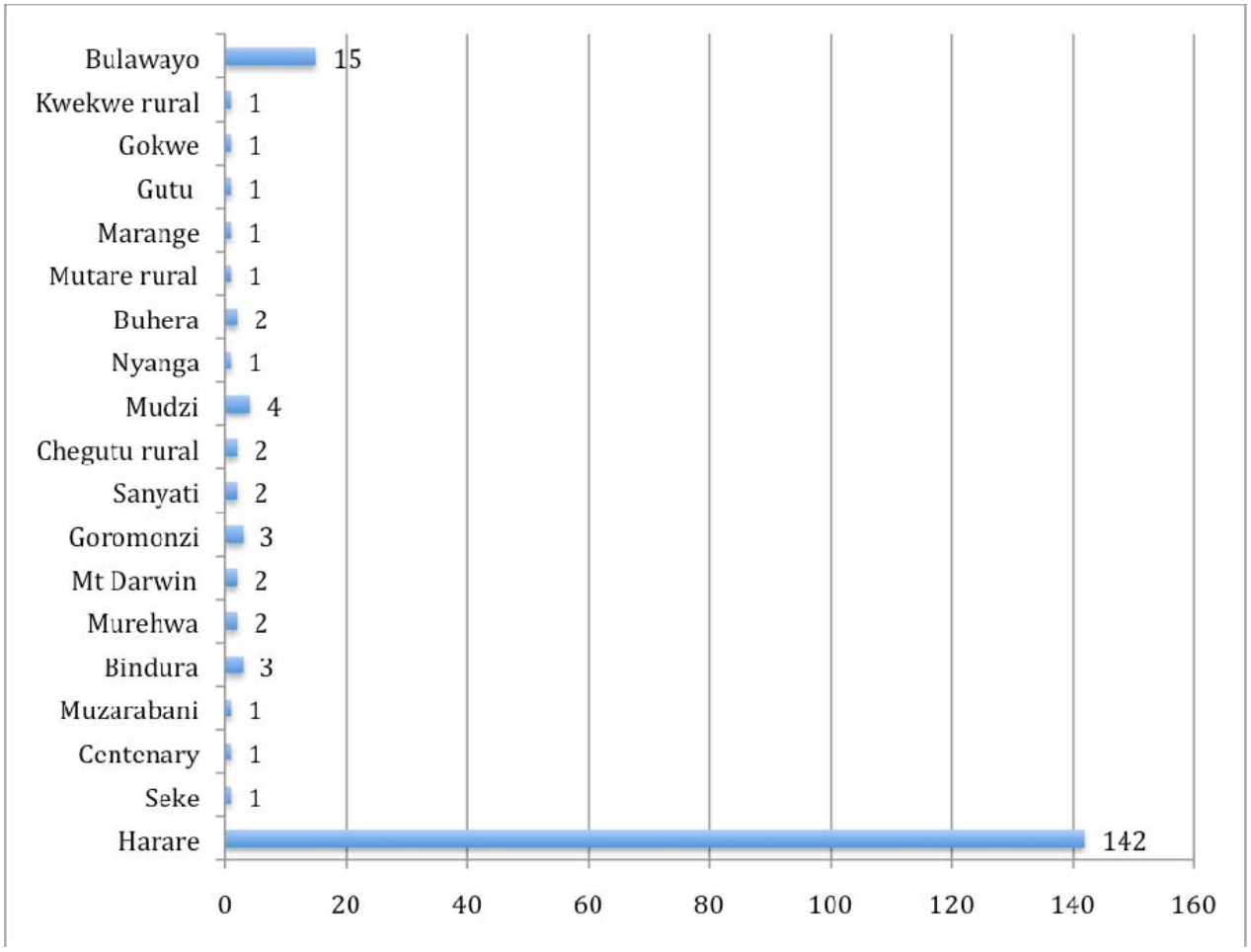
14.71 Also in the FFM report, the Zimbabwe Association of Doctors for Human Rights noted that political violence was a problem in "Mashonaland East and Central, North Manicaland and border areas between Midlands, Masvingo and Manicaland …" The source noted that there were "… low levels [of violence] reported in Matabeleland." **[121a] (p37)** The Zimbabwe Lawyers for Human Rights noted: "In general, violence is concentrated in rural areas and high density suburbs of Harare, such as Epworth and Mbare, where policing has always been heavy handed. High density urban areas experience occasional arrests and beatings. Bulawayo has occasional incidents." **[121a] (p37)**

Users are recommended to read the FFM report in detail for a more complete picture of distribution of violence as identified by the sources interviewed.

14.72 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that:

"Political violence has been a notable factor during the first three months of 2011, with most of the political violence corroborated to date having taken place in greater Harare. The cases included in this report are all backed by medical records or legal records or both, and as such are confirmed cases. In terms of violence requiring medical attention, Harare reported 142 cases out of the countrywide total of 190 (75%), followed by Bulawayo with 15 cases (8%). However, in Bulawayo the violence injuries remained mainly in the 'slight' category, with only three cases requiring a night's hospitalization. The remaining 33 cases of confirmed violence to date, reflect isolated cases across the country, as shown in Graph 1.

"Graph 1: Towns /districts with confirmed victims of political violence: 1 January to 31 March 2011 [The information contained in the chart below records individuals who were hospitalised rather than total numbers who may have been subject to politically motivated violence.]:




**[65a]**

14.73 Sokwanele published a report by an anonymous Zimbabwean human rights activist entitled *The Anatomy of Terror*, dated 9 June 2011. The report at Appendix A provides a detailed summary of the organisation of violence in 15 constituency reports covering the provinces of Harare, Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, and Masvingo. The report provides very detailed information about local ZANU-PF party structures, the location of torture bases, and details of human rights abuses carried out in 2008 and 2010, along with the names of those accused of committing human rights abuses. **[37f] (Appendix B)** http://www.sokwanele.com/node/2333

## Human rights violations by province (1 January to 12 July 2011)

14.74 The information below lists a selection of main incidents identified by COI Service occurring in the respective provinces between 1 January and 12 July 2011. Not all incidents, or reports of human rights violations, are necessarily documented. The list is not intended to, and cannot be considered comprehensive, but a guide to the levels of human rights violations occurring in Zimbabwe. Numbers of violations by province as recorded by the ZPP can be found in the preceding subsection.

To see a selection of earlier information about human rights violations by province, see the Zimbabwe Country Report published on 25 March 2011. Link here: http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/zimbabwe/report-03-11.pdf?view=Binary

14.75 Further information about more recent incidents can be found in previous subsection of Latest news. Useful sources documenting politically motivated human rights violations include:

http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bB104FADF-4411-45C7-BBED-5D96FD3CEFFD%7d#results

http://www.kubatana.net/html/sectors/zim028.asp?like=Z&orgcode=zim028

## Bulawayo

14.76 Electoral returns (2000, 2005 and 2008) published by the Zimbabwe Electoral Commission show that Matabeleland South is one of the MDC's core areas of support. **[140a] [140b] [140c]**

14.77 The ZPP's January 2011 report, published on 25 February 2011, noted that:

"Politically motivated human rights violations also remained very low in the Bulawayo Province with only three cases of harassment and intimidation having been recorded. There were clashes between Zanu PF and MDC-T in Makokoba Constituency following the death of a popular resident in the community. The two political parties claimed that the deceased belonged to their political party before his death and wanted to take care of the funeral arrangements resulting in the clashes." **[122l] (p8)**

14.78 The ZPP's March 2011 report, published on 26 April 2011, noted that:

"Bulawayo Province witnessed cases of intra party violence within the MDC-T as the party prepares to hold its congress from 28-30 April 2011. There were also cases where people were forced to sign the anti-sanctions campaign petition. The disturbances related to the MDC-T congress were noted in Lobengula, Makokoba, Bulawyo central and Nkulumane constituencies.

"About sixty women who had gathered at the Baptist Church in Luveve constituency were threatened with assault or being detained by the police for attending a Zimbabwe Lawyers for Human Rights organised meeting. Police claimed that the ZLHR had not sought police clearance for holding that meeting.

"Two youths from the MDC led by Professor Welshman Ncube were manhandled in Bulawyo East Constituency by three suspected ZANU-PF supporters after accussing them of putting up MDC posters in the area." **[122m] (p10)**

14.79 The ZPP's April 2011 report, published on 28 May 2011, noted that:

"Intra-party violence was the order of the day in the usually quiet Bulawayo Province where MDC-T members fought against each other ahead on the party's national congress which was hosted in the same province. MDC-T Bulawayo elections were marred by violence with members of the Gorden Moyo faction clashing with those belonging to the Matson Hlalo faction. This led to several postponements of the election process. Prime Minister Morgan Tsvangirai had to intervene following a series of abortive elections where the losing candidate Hlalo would refuse to accept defeat in the intra-party elections. Police in Bulawayo have reportedly arrested 12 people in connection with the MDC-T intra-party violence. There were also incidents where residents were being forced to sign the Zanu PF anti-sanctions petition. In Pumula constituency residents were forced to attend and sign the petition at Ingwengwe Primary School. All those who declined to sign were threatened with assault." **[122n] (p8)**

14.80 The ZPP's May 2011 report, published on 24 June 2011, noted that:

"The human rights situation in Bulawayo Province has remained very calm with only five incidents of politically motivated human rights violations having been recorded. There were no serious cases of intra-party violence compared to what happened during the month of April in the run-up to the MDC-T national congress. …

"A war veteran from Luveve Constituency was forced to denounce his political party by a Zanu PF official and former councillor for Ward 28. The victim is now a strong follower of the revived ZAPU.

"Two MDC-T youth members were allegedly manhandled by some four suspected Zanu PF supporters after they were found putting up posters at a building in Woodville. The two youths managed to escape leaving the posters behind." **[122o] (p9)**

## Harare

14.81 Electoral returns (2000, 2005 and 2008) published by the Zimbabwe Electoral Commission show that Harare is one of the MDC's core areas of support. **[140a] [140b] [140c]**

14.82 The Associated Press reported on 31 January 2011 that:

"The Southern Africa Coalition for the Survivors of Torture said in a new report that tensions rose markedly in January. They reported mob attacks, threats, assaults, questionable arrests by police and at least one shooting in the capital of Harare and its suburbs.

"During one clash in a Harare township, a supporter of Prime Minister Morgan Tsvangirai's party was shot and four others were wounded, the report said. It also said 19 people were arrested for public violence since Jan. 16 [2011]." **[139a]**

14.83 Radiovop reported on 30 January 2011 that:

"…ZANU-PF has started unleashing violence … setting up bases throughout the country as … [Mugabe] insists Zimbabwe will hold general elections this year… The militia running the bases are said to comprise members of the military, ZANU-PF youths and war veterans. Systematic beatings of well-known anti-ZANU-PF activists have increased in the past week, especially in Movement for Democratic Change (MDC)-controlled areas of Budiriro, Mbare and Mabvuku in Harare … It is reliably understood that the military will take centre stage in intimidating people and there are reports that at least 150 soldiers will be deployed in every district (59 districts) of the country." **[28m]**

14.84 The ZPP's January 2011 report, published 25 February 2011, noted that:

"The month of January saw a significant rise in politically motivated human rights violations in Harare Province as supporters of Zanu PF and MDC-T fought running battles in the restive suburbs of Mbare, Budiriro and Epworth. There were 90 cases recorded during the month of January as compared to 53 witnessed during the month of December, 2010. Following up on one of their conference resolutions, Zanu PF supporters have been embarking on door-to-door campaigns in preparation for the holding of elections anytime this year. As result of the full swing campaign, more and more residents of different political affiliations have had their rights violated by being forced to attend political party meetings. The violent clashes in Harare resulted in a group of Zanu PF youths singing revolutionary and Zanu PF campaign songs attacking a house belonging to an MDC-T Councillor in Budiriro near Current Shopping Centre. Similar attacks were recorded in Mbare where a group of Zanu PF militias harassed MDC-T employees at the party's offices in the same suburb. More than 40 Zanu PF supporters stormed the Harare City Council's Town House Office demanding to see the mayor and councillors whom they accused of sanctioning the slashing of maize in some parts of the city. The group then assaulted some council employees before running away. No arrests were made by the police." **[122l] (p7)**

14.85 SW Radio Africa reported on 1 February 2011 that: "At least five MDC activists were left injured, two of them seriously, on Monday night in a fresh wave of political violence to hit the capital city, Harare." The group of MDC supporters had gathered at the house of local Mbare councillor, Paul Gorekore, to help him clear rubble from his house that was attacked last week by ZANU-PF supporters. **[53p]**

14.86 SW Radio Africa reported on 3 February 2011 that "… mobs of violent ZANU PF youths who are causing chaos in Harare and other urban centres were trained for two months outside Harare, at the Inkomo army barracks." The source stated that leaked confidential documents show that ZANU-PF has been recruiting youths from rural areas since November 2010. **[53m]**

14.87 SW Radio Africa reported on 7 February 2011 that:

"Harare came to a standstill on Monday [7 February] when a ZANU PF mob engulfed the city in chaos, destroying property worth thousands of dollars, mainly belonging to foreign owned companies. … dozens of shops were looted when the ZANU PF militia went on a rampage, as police details stood by watching ordinary people and shop owners being abused and brutalised. Shops belonging to Zimbabweans were also caught up in the crossfire. Monday's attacks were just part of the ongoing violent campaign in Harare. On Saturday ZANU-PF youths attacked several MDC activists in Mbarare and left five of them seriously injured." **[53h]**

14.88 *Monsters and Critics* reported on 21 February 2011 that 46 people were arrested at meeting to discuss demonstrations that overthrew the Egyptian president. The article stated: "Police have accused the 46 people arrested of plotting to subvert a constitutionally-elected government, but lawyers say the group were attending a memorial lecture in private legal offices in Harare's city centre where they discussed the events in Egypt and Tunisia and were shown a video of the protests." A legal representative for the 46 accused claimed that at least nine of the 46 Zimbabwean activists arrested had been tortured under interrogation. **[109b]**

14.89 The ZPP's March 2011 report, published 26 April 2011, noted that:

"Although political tensions have remained very high, Harare Province witnessed a major decrease in incidents of politically motivated human rights violations… There were 79 cases recorded during the month of March down from the 236 recorded during the month of February. State agents namely soldiers and the police continue to violate people's rights with impunity and there is selective application of the law by police whereby only people who are perceived to be MDC supporters and their sympathizers are arrested. ZANU-PF perpetrators are not being brought to book even when cases are reported. …" **[122m] (p9)**

14.90 The ZPP's April 2011 report, published 28 May 2011, noted that:

"Political intolerance remained very high in Harare Province with several clashes between Zanu PF and MDC-T supporters being recorded during the month of April. Despite the clashes, there was a significant decline in the number of violations to 61 as compared to the 79 cases recorded during the month of March… Most of the violations recorded during the month were in Mbare, Mufakose, Glen Norah, Budiriro, Epworth and Mabvuku-Tafara." **[122n] (p7)**

14.91 The Solidarity Peace Trust's report *The Hard Road to Reform*, published 13 April 2011, noted that: "Despite the expectations that the COPAC process would be violent… violence only played a small role in it… [though] Harare province reported the highest incidence of violence in the COPAC process …" **[65a] (p9)**

Detailed information about abuses can be found in Solidarity Peace Trust's report: http://www.solidaritypeacetrust.org/download/report-files/TheHardRoadtoReform_13April.pdf

14.92 The ZPP's May 2011 report, published 24 June 2011, noted that:

"Political tensions have remained very high in Harare Province as witnessed by the levels [of] violence and human rights abuses recorded during the month of May. Although the number of cases of assault, harassment and intimidation has decreased from 61 recorded in April to 49 during the month under review, the situation has remained very tense … At the beginning of the month soldiers ran amok in Chitungwiza South constituency after the death of one of their own from 1 Command Brigade. … The soldiers vowed to revenge the death of their colleague.

"Towards end of month the Police went on the rampage again in Glenview South Constituency, after the death of Inspector Petros Mutedzi who was murdered by unknown assailants. The police immediately reported that the suspects were MDC-T activists before investigations had been carried out.

"The police went on to unlawfully arrest and torture known MDC-T activists in the Constituency, in most cases these activists were swooped on in dawn raids that rounded more than 25 MDC-T activists in the constituency and nearby constituencies. " **[122o] (p7)**

## Manicaland

14.93 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that voters in Manicaland supported the ZANU-PF. **[140a] [140b]** However, in the 2008 parliamentary elections the MDC took a majority of the constituencies in the province. **[140c]**

14.94 *The Standard* reported on 13 February 2011 that:

"ZANU-PF officials and traditional leaders here [in Chimanimani] are forcing villagers to attend rallies and to append their signatures to a petition calling for the removal of targeted sanctions against President Robert Mugabe and his inner circle. The villagers, the majority of whom cannot afford a decent meal a day, are also ordered to fork out between US$3 and US$5 to buy ZANU-PF cards. …

"Those who refuse to sign the petition are threatened with violence or death during the forthcoming referendum on the new constitution and elections expected later this year." **[20d]**

14.95 The ZPP's *January 2011 report*, published on 25 February 2011, noted that:

"The Manicaland Province remained one of the regions with the highest number of politically motivated human rights violations in the country. More people from the province had their rights violated by Zanu PF supporters, war veterans, traditional leaders, soldiers and other state security agents. … Soldiers and war veterans terrorised villagers around Manicaland forcing them to support only Zanu PF. … War veterans were reportedly forcing people in the region to sign an anti-sanctions petition in a campaign that is being led by war veterans' leader Jabulani Sibanda throughout the country. In Chimanimani East, a group of war veterans force marched more than 80." **[122l] (p4)**

14.96 The ZPP's *March 2011 report*, published 26 April 2011, noted that:

"Tensions remained very high in Manicaland Province as the ZANU-PF anti-sanctions campaign went into top gear during the period under review. Following the launch of the ZANU-PF national anti-sanctions petition drive in Harare by President Robert Mugabe, the campaign was decentralized to the provinces where many people's rights to freedom of movement, expression and association were violated … During the period under review, Mutare and Chimanimani districts witnessed the reestablishment of ZANU-PF youth militia training bases. Six bases were recorded as having been set up by war veterans. The bases have been allegedly set up at the following places: Chinyahwera/Chiefs Hall in Mutare South, Bezerly Bridge in Mutare North, Bambazonke and Chiadzwa (Mutare West), Mhandarume and Chakohwa (Chimanimani West), Gaza in Chipinge and Garahwa in Chipinge South. …

"There were also reports of infighting within the MDC-T as they prepared for the party's national congress … Violence was reported at most of the meetings to elect the party's structures to represent the province at the national congress." **[122m] (p6)**

14.97 *Newsday* reported on 8 April 2011 that Douglas Mwonzora, the MDC-T member of parliament for Nyanga, Manicaland province, and co-chairman of the Constitutional Outreach Programme (COPAC), was arrested by police following allegations that he had insulted and undermined the authority of the President. Mr Mwonzora was released after receiving a caution. **[146a]**

14.98 The ZPP's April 2011 *report*, published 28 May 2011, noted that: "Political tensions remained very high in Manicaland Province with violations such as harassment, torture and arson having been recorded. The rights to association, assembly and right to shelter and protection from torture and other forms of degrading treatment were violated at will during the period under review." The report also noted that villagers were forced to attend ZANU-PF organised events under threat of assault and eviction, some were asked to 'donate' money and food towards ZANU-PF organised Independence day celebrations. Other reports noted that people were forced to attend anti-sanctions meetings. The ZPP noted that during the month there was a "… resurgence of arson attacks at Cashel Valley, Ward 1 after four MDC-T families lost their huts following an attack on them by suspected Zanu PF supporters soon after the Independence day celebrations." **[122n] (p4-5)**

14.99 The ZPP's May 2011 report, published on 24 June 2011, noted that: "Manicaland Province saw a significant rise in cases of politically motivated violations during the month of May compared to the April figures. There were 200 cases up from 136 incidents witnessed in April where the majority of the victims had their rights violated by organised political groups like the war veterans, Zanu PF youths and traditional leaders." Among the violations reported was "… a rise in the number of people who were harassed and forced to buy Zanu PF party cards …" and reports that traditional leaders were "… at the fore front [in] violating the rights of their subjects for failing to support Zanu PF." **[122o] (p4)**

14.100 Zimonline reported on 20 May 2011 that an increase in arson attacks against MDC-T supporters in Manicaland province had been reported since the party's congress was held in early May 2011. It noted that "scores" of homesteads belonging to MDC supporters were burnt to the ground as punishment for failing to support President Mugabe. **[49f]**

14.101 Radiovop in an article dated 8 July 2011 and *The Zimbabwean* in an article dated 9 July 2011, reported that armed soldiers in Chimanimani, Manicaland province, were alleged to have given MDC supporters in Mhakwe and Chikwakwa wards an ultimatum of giving up their MDC membership and joining ZANU-PF before 15 July when a ZANU-PF rally was due to be held in the town. Charles Muresherwa, the army colonel in charge of the area, was reported to have compiled a list of MDC supporters ahead of the next elections. **[28g] [99j]**

### Mashonaland Central

14.102 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that voters in Mashonaland Central had supported ZANU-PF, **[140a] [140b]** In spite of the MDC making some inroads ZANU-PF retained control of the province in the 2008 elections. **[140c]**

14.103 The ZPP's *January 2011 report*, published on 25 February 2011, noted that:

100 The main text of this COI Report contains the most up to date publicly available information as at 12 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 18 August 2011.

"There has been a notable increase in politically motivated human rights violations in Mashonaland Central Province during the month of January 2011 as compared to the same period in 2010. The province witnessed 125 cases of violations as compared to 91 recorded in 2010. As has been in the month of December 2010, the province also witnessed the setting up of more youth militia bases in the Muzarabani constituencies. … Cases of displacements were also recorded in the province and specifically targeting teachers." **[122l] (p4)**

14.104 The ZPP's *March 2011 report*, published 26 April 2011, noted that:

"The trend has been the same in Mashonaland Central Province where cases of politically motivated human rights violation[s] were on the increase as ZANU-PF has reportedly intensified its anti-sanctions campaign. There were 166 incidents recorded during the month under review a slight increase from the 151 recorded in February…

The province has witnessed the establishment of militia bases in at least all the constituencies. In Mazowe South, bases were set up in Tsungubvi at Old Clinic, Heyshort Farm and Mukoko Farm. Another base was established at Nzvimbo Growth Point in Mazowe Central Constituency. The base is at what is known as the Beerhall.

"In Guruve South, a base was set up at Chifamba Primary School while in Muzarabani South; two bases were set up in Chiwashira Village and Charmwood Farm… Cases of infighting in the MDC-T were also recorded in the province where two activists allegedly assaulted the party's acting provincial chairperson at Muzarabani Growth Point during a restructuring meeting." **[122m] (p7-8)**

14.105 Amnesty International commenting on the discovery of a mass grave in Mount Darwin containing "hundreds of bodies", stated on the 6 April 2011 that information regarding the identity and cause of death would be lost unless the exhumations were carried out by forensic experts. **[14a]** Reports noted that war veterans had exhumed between 600 and 1000 decomposing bodies from an abandoned mine. According to ZANU-PF, the human remains in the mine belong to people killed during the late 1970s in the liberation war. However, Amnesty and the MDC queried ZANU-PF claims, saying that visual evidence points to more recent killings. **[14a]** (Zimdiaspora, 7 April 2011) **[117b]** (*Daily Mail*, 31 March 2011) **[147a]**

14.106 The ZPP's April 2011 report, published 28 May 2011, noted that: "Mashonaland Central Province was among the top regions with the highest number of politically motivated violations with 147 cases during the month under review. The figure, however, showed some reduction from the 173 incidents recorded in March." **[122n] (p4)**

14.107 The ZPP's May 2011 report, published on 24 June 2011, noted that:

"Although there was a slight decrease in incidents of politically motivated violence during the month of May, political tensions in Mashonaland Central Province have remained very high. There were 135 incidents down from the 147 cases witnessed in April with harassment and intimidation topping the violations chart.

"The province continued to witness both inter and intra-party violations the majority of which concentrated in Muzarabani South constituency." **[122o] (p5-6)**

14.108 *The Zimbabwean* in an article dated 14 June 2011 and SW Radio Africa in an article dated 15 June 2011 noted that "scores" of villagers in President Mugabe's rural home of Zvimba were reported to have been beaten and forced to leave their homes by soldiers and youth militia. According to *The Zimbabwean* newspaper, soldiers conducted a door-to-door "purge" of MDC supporters in the Zvimba area. At least 5 people were severely beaten and scores reportedly fled into hiding. **[99i] [53s]**

14.109 SW Radio Africa reported on 21 June 2011 that video footage believed to date from April 2011 claims to show ZANU-PF MP Edward Raradza telling villagers in his constituency of Muzarabani that support for the MDC-T would be punished with violence and denial of food. **[53q]**

14.110 Radiovop reported on 21 June 2011, that the Zimbabwe Electoral Support Network (ZESN) noted with concern that militia bases were being set-up in the province. ZESN claimed that the bases would be used to intimidate local people ahead of elections. **[28a]** *The Daily Telegraph* reported on 19 June 2011 that security forces, including militia members, were being primed ahead of elections. The article reported that war veterans leader, Jabulani Sibanda, had "… been going around … telling people that he has been sent by the President of Zimbabwe, and that anyone who doesn't vote ZANU-PF will be killed …" **[5b]**

### Mashonaland East

14.111 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that Mashonaland East has previously voted solidly for Mugabe's ZANU-PF. **[140a] [140b]** In spite of the MDC making some inroads ZANU-PF retained control of the province in 2008. **[140c]**

14.112 The *Daily News* reported on 4 January 2011 that soldiers from the Presidential Guard Unit based in Domboshawa were "roaming" rural areas in Goromonzi North constituency (a key marginal – see election statistics). A villager was reported as saying that while the soldiers had not beat or hurt anyone, their unexpected presence was "unwelcome" and had caused "… a lot of alarm and panic amongst the people." The report continued noting that: "The deployment of soldiers started last month when the Ministry of Defence Forces embarked on the programme resulting in the deployment of soldiers in Gokwe, Masvingo, Bikita and Chipinge districts." **[132b]**

14.113 The ZPP's January 2011 report, published on 25 February 2011, noted that:

> "Cases of assaults, harassment and intimidation have remained highly prevalent in Mashonaland East Province with Chikomba, Goromonzi, Marondera, Mutoko and Murehwa districts recording the highest number of politically motivated human rights violations. There were a total of 122 cases of politically motivated violations recorded during the month of January representing a slight increase from the December 2010 figure of 115. MDC-T activists have been cited as perpetrators of assault cases in what has been seen as acts of revenge on an attack previously carried out on an individual or some of their relatives. The majority of the cases have been linked to the incidences which occurred during the run up to the June 27, 2008 presidential election run-off and the victims have been Zanu PF supporters." **[122l] (p7-8)**

14.114 The ZPP's March 2011 report, published 26 April 2011, noted that:

"Mashonaland East Province witnessed a surge in cases of politically motivated human rights violations during the month of March with a total of 190 cases being recorded compared to 169 for the month of February.

"With the anti-sanctions crusade now in full force, teachers and in particular school headmasters have had their rights violated. Schools have been turned into venues for ZANU-PF rallies where people are forced to sign the anti-sanctions petition." **[122m] (p5)**

14.115 The ZPP's April 2011 report, published 28 May 2011, noted that:

"High military presence has been the major cause of concern in Mashonaland East Province although the levels of politically motivated violations have been on a decrease. The Province witnessed 162 incidents during the month under review down from the 190 recorded in March.

"In Uzumba Maramba Pfungwe, soldiers have set up their training bases in mountains close to the villages, a move which has left villagers living in constant fear. This has been the same situation in Mudzi District, where soldiers are reportedly camping along the Harare-Nyamapanda road. The military tents are pitched on both sides of the road at the 209 KM peg.

"Villagers from the Murehwa West Constituency, a seat won by the MDC-T during the 2008 harmonised elections, were threatened by Zanu PF officials and supporters. They were warned that they should be prepared for more violence as soldiers will be leading the Zanu PF campaign to ensure that the party regains the lost seat." **[122n] (p2-3)**

14.116 The ZPP's May 2011 report, published on 24 June 2011, noted that: "Mashonaland East Province registered a relative increase in the number of politically motivated violations from 162 recorded in April to 188 in May with cases of assault, discrimination, harassment and intimidation still very dominant. "The highest levels of the violations were recorded in the districts of Chikomba, Goromonzi, Hwedza, Mutoko, Mudzi and Murehwa." The report noted incidents of forced displacement of a doctor and a teacher for not supporting ZANU-PF, and harassment and intimidation: "…the main perpetrators being members of the Zanu PF youth militia and retired soldiers." **[122o] (p5)**

14.117 SW Radio Africa reported on 21 June 2011 that video footage believed to date from April 2011 callegedly showed a district leader in Mudzi being filmed threatening local people with violence if they fail to vote for ZANU-PF at the next election. **[53q]**

### Matabeleland North

14.118 Electoral returns (2000, 2005 and 2008) published by the Zimbabwe Electoral Commission show that Matabeleland North is one of the MDC's core areas of support. **[140a] [140b] [140c]**

14.119 The ZPP's January 2011 report, published on 25 February 2011, noted that:

"The situation from Matabeleland North Province has remained relatively low during the first month of 2011 witnessing a significant drop in cases of politically motivated human rights violations as compared to December 2010. There were only three cases of politically motivated human rights violations that were recorded during the month under review which was a significant drop from eight cases recorded in December. From Jotsholo in Lupane west a Zanu PF official harassed and threatened kraal-heads at a

chieftainship installation ceremony after they refused to support his idea that all traditional leaders should be selected on partisan grounds." **[122l] (p7-8)**

14.120 The ZPP's March 2011 report, published 26 April 2011, noted that:

"Matabeleland North province recorded 13 human rights violations during the month under review nine of which were of harassment and intimidation which were directly linked to the ZANU-PF anti-sanctions campaign, [sic] The remaining incidents were of people who were forced to attend ZANU-PF meetings and later forced to sign the anti-sanctions petition." **[122m] (p9)**

14.121 The ZPP's April 2011 report, published on 28 May 2011, noted that:

"The political environment in Matabeleland North Province has remained relatively calm with very few cases of politically motivated violations having been recorded from the 13 constituencies. However there have been reports of harassment and intimidation as well as unlawful detention in some cases. The province has also seen the violations and disturbances being centred on the ongoing anti-sanctions petition campaign which is being driven by Zanu PF officials and supporters. The main victims in the province have remained MDC-T supporters and other ordinary villagers." **[122n] (p7-8)**

14.122 A number of sources, including the World Organisation Against Torture in an article dated 24 May 2011, Sokwanele in an article dated 23 May 2011, and SW Radio Africa in an article dated 25 May 2011, noted that Florence Ndlovu, the ZimRights regional coordinator for Matabeleland province, and Walter Dube, the organisation's paralegal officer for Matabeleland, Midlands and Masvingo provinces, were arrested for allegedly holding an illegal workshop about torture in Tsholotsho, Matabeleland North province. ZimRights had given the police prior notice of the workshop, in line with regulations. The two had not been seen since their arrest on 23 May. ZimRights director, Okay Machisa, is reported to be very concerned for their safety after the police allegedly threatened lawyers with an AK 47 rifle if they did not leave the police station where the pair were believe to have been held. **[145a] [37c] [53r]**

14.123 The ZPP's May 2011 report, published on 24 June 2011, noted that:

"The political situation in Matabeleland North Province has been relatively calm with only 11 incidents having been recorded in all the 13 constituencies. The major violations that were recorded were mainly harassment and intimidation.

"There has however been a worrying trend of unlawful arrests and detentions of members of the civil society. In a case of continuing arrests from the month of April, there was the arrest and detention of the Zimbabwe Human Rights Association Matabeleland North coordinator Florence Ndlovu and para-legal officer Walter Dube at Nyamandlovu on May 26, 2011. …" **[122o] (p8)**

### Matabeleland South

14.124 Electoral returns (2000, 2005 and 2008) published by the Zimbabwe Electoral Commission show that Matabeleland South voted for the MDC. **[140a] [140b] [140c]**

14.125 Radiovop reported on 17 January 2011 that: "A group of soldiers went on a rampage in the border town of Plumtree, Matabeleland [South] Province … beating up residents in revenge after their colleague lost a fist fight against a civilian. This comes just a week

after a group of soldiers also went berserk in Jerera Growth point in Zaka in Masvingo Province beating up civilians." **[28e]**

14.126 The ZPP's January 2011 report, published on 25 February 2011, noted that:

"Matabeleland South Province was relatively peaceful during the month with very few cases of politically motivated human rights violations. The majority of the cases reported were of harassment and intimidation. There was one serious case of assault from Umzingwane and at Siphezini Village where a group of eight Zanu PF supporters beat an MDC-T supporter after he had openly commented on the current political environment. The victim passed out during the assaults was dragged across the road and was thrown into a nearby river. He managed to swim across to the other side and later reported the matter to police leading to the arrest of all the eight perpetrators. There was also a case of harassment and intimidation from a perpetrator from the MDC-M who threatened to beat up a member of the MDC-T. The victim, who is a well known organiser, was harassed for refusing to join the MDC-M now led by Professor Welshman Ncube." **[122l] (p7)**

14.127 The ZPP's March 2011 report, published 26 April 2011, noted that:

"Matabeleland South province witnessed a similar number of violations at Matabeleland North with more cases of harassment and intimidation having been recorded and related to the ongoing ZANU-PF anti-sanctions campaign. However the constituencies of Beitbridge, Bulilima, Insiza, Matobo South and Gwanda Central had no reported cases of politically motivated violence.

"Harassment and intimidation cases were common in Umzingwane, Insiza North and Gwanda North constituencies where people are being intimidated and forced to sign the ZANU-PF anti-sanctions campaign petition… The province also witnessed cases of violations between MDC-T activists and MDC-M supporters after failing to appreciate and respect each other's political views in Mangwe Consituency." **[122m] (p10)**

14.128 The ZPP's April 2011 report, published on 28 May 2011, noted that:

"The political situation has remained the same in Matabeleland South Province with no cases of politically motivated human rights violations having been reported for the constituencies of Gwanda South, Umzingwane, Insiza South, Matobo North and South, Bulilima East and West and Beitbridge West. There were cases where people were being forced to sign the anti-sanctions petition at Cewood, Beitbridge and in Gwanda North by Zanu PF youth militia. There were also reports of people being forced to attend the Independence Day celebrations in Beitbridge. The province witnessed 12 cases of harassment/intimidation from Gwanda North and Central, Insiza North, Mangwe, and Beitbridge East constituencies. There was also a case of intra-party violence within the MDC-T in Mangwe as the party was holding its provincial elections in preparation for the national congress." **[122n] (p8)**

14.129 The ZPP's May 2011 report, published on 24 June 2011, noted that: "Matabeleland South Province was generally quiet as few politically motivated incidents were reported during the month. There were eight incidents during the month of May as compared to the 16 witnessed in April. There have been very little activities by the political parties in terms of meetings and rallies that would usually cause conflicts within communities." **[122o] (p8)**

## Mashonaland West

14.130 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that Mashonaland West has previously voted solidly for Mugabe's ZANU-PF. **[140a] [140b]** In spite of the MDC making some inroads ZANU-PF retained control of the province in 2008. **[140c]**

14.131 The ZPP's January 2011 report, published on 25 February 2011, noted that:

> "Pre-election violence is already evident in Mashonaland West Province with reports of senior army officials having been already deployed to various districts in the province. The military personnel are reportedly moving around the province restructuring Zanu PF and this has resulted in an increase in the number cases of harassment and intimidation. Violence erupted in Sanyati where members of the MDC-T stormed the house of a Zanu Pf official who had threatened to ban their meeting. The victim was severely assaulted by the 30 MDC-T supporters while they stoned his house. The incident was reported to the police but no arrests have been made." **[122l] (p6)**

14.132 The ZPP's March 2011 report, published 26 April 2011, noted that:

> "Politically motivated human rights violations were on the increase in Mashonaland West Province as a direct result of the ZANU-PF anti-sanctions campaign. The upcoming MDC-T congress and the anticipated constitutional referendum and general elections. There were 126 cases witnessed during the month under review showing an increase from the 93 incidents recorded in February. " **[122m] (p8)**

14.133 The ZPP's April 2011 report, published on 28 May 2011, noted that:

> "The major political events that led to people's rights being violated in Mashonaland West Province were the Independence Day celebrations, signing of the anti-sanctions petition, indigenisation talk and the death of the Zanu PF provincial chairperson Robert Sikanyika. The province recorded 108 incidents down from the 126 witnessed in March. During and in the run up to the Independence celebrations villagers from across the province were forced to make contributions in the form of money and maize meal towards the day." **[122n] (p6)**

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## Masvingo

14.134 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that Masvingo has previously voted solidly for Mugabe's ZANU-PF. **[140a] [140b]** However, in the 2008 parliamentary elections the MDC took a majority of the constituencies in the province. **[140c]**

14.135 Radiovop noted on 29 December 2010 that the army had "… embarked on a door to door terror campaign in Gutu [Masvingo province] threatening villagers …" with violence and death if they failed to support President Mugabe and ZANU-PF at the next elections. The article noted the army had "… re-established bases that were used to torture opposition activists during the violent 2008 presidential elections run-off." **[28d]**

14.136 On 14 January 2011 the MDC-T issued a press release drawing attention to an "upsurge in violence" in the province. The statement noted that: "Reports received by the MDC across the country show that there is a rise in cases involving violence, arbitrary arrests on flimsy grounds and kidnappings of… [MDC] members especially in the rural areas." In one incident 30 people were injured after being attacked by soldiers in Zaka. The report also noted that 4.2 Infantry Battalion in Gutu had injuring dozens of people in another attack in Gutu. **[12e]**

14.137 Radiovop reported on 30 January 2011 that: "War veterans leader, Jabulani Sibanda, has allegedly been intimidating villagers in Masvingo province for more than six months, allegedly forcing people to attend rallies where they are told to vote for Mugabe or there would be war in the country." **[28m]**

14.138 *Bloomberg Businessweek* reported on 18 January 2011 that:

> "Zimbabwe's Movement for Democratic Change, led by Prime Minister Morgan Tsvangirai, said armed security services have been deployed in rural areas around the country, calling it 'a plot to inculcate a culture of fear'. … Dozens of people were injured last week when soldiers loyal to Mugabe assaulted villagers in Gutu, a district in the southern Zimbabwean province of Masvingo, the MDC said today. In addition, more than 30 people were injured and shops forced to close when troops beat people in Jenjera in the province, according to the party." **[131b]**

14.139 The ZPP's January 2011 report, published on 25 February 2011, noted that:

> "Political tensions have remained very high in Masvingo Province with 118 cases having been recorded during the month of January. Violations recorded have been mainly of harassment and intimidation. Political parties have increased their visibility on the ground with more rallies being called in the province from both Zanu PF and the MDC-T. Cases of intra-party violence were recorded in the province and notably the Zanu PF MP for Chivi North constituency Tranos Huruva was allegedly assaulted by the party District Coordinating Committee chairperson Naboth Magwizi after disagreement on the selection of the candidates to represent their constituency in future elections. Victims of the 2008 political violence turned themselves into perpetrators as they demanded justice and carried out acts of vengeance mainly in Zaka and Bikita districts." **[122l] (p5)**

14.140 Radiovop reported on 7 February 2011 that an MDC-T Member of Parliament for the Zaka North constituency was reportedly prevented from entering his constituency after suspected ZANU-PF youth threatened to beat him up. "Other MPs from Zaka West and Central constituencies said although they were not yet barred from accessing their constituencies, said they were worried about the high level of violence against MDC-T supporters." **[28o]**

14.141 The same source noted on 15 February 2011 that five youths from the MDC-T were "… reportedly missing after they were abducted by unknown men at Bhasera Business centre in Gutu for allegedly celebrating the stepping down of former Egypt dictator, Hosni Mubarak last Saturday …" The source reported that the men were abducted by CIO operatives after they chanted that Mugabe should also go. The "MDC-T Gutu district chairperson … confirmed the incident …" **[28p]**

14.142 The ZPP's March 2011 report, published 26 April 2011, noted that:

"The ZANU-PF anti sanctions campaign dominated the human rights violations in Masvingo Province during the period under review. ZANU-PF structures, notably war veterans, youth militias and state security agents were reportedly mobilising people to sign anti-sanctions petition. …

"War veterans' leader Jabulani Sibanda maintained his presence in the province causing a lot of suffering to villagers in the district of Gutu… A former ZANU-PF member is reported to have disappeared from Mutombwa village in ward 16 in Gutu East after he allegedly defected to the MDC-T. The victim is suspected to have been kidnapped by supporters from his former party and his whereabouts were still unknown at the time of publication." **[122m] (p6-7)**

14.143 The ZPP's April 2011 report, published on 28 May 2011, noted that:

"The political situation in Masvingo Province has remained the same with cases of harassment and intimidation topping the violations chart. There were 123 incidents recorded during the month, a slight decrease from the 133 witnessed in March. The majority of the violations were due to the continued coercion of villagers to append their signatures on the Zanu PF anti-sanctions petition and attend the Independence Day celebrations. The most serious incident that was recorded during the month was of the alleged arson attack in Chiredzi where the residence of Zanu PF MP Ronald Ndaba was razed to the ground by suspected political opponents. Thousands of dollars worth of property was destroyed by the fire. The matter was reported to the police but no arrests have been made." **[122n] (p5-6)**

14.144 The ZPP's May 2011 report, published on 24 June 2011, noted that:

"Politically motivated human rights violations continued to be recorded in Masvingo Province despite a slight decline in the statistics recorded during the month of May compared to April figures. The province witnessed 108 incidents of politically motivated violations, a figure slightly lower than the 133 recorded in April… Intra-party violence within Zanu Pf was witnessed in Bikita District where political party heavy weights are fighting in preparation for the party's primary elections. The fights have intensified following announcements by the party's national leadership that there will be elections this year… During the month under review, Masvingo, Bikita, Gutu and Chiredzi districts recorded the most number of violations. People were being forced to attend Zanu PF meetings in Zaka and forced to denounce their political parties. Many were also threatened for having attended the MDC-T congress that was held in Bulawayo." **[122o] (p6)**

14.145 *The Standard* reported on 5 June 2011 that war veterans' leader, Jabulani Sibanda, has allegedly instructed chiefs in Masvingo to compile lists of MDC-T supporters in their areas, who will then be "dealt with". Sibanda apparently claimed that he had a list of school teachers who were anti-ZANU-PF, although he later dismissed this as "nonsense". **[70b]***The Daily Telegraph* reported on 19 June 2011 that security forces, including militia members, were being primed ahead of elections. The article reported that war veterans leader, Jabulani Sibanda, had "… been going around … telling people that he has been sent by the President of Zimbabwe, and that anyone who doesn't vote ZANU-PF will be killed …" **[5b]**

14.146 The *Daily News* reported on 30 June 2011 that:

"A senior Zanu PF official has threatened Non-Governmental Organisations (NGOs) operating in Masvingo province with expulsion accusing them of dabbling in politics, sending the organisations, among them international relief organisations, into panic mode.

"Zanu PF Masvingo provincial Chairman, Lovemore Matuke accused the NGOs of using food handouts and relief programmes to prop up Prime Minister Morgan Tsvangirai's MDC party." **[132c]**

### Midlands

14.147 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that Midlands has previously voted solidly for Mugabe's ZANU-PF. **[140a] [140b]** In spite of the MDC making some inroads ZANU-PF retained control of the province in 2008. **[140c]**

14.148 *The Daily News* reported on 25 January 2011 that:

"Two members of the Central Intelligence Organisation (CIO) were sentenced to five and half years each on charges of impersonating, kidnapping and assault when they appeared before Gweru magistrate[s] … Tawanda Zambuko (24) of Kuwadzana extension, Harare and Lovemore Mavedzenge (31) of Zengeza 4 Chitungwiza, both members of the CIO employed at Chaminuka building, 4th Street in Harare were facing charges of impersonating public officials as defined in Section 17 (a) (1) of the criminal codification and reform Act Chapter 9:23, kidnapping and unlawful detention as defined in Section 93 (1) (a) of the Criminal law Codification Act and Reform Act Chapter 9:23 and Assault as defined in Section 89 (1) (a) (b) of the Criminal law Codification and Reform Act." **[132e]**

14.149 The Zimbabwe Peace Project reported on 27 January 2011 that the

"ZANU PF Member of Parliament for Gokwe Central … with the help of war veterans and party youths on Tuesday January 26, 2011 force marched villagers to attend a rally at Gokwe Centre where … [they were told] to come in their numbers and sign a petition calling for the removal of sanctions.

"This is part of a ZANU PF campaign to have more than a million signatures throughout the country against the targeted sanctions imposed by the West on President Robert Mugabe and his allies endorsed on a petition.

"According to a ZPP monitor present during the meeting, … the Member of Parliament issued verbal threats to the scores of people who attended the meeting urging them to bring their national identity cards … [telling] them that all those who fail to sign will have to explain why they want the sanctions to remain in force." **[122k]**

14.150 The ZPP's January 2011 report, published on 25 February 2011, noted that:

"During the period under review the highest number of politically motivated human rights violations was recorded in the Midlands Province with 181 cases. This showed a marked increase from the 116 cases witnessed during the same month in 2010. Most of the violations recorded were of assault, harassment and intimidation related to the distribution of farming inputs. Soldiers have reportedly taken over the distribution of maize seeds and fertilisers in most of the Gokwe constituencies. Supporters from both

Zanu PF and the MDC-T have been noted as perpetrators of politically motivated human rights violations." **[122l] (p3)**

14.151 The ZPP's March 2011 report, published 26 April 2011, noted that:

"The Midlands Province remained one of the top regions with the highest number of politically motivated human rights violations witnessing 209 cases during the month under review. The March figure showed a slight decline to the February figure of 224 cases of politically motivated violations. The majority of cases witnessed during the month were related to the ongoing ZANU-PF anti-sanctions campaign.

"It has also been noted that the MDC-T supporters have been fighting against each other during the month as members jostle for positions before the fast approaching party national congress… An MDC-T youth activist was chased away from his home by ZANU-PF supporters for allegedly making 'wrong' contributions during the constitutional outreach meetings. It is alleged that the MDC-T activist in August 2010 made contributions that were against the ZANU-PF positions to the constitution. He was later forced to leave the country to South Africa. Upon his return he was beaten up by ZANU-PF youths who told him to return where he was or else they would kill him." **[122m] (p4-5)**

14.152 The ZPP's April 2011 report, published on 28 May 2011, noted that:

"Midlands Province maintained its trend of being the province with the majority of violations with 213 cases having been recorded during the month of April. Although the figure shows a slight decrease in violations recorded, political tensions have remained very high in Mberengwa District. The district of Mberengwa recorded the highest number of assaults during the month under review where Zanu PF supporters are reported to be harassing anyone who openly expressed their political affiliations apart from belonging to Zanu PF. … High military presence in the province has been a serious cause for concern with senior army officers reportedly operating around the Gokwe District." **[122n] (p3)**

14.153 The ZPP's May 2011 report, published on 24 June 2011, noted that:

"The Midlands Province remained the most volatile region with 201 incidents having been recorded during the month showing a minor decrease from the 213 witnessed in April.

"Although the figure shows a slight decrease in violations recorded, political tensions have remained very high in Mberengwa District where the highest number of harassments and intimidations were recorded… Military presence in the province has continued with serving members of the army reportedly spearheading the Zanu PF campaign mainly in the districts of Kwekwe and Gokwe North and South." **[122o] (p3-4)**

14.154 On the 22 May 2011 Radiovop reported that war veterans, led by a man calling himself 'Hitler', were alleged to have petrol bombed a homestead belonging to a MDC-T supporter in Mberengwa. The individual is reported to have worked for the "… ZANU-PF aligned chief in Mberengwa Constituency in the central province of Midlands. **[28c]**

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## 15. FREEDOM OF SPEECH AND MEDIA

This section should be read in conjunction with Political affiliation and Human rights institutions, organisations and activists, for a more rounded picture of freedom of expression in Zimbabwe.

15.01 The US State Department *2010 Human Rights Report: Zimbabwe* (USSD 2010), 8 April 2011, observed that:

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

"Under the criminal code, making a false statement prejudicial to the government carries a maximum prison sentence of 20 years. Security authorities continued to restrict freedom of speech and arrest individuals, particularly those who made or publicized comments critical of President Mugabe or made political statements opposing the government's agenda… The government continued to restrict freedom of the press. The Ministry of Media Information and Publicity (MMIP) controlled the state-run media. Government-controlled media generally portrayed the activities of ZANU-PF officials positively, portrayed other parties and antigovernment groups negatively, and downplayed events or information that reflected adversely on the government. High-ranking ZANU-PF officials, including President Mugabe, used the media to threaten violence against critics of the government. There were also credible reports that the MMIP permanent secretary, George Charamba, routinely reviewed state-owned media news and excised reports on the activities of groups critical of the government." **[2b] (section 2a)**

15.02 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that:

"A surprising amount of criticism aimed at the government was allowed to be aired in the independent press, in public debates and in civil society publications… State broadcasting outlets and one of the daily newspapers are controlled by ZANU-(PF) and continue to broadcast or publish ZANU-(PF) propaganda. However, there are lively independent newspapers in Zimbabwe which publish with greater openness than may be expected. Independent journalists were, on occasion, harassed during 2010. Police served summonses on two journalists with the Zimbabwe Independent that related to a story about the police commissioner's opposition to electoral reforms. But all broadcast media is state-owned and no new broadcast licences have been issued. We welcomed the issuing of licences to four new daily newspapers and the fact that the BBC can now report from Zimbabwe." **[13h] (p353)**

15.03 The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, noted that:

"With ZANU-PF still in control, the power-sharing government continues to use an arsenal of repressive legislation and unlawful tactics to restrict the right to freedom of expression, and harass and punish critical journalists. While the government has lifted restrictions on the international media and allowed independent local daily papers to resume operations, it has not reformed media-related laws as promised. It has also not

reviewed criminal defamation laws that impose severe penalties, including prison terms, on journalists. The government continues to block free expression through senior officials aligned to ZANU-PF and partisan state security agents." **[69a]**

15.04 The Committee to Protect Journalists report, *Attacks on Press Freedom 2010: Zimbabwe*, dated 15 February 2011, noted that: "Regulators granted five private publishing licenses [during 2010], the first in seven years, opening a window for press freedom in this long-oppressed nation. But police harassment, regulatory intransigence concerning private broadcast licenses, and the government's unwillingness to pursue legal reforms ensured that the opening remained but a crack…" **[30a]**

15.05 Reuters reported on 4 January 2011 that:

"The Coalition has licensed several private newspapers after establishing a new media commission, but Tsvangirai has so far failed to push Mugabe to open up radio and television. Mugabe's officials say they are still looking at the issue - nearly two years after the power-sharing government was set up - and analysts say this will become more difficult as the country heads towards elections.

"They have also resisted calls to repeal tough media laws barring foreign journalists from working long-term in the country and still quietly restrict visiting journalists." **[75e]**

15.06 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that during 2010 there "… was some loosening of restrictions on the media … with the ending of the state monopoly on daily newspapers. In May, four independent daily newspapers were licensed by the Zimbabwe Media Commission, including the Daily News which was banned in 2002. However, there was no progress in licensing private broadcasters." **[14h]**

15.07 The Civil Society Monitoring Mechanism's (CISOMM) *Periodic Report* covering 31 March to 1 June 2011, noted that:

"In the period under review April-May 2011, the Zimbabwe Media Commission (ZMC) licensed seven more newspapers. The licensing of new publications is welcomed, however it is noted that newspaper circulation is mostly confined to urban areas and the critical reforms are needed in the broadcasting sector. The main issues there concern the unconstitutional composition and authority of the Broadcasting Authority of Zimbabwe (BAZ), the refusal to open up applications to community or private radio stations, and hate speech and propaganda issuing from the state-owned broadcasting monopoly. 6 incidents of harassment or arrest of journalists were recorded in the period." **[48d] (p2)**

15.08 The Economist Intelligence Unit's (EIU) *Country Report – Main Report*, Zimbabwe published in June 2010, noted that:

"There is growing evidence that Mr Mugabe and ZANU-PF are riding roughshod over their nominal coalition partners, as shown by the following examples.

"The appointment of Tafataona Mahoso – known as the 'media hangman' – as chief executive of the Zimbabwe Media Commission (ZMC). As chairman of the defunct Media and Information Commission, Professor Mahoso closed down at least five independent newspapers, banned numerous foreign correspondents from entering the

country and was party to the ban on the BBC and other media organisations in Zimbabwe. His appointment was condemned by the MDC's official spokesman, Nelson Chamisa – suggesting that, once again, the MDC is being outmanoeuvred by its official coalition partner – and did much to undermine the sense of optimism generated by the ZMC's decision to licence four new newspapers …" **[24d] (p9-10)**

See Treatment of journalists below

## MEDIA LAW AND MONITORING

15.09 Freedom House noted in *Freedom of the Press 2010 – Zimbabwe*, published 5 October 2010, covering events in 2009, (FH Press Report 2010) that:

"Even with constitutional provisions for freedom of expression, a draconian legal framework continues to inhibit the activities of journalists and media outlets. The 2002 Access to Information and Protection of Privacy Act (AIPPA) requires all journalists and media companies to register with the government-controlled Media and Information Commission (MIC), and gives the information minister sweeping powers to decide which publications can operate legally and who is able to work as a journalist. In addition, the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators." **[96c] (p2)**

15.10 The same source reported that: "The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor content to prevent a 'serious offense' or a 'threat to national security.'" **[96c] (p2)**

15.11 The CPJ Report 2010 stated that:

"Issuance of the new licenses could ease the tightly controlled media landscape that had for several years included just a small handful of independent weeklies and no private broadcasters. But the same draconian laws long used to censor and control private publications remained on the books, most notably the Criminal Law (Codification and Reform) Act, which criminalizes the publication of information deemed prejudicial to the state or insulting to the president. Prison penalties run as high as 20 years.

"New legislation being considered by parliament in late year would obstruct publication of government documents. The bill, an amendment to the country's copyright laws, would allow the government to decide whether and how such fundamental documents as statutes and court rulings can be republished, according to news reports. 'You can see its uses,' said one local journalist who spoke to CPJ on condition of anonymity. 'If electoral laws are introduced for next year's polls, we will not be able to publish them no matter how unpalatable.'" **[30a]**

15.12 The CPJ report also noted that: "The Zimbabwe Media Commission, created as part of the power-sharing agreement, succeeded the notorious Media and Information Commission, which had overseen the closing of several private print publications in the early 2000s. The new commission includes private media representatives, offering hope of greater independence." **[30a]**

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## PRINT MEDIA

15.13 The BBC News *Country Profile of Zimbabwe*, updated on 7 May 2011, stated that the following were the main news publications in Zimbabwe:

- "The Herald - government-owned daily
- The Chronicle - Bulawayo-based, government-owned daily
- NewsDay - private daily
- The Financial Gazette - private, business weekly
- The Standard - private, weekly
- Zimbabwe Independent - private weekly
- The Zimbabwean - private weekly, published from UK and South Africa" **[3ab]**

15.14 The CPJ Report 2010 stated that:

"The press made incremental gains during the year. The Zimbabwe Media Commission, the new print regulator, established in February [2010], granted licenses in May to five publications, including the independent Daily News, which the government arbitrarily shuttered in 2003 over the objections of the courts. The commission also issued licenses in May to the publishers of a new independent daily, NewsDay; to the ZANU-PF for a new party publication; to the Zimbabwe Congress of Trade Unions for a union monthly; and to the publishers of the existing Financial Gazette for a new version, The Daily Gazette." **[30a]**

15.15 The FH Press Report 2010 (covering events in 2009) noted that:

"The government, through the Mass Media Trust holding company, controls the two main daily newspapers, the Chronicle and the Herald. Coverage in these papers generally consists of favorable portrayals of Mugabe and the ruling party and attacks on perceived critics of the regime. Several independent weeklies such as the Standard and the Zimbabwe Independent continue to publish, although many of their journalists practice extensive self-censorship, particularly regarding stories on corruption or factional fighting within ZANU-PF. The Zimbabwean is produced in South Africa for the Zimbabwean market, and some foreign newspapers, most of them also from South Africa, are available. Newspapers typically have poor distribution networks outside urban areas, and they have been buffeted by soaring prices for newsprint. In a positive development, the government eliminated its 40 percent 'luxury' import tax on foreign newspapers in July. According to MISA's African Media Barometer, state-run companies do not advertise in private papers, and state-run media outlets do not accept advertising from companies thought to be aligned with the opposition." **[96c] (p2)**

15.16 ZimOnline reported on 27 May 2010 that: "The Zimbabwe Media Commission (ZMC) … issued licences to four daily newspapers, including The Daily News that was banned by the Media and Information Commission (MIC) in 2003, turning a fresh page for the country's media landscape, which had been suffocated by the shortage of alternative voices in the dailies section." **[49c]** SW Radio Africa, dated 8 June 2010, noted that the

first of the papers to go into print was NewsDay which was launched on 4 June 2010. **[53l]**

15.17 The BBC News *Country Profile of Zimbabwe*, updated on 7 May 2011, stated that:

"In June 2010, newly-licensed title NewsDay hit the streets, becoming the first privately-owned daily to publish in seven years. The private press also comprises weeklies the Standard and Zimbabwe Independent. Another weekly, The Zimbabwean, is produced in London and distributed in Zimbabwe as an international publication.

"However, cover prices are beyond the reach of many readers and publishers have been hit by escalating printing and newsprint costs." **[3ab] (Media)**

15.18 The Institute for the Democratic Alternative for South Africa's group, States in Transition Observatory (SITO) report, '*Zimbabwe Government of National Unity Watch, August 2009*', noted that:

"The Prime Minister's [Morgan Tsvangirai] Newsletter which is produced weekly continues to grow in popularity along with The Legal Monitor and The Conveyor which are all distributed in urban and rural areas free of charge. Subjects covered in these publications range from local government, parliamentary affairs, state of the GNU and activities of the MDC as they are never mentioned in state media. Regular newspapers run and average of 15,000 copies while the Prime Minister's Newsletter around 60,000." **[9e] (p13)**

15.19 The CISOMM Periodic Report covering 31 March to 1 June 2011 noted that: "In the period under review April-May 2011, the Zimbabwe Media Commission (ZMC) licensed seven more newspapers. The licensing of new publications is welcomed, however it is noted that newspaper circulation is mostly confined to urban areas and the critical reforms are needed in the broadcasting sector." **[48d] (p2)**

### TELEVISION AND RADIO

15.20 Freedom House noted in *Freedom of the Press 2010 – Zimbabwe*, covering events in 2009, published 5 October 2010, that:

"The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs all broadcast media, which are subject to overt political interference and censorship. ZBC coverage, particularly before and during elections, overwhelmingly favors ZANU-PF. In 2009, retired military and intelligence officers loyal to Mugabe were appointed to sit on the boards of state-owned newspapers, the ZBC, and the NewZiana news agency. The Broadcasting Services Act bans foreign funding and investment in this capital-intensive sector, making it very difficult for private players to enter the market. Broadcasting licenses have been consistently denied to independent radio stations, despite calls by a parliamentary committee for liberalization; in 2009, former MIC head and Mugabe ally Tafataona Mahoso was appointed chairman of the Broadcasting Authority of Zimbabwe (BAZ), which is responsible for granting radio and television licenses." **[96c] (p2-3)**

15.21 SWRadio Africa reported on 23 November 2010 that the Zimbabwe Broadcasting Corporation "… remains tightly controlled by Robert Mugabe's party and is used as a machine to churn out ZANU-PF propaganda. Recently George Charamba, the Permanent Secretary in the Ministry of Information, announced that the government has

no plans to issue licences to independent broadcasters, which is contrary to what is required by the global political agreement (GPA)." **[53d]**

15.22 The USSD 2010, published on 8 April 2011, noted that:

"Radio remained the principal medium of public communication, particularly for the rural majority. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings (ZBH), supervised by the MMIP. On July 30, the government officially launched the Voice of Zimbabwe radio, a subsidiary of the state-controlled ZBH in Gweru. The popularity of independent shortwave and medium-wave radio broadcasts to the country continued to grow, despite government jamming of news broadcasts by radio stations based in other countries, including the Voice of America's Studio 7, SW Radio Africa, and Voice of the People. …

"The government controlled the only domestically based television broadcasting station, the Zimbabwean Broadcasting Corporation (ZBC). In May the ZBC launched a second news and entertainment channel that broadcast from noon to midnight. International satellite television broadcasts were available through private firms but were too expensive for most citizens. Most citizens relied on free satellite decoders with a selection of South African and gospel channels for entertainment, news, and information." **[2b] (Section 2a)**

15.23 *The Zimbabwean* reported on 15 November 2010 that the three main independent broadcasters were "… the London based SW Radio Africa, South Africa based Voice of the People, and US based VOA Studio 7." **[99g]**

15.24 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, (CSMM Report 2011) released on 21 February 2011, observed that:

"Notwithstanding the licensing of new players in the print media sector, the media environment remained restricted as no new players were licensed to run private radio and television stations. The Broadcasting Authority of Zimbabwe (BAZ) also failed during the year under review, and since the enactment of the BSA [Broadcasting Services Act], to invite applications for licences for community radio stations … It is widely acknowledged that the BSA as a broadcasting regulatory framework has serious defects and flaws which fall far short of meeting regional and international benchmarks pertaining to the regulation and management of the broadcasting sector, and thus impacts negatively on the right and enjoyment of freedom of expression, press freedom and access to information. It is regrettable that no moves have been made by the IG to reform or repeal this legislation in line with the stated objectives of the GPA." **[48c] (p29)**

## INTERNET

15.25 A report published by the OpenNet Initiative (ONI), published on 30 September 2009, noted that: "… ONI found no evidence of Internet filtering in Zimbabwe …" **[18a] (Internet)** The USSD 2010 also stated this to be the case. **[2b] (Section 2a)**

15.26 Freedom House noted in *Freedom on the Net 2011 – Zimbabwe*, published 18 April 2011, that:

"Internet and mobile-phone usage is nominally free from government interference in Zimbabwe, but there are indications that the government has a strong desire to control these communications technologies. There are also a number of practical obstacles that hinder citizens' access, including poor infrastructure in urban areas, and an almost total lack of infrastructure in rural areas… Internet access has expanded rapidly in Zimbabwe, from a penetration rate of 0.3 percent in 2000 to about 12 percent (or 1.4 million of the country's estimated 11.4 million people) by the end of 2009. The mushrooming of cybercafes in most of the country's urban centers, coupled with the forced migration of many Zimbabweans to South Africa, the United Kingdom, Australia, and other countries as a result of the political and economic crisis, created a favorable environment for increased internet usage, as the new expatriates sought to stay in touch with friends and family in Zimbabwe… Despite reports of continued human rights abuses and government control over the traditional media, there has been no concrete evidence of systematic internet filtering in Zimbabwe. However, some instances of surveillance and censorship have been reported." **[96e] p1-5)**

For interest: http://www.internetworldstats.com/af/zw.htm

## JOURNALISTS

15.27 The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, noted that: "Journalists and media practitioners routinely face arrest for allegedly violating the state's repressive media laws… Journalists … have … been subjected to threats and harassment from the authorities and security forces, creating major obstacles to reporting on Zimbabwe's political system and continuing abuses by ZANU-PF." **[69a]**

15.28 A report by Reporters Without Borders, dated 13 May 2011, also noted that journalists, particularly at the independent *Daily News* and *NewsDay*, were subject to "… constant harassment … by police, intelligence officials and members of President Robert Mugabe's ZANU-PF party." The report went on to condemn ZANU-PF's use of violence to silence its critics. **[137a]**

The Reporters without Borders website includes detailed reports of recent arrests of journalists

15.29 Freedom House noted in *Freedom in the World 2010 – Zimbabwe*, covering events in 2009, published on 3 May 2010, that: "The country's draconian legal framework… restrict[s] who may work as a journalist, require[s] journalists to register with the state, severely limit[s] what they may publish, and mandate[s] harsh penalties – including long prison sentences – for violators … Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and ZANU-PF supporters." **[96b] (p4)**

15.30 Freedom House noted in *Freedom on the Net 2011 – Zimbabwe*, published 18 April 2011, that:

"… most charges against journalists in the past few years have either been withdrawn or have resulted in acquittals, continuous harassment of journalists by authorities has often induced self-censorship, even among those writing for online publications. The country's civil and criminal defamation laws, the Interception of Communications Act

(ICA), and the Criminal Law Codification and Reform Act (CODE) all apply equally to online journalists and reporters for traditional media." **[96e] (p7)**

15.31 The CPJ Report 2010 observed that:

"While harassment of journalists [has] decreased since the dark days of the disputed 2008 presidential election, independent journalists were still targeted by police and ZANU-PF loyalists. Emblematic of the issue was freelance photojournalist Andrison Manyere, who was detained at least three times by police during the year. In January, police in the capital, Harare, detained him for six hours after he covered a women's rights march; he was released without charge. In March, police detained Manyere for taking pictures outside Harare Magistrate's Court of two men accused in an anti-government plot. He was released from police custody the next day after paying a fine on a disorderly conduct charge, the Zimbabwe Lawyers for Human Rights reported. And in October, police detained Manyere and freelance journalist Nkosana Dhlamini overnight after they tried to cover a meeting about possible constitutional changes, Manyere told CPJ. ZANU-PF youth supporters confronted Dhlamini, believing he was reporting for a U.S. news outlet, and Manyere started to film the altercation. 'Police arrived only to take my camera and handcuff me with my fellow journalist,' Manyere told CPJ.

"Journalists who contribute to media based outside the country, including both international and exile-run outlets, faced particular obstruction and harassment.

"At least 49 Zimbabwean journalists were in exile when CPJ conducted its worldwide survey in June 2010, making it the fourth largest press diaspora in the world… Many exiled Zimbabweans have continued to report on their country's affairs from exile… Distributors of The Zimbabwean [published outside of Zimbabwe] were targeted as well. In February, soon after the paper published a front-page story describing infighting in the ZANU-PF, police detained two representatives of the paper's distribution company for three hours and briefly charged them under the Criminal Law (Codification and Reform) Act, local journalists reported. Police eventually dropped the charges." **[30a]**

15.32 Freedom House noted in *Freedom of the Press 2010 – Zimbabwe*, published 5 October 2010, that: "Owing to poor economic conditions and salaries that do not keep pace with inflation, journalistic corruption and cash incentives for coverage have become rampant." **[96c] (p2)**

For updates and further details of problems faced by journalists see the websites of Committee to Protect Journalists and Reporters without Borders

## ACADEMIC FREEDOM AND STUDENTS

15.33 The USSD 2010 report noted:

"The government continued to restrict academic freedom. The president is the chancellor of all five state-run universities and appoints all vice chancellors. The government has oversight of all higher education policy at public universities. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restrict the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students… CIO personnel at times assumed faculty and other positions and posed as

students at the University of Zimbabwe and other public universities to intimidate and gather intelligence on faculty and students who criticized government policies and actions. CIO officers regularly attended all classes where noted MDC activists were lecturers or students. In response both faculty and students often practiced self-censorship in the classroom and their academic work.

"According to the Students Solidarity Trust, a local NGO that provides assistance to student activists, approximately 190 students were arrested or detained, and approximately 10 students were expelled or suspended, for engaging in student activism between January and June [2010], as compared with 134 students arrested or detained and 14 students expelled or suspended between January and June 2009. The NGO also reported seven cases of assault and four cases of torture and abduction during the same time period." **[2b] (section 2a)**

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## 16. CIVIL SOCIETY AND HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

This section should be read in conjunction with Political affiliation and Freedom of speech and media for a more rounded picture of freedom of expression in Zimbabwe.

16.01 Jane's *Sentinel Country Risk Assessment (Zimbabwe)*, Internal affairs section, updated on 12 October 2010, reported that:

"Between the Matabeleland massacres of the mid-1980s and the onset of the current crisis in the late 1990s, Zimbabwe developed an active civil society looking to protect rights and liberties, in urban areas at least. The principal human rights organisations working in Zimbabwe are the Catholic Commission for Justice and Peace in Zimbabwe (CCJP), Zimbabwe Human Rights Association (ZimRights), Zimbabwe Lawyers for Human Rights and the Legal Resources Foundation (LRF)." **[90b] (Internal affairs)**

16.02 Jane's continued:

"… Zimbabwe has traditionally had one of the most sophisticated civil societies and print media in Africa, the robust criticism of government by many of the numerous civic groups or non-governmental organisations (NGOs) prompted the ZANU-PF government to establish some kind of control over them. This followed the suppression of much of Zimbabwe's private media from 2000. In July 2004, President Mugabe gave notice that legislation would be passed to monitor and control the activities of NGOs. The Private Voluntary Organisations (PVO) Act was passed in December 2004 and facilitated government efforts to close organisations of which it did not approve. In particular, the PVO Act's restrictions on foreign funding of NGOs evoked protest because many NGOs depend on donations from abroad. An initial 30 NGOs were told to provide accounts of foreign donations or face having their registration revoked in March 2005. In April 2007, it was reported that all NGO licences had been revoked." **[90b] (Internal affairs)**

16.03 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that:

"The state harassed human rights defenders sporadically throughout 2010, particularly those who spoke out against the state or against the 'Kariba' version of the constitution, which is preferred by the Zimbabwe African National Union – Patriotic Front (ZANU-PF)… space for civil society continued to open up during 2010. A surprising amount of criticism aimed at the government was allowed to be aired in the independent press, in public debates and in civil society publications. Several marches and demonstrations were held peacefully, many with police co-operation. But civil society groups and the MDC-T were still unable to rely on an unrestricted right to assembly." **[13h] (p353)**

16.04 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however, they were subject to government restrictions, interference, monitoring, and harassment. Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of [Public Order and Security Act] POSA and the [Access to Information and Protection of Privacy Act] AIPPA; election observation; constitutional and electoral reform; increasing women's access to the courts; raising awareness of the abuse of children; conducting civic education; advocating for the independence of the judiciary; and combating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major domestic independent human rights organizations included the Crisis in Zimbabwe Coalition, ZESN [Zimbabwe Election Support Network], ZLHR [Lawyers for Human Rights], ZPP [Zimbabwe Peace Project], National Constitutional Assembly (NCA), Students Solidarity Trust, and WOZA [Women of Zimbabwe Arise]." **[2b] (Section 5)**

16.05 The USSD 2010 report stated that:

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

"During the year police arrested or detained NGO members, often in connection with demonstrations or marches; several were beaten during arrest and tortured while in custody. Numerous NGO members died in post-election violence in 2008… The government harassed some NGOs it believed opposed government policies, investigated their activities, and harassed their leaders… Representatives of international and foreign NGOs were arbitrarily harassed." **[2b] (Section 5)**

16.06 The setting up of a human rights body was part of the agreement signed by the three political parties that make up the Government of National Unity. BBC News reported on 1 April 2010 that: "Zimbabwe's first human rights … commission …" was sworn in by President Mugabe. The creation of the commission is seen as crucial in moving the country forwards. "The Human Rights Commission will be chaired by Reginald Austin, a law professor and former head of the legal affairs division of the Commonwealth." **[3f]** However, *Reuters* reported on 4 January 2011 that while the Human Rights Commission has been set-up, observers complained that "… it is taking too long to start work and an atmosphere of fear still exists in the country." **[75e]** The *Financial Gazette* reported on 1 July 2011 that the government had gazetted a new Zimbabwe Human Rights Bill, but that the powers under the Bill will be limited to human rights abuses committed after the formation of the government of national unity in 2009. The Human

Rights Commission was reported to "… still not fully operational because it was not properly constituted." **[130a]**

16.07 The UK Border Agency's Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010, dated 21 September 2010 (reissued 27 October 2010), noted the views of NGOs and civil society groups interviewed for the FFM regarding their ability to operate freely within the country (the following is a selection only – the FFM report should be read in its entirety), noting that:

"An anonymous organisation noted:

"We are able to operate relatively freely at the moment but in effect, the situation has not changed as the potential still exists for harassment. … **[121a] (p7)**

"The Zimbabwe Association of Doctors for Human Rights (ZADHR) noted:

"Freedom depends on the area and the project. Less politically sensitive projects, for instance training on HIV care, are not restricted or monitored in any areas. However, more sensitive projects, like the current Post Trauma needs assessment, have faced opposition in some areas from local administrators. This has happened particularly in Masvingo and Mashonaland East and Central where focus groups have met with resistance from the District Administrator. … **[121a] (p7)**

"The Zimbabwe Lawyers for Human Rights (ZLHR) noted:

"We have been able to work fairly normally, some activities have invited interference in the form of monitoring meetings, however there have been no disruptions. There has been some interference from state agents trying to find out about our activities but that has not really affected operations. … **[121a] (p8)**

"An international organisation noted:

"We face currently no difficulty operating wherever we choose in the country and were also not touched by the 2008 ban that affected other international organisations and the NGOs: As indicated we have been here off and on since 1959 and constantly since 75. … **[121a] (p8)**

"The Zimbabwe Human Rights NGO Forum noted:

"There are currently few restrictions on the Forum's ability to operate beyond those legal restrictions on NGO activity which remain in place. Under this, the police still from time to time use [Public Order and Security Act] POSA to insist that the Forum obtains police permission for its meetings even though they are not political meetings." **[121a] (p9)**

More detailed information about other aspects of the treatment of NGOs and civil society activists is available in the FFM report:
http://www.ecoi.net/file_upload/1226_1289391521_zimbabwe271010.pdf

## HUMAN RIGHTS DEFENDERS/ACTIVISTS

16.08 The Economist Intelligence Unit's (EIU) Zimbabwe *Country Report – Main report*, dated 1 June 2011 *Zimbabwe June 2011 report* noted that: "The situation on the ground

remains tense, with violent confrontations between warring political groups. A new report by a UK-based human rights organisation, Amnesty International, speaks of the increased intimidation, arrest and torture of human rights activists." **[24b] (p10)**

16.09 The Civil Society Monitoring Mechanism's (CISOMM) *Periodic Report* covering 31 March to 1 June 2011 noted that:

"The cooperation from the authorities previously enjoyed by civic society, in particular in its educational and peace building initiatives has waned. … the stifling of human rights defender's work remained evident, … Court orders and human rights were disregarded by the police in their detention or obstruction of civil society groups campaigning against torture, or of church leaders alongside disruption of church services designed for national healing. Mostly the police have failed to understand and protect the rights of people to security and freedom of association and expression and have on a number of occasions abused the rights of persons in custody by preventing their access to lawyers, medical attention, food and even knowledge about the charges against them. There have also been attempts to restrict the operations of civics by legal harassment and closing down of their space even to lobby SADC." **[48d] (p2)**

16.10 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that: "Police continued to arbitrarily arrest and detain human rights defenders and journalists for their legitimate human rights work. Human rights defenders involved in the Constitution-drafting process or engaged in debate on accountability for past human rights violations were specifically targeted." **[14h]**

16.11 A report by Human Rights Watch entitled *Universal Periodic Review of Zimbabwe*, to be submitted to the UN Human Rights Council, dated 29 March 2011, noted that:

"The Zimbabwean authorities often use repression and intimidation to silence human rights advocates during the course of their daily work and prevent them from exposing abuses and promoting respect for human rights. ZANU-PF officials have routinely accused human rights organizations of being supporters of the opposition and of receiving funds from western donors that the government accuses of trying to destabilize the country. Human rights defenders and lawyers are constantly subjected to harassment, arbitrary arrests, and violent attacks by the police, intelligence agents, and government officials." **[69c]**

16.12 The report noted examples of harassment:

"… the arrest of 83 men and women from the group Women of Zimbabwe Arise in Harare on September 20 [2010], as they demonstrated against the lack of professionalism by the Zimbabwean police. The group was detained at the Harare Central Police Station for two days. On September 22 they were charged with criminal nuisance and released on free bail. In a raid at the offices of the organization Gays and Lesbians of Zimbabwe (GALZ) on May 21, 2010, police arrested two staff members, charging them with possession of "obscene, indecent or prohibited articles" and confiscating educational material. On May 24 a Zimbabwean magistrate's court added the charge of "undermining authority of or insulting [the] president" because the GALZ office displayed a placard that made a critical reference to President Robert Mugabe.

"Harassment and arbitrary arrests of human rights defenders have intensified since January 2011. For example, on February 8, police arrested two employees of the

Zimbabwe Human Rights NGO Forum as they tried to conduct a survey on transitional justice. In the same period police have also raided the offices of a number of human rights nongovernmental organizations (NGOs) and questioned the employees." **[69c]**

16.13 Amnesty International (AI) reported on 29 June 2010 that a pick up in violence following the start of the constitutional outreach programme had resulted in reports of human rights activists being threatened and targeted with violence. **[14c]** However, the Foreign and Commonwealth's *Annual Report on Human Rights 2010*, published 13 May 2011, noted that: "The country-wide consultation on a new constitution brought isolated outbreaks of violence, including one death in Harare, but overall did not produce the expected tensions that many observers had predicted." **[13h] (p348)**

For more about the COPAC process see Political affiliation/Freedom of political expression

16.14 SW Radio Africa reported on 5 July 2010 that three human rights activists "… working for the Independent Constitution Monitoring Project, which is jointly run by the Zimbabwe Election Support Network, the Zimbabwe Peace Project and the Zimbabwe Lawyers for Human Rights …" were abducted by ZANU-PF supporters while monitoring the constitutional reform process. The three were reported to have been taken to a farm and beaten. **[53c]**

See also Latest news, Recent developments, Political affiliation and Politically Motivated Violence.

## Women of Zimbabwe Arise (WOZA)

16.15 Women of Zimbabwe Arise (WOZA) was founded by Jenni Williams in 2003 and is a protest group that campaigns for equal rights for women in Zimbabwean society. (Kubatana.net, last updated: 27 June 2007) **[55r]** WOZA's website (accessed 12 June 2009) noted that WOZA is an Ndebele word meaning 'come forward'. The movement has a countrywide membership of over 70,000 women and men. The majority of WOZA members are low-income earners from urban high-density suburbs. **[78a]**

16.16 The WOZA website stated that its activities are:

"Based on the principles of strategic non-violence, through our actions, WOZA creates space to allow Zimbabweans to articulate issues they may be too fearful to raise alone. WOZA has conducted hundreds of protests since 2003 and over 3,000 women and men have spent time in police custody, many more than once and most for 48 hours or more. These frontline human rights defenders are willing to suffer beatings and unbearable conditions in prison cells to exercise their constitutional rights and fundamental freedoms." **[78a]**

16.17 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that: "Police continued to arbitrarily arrest and detain … [human rights activists at least 186 members of Women of Zimbabwe Arise (WOZA) and Men of Zimbabwe Arise (MOZA) were arrested during 2010." **[14h]**

16.18 Amnesty International's (AI) report *Zimbabwe: Briefing to the pre-session working-group of the UN Committee on the elimination of discrimination against women*, dated the 24 June 2011, noted that:

"WOZA members constitute the majority of Zimbabwean activists who have been arbitrarily arrested, unlawfully detained and subjected to torture and other ill-treatment while in police custody. While in detention WOZA members have been subjected to sexist attacks designed to de-legitimize their concerns and activism as women. They have also been subjected to other ill-treatment including denial of food and medical treatment. The detention of women activists has also had a disproportionately negative effect on their own welfare and that of their children and dependents." **[14e] (p11)**

16.19 The AI report also noted that:

"Women human rights defenders are portrayed as deviant women who have malicious intentions. This form of treatment amounts to sexuality baiting, aimed at undermining the work of women human rights defenders by discrediting their activities and isolating them from the rest of the human rights movement. Amnesty International has information that women who dare to challenge violations of economic and social rights are subjected to derogatory or sinister accusations by the police, aimed at discrediting their character. …

"Amnesty International is concerned about the systematic denial of access to medical care to detained women's activists as a form of punishment for engaging in peaceful protest. WOZA activists who are arrested and beaten by police are often denied the medical treatment they need for the injuries sustained while in police custody." **[14e] (p12-13)**

16.20 The USSD 2010 noted that WOZA demonstrations were often broken up by the police with the use of disproportionate force, with many women being arrested and denied bail. **[2b] (Section 1c. 1d & 2b)**

16.21 The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, noted the arrest in Harare in September 2010 of 83 WOZA activists. The activists comprised of men and women were arrested "… as they demonstrated against the lack of professionalism by the Zimbabwean police. The group was detained at the Harare Central Police Station for two days. On September 22 they were charged with criminal nuisance under the Criminal Law (Codification and Reform) Act and released on free bail." **[69a]**

The WOZA website provides regular reports of its activities. See also Latest news, Recent developments, Political affiliation, Politically Motivated Violence, Security forces, Women, and Violence against women

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## 17. CORRUPTION

17.01 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"The law provides criminal penalties for official corruption; however, the government did not implement the law effectively and impartially, and officials frequently engaged in corrupt practices with impunity. According to World Bank Worldwide Governance Indicators, corruption was a severe problem. Implementation of the government's redistribution of expropriated white-owned commercial farms often favored ZANU-PF

elite and continued to lack transparency. High-level ZANU-PF officials continued to select numerous farms and register them in the names of family members to evade the government's policy of one farm per official. The government continued to allow individuals aligned with top officials to seize land not designated for acquisition. Public officials were not subject to financial disclosure laws. …

"Constitutional amendment 19 requires that a previous anticorruption commission be disbanded and a new one appointed. The commission members had not been named by year's end… Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted MDC-T officials, persons who had fallen out of favor with ZANU-PF, and individuals without high-level political backing. …

"NGOs documented numerous cases of public officials soliciting bribes to allocate lots and market stalls in the major cities. …

"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." **[2b] (Section 4)**

17.02 The Institute for War and Peace Reporting noted in a report on corruption, dated 11 April 2008, that President Mugabe's government has been reluctant to curb corruption, which has allowed it to flourish. His "… failure to act on [a] … long series of corruption has created a widespread perception that there is a tacit acceptance of corruption in high places, and that even pledges of resolute action will come to nothing. **[77c]** NewZimbabwe reported on 11 December 2009 that Zimbabwe's economic troubles are in part due to "… unprecedented corruption in all facets of … society … [and a lack of] political will to tackle corruption." **[41a]**

Also see sections on Police, Journalist corruption, and Forged documents

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## 18. FREEDOM OF RELIGION

18.01 The US State Department *International Religious Freedom Report 2010*, Zimbabwe, (USSD RFR 2010), covering events between 1 July 2009 and 30 June 2010, released on 17 November 2010, stated that the population was estimated to be between nine and 12 million. Of these:

"According to the Evangelical Fellowship of Zimbabwe (EFZ), 84 percent of the population is Christian, primarily Roman Catholic, Anglican, and Methodist. In its 2004 census, the EFZ identified four million Catholics; five million evangelicals and Pentecostals; two million Anglicans, Methodists, and Presbyterians; and more than one million members of apostolic groups. There are a significant number of independent Pentecostal and syncretic African churches. While the country is overwhelmingly Christian, the majority of the population also believed, to varying degrees, in indigenous religions. Religious leaders reported a continued increase in adherence to indigenous religious practices, often simultaneously with the practice of formalized Christianity.

"Muslims account for 1 percent of the population and are primarily immigrants of Mozambican and Malawian descent who came to the country as farm laborers. The Muslim population is concentrated in rural areas, where Muslim-led humanitarian efforts were often organized, and also in some high-density suburbs. The remainder of the population included small numbers of practitioners of Greek Orthodoxy, Judaism, Hinduism, Buddhism, and Baha'i." **[2a] (Section I)**

18.02 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2010, noted that:

"The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government and the religious communities historically have had good relations; however, the government continued to criticize and harass religious leaders who were critical of government policies and who spoke out against the government's human rights abuses. Church leaders and members who criticized the government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies." **[2h] (Section 2c)**

18.03 Jane's Sentinel *Security Assessment – Zimbabwe*, updated 12 October 2010, noted that:

"More than half of Zimbabwe's population are Christians, with the churches being influential in their various communities. The strongest group of churches is the African independent or indigenous churches, followed by the Roman Catholic Church and the various Protestant churches, among which the Anglican Church of the Province of Central Africa (Botswana, Malawi, Zambia and Zimbabwe) is the largest. The rest of the population are mostly adherents of traditional African religious practices." **[90g] (Internal Affairs)**

18.04 The Freedom House report, *Freedom in the World 2010*, Zimbabwe, covering events in 2009, published on 3 May 2010, noted that:

"While freedom of religion has generally been respected in Zimbabwe, church attendance has become increasingly politicized, with church groups such as the Solidarity Peace Trust and the Zimbabwe Christian Alliance at the forefront of opposition to the Mugabe government. Other groups, such as the Zimbabwe Council of Churches, are widely perceived as pro-Mugabe. In late 2007, the Anglican Church in Zimbabwe split along political lines, leading to restrictions on freedom of worship at a number of churches." **[96b] (p5)**

18.05 The USSD RFR 2010 observed that while the Government continued to maintain good relations with most religious groups it "… harassed religious leaders who were critical of government policies, who spoke out against human rights abuses committed by the government, and who provided humanitarian assistance to citizens. Generally, the government employed these tactics, which became more sporadic as the political situation stabilized during the reporting period, to maintain a stronghold in politically contested areas." **[2a] (Introduction)**

18.06 The report added that:

"The 2002 Public Order and Security Act (POSA) restricts freedoms of assembly, expression, and association. Although not specifically aimed at religious activities, the government invoked the act to interfere with religious and civil society groups organizing public prayer rallies. While POSA exempted religious activities and events, influential persons in the government viewed any public gathering that is critical of ZANU-PF as political." **[2a] (Section 2)**

18.07 The report also stated that: "The government did not require religious groups to register; however, religious organizations that operated schools or medical facilities were required to register those specific institutions with the appropriate ministry regulating their activities. Religious institutions may apply for tax-exempt status and duty-free privileges with the customs department, which generally granted these requests." **[2a] (Section 2)**

18.08 The USSD RFR 2010 also stated that:

"The country has a long history of Catholic, Anglican, Methodist, Salvation Army, Lutheran, Presbyterian, and Seventh-day Adventist involvement in primary and secondary schools. The United Methodist Church, Catholic Church, and Seventh-day Adventist Church all operated private universities in the country. The government did not regulate religious education in private schools but played a role in approving employment of headmasters and teachers. Since independence, there has been a proliferation of evangelical basic education schools. Christian schools, the majority of which are Catholic, constituted one-third of all schools. Islamic, Hindu, and Jewish primary and secondary schools were also in major urban areas such as Harare and Bulawayo." **[2a] (Section 2]**

18.09 The Afrol *Gender Profile – Zimbabwe* undated, accessed on 10 June 2009, noted that "Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children." **[73a]**

18.10 The USSD IRF 2010 report observed:

"There were continuing reports of tensions between indigenous religious groups and mainstream Christian churches, particularly on issues of polygamy, modern medicine, and political exclusion. Indigenous religious groups, particularly the apostolic community in Chipinge, were largely blamed for exacerbating the latest measles outbreak in the country by not allowing immunization for their children. Christian church leaders and the government reached out to the apostolic groups on this issue. Religious leaders from a wide spectrum of groups continued to discuss these matters productively in interfaith council meetings." **[2a] (Section 1)**

18.11 The Foreign and Commonwealth Office's *Human Rights in Countries of Concern: Quarterly Update on Zimbabwe, June 2011*, dated 30 June 2011, noted that:

"The harassment of Zimbabwe's Anglicans, as reported last quarter, has continued. Sixteen Anglicans were arrested in Harare for resisting eviction and protecting their homes from intruders associated with a rival church. They were initially charged with unlawful entry, then theft, then public nuisance. The Anglicans have faced repeated

harassment since self-proclaimed bishop Nolbert Kunonga was excommunicated by the Church of the Province of Central Africa in May 2008. Mr Kunonga still claims ownership of the diocese's Anglican churches." **[13i]**

### WITCHCRAFT

18.12 The USSD IRF report 2010 noted that:

"The Criminal Codification and Reform Act criminalizes any practice 'commonly associated with witchcraft,' but only if that practice is intended to cause harm. It also criminalizes witch hunts, imposes criminal penalties for falsely accusing others of witchcraft, and rejects killing of a witch as a defense for murder. Witchcraft practice does not include spoken words. Attacks on individuals in witchcraft-related cases appeared to be prosecuted under laws for assault, murder, or other crimes. In practice the government did not detain or prosecute persons for allegedly practicing witchcraft. A few cases of witchcraft were brought to trial and prosecuted under laws of indecency." **[2a] (Section 2)**

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## 19. ETHNIC GROUPS

19.01 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), Zimbabwe, published on 8 April 2011, noted that:

"According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic groups 3 percent. There was some tension between the white minority and other groups, and in numerous instances ZANU-PF leadership manipulated this tension to further their political agenda. Historical tension between the Shona majority and the Ndebele minority caused the latter to perceive itself as marginalized by the Shona-dominated government." **[2b] (Section 6)**

### SHONA

19.02 Jane's Sentinel *Security Assessment – Zimbabwe*, updated 7 September 2010, noted that:

"The Shona are a group of culturally similar peoples living in the eastern half of Zimbabwe, north of the Lundi river. The number of Shona speakers is estimated at over nine million, or 75 per cent of the estimated total population in 2003. In addition, there are several million Shona speakers in Zambia and especially in central Mozambique. The main tribal/dialect groupings are the Karanga (Midlands and Masvingo; about 40 per cent), Zezeru (central Mashonaland; about 31 per cent), Manyika (Manicaland; about 10 per cent), Ndau (Manicaland and Masvingo; about seven per cent) and Korekore (northern Mashonaland; about six per cent). Most of the Ndau and Manyika sub-groups live in Mozambique. A smaller, more distinct group of Shona, the Kalanga (about three per cent), lives near Plumtree and the border with Botswana and is divided from the main body by broad areas of Ndebele settlement. Elementary education, Christian missions and partial urbanisation weakened traditional institutions but barely affected belief in magic and witchcraft. Personal and political relations are largely ruled by a kinship system governed by exogamous clans and localised patrilineages.

Descent, succession and inheritance are largely patrilineal. Chiefdoms, wards and villages are administered by hereditary leaders." **[90k] (Demography)**

## NDEBELE

19.03 Jane's Sentinel *Security Assessment – Zimbabwe*, updated 7 September 2010, noted that:

"The Ndebele of Zimbabwe, or Matabele, are a different group to the Ndebele of South Africa, and are closely related to the Zulu. The Zimbabwean Ndebele numbered about 2.5 million or 20 per cent of the estimated total population in 2003. A husband will allocate land and livestock to his wives; the eldest son of the first wife is the principal heir and inherits this property. They practise the custom of levirate marriage, in which men inherit the wives and children of their deceased brother." **[90k] (Demography)**

19.04 Freedom House's report, *Freedom in the World 2010*, covering events in 2009, Zimbabwe, published on 3 May 2010, reported that: "People living in the two Matabeleland provinces [who are predominantly Ndebele] continue to suffer political and economic discrimination, and these areas are often targeted by security forces as opposition strongholds. Restrictive citizenship laws discriminate against Zimbabweans with origins in neighboring African countries." **[96b] (p6)**

## WHITES

19.05 The number of whites remaining in Zimbabwe is estimated to be between a few thousand (Economist Intelligence Unit – Zimbabwe Country Profile 2008) **[24n] (p10)** and 40,000 (Institute for War and Peace Reporting, 13 January 2009) **[77g]** having dropped from a peak of about 275,000 in the mid-1970s. **[24n] (p10)**

19.06 The historical injustice over the allocation of land in Zimbabwe gave Robert Mugabe a scapegoat with which to boost his popularity. "Until 2002 about 30% of agricultural land was … white-owned …" Farm invasions and confiscations have ensured that few farms are now in white ownership. (Economist Intelligence Unit: Zimbabwe Country Profile 2008) **[24e] (p15)**

19.07 The USSD 2010 reported that:

"The government continued its attempts to attribute the country's economic and political problems to the white minority and Western countries. ZANU-PF supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program… The government and ZANU-PF continued to infringe on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately." **[2b] (Section 6)**

19.08 *The Institute for War and Peace Reporting* noted on 13 January 2009 that:

"Embattled Zimbabwe president Robert Mugabe is piling more pressure on the country's dwindling white community, with a campaign of intimidation and arrests.

"Mugabe, who, of late, has been using warlike demagoguery to frighten critics, alleges that the opposition Movement for Democratic Change, MDC, is taking instructions from

its 'white masters'. He has repeated his mantra that the MDC will never rule 'my Zimbabwe', and says he will not surrender the country to white colonialists.

"Mugabe's government has stepped up a propaganda campaign against … whites … [accusing them] of training hit squads to overthrow Mugabe and undermine the September 15 power-sharing deal.

"At the same time, the security forces are stepping up verbal and physical threats against whites, jailing some for allegedly fomenting unrest against the regime." **[77g]**

19.09 On 24 November 2010 *Eyewitness News* reported that:

"As the political climate in Zimbabwe worsens, state media has published a call for whites to leave the country. The Herald and the national broadcaster are becoming increasingly critical of perceived opponents of President Robert Mugabe in the run-up to next year's polls. The Herald decided to publish a four-line SMS, which says whites should 'go back to where they come from and stay for good.' … As elections loom next year, the pro-Mugabe media is getting increasingly critical of supporters of Morgan Tsvangirai – now it seems – of whites." **[129a]**

19.10 The Zimbabwe Peace Project's *Summary on politically motivated human rights and food related violations: March 2011 report*, published 26 April 2011, noted that: "Many white owned companies in Kariba are likely going to close following spates of intimidation from ZANU-PF youths and war veterans. The talk of indigenisation has pushed some ZANU-PF supporters to claim for shareholding in the white owned companies." **[122m] (p8)**

See also Land reform

## ASIANS

19.11 Jane's Sentinel *Security Assessment – Zimbabwe*, updated 7 September 2010, noted that there were around 15,000 Asians living in Zimbabwe. **[90k]** *The Independent* (UK) reported on 10 April 2000 that, during the violence of the campaign for the June 2000 elections, there were reports that racial intimidation was spreading beyond the White-owned farms to include the Asian business community. Pamphlets were reportedly circulated in Bulawayo threatening Indians. **[4a]**

19.12 The Zimbabwe government has in the last few years pursued a 'Look East' policy, concentrating on building-up trade relations with India and China. The Herald, Zimbabwe's main government owned (ZANU-PF supporting) newspaper, published an article on 25 March 2008 noting that the country could expect a rise in tourists from emerging economies in India and China. The report noted that Zimbabwe had a lot to offer Asians, specifically Indian tourists, as the country had "… a vibrant south Asian community… a lot of local expertise, restaurants and even the temples and mosques that will allow a religiously-minded visitor to keep up their obligations of public worship." **[23a]**

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## ALBINOS

While not an ethnic group, albinos face discrimination in Zimbabwe based on their appearance. Albinos have been included in this section purely for ease of reference by users.

19.13 Zimbabwe Community Radio reported on 12 July 2010 that there were around 15,000 people living with albinism in Zimbabwe, **[93a]** SNNi.org (Smart News Network International) noted on 7 January 2006 that albinos in Zimbabwe face a great deal of social stigmatization. "Discrimination against albinos, especially women, is rampant in all sectors in Zimbabwe. 'Most employers call you for an interview and when they see you they just tell you there is no job,' says Brenda Savanhu, a qualified secretary. 'They do not tell you the reason, but we know why they are doing it.'" **[62]**

19.14 SNNi.org also noted that many albinos have difficulties affording sun creams and sunglasses needed to protect their sensitive skins, rendering them more prone to skin cancers. **[62]** A report published by UNICEF in April 2010 noted that: "In Zimbabwe, albino women are victims of rape, because according to local belief, HIV can be cured by having sex with an albino woman." **[85b] (p28)**

19.15 IRIN reported on 16 February 2006 that: "About 65 percent of people with albinism in Zimbabwe are aged under 20. 'Mortality is incredibly high – most of our people are aged between 33 to 50 years – very few people live beyond that, and it is sad because skin cancer is curable,' commented John Makumbe [founder of the Zimbabwe Albino Association (ZIMAS)]." The IRIN article also noted that across southern Africa most people with albinism are regarded as "unnatural and even cursed" with discrimination in the workplace being common. **[10b]**

19.16 *The Zimbabwean*, in an article dated 27 May 2009, reported John Makumbe, chairman of ZIMAS, condemning the recent murder of albino people in east Africa where a belief that body parts such as:

"… genitals, limbs, breasts, fingers and tongue[s] can bring magic powers … although they haven't received any cases of albino killings for ritual purposes in Zimbabwe, ZIMAS has received several reports of killing of albino babies at birth by parents and sexual abuse of albino women.

"'In Zimbabwe we have received many cases of albino babies being killed by their parents who don't like them. There is also sexual abuse of albino women by HIV positive men who believe that if you sleep with these women the virus will disappear,' he said." **[99a]**

## OTHER ETHNIC MINORITIES

19.17 The Lemba or Lembaa [also know in Zimbabwe as the Remba] are a small group of people in southern Africa who while speaking languages similar to their neighbours (the Shona/Ndebele), have specific religious practices similar to those in Judaism, and a tradition of being a migrant people with clues pointing to an origin in the Middle East or North Africa. (Haruth.com, 15 October 1999)) **[60]**) Afrol *Gender Profile – Zimbabwe* (accessed on 31 August 2006) noted that: "The Remba [or Lemba] ethnic group practice infibulation, the most extreme form of Female Genital Mutilation (FGM)." **[73a] (p2)**

19.18 The World Directory of Minorities (published 1997), noted that, the Shangaan, Venda and Tonga peoples make up about two per cent of the population. The Shangaan and Venda live mainly in the far south of Zimbabwe. In 1985–86 the Government introduced teaching in primary schools in these groups' own languages. In 1995 the national radio station began broadcasting programmes in the three minority languages. **[16] [27] (Tribal map)**

19.19 Mulonga.net reported in an article dated 27 December 2005 that the Tonga form "… the third largest ethnic and language group after the Shona and Ndebele and the most marginalised in the country." **[40a]** The World Directory of Minorities noted that the Tonga live in north-western Zimbabwe. In the 1950s about two-thirds of their population, some 57,000 people (in both Zimbabwe and Zambia) were moved from their ancestral lands to make way for the Kariba Dam. Tonga leaders claimed that central government investment and relief, including "cultural support such as primary school instruction in the Tonga language" was "inadequate". **[16] [27] (Tribal map)** IRIN reported on 5 September 2007 that since the construction of the Kariba dam the Tonga suffer from some of the highest levels of unemployment and poverty in Zimbabwe. **[10p]**

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## 20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

The information in this subsection refers to the position of LGBT persons in general. Where possible information specifically relating to gay and bisexual men, lesbians and bisexual women, and transgender persons has been provided under discrete subheadings. In looking at the position of lesbians and bisexual women, consideration should be given the status of women in Zimbabwean society generally – see Women.

20.01 The International Lesbian and Gay Association report, *State-sponsored Homophobia 2011*, dated 5 May 2011, listed laws relating to same-sex sexual relations and gender identity. These laws that are 'negative' – that prohibit behaviour – and 'positive' – those which protect from discrimination or recognise entitlements. The Zimbabwe prohibit "homosexual" sex (for men but not women – see subsection on Lesbians and bisexual women below) and has no 'positive' laws listed in regard to either sexual orientation or gender identity. **[81] (p33-34)**

20.02 *Pink News* reported on 24 May 2010 that: "Zimbabwe's Constitution Select Committee (Copac) has stated that gay rights will not be included in the new constitution and that they will not enter into debate or discussion over the issue." **[29a]**

### Gay and bisexual men

20.03 The Gays and Lesbians of Zimbabwe (GALZ) website, undated, accessed on 21 February 2011, noted that:

"There is a common misconception amongst many Zimbabweans that it is illegal to be homosexual in Zimbabwe. This is a myth since it is not possible to legislate against what people think, only against what people express or do. Nevertheless, with ordinary Zimbabweans and law enforcers being given carte blanche by national leaders to arrest homosexuals on the streets, many [lesbian, gay, bisexual, transgender and intersex]

LGBTI people in Zimbabwe live in fear of blackmail and being arrested for consensual sexual acts. GALZ has successfully provided legal assistance to many members who have been victims of state harassment or extortion." **[42c] (GALZ and the law)**

20.04 The International Lesbian and Gay Association report, *State-sponsored Homophobia 2011*, dated 5 May 2011, (ILGA Report 2011) observed that sexual relations between men are illegal. The report set out the laws on sodomy, as found in the Criminal Law (Codification and Reform) Act, which was effective from July 2006:

"Section 73. Sodomy

"(1) Any male person who, with the consent of another male person, knowingly performs with that other person anal sexual intercourse, or any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act, shall be guilty of sodomy and liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding one year or both.

"(2) Subject to subsection (3), both parties to the performance of an act referred to in subsection (1) may be charged with and convicted of sodomy.

"(3) For the avoidance of doubt it is declared that the competent charge against a male person who performs anal sexual intercourse with or commits an indecent act upon a young male person—

"(a) who is below the age of twelve years, shall be aggravated indecent assault or indecent assault, as the case may be; or

(b) who is of or above the age of twelve years but below the age of sixteen years and without the consent of such young male person, shall be aggravated indecent assault or indecent assault, as the case may be; or

(c) who is of or above the age of twelve years but below the age of sixteen years and with the consent of such young male person, shall be performing an indecent act with a young person." **[81] (p21)**

Further information can be found on the ILGA website:
http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf

20.05 GALZ's website, on its *GALZ and the law* webpage, undated, accessed on 21 February 2011, observed that: "Most importantly, whereas previously [prior to the implementation of the Criminal Law (Codification and Reform) Act 2004], consensual and non-consensual anal sex between men were both regarded as sodomy, sodomy now only refers to consensual sex between men. In addition, sodomy only previously referred to anal sex. Sodomy now includes any sexual contact between men …" **[42c]**

20.06 The same source explained, in regard to the law for non-consensual same-sex sexual acts, that:

"… it is GALZ's experience that most cases are reported to the police as being non-consensual, usually contrary to the facts. Accordingly, it is necessary for us to include here the law relating to non-consensual sexual acts. Non-consensual male-to-male anal sex is now called 'aggravated assault' which is defined as follows;

"'Any person who, being a male person, commits upon a male person anal sexual intercourse or any other act involving the penetration of any part of the other male person's body or of his own body with indecent intent and knowing that the other person has not consented to it or realising that there is a real risk or possibility that the other person may not have consented to it, shall be guilty of aggravated indecent assault and liable to the same penalty as is provided for rape.'

"The penalty provided for rape is a maximum of life imprisonment, though generally the sentence is usually between seven and ten years.

"Any other male-to-male non-penetrative, non-consensual sexual act is now called 'indecent assault' which is defined as follows:

"'A person who, being a male person, commits upon a male person any act involving physical contact that would be regarded by a reasonable person to be an indecent act, other than anal sexual intercourse or other act involving the penetration of any part of the male person's body or of his own body with indecent intent and knowing that the other person has not consented to it or realising that there is a real risk or possibility that the other person may not have consented to it, shall be guilty of indecent assault and liable to a fine not exceeding level seven or imprisonment for a period not exceeding two years or both.'" **[42c]**

20.07 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"Although there was no statutory law proscribing homosexual conduct, common law prevents gay men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. The criminal code definition of sodomy includes 'any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act.' Sodomy carries a penalty of up to one year in prison or a fine up to $5,000. There were no known cases of sodomy charges being used to prosecute consensual homosexual activity." **[2b] (Section 6)**

20.08 Following the rape of a 10-year-old by a senior police officer, the African Activist reported on 23 June 2011 that GALZ were concerned that: "… the current laws lack distinction between consensual same sex conduct and rape for LGBTI persons. This lack of distinction in the law and the media 'promotes the dangerous myth that homosexual men are automatically rapists and abusers of children.'" **[66b]**

## Lesbians and bisexual women

20.09 The ILGA Report 2011 stated that same-sex sexual acts between women were legal. **[81] (p33)** The GALZ website, undated, accessed on 21 February 2011, noted that: "The common law prohibiting consensual lesbian sexual acts had previously fallen into disuse and this law has not been revived by the codification and modification of the criminal law." **[42c] (GALZ and the law)** The same source noted on an undated webpage, accessed on 21 February 2011, that: "… there is nothing under the law which criminalises sex between women. At best, the police can charge lesbians with indecent exposure." **[42c] (Blackmail)** The USSD Report 2010 noted that: "Although there was no statutory law proscribing homosexual conduct, common law prevents homosexual men,

and to a lesser extent, lesbians, from fully expressing their sexual orientation…" **[2b] (Section 6)**

20.10 An article posted on Kubatana.com, titled *The position of lesbian and bisexual women*, by Fadzai Muparutsa of GALZ, dated January 2008 noted that:

"… no law exists here [Zimbabwe] which prohibits sexual relations between women: but, by the same token, protection of the rights of women to bodily integrity and ownership of their own sexuality is minimal. This means that, although richer lesbian women may be in a better position to buy their freedoms and independence, those who are poorer are still required to subjugate themselves to the control of men and poorer lesbian women, who tend to be less aware of their rights and whose position depends on the sanction of men, have fewer choices still." **[55p]**

## Transgender persons

20.11 Asylum Law report, *Sexual Minorities and the Law: A World Survey*, updated July 2006, observed in connection with transgender persons that there was: "No data or legal situation unclear." **[50a] (p14)** The ILGA Report 2011 noted that there was no law prohibiting discrimination in employment based on gender identity nor on gender recognition after gender reassignment treatment. **[81] (p47 and 40)**

## LGBT groups

20.12 The GALZ website, undated, accessed on 8 July 2011, noted that: "The Zimbabwean constitution provides for freedom of association. There is nothing illegal about forming an association to cater for the needs and interests of LGBTI [Lesbian, Gay, Bisexual, Transgender and Intersex] people in Zimbabwe. Government would, therefore, have to resort to illegal means to close down GALZ." **[42b] (FAQ)**

### TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

20.13 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that: "Generally, … the state prefers to turn a blind eye to the LGBT community." **[13h] (p355)**

20.14 A report by the International Gay and Lesbian Human Rights Commission entitled *Nowhere to turn: Blackmail and extortion of LGBT people in sub-Saharan Africa*, dated 15 February 2011, noted that:

"… Robert Mugabe and other senior government officials … have repeatedly defined homosexuality as anti-Zimbabwean and 'whitewashed' it as a 'sickness' imported by white settlers. Mugabe has frequently referred to homosexuality as a threat to the moral fabric of society; he berated 'sodomists' for 'behaving worse than dogs and pigs' and proclaimed are turn to 'traditional' culture, saying, 'We have our own culture, and we must rededicate ourselves to our traditional values that make us human beings.' His vituperation is evidence of attempts to reject homosexual behaviour as extrinsic to Zimbabwean culture, relying on the notion that it 'is mainly done by whites and is alien to the Zimbabwean society in general.'" **[80a] (p28)**

20.15 A representative of the Gays and Lesbians of Zimbabwe (GALZ), interviewed as part of the UK Border Agency's Fact Finding Mission to Zimbabwe (see *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010)*, dated 21 September 2010

(reissued 27 October 2010)), stated that, in regard to the treatment of GALZ by the government that: "Much also depends on what the President has said - he hasn't made any anti-gay comments recently but had not distanced himself from comments made in the past." **[121a] (p70)**

20.16 The GALZ representative noted, in regard to GALZ's treatment by the state, that:

"GALZ has a resource centre in Milton Park in Harare. They work well with the local police in Milton Park. There was a raid on the GALZ offices in May 2010 by Harare Central Police and the Source's home was searched at the same time. The Source was not at his home at the time but the police harassed the people who were there. No-one was hurt. GALZ attributes these raids to their active involvement in the constitutional outreach programme … Gay rights activists may be targeted by the police, CIO and CID. This will generally be in the form of harassment - these agencies will typically approach an activist and try to impart a sense of fear that what they are doing is wrong, is not acceptable and they shouldn't be encouraging others. There have been isolated cases of arbitrary arrest of gay men and gay rights activists and searches of their properties and person, often in an attempt to find such things as membership lists. Detention following such arrests tends not to be for very long - when it hears of such cases GALZ works with Zimbabwe Lawyers for Human Rights. The longest that a GALZ activist has been detained is for 6 days. Ordinary gay men are as far as GALZ is aware never detained for longer than 48 hours. GALZ is not aware of any incidents of official violence against gay men since the formation of the GNU.

"GALZ attributes the police attitude to a misunderstanding of GALZ's role - they sometimes think it is an underground organisation and have suggested that it is used as a channel by the UK and USA." **[121a] (p70)**

20.17 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that: "Lesbian, gay, bisexual and transgender (LGBT) people faced persecution. The report continued, noting that: "On 21 May [2010], police raided the offices of the Gays and Lesbians of Zimbabwe (GALZ) organization in Harare and arrested two employees, Ellen Chademana and Ignatius Mhambi. They were held until 27 May [2010] when they were granted bail. The two GALZ employees were charged with possessing prohibited materials. They were both acquitted – Ignatius Mhambi in July and Ellen Chademana in December." **[14h]**

20.18 The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, suggested that the arrests of Ellen Chademana and Ignatius Mhambi were "politically motivated" as they "… occurred shortly before the opening of the Constitutional Outreach Program, through which GALZ is seeking to remove discriminatory provisions and secure constitutional protections for lesbian, gay, bisexual, and transgender people." **[69a]**

20.19 The *Zimbabwe Independent* reported on 1 July 2010 that as part of the constitutional outreach programme ZANU-PF activists have been telling voters that "… any constitutional provisions outside what is in the controversial Kariba draft will promote same sex marriages and homosexuality." In spite of the Kariba draft having been written by all three main political parties, the Kariba draft is ZANU-PF's preferred constitution as it allows for "… an executive president with far-reaching powers to appoint without any consultation." ZANU-PF is allegedly "… using homosexuality, something which they

know people – particularly those in rural areas – are strongly opposed, to make sure that they parrot what is in the Kariba draft." **[11b]**

20.20 The Voice of America reported on 26 March 2010 that: "The question of whether Zimbabwe's new constitution should provide for protection against discrimination on the basis of sexual preference is becoming increasingly politically sensitive as the possibility of a new elections as early as next year looms increasingly larger." President Mugabe, attending a women's rights function in Chitungwiza "… declared that as far as he was concerned there was no possibility that the new constitution the country is drafting would guarantee the rights of gays and lesbians. Mr Mugabe added that homosexuals are 'crazy' and 'insane'." Mr Tsvangirai, who was also at the function, was reported to have agreed with Mr Mugabe's comments. Mr Tsvangirai's spokesman later described the MDC leader's agreement with Mugabe's comments as "personal views" and that they were only "light-hearted" comments. Mr Tsvangirai's spokesman went on to state that the Zimbabwean people, not politicians, would decide on what rights would be enshrined in the constitution. **[83b]**

20.21 An *Pink News* article dated 24 May 2010 reported that:

"[Constitutional Select Committee] Copac chairperson Munyaradzi Paul Mangwana said that homosexuality was against the ethics and morals of his nation and that any outreach work the body was involved in would not involve discussion of the subject. He added that it was paramount for Zimbabwe to concentrate on development and not on 'weird Western cultures'.

"Mr Mangwana stated: 'Zimbabwe, as a nation, is guided by traditional morals and we cannot go to our communities and seek views on the necessity of such inhuman practices.'**[29a]**

20.22 The same sourced stated that: "Both President Robert Mugabe and Prime Minister Morgan Tsvangirai are openly and adamantly homophobic, Mr Mugabe once stating that gay people were 'worse than pigs and dogs'." **[29a]** In a more recent statement, *Pink News* reported on 14 April 2011 that Mr Mugabe "… called Britain's tolerance of gay rights 'unnatural' and 'filth' …" **[29b]**

20.23 Diva undated, accessed on 17 May 2010, noted that: "The last few years have seen attacks of extraordinary virulence on Zimbabwe's lesbian and gay community, led by Robert Mugabe." The Zimbabwean government has a history of homophobia extending back to at least 1995. **[80a]** The USSD 2010 report observed that: "Over a period of years, Mugabe publicly denounced the LGBT community, blaming it for Africa's ills and declaring its members to be worse than 'pigs and dogs.'" **[2h] (Section 6)** The GALZ website, undated, accessed on 8 July 2011, noted that: "Zimbabwe is not the worst place in the world in which to be gay or lesbian even though the President, government officials and church leaders have whipped up a climate of hysterical homophobia…" **[42b] (FAQ)**

20.24 An article in New Zimbabwe, titled *Interview: GALZ's Fadzai Muparutsa*, dated 13 April 2010, recorded Ms Mupartsa's response to a question over the police's role in abuse and discrimination of LGBT persons:

"… one of the things that happens is that if you experience any kind of violence, violations or any kind of abuse, particularly relating to a sexual orientation, if you go and

report that matter to the police, they either don't take any action, they ridicule you, you are paraded in front of anyone or everyone who is at that police station… there are selective citizens who will be assisted and other citizens won't be assisted and gay, lesbian people are amongst those people who aren't assisted by law enforcement agents in any kind of way." **[41c]**

20.25 GALZ published a report on 5 April 2011 in which it noted "… with grave concern, cases related to arbitrary detentions, harassment and intimidation of lesbian, gay, bisexual and transgender (LGBT) members of the organisation by law enforcement agents, family and community leaders." The report noted that:

"… on the 23rd March 2011, law enforcement agents stormed the house of a male member who was in the company of four male friends. The law enforcement agents conducted a search of the premises without a search warrant. After the search, the agents took the names of all present and detained them at a police post. The five were taken to the police station and charged with disorderly conduct. Whilst at the police station, the police abused and ridiculed the five. All five were fined US$10 with an extra charge of US$30 to entice the officer into receipting the fines." **[42d]**

## Lesbians and bisexual women

20.26 The *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010)), (UKBA FFM 2010) recorded the notes of an interview with a representative of GALZ: "GALZ is not aware of any active police persecution of lesbians nor of any cases of lesbians being detained, but there is a lack of police protection." **[121a] (p69-70)**

20.27 GALZ noted in a report dated 5 April 2011 that:

"On the 25th March 2011, law enforcement agents detained two female members of GALZ after they were taken to the police station by relatives on allegations of practising homosexuality. The two members were interrogated separately and threatened with arrest if they denied the charges. Police officers seized the members' mobile phones and called people in the contacts list to ascertain the nature of the two member's relationship. While at the police station, members were verbally abused and had photographs taken by law enforcement agents who threatened to send the photographs to a local tabloid.

"Again on 25 March, two female members were threatened by a local ward councillor who alleged that they were homosexuals. All cases have been referred to the Zimbabwe Lawyers for Human Rights." **[42d]**

### SOCIETAL TREATMENT AND ATTITUDES

20.28 The *Journal of Southern African Studies* (accessed via JSTOR), Volume 24, Number 4, December 1998, noted in a chapter entitled *The 'Unsaying' of Indigenous Homosexualities in Zimbabwe: Mapping a Blindspot in an African Masculinity*, by Marc Epprecht that:

"Sexually intimate relations between males can be attested in Zimbabwe from time immemorial … Such relationships were disapproved, at least beyond the age of adolescence, and constrained by the imperatives of the pre-modern political economy.

During the colonial era, however, homosexual behaviours among African men flourished in some contexts. While still disapproved, pederastic 'marriages' known as *ngotshana* had already become 'common' or 'prevalent' in some of the developing cities and labour camps as early as 1907… homosexual behaviours among black men remained deep in the closet (secret, compartmentalised, unmentionable) until the late 1980s. Only then did openly gay identities begin to be expressed through events such as the Jacaranda Queen contest (now showcasing mostly black drag queens). Gays and Lesbians of Zimbabwe (GALZ, established in 1990) and other local solidarity groups have meanwhile emerged with the goal of educating Zimbabweans about the nature of homosexual orientation and the humanity of people so inclined. GALZ's attempts to display its educational material at the Zimbabwe International Book Fair (1995 and 1996) and the lodging of sodomy charges against the former president of the country (Canaan Banana in 1997), brought the existence of homosexual behaviours among indigenous blacks even more forcefully to public attention.

"Despite these developments many black Zimbabweans maintain that homosexual behaviour is 'un-African', a foreign 'disease' that was introduced by white settlers and that is now principally spread by foreign tourists and ambassadors. This belief underlies recent state and church rhetoric about expunging homosexuals from the body politic and returning to 'traditional' family values." **[87a] (p631-2)**

20.29 An article published by *The Press Institute*, dated 4 December 2009, noted that: "In Zimbabwe, there is an ingrained cultural, religious and political prejudice toward lesbians and gays. People who are openly gay or lesbian are often forced to endure degrading verbal assaults …" The article went on to note that "Some doctors even provide counselling to gays and lesbians in an effort to rehabilitate them …" **[79a]**

20.30 Kubatana published a paper in January 2008 titled *The position of lesbian and bisexual women*, by Fadzai Muparutsa of GALZ, dated January 2008, which observed that: "It is not possible to generalize about Zimbabwean culture but, on the whole, Zimbabweans of both sexes are expected to follow the predetermined path of marriage and the production of children. For both lesbians and gay men, whose relationships are not recognized, this often poses a serious barrier to freedom of choice." **[55p]**

20.31 The Gays and Lesbians of Zimbabwe (GALZ) website, undated, accessed on 8 July 2011, noted that:

"… there is growing tolerance of LGBT in Zimbabwe especially amongst younger people in urban areas who have grown up with the knowledge that gay and lesbian people exist within their midst.

"The problems facing lesbian and gay people are, by and large, the same as those facing Zimbabweans as a whole… The general lack of tolerance of sexual difference is just one more challenge that lesbian, gay, bisexual, transgender and intersex people have to face in Zimbabwe." **[42b] (FAQ)**

20.32 The USSD Report 2010 noted that:

"General homophobia and restrictive legislation made it difficult for the LGBT community to feel safe about being open about their sexuality in public. Because of significant social pressure, some families reportedly subjected men and women to 'corrective' rape and forced marriages to encourage heterosexual conduct; the crimes were rarely

reported to police. Women, in particular, were subjected to rape by male members of their own families… Members of the LGBT community reported widespread societal discrimination based on sexual orientation. Many persons who identified with the LGBT community did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. In the 2006-07 Presidential HIV/AIDS Strategic Plan, the government agreed to address HIV/AIDS among gay men. However, as of year's end, the government had not made any effort to address the health needs of this population. Many LGBT persons reported leaving school at an early age, decreasing their capacity for economic gain. Coupled with socioeconomic discrimination, higher rates of unemployment and homelessness among members of the LGBT community were reported." **[2b] (Section 6)**

20.33 The Institute for the Democratic Alternative for South Africa, noted in its *States in Transition Observatory* (SITO report) - Zimbabwe Government of National Unity Watch, April 2010, dated 14 May 2010, that: "Corrective rape against gay men and lesbians is on the rise. Victims are particularly vulnerable given the stigma attached to homosexuality in Zimbabwe which makes it difficult for them to report crimes or seek medical attention." **[9g]**

20.34 An article in *New Zimbabwe*, titled *Interview: GALZ's Fadzai Muparutsa*, dated 13 April 2010, recorded the response of Ms Muparutsa's to the question of "…has your Association [GALZ] actually received such reports [of "corrective" or "curative" rape]?: "Yes we have. We have received [sic], there aren't that many, we can't say it is on the increase but what's happened of late is that people are talking a lot more about it and so people will come to the office and report cases that they have experienced and particularly at the hands of either their families, because this kind of rape usually happens in private spaces, in the homes or in close knit societies that our members stay in." **[41c]**

20.35 Ms Muparutsa in the same interview was asked what civil/human rights she/GALZ were asking for. She responded:

"The right to health is something that is very big in its definition – as human beings we all have the right to the highest attainable health. The highest attainable health to me means that I can go to my clinic and say I would like to get treatment for an STI that I have and my partner who is a female would also like to get treatment for that same STI, but that doesn't happen in Zimbabwe. I can't go into a clinic and do that there because like I said, exactly the same situation like the law enforcement agents – you will get ridiculed and that means that I am unable now to go to a practitioner and ask for assistance. So what does that mean about my right? I cannot access it, that is one thing.

"If you look at the right to housing for example, if someone finds out that I'm gay and I'm lodging at their house, the chances of me getting kicked out without the due procedures being taken into consideration are very high. I can't go and challenge those because in any kind of court or any kind of civil court, people will actually look at my sexual orientation before they look at the case that's before them and then it gets mishandled.

"The right to education – my parents will kick me out, will stop paying my school fees only because I'm gay or lesbian or my sexual orientation is different from their one, of someone who is heterosexual so my education becomes a problem. I don't have an education. I could go one, the list is long, I could highlight all of them in exactly that way

and that's why we're saying that we want gay and lesbian rights to be considered and it's actually not, we're not calling for gay rights – what it is that we're calling for at GALZ is non-discrimination on the basis of sexual orientation." **[41c]**

20.36 An article published by *The Press Institute*, dated 4 December 2009, noted that the country's health policies effectively discriminate against LGBT groups and sex workers as it fails to address their specific health challenges. The article went on to note that one of the problems was that "Homophobia is … rampant in the health sector." **[79a]**

20.37 A representative of the Gays and Lesbians of Zimbabwe (GALZ), interviewed on the UKBA FFM 2010 stated that that: "Bulawayo is more open and tolerant and has a very different atmosphere from Harare. People in Bulawayo are more politically active and willing to push for their rights. There is a gay nightclub in the middle of town. GALZ thinks this different attitude may be related to proximity to South Africa." **[121a] (p70)**

20.38 A report by the International Gay and Lesbian Human Rights Commission (IGLHRC) entitled *Nowhere to turn: Blackmail and extortion of LGBT people in sub-Saharan Africa*, dated 15 February 2011, noted that pejorative public statements by President Mugabe and government ministers in the 1990s coincided with "… a marked increase in incidents of extortion and blackmail aimed at persons on account of their sexual orientation… Evidence from Zimbabwe makes clear that those who are open about their sexual orientation continue to be subject to, and may even become more visible targets for, blackmail …" **[80a] (p29 & 32)**

20.39 The report continued, noting that:

"In Zimbabwe the readiness of certain police officers to profit from a case of extortion that comes to their attention means that victims are reluctant to report the offence, as to do so significantly increases the likelihood of their own arrest and may compound the pressure on them to hand over even more money. There are numerous instances where the police have become actively involved in the extortion, often seeking to displace the original extortionist or to obtain a share of the money being extorted. In some cases, the police have actively sought out gay men and lesbians on their own initiative for the purpose of extortion." **[80a] (p31)**

More information about blackmail and extortion can be found in the IGLHRC report - http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/484-1.pdf

## Gay and bisexual men

20.40 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that: "Lesbian, gay, bisexual and transgender (LGBT) people faced persecution." **[14h]**

20.41 A representative of the Gays and Lesbians of Zimbabwe (GALZ), interviewed as UKBA FFM 2010 stated that:

"It is possible for a man to be openly gay in Zimbabwe. In high density areas openly gay men may face violence,* taunting and harassment and may also face discrimination in the provision of services on account of their sexuality. The situation is more permissive in middle class areas, where gay men enjoy respect as they are generally successful. Levels of tolerance of gay men and understanding of LGBT issues has generally

increased among the public. *The source made the following comment: 'Although isolated, it is important to highlight its [violence] occurrence [sic]'." **[121a] (p69)**

20.42 GALZ also noted that: "It is difficult for gay men to access health services including STI and HIV/AIDs treatment in public health facilities. This is believed to be because the service providers are intimidated by the attitudes of the President to homosexuality. This is not a problem for middle class gay men as the middle classes generally use private healthcare where there is no such discrimination." **[121a] (p69)**

20.43 The Press Institute article dated 4 December 2009 reported the case of a gay couple whose relationship was discovered by family members. The mother of one of the gay men reportedly arranged for the two men to be beaten unconscious. The resulting injuries "… required emergency medical attention …" One of the men was reported to have lost his job and to have been shunned by the local community. **[79a]**

20.44 An article posted on the *Behind the Mask's* website dated 13 June 2008 noted: "Although homosexual men (including transgender men) are spurned by society, they still maintain the privileges that automatically accrue to them as biological males." **[55s]**

20.45 The GALZ representative interviewed in the UKBA FFM 2010 noted on the issue of internal relocation within Zimbabwe that: "It would be harder for a gay man to reintegrate into a new area than it would be for a heterosexual man. The tolerance comes from familiarity and people are more tolerant of members of their own community." **[121a] (p69)**

## Lesbians and bisexual women

This section should be read in conjunction with the section on Women

20.46 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that: "Lesbian… bisexual and transgender (LGBT) people faced persecution." **[14h]**

20.47 A report by the International Gay and Lesbian Human Rights Commission entitled *Nowhere to turn: Blackmail and extortion of LGBT people in sub-Saharan Africa*, dated 15 February 2011, noted that:

"A woman's ability to choose her partner … [may be seen as a threat to traditional societal norms], for under customary law marriage entails the transfer of a bridewealth payment (lobola) from the groom to the bride's male guardian (father, brother, uncle, etc.). Thus, if a woman declares herself to be a lesbian who will not marry and gain lobola, her brothers will have fewer resources with which to secure the wives whom they themselves desire. A woman's declaration of lesbianism therefore represents a challenge to the normative patriarchal structures of lineage, to the economic base of reproductive culture, and to the status of those men to whom she is supposed to owe allegiance. It is not just a symbolic challenge but a declaration that has significant economic and social consequences. At the same time, it is clear that a woman's ability to choose her partner and have autonomous ownership of her sexuality is fundamental to her recognition as a fully entitled legal subject. It is this real conflict that allows homosexuality to be so convincingly characterised as contrary to Zimbabwean culture." **[80a] (p27-28)**

20.48 The *Journal of Southern African Studies* (accessed via JSTOR), Volume 24, Number 4, December 1998, noted in a chapter entitled *The 'Unsaying' of Indigenous Homosexualities in Zimbabwe: Mapping a Blindspot in an African Masculinity*, by Marc Epprecht, noted that:

"The coercive powers of the extended family should not be underestimated in enforcing conformity to heterosexual norms. With girls, the customary expectation/obligation to submit to male desire was so strong that a girl who refused could in the eyes of the community legitimately be kidnapped or 'eloped,' not uncommonly with the connivance and even active participation of family members. Cases of forced and violent sexual intercourse with recalcitrant girls which were in effect condoned by family or community can also be found in the historical record." **[87a] (p635)**

20.49 The GALZ representative interviewed in the UKBA FFM 2010 reported in relation to the situation for lesbians that:

"The situation is much more difficult for lesbians [than gay and bisexual men] and hasn't really improved significantly. It is very difficult for lesbians to 'come out' and those that do risk harassment and worse, ranging from taunts such as 'you just haven't found a good man yet' to rape. It has also been difficult for women to participate fully in GALZ in the past because it was dominated by men, although lesbians now command more respect within the organisation. All this has meant that the number of lesbians who are 'out' is much lower than the number of gay men.

"Most of the harassment and the cases of rape of which GALZ is aware have taken place in the high density areas. For women who have been raped, shame often prevents them from reporting the crime to the police and if they do, the police are often reluctant to act. This means that for lesbians who are raped, counselling may be the best that they can hope for.

"GALZ is not aware of any active police persecution of lesbians nor of any cases of lesbians being detained, but there is a lack of police protection." **[121a] (p69-70)**

20.50 An article posted on Kubatana.net titled *The position of lesbian and bisexual women*, by Fadzai Muparutsa of GALZ, dated January 2008 noted that lesbian and bisexual women often face far more severe discrimination because of the traditional lower status of women in Zimbabwean society. The report noted that:

"Although homosexual men (including transgender men) are spurned by society, they still maintain the privileges that automatically accrue to them as biological males. By contrast, lesbian and bisexual women suffer multiple forms of oppression, some of which relate to their sexuality but most of which relate to the general position of women in society… the position for men is made significantly easier [than women]: men enjoy much greater access to public space and, both before and after marriage, are able to move freely in society and socialize. This advantage is automatically extended to gay and bisexual men simply because of their biological sex.

"With freedom of movement, gay men are at an advantage when it comes to identifying and establishing relationships with other gay men and seeking support without the knowledge of or interference from their families and heterosexual friends. They have better access to conducive environments where their sexuality is affirmed and where they can take control over the processes of coming to terms with their sexuality and

coming out. Women, on the other hand, are generally protected behind the chastity belt of the home and most are not at liberty to mix with whom they please and establish unsupervised relationships. This makes it more difficult for lesbian and bisexual women to meet with others like themselves whilst keeping their sexuality hidden from their families. Those who do come out are either extremely brave and highly determined or economically independent and belonging to those few families that are more tolerant of sexual difference." **[55s]**

20.51 The same source also noted that:

"In the rural areas lesbian and bisexual women [have little access to a support network] … With no support network and no information, these women are far more likely to internalise their oppression and believe that they should conform to cultural norms of heterosexual marriage and the bearing of children. Although these women may outwardly concur with their position, they are still forced to accept a lifestyle, which runs entirely contrary to their emotional and psychological needs.

"Although spaces for lesbians and gay men remain limited, men are once again at an advantage. Whilst gay men are generally more accepting of lesbian and bisexual women as social equals and do not view women as sex objects, many still carry with them unconscious prejudices of heterosexual socialisation …[one] potential source of sanctuary for lesbian and bisexual women is the women's movement but, in Zimbabwe, this is deeply divided by conflicting ideologies." **[55s]**

20.52 The source further stated that the traditional and invented African traditions of many of these organisations further restrict a woman's freedoms. In addition "The conservative wing of the women's movement is… heavily influenced by fundamentalist Christian thinking which finds no room for the inclusion of lesbians… [lesbians] may even be perceived as a threat since many [women's] organisations fear to associate with those unpopular both with government and the Christian church." **[55s]**

20.53 The source continued:

"A woman is not thought of as owning a sexuality independent of the needs of men and the idea of sexual expression not involving penetration is entirely alien to the machismo mentality. For these reasons and others related to the general invisibility of lesbian and bisexual women in public spaces, the majority of Zimbabweans believe that it is illogical for lesbians to exist in African cultures. Those who profess to be lesbian are simply not believed. Women who claim to be independent of men, even for sex, arouse intense anger in those men with deep-seated insecurities about sexual rejection and the need to control. In more traditionally conservative circles, homosexuality may be thought of in terms of illness brought on by demon possession. The cure for a man is exorcism but often the cure for a woman is …" rape. **[55s]**

20.54 Because of the additional problems faced by lesbian and bisexual women in Zimbabwe, GALZ noted on its website, undated, accessed 21 February 2011, that in recent years , it has focussed on making itself more accessible to women by setting up a specific "Gender Department" to "… encourage lesbian and bisexual women to join the association and to ensure that women are free to become actively involved at all levels within GALZ and be included and visible in positions of leadership… The Gender Department organises an annual retreat where women are free to discuss issues away from the interference of men." The website also noted that: "In August 2002, when

GALZ hired its first Programme Manager for Gender, Fadzai Muparutsa, the association had only 8 women members out of a total of nearly 400. Within 4 months, women's membership increased dramatically to around 60 and, to this day, it continues to increase." **[42i] (Gender)**

20.55 An article posted on Kubatana.net titled *The position of lesbian and bisexual women*, by Fadzai Muparutsa of GALZ, dated January 2008, noted that:

"It is generally agreed that lesbians are at least risk of contracting HIV if they remain within exclusively lesbian relationships. However, because of gross generalisations within the HIV and AIDS movement relating to lesbian sexual behaviours, African lesbians are placed on the lowest rung when it comes to risks associated with acquiring or transmitting the HIV virus. … In Zimbabwe, where women do not enjoy control over their bodies or their sexuality and are forced into marriages and into having children, lesbians are put at the same high risk of contracting HIV as their heterosexual counterparts." **[55s]**

Additional information about sexual violence against lesbians, and HIV/AIDs can be found at Women and Children

## LGBT SOCIAL SCENE

20.56 The GALZ website, undated, accessed 8 July 2011 observed that while "General homophobia and restrictive legislation make it difficult for LGBTI people in Zimbabwe to feel safe about being open about their sexuality in public spaces …" **[42a] (Zim Pride)** However, GALZ noted that:

"The traditional international Gay Pride month of June is generally observed in Zimbabwe by throwing a large party, but the home-grown ZimPride takes place in October in the week running up to the big event of the Zimbabwean gay and lesbian calendar, Miss Jacaranda Queen Drag Pageant, named after the exotic jacaranda tree which comes into vivid purple bloom around this time… Traditionally, Jacaranda Queen is held in a public hall although this is becoming increasingly difficult because of acts of violence perpetrated by homophobes, and last-minute cancellations by nervous venue managers." **[42a] (Zim Pride)**

20.57 A news article published by *The Zimbabwean,* dated 18 April 2011, noted that Zimbabwe had a "flourishing" gay community. **[99l]**

20.58 A representative of the Gays and Lesbians of Zimbabwe (GALZ), interviewed as UKBA FFM 2010 stated that: "Bulawayo is more open and tolerant and has a very different atmosphere from Harare. People in Bulawayo are more politically active and willing to push for their rights. There is a gay nightclub in the middle of town. GALZ thinks this different attitude may be related to proximity to South Africa." **[121a] (p70)**

20.59 International Gay guide, Spartacus 2009 edition, stated that there were still two gay friendly nightclubs in the Borrowdale area of Harare. **[26b]** The GALZ website, undated, accessed 23 September 2008 noted that another gay friendly venue was The Book Café in Harare. **[42e]** The BBC, in an article dated 7 August 2007, described 'The Book Café' as the "… epicentre of Harare's alternative culture." **[3l]**

20.60 According to the *African Activist* website dated 26 June 2011, which carried an article originally published by *Bulawayo24 News*, noted that: "Zimbabwe police are investigating Book Café in Harare after a group of LGBTI persons showed up for a 4 June concert by afro-pop artist John Pfumojena." The report went on to note that: "Some members of the group were dressed in drag and showed public signs of affection Criminal Investigation Department (CID) spokesperson Inspector Zimbili said, 'The law is very clear on that matter; if there was a gay parade or festival at that mall, we are going to carry [out] a full investigation.'" **[66a]**

20.61 The GALZ website, undated, accessed 21 February 2011, stated that it regularly held social events for its members **[42f] (Joining GALZ) [42g] (The GALZ Centre)**

20.62 In addition to the above mentioned main office and social centre in Harare, GALZ also noted that "… by the end of 2004, 9 Affinity Groups had registered with GALZ:

"Bulawayo – Melga, Prime Times

Chipinge – Harmony

Chitungwiza – Rainbow

Marondera – Eastlove

Masvingo – Good Hope

Mutare – Eastern Networking

Penhalonga – The Edge

Victoria Falls – Mosi oya Tunya" **[42h] (Affinity Groups)**

Further information about GALZ and updates/reports produced by the organisation are available on its website and on Kubatana.net: www.galz.co.zw and http://www.kubatana.net/html/sectors/gay001.asp?sector=SEXUAL&year=0&range_start=1

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## 21. DISABILITY

21.01 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the law was not widely known or implemented by government institutions. The lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation was slow. NGOs continued to lobby to include persons with albinism in the definition of 'disabled' under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched and, consequently, as persons who should be." **[2b] (Section 6)**

21.02 The USSD 2010 continued: "According to the National Association of Societies for the Care of the Handicapped, persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, they were marginalized from HIV/AIDS intervention programs. The organization also reported that only 33 percent of children with disabilities had access to education." **[2b] (Section 6)**

21.03 The National Association of Societies for the Care of the Handicapped (NASCOH) noted in a disability update published on 20 February 2007 that over 1,200,000 people, around 10 per cent of the population of Zimbabwe were considered to be disabled in some way. The disabled population were reported to be among the poorest in society with over 70 per cent of people with disabilities without employment. Many in Zimbabwe still believe that disability is a punishment caused either by angry "… spirits for a wrong committed by a family to another family, bewitching by vindictive or aggrieved parties, a curse for wrongdoing, use of magic gone awry within the family, or use of the disabled member as a sacrificial pawn …" **[91]**

21.04 The United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010*, the report notes that:

"Government support to people with disabilities, particularly in the mid-1990s, is an example of Government commitment to supporting the most vulnerable, with an effective community rehabilitation program providing trained staff in district hospitals and equipping resource rooms in schools with specialised staff. These important schemes, as well as the Enhanced Social Protection Program launched in 2000, have suffered from a severe lack of human and financial resources in the last decade and are in urgent need of review and revival to meet the growing needs of children." **[85d] (p15)**

Also see Children: Education – Special needs education

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## 22. WOMEN

For more information on the position of girls, this section should read alongside Children

### OVERVIEW

22.01 A document entitled *Dossier for Claims: Zimbabwe*, dated 5 March 2010, on the website of Africa For Women's Rights noted that:

" … Zimbabwe has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has not yet ratified the Optional Protocol to CEDAW …The Coalition of the Campaign remains particularly concerned by the following violations of women's human rights in Zimbabwe: the persistence of discriminatory laws; discrimination within the family; violence against women; obstacles to access to employment; under-representation in political life; and inadequate access to health services …

"Women in Zimbabwe generally have lower incomes and less job security than men. Most women are employed in the agriculture, forestry, farming industries and the domestic sector, in which salaries tend to be low.

"Women remain underrepresented in decision-making positions. Despite ratification of the South African Development Community (SADC) Protocol on Gender and Development, which sets a target of 50% representation of women in all decision making bodies by 2015, women are poorly represented in the government of national unity of Zimbabwe. Only 4 women were nominated amongst the 35 members of the new government. Following the 2008 elections, women represented 15% of members of the lower House of Parliament and 24% of the upper House.

"HIV/AIDS is particularly prevalent amongst women. The 2005/2006 Zimbabwe Demographic and Health Survey (ZDHS) revealed an average prevalence rate among young people of age 15 to 24 of 11.25% among females and 4.45% among males. Other studies show that young women make up almost 80% of all infections in the 15 to 24 years age group. The rate of maternal mortality remains very high (880/100,000 births), in part due to the practice of non-medicalised abortions. Abortion is criminalised. Women in rural areas face major obstacles to accessing health services, including having to travel long distances." **[47a]**

The following links are to United Nations Committee on the Elimination of Discrimination against Women (CEDAW) as mentioned in the above source provide more background information:

http://www2.ohchr.org/english/bodies/cedaw/

http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1438

22.02 Freedom House's report, *Freedom in the World 2010*, Zimbabwe, covering events in 2009, published on 3 May 2010, reported that:

"Women enjoy extensive legal protections, but societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and hold 32 and 24 seats in the House of Assembly and Senate, respectively. The World Health Organization has reported that Zimbabwean women's 'healthy life expectancy' of 34 years is the world's shortest. Sexual abuse is widespread, including the use of rape as a political weapon. A recent upsurge in gender-based violence spurred renewed calls for the enactment of the Prevention of Domestic Violence Bill, which has lingered in Parliament for nine years. Female members of the opposition often face particular brutality at the hands of security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education." **[96b] (p6)**

22.03 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that:

"Zimbabwe has women in many high-profile positions, in politics, the civil service and commerce. But because many families cannot afford to pay school fees, girls are often overlooked in favour of their male siblings when parents are deciding which of their children to educate. As in other countries, women and girls carry a disproportionately heavy burden when it comes to poverty, lack of access to education and health services and lack of productive opportunities." **[13h] (p354)**

22.04 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"The Ministry of Women's Affairs, Gender, and Community Development continued its efforts to advance women's rights. The ministry, through collaboration with local NGOs, continued training workshops for traditional leaders in rural communities to create more awareness of women's issues. … 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." **[2b] (Section 6)**

22.05 However, the Department for International Development's Country *Overview of Zimbabwe* undated, accessed 17 August 2010, noted that women living in Zimbabwe had the lowest life expectancy of any country in the world. The report noted that AIDS and poor economic conditions had contributed towards an average life expectancy in the country to drop to 34 years. **[45f]**

For further background information about the situation of women see the section on Lesbians. For further information about the situation for girls see Children

## LEGAL RIGHTS

22.06 The USSD 2010 report stated: "The constitution and law provide that no person can be deprived of fundamental rights, such as the right to life, liberty, and security of person, based on [amongst other things] one's … gender … however, the constitution allows for discrimination, primarily against women, on the grounds of 'customary law.' Discrimination against women … persisted." **[2b] (Section 6)**

22.07 The United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010* (Unicef Report 2011). The report noted that:

"Legislation has been passed which has raised the status of women, through the attainment of majority, the equitable devolution of matrimonial property and making the surviving spouse and children the primary beneficiaries in a deceased person's estate. However, these provisions do not apply equally to all women … and the benefits and protections of such legislation can be negated through the primacy of customary law and certain clauses within the Constitution. Other discriminatory legislation remains, reinforcing potentially harmful customary views, for example the Guardianship of Minors Act which provides a married father with the legal right of guardianship for the children, whereas the mother only has a right to be consulted.

"Zimbabwe is signatory to a number of international and regional agreements on gender equality and development. A National Gender Policy 2008-2012 was developed and approved in 2007 but challenges remain for its implementation, as with the draft National Gender Based Violence Strategy 2010-2015.

"Despite these advances, there remain some critical gaps in the domestication of international conventions, including the [African Charter on the Rights and Welfare of the Child] ACRWC, the [UN Convention on the Rights of the Child] CRC and the CEDAW, leaving children and women unable to claim their rights or adequately seek redress when their rights are violated." **[85d] (p17)**

For more information on the situation of women see Socio-economic rights (marriage, divorce and inheritance) and laws protecting women, Violence against women.

## POLITICAL RIGHTS

22.08 A report published by the United Nations Development Programme in October 2010 entitled *2010 Millennium Development Goals: Status Report Zimbabwe*, noted that:

"Although approximately 52% of the population in Zimbabwe is female, women are disproportionately represented in politics … The target of increasing the participation of women in decision-making in all sectors, and at all levels, to 50:50 by 2015 is seriously off-track and may be difficult to achieve. The trend in increasing women's participation in decision making in all sectors shows a slight increase in the number of women representation [sic] in parliament from 14% in 1990 to 19% in 2008. This is below the 2005 target of 30%." **[124a] (p17)**

22.09 The report continued:

"Zimbabwe has had a female Vice President since 2005 and a female Deputy Prime Minister, President of the Senate, Deputy Speaker of the House of Assembly … with the exception of a co-minister at the Ministry of Home Affairs, women ministers are found in what might be termed 'soft' ministries, such as those dealing with gender, social services, and small and medium enterprises… Moreover, the constituency-based electoral system is viewed as highly competitive and does not easily allow for holding of seats in parliament by women. Politics is an expensive business and women in Zimbabwe seldom have access to resources to fund their election campaigns." **[124a] (p17-18)**

22.10 The USSD 2010 report observed:

"After the 2008 elections, there were 34 women in the 210-seat House of Assembly. Women won 23 of the 60 elected seats in the Senate, including the president of the Senate. One vice president, one deputy prime minister, five ministers, and two governors were women. Of the 270 elected positions in the House of Assembly and the Senate, 57 were filled by women, constituting 21 percent of the total, short of the SADC target of one-third for female representation. Women participated in politics without legal restriction, although according to local women's groups husbands commonly directed their wives to vote for the husbands' preferred candidates, particularly in rural areas. The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations." **[2b] (Section 3)**

22.11 A report entitled *Progress of the World's Women 2011-2012 – In Pursuit of Justice*, dated 2011, by the United Nations Entity for Gender Equality and the Empowerment of Women (UNWomen Report 2011), noted that all Zimbabwean women gained the right to vote in 1957. 18 per cent of the legislature in 2011 was made up of women, and 19 per cent held ministerial positions in government – this was an increase on 1997 when only 15 per cent of women held ministerial posts. **[63a] (p125)**

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## SOCIAL AND ECONOMIC RIGHTS

22.12 An article posted on Kubatana.net *The position of lesbian and bisexual women*, by Fadzai Muparutsa of GALZ, dated January 2008, noted that women traditionally hold a lower status in society. "Women … are not at liberty to mix with whom they please and establish unsupervised relationships. … Women who claim to be independent of men, even for sex, arouse intense anger in those men with deep-seated insecurities about sexual rejection and the need to control." However, women were often able to lead an economically independent life in Zimbabwe's larger towns and cities. **[55s]**

22.13 The USSD 2010 noted that:

"Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses." **[2b] (Section 6)**

22.14 The USSD 2010 report also stated that:

"Women and children continued to be adversely affected by the government's forced evictions, demolition of homes and businesses, and takeover of commercial farms. Many widows who earned their income in the informal economy or by renting 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… The government gave qualified women access to training in the armed forces and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years, women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government.

"NGOs reported that anecdotal evidence indicated that women experienced economic discrimination, including in access to employment, credit, pay, and owning or managing businesses." **[2b] (Section 6)**

22.15 Afrol's *Gender Profiles: Zimbabwe*, undated, accessed 2 February 2009, noted that societal attitudes towards women's rights had improved in recent years. It noted that "… gender issues, which belonged to the private and family sphere, are now discussed in public and abuse is starting to be taken to court." **[73a] (p1)**

22.16 A report published by the United Nations Development Programme in October 2010 entitled *2010 Millennium Development Goals: Status Report Zimbabwe*, noted that: "Zimbabwe's society is strongly patriarchal and is thus scaling-socialised and conditioned to the subordination of women to men and to their confinement to traditional and multiple gender roles that are inclusive of care work." However, the report noted that the recent "… Constitution-making outreach process is showing signs that attitudes are changing. This has been evident in the public expression of both men and women demanding 50:50 representation in decision-making, education, and employment opportunities." **[124a] (p19)**

UNICEF's The State of the World's Children 2011: Maternal and newborn health, undated, accessed 1 July 2011, provides a range of range of statistical reports on aspects of health and education. While the World Economic Forum report, *The Global Gender Gap Report 2010*, undated, accessed 1 July 2011, provides statistical information on "gender-based disparities".

22.17 The UNWomen report noted that women in Zimbabwe were entitled by law to maternity leave of 98 days duration. **[63a] (p129)**

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## Family law: marriage, divorce and inheritance

22.18 Africa For Women's Rights document dated 5 March 2010 noted that:

"Zimbabwe has a hybrid legal system composed of statutory and customary law. Whilst statutory law tends to conform to CEDAW, discriminatory customary laws continue to apply, especially in rural areas.

"The law recognises three types of marriage: civil marriage, registered customary marriage and unregistered customary marriage. The predominance of registered and unregistered customary marriages contributes to the vulnerability of women within the family:

- "Early and forced marriages under customary law are widespread. In 2004, the United Nations estimated that 23% of girls between 15 and 19 years were married, divorced or widowed.

- Although polygamy is prohibited under statutory law, it is authorised under customary law and continues to be practised in rural areas.

- Whilst civil marriage grants spouses equal rights to parental authority, under customary marriage men have the right to custody of children.

- The custom of the bride price (lobola), which is authorised under statutory law, also contributes to women's vulnerability within the family.

- Under the rules of customary marriage, widows cannot inherit their husband's property and daughters can inherit from their father only if there are no sons." **[47a]**

22.19 The USSD 2010 also noted that: "The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights. Women have the right to register their children's birth; however, in practice either the fathers or male relatives must be present." **[2b] (Section 6)**

22.20 Afrol noted in undated article, accessed on 2 February 2009, that:

"The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women's right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under

customary law are not allowed to own property jointly with their husbands. During the September land conference, women's rights organizations effectively lobbied the Government to agree to create legislation giving married women joint spousal title to property offered under the resettlement program; however, no such legislation had been enacted by year's end …The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavourable to widows. Women's groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law. However, in February [2006] the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family; the Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws are favourable to women, but women generally lack awareness of their rights under the law." **[73a] (p1-4)**

22.21 The Unicef Report 2011 noted that:

"Traditions and customs, most of which (such as the prioritisation of family and respect for the elderly) serve to protect children and women from harm and promote their social development, remain important to all Zimbabweans. As in all countries, however, some traditional views and customs continue to encourage and permit violence, abuse and discrimination. For example, women and children continue to experience a lower status to that of men within many private and public realms, which reduces and limits their access to resources and constrains their influence in decision making at all levels. Polygamy is still legal and the payment of lobola (bride price/wealth) is still widespread, although opinions are divided on whether lobola decreases or increases the status of the bride. Similarly, custom in some communities precludes women and girls from inheriting family resources and this practice remains protected by the Constitutional provision that permits discriminatory practices if they are based on established custom. There is no legal age for marriage within the Customary Marriages Act and early marriage before the age of consent remains normalised in some communities." **[85d] (p20)**

## Prostitution

22.22 The US State Department *2009 Human Rights Report: Zimbabwe*, 13 March 2010, noted that:

"Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's economic problems continued to force women and girls into prostitution. Police often tolerated prostitution at nightclubs, truck stops, and bars in urban areas. Clients were rarely arrested. The maximum penalty for soliciting for prostitution is a fine of $200 or imprisonment up to six months. According to local lawyers, the maximum penalty was rarely imposed; those found working as prostitutes typically were forced to pay a fine at a police station. Although police occasionally arrested prostitutes, they usually paid small fines and were not detained at length. … There were reports that girls as young as 12 worked as prostitutes for soldiers and illegal miners in the Chiadzwa diamond fields. There continued to be reports that women and children were sexually exploited in towns along the borders with South Africa, Botswana, Mozambique, and Zambia. … Police arrested both prostitutes and their clients during the year." **[2h] (Section 6)**

## Reproductive rights

22.23 The USSD Report 2010 noted that: "Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence." **[2b] (Section 6)**

### Access to abortion

22.24 The UNWomen Report 2011 noted that abortion was only permissible in Zimbabwe under the following circumstances:

- to save life;
- to preserve physical and mental health;
- in cases of rape or incest;
- in cases of foetal impairment;
- abortion is not permissible for economic or social reasons. **[63a] (p133)**

22.25 The United Nations Population Division (Department of Economic and Social Affairs) noted, in the document *Abortion policy: Zimbabwe*, 23 November 2005, that:

"A legal abortion must be performed by a physician in a designated institution with the permission of the superintendent of the institution. If the pregnancy resulted from unlawful intercourse, a magistrate of a court in the jurisdiction where the abortion will be performed must certify that the alleged intercourse was reported to the police and that pregnancy may have resulted from it. When the abortion is requested because the pregnancy poses a threat to the life or physical health of the pregnant woman, or on grounds of foetal impairment, two physicians that are not members of the same practice must certify to the relevant hospital superintendent that one of these conditions exists. However, if the woman's life is in danger, a physician can perform the abortion in a place other than a designated institution and without a second medical opinion." **[74] (p189)**

22.26 IRIN news reported on 30 March 2005 that the protracted process of satisfying the conditions of the 'Termination of Pregnancy Act (1977)' "… coupled with the fact that legal abortions are not free, have led to a growing 'black market' for the procedure, where back street terminations are often performed by unskilled personnel in unhygienic surrounding." As a result it was reported that 70,000 illegal abortions take place in Zimbabwe every year. One consequence of illegal was a large number of young women (usually between the ages of 15 and 24) seeking post abortion medical assistance. **[10m]**

22.27 *The Herald* reported on 23 November 2009 that 'backyard abortions' were very common in Zimbabwe, with the Ministry of Health and Child Welfare estimating that there were "… 273 abortions … performed daily …", or approximately 100,000 per year. **[23f]** The Herald also reported (10 March 2010) that while non-medical or 'backyard abortions' were illegal, social and cultural taboos about older women (specifically grandmothers) having children meant that unofficial abortions were accepted in traditional communities. **[23g]** *The Zimbabwean* reported on 11 November 2010 that: "Some doctors at

government hospitals in Bulawayo are allegedly conducting illegal backyard abortions … the practise was rampant at Mpilo and United Bulawayo Hospitals (UBH) where doctors charge between US$100 and US$300 … In most cases the abortionists are referred to the doctors by nurses … Most of the clients are school and college going girls and pregnant HIV positive women …" **[99m]**

## VIOLENCE AGAINST WOMEN

22.28 The Africa For Women's Rights document dated 5 March 2010 noted that:

"Despite the adoption of legislation, including the Domestic Violence Act 2007 and reforms to the Criminal Law Act in 2006, violence against women, particularly domestic violence, remains widespread and perpetrators continue to benefit from impunity. The lack of training of law enforcement personnel, the lack of awareness of women's human rights, the fear of social stigma and reprisal contribute to the ineffectiveness of such laws. Since the criminalisation of marital rape, only one case of marital raped has been tried in court." **[47a]**

22.29 The UNWomen report 2011 noted that there were laws in place against domestic violence, sexual harassment and marital rape. **[63a] (p137)**

22.30 Freedom House noted in *Freedom in the World 2010 – Zimbabwe*, covering events in 2009, published on 3 May 2010, that "… societal discrimination and domestic violence persist… Sexual abuse is widespread, including the use of rape as a political weapon. …" While women had protection under the country's civil law, traditional and customary laws, mostly in rural areas, undermined women's civil rights. **[96b]**

22.31 The Unicef Report 2011, dated 18 March 2011, noted that:

"Some communities and families in Zimbabwe condone violence as a means of resolving disputes and exercising control, to the extent that violence against women is seen by the perpetrator, the survivor, the community and the state to be the norm. However, there is a growing movement to address gender inequities and challenge behaviours and attitudes that condone violence. The Ministry of Women's Affairs, Gender and Community Development is now playing a coordinating role within government for all gender based violence programming … As with all attitude and behaviour change efforts, this requires concerted, resourced and coordinated advocacy by government, civil society and partners." **[85d] (p22-23)**

22.32 The USSD Report 2010 observed that: "Labor legislation prohibits sexual harassment in the workplace, and an employer may be held liable for civil remedies if found to be in violation of provisions against 'unfair labor practices,' including sexual harassment. Penalties for these violations are not specified in the law. Women commonly faced workplace sexual harassment, government enforcement was not effective, and there were no reports of any prosecutions during the year." **[2b] (section 6)**

22.33 Afrol accessed 2 February 2009 noted that Female Genital Mutilation (FGM) is still practised by a small ethnic group called the Remba [or Lemba]. **[73a] (p2)**

22.34 The US State Department *Trafficking in Persons Report 2011*, (USSD TIP Report 2011) released 27 June 2011, noted that:

"Zimbabwe is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Women and girls from Zimbabwean towns bordering South Africa and Zambia are subjected to sex trafficking in brothels that cater to long-distance truck drivers. Recent reports indicate that young women from rural areas are recruited into forced prostitution through the guise of beauty pageants held in cities. Some victims of forced prostitution are subsequently transported across the border to South Africa where they suffer continued exploitation. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in rural areas, as well as domestic servitude and sex trafficking in cities and towns." [x] (***Country Narratives: Countries N Through Z***)

http://www.state.gov/g/tip/rls/tiprpt/2011/164233.htm

More details can be found the section on Trafficking.

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## Politically-motivated violence

22.35 A report entitled *No hiding place: Politically motivated rape of woman in Zimbabwe*, published by the Research and Advocacy Unit and the Zimbabwe Association of Doctors for Human Rights, dated December 2010, noted that:

"Politically motivated sexual violence against women in Zimbabwe takes many forms. … In some of the instances … rape is committed at the instigation of a military leader or war veteran, showing that it is a strategy to intimidate political opponents. Often used during election periods or periods of national importance, it is quite evident that the rape is used as a psychological weapon in order to humiliate the opposition and undermine their morale…The phenomenon of violations against women is not a new thing in Zimbabwean politics; it has been reported in the majority of human rights reports produced both locally and internationally since 2000 when the political landscape changed with the formation of the Movement for Democratic Change (MDC) posing a serious threat to the Zimbabwe African National Union–Patriotic Front (ZANU PF)'s power-base in the June 2000 parliamentary elections." **[127a] (p3&4)**

22.36 Peacewomen noted in a briefing entitled *On gender based violence during elections in Zimbabwe* dated 10 December 2010, that: "Women have been victims, perpetrators and agents of violence throughout electoral processes in Zimbabwe… [but while] there have been significant steps to fight against domestic violence in Zimbabwe through the enactment of the Domestic Violence Act, gender based violence still manifest itself in Zimbabwean society particularly in the election and post-election period." **[126a]**

22.37 A report titled *A Preying on the 'Weaker' Sex: Political Violence against Women in Zimbabwe*, dated November 2010, produced by An African Democracy Institute (IDASA), the International Center for Transitional Justice and the Research and Advocacy Unit, noted that:

"Violence against women in the context of 'political conflict, repression and resistance' in Zimbabwe is a feature that has been seen in every election since 2000, and it is a frequent experience for women whether they are politically active or not. It can happen

to women merely because they are perceived to be an opponent of ZANU-PF, as was so clearly seen in the Presidential run-off in 2008: women who were MDC members, or merely perceived to be a supporter of the MDC, were 10 times more likely to report a human rights violation than a female member of ZANU-PF. However, female supporters of ZANU-PF were 40 times more likely to have been reported as a perpetrator, where women were 16% of the total victims in 2008 according to the Solidarity Peace Trust and 21% according to the Zimbabwe Human Rights NGO Forum.

"However, as indicated above, 2008 was not an aberration. In 2006, the Zimbabwe Human Rights NGO Forum [the Human Rights Forum] described 448 cases of violations against women, covering the period 2000 to 2006, with assault and political intimidation the most common violation. It is important to note that during this period Zimbabwe had had three national elections (2000, 2002 and 2005) and it is well documented that violence increased during election years. Rural women were more likely than urban women to report property destruction, displacement, rape, and torture, whilst urban women reported assault, unlawful detention, and death threats more frequently. A similar contrast between rural and urban women emerged in a study of Zimbabwean women victims in the refugee population in South Africa. As was the case with the Human Rights Forum report, ZANU-PF supporters and ZANU-PF youth were cited as the most common perpetrators … Political violence against women is common in Zimbabwe, with assault, torture, threats, intimidation, displacement and property destruction frequently reported. The perpetrators are usually non-state agents, and reported to be ZANU-PF supporters, ZANU-PF Youth, and war veterans, but there are also high numbers of reports involving state agents such as the ZRP and the Zimbabwe National Army [ZNA]." **[9d] (p5-6)**

22.38 Womankind noted on its *Zimbabwe page*, undated, accessed 14 July 2011, that: "The political environment is marred with violence, which makes it increasingly difficult for women to participate as candidates or voters. … Over 2,000 women and girls were raped at militia camps during the 2008 elections." **[142a]**

22.39 Amnesty International's *Annual Report 2010, Zimbabwe*, covering events in 2009, released 28 May 2010, noted that security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group, further noting that WOZA activists continued to be arrested and beaten whilst in custody and denied medical treatment. **[14g] (p3)** The USSD 2010 noted that the police used "excessive force" to break-up and disrupt WOZA demonstrations. **[2b] (Section 1c)**

22.40 The Zimbabwe Peace Project reported in its reports *Summary on politically motivated human rights and food related violations,* published in January, March, April and May 2011, that women accounted for between 23 and 27 per cent of the victims of politically motivated and/or human rights abuses. **[122l] [122m] [122n] [122o]** One specific indicator of political violence against women is rape. In the year between June 2010 and May 2011 the ZPP recorded 25 rapes as politically motivated **[122j] (p9), [122l] (p8), [122m] (p11), [122n] (p9), [122o] (p10)**; of which, 8 cases were reported in the first 5 months of 2011. **[122o]** This compares to 24 cases in 2010, and 69 cases in 2009. **[122i] (p8)**

A report published by AIDS Free World, entitled *Electing to Rape: Sexual Terror in Mugabe's Zimbabwe*, published December 2009, provides details of politically motivated sexual offences against women: http://www.aids-freeworld.org/images/stories/Zimbabwe/zim%20grid%20screenversionfinal.pdf

The joint report by the Research and Advocacy Unit and the Zimbabwe Association of Doctors for Human Rights entitled *No hiding place: Politically motivated rape of woman in Zimbabwe*, published December 2010, provides details of politically motivated sexual offences against women: http://www.kubatana.net/docs/women/rau_zadhr_no_hiding_place_101209.pdf

*A Preying on the 'Weaker' Sex: Political Violence against Women in Zimbabwe*, dated November 2010, produced by An African Democracy Institute (IDASA), the International Center for Transitional Justice and the Research and Advocacy Unit, has more detail about politically motivated violence based on interviews with 2,149 women: http://www.idasa.org/media/uploads/outputs/files/preying%20on%20the%20weaker%20sex%20final.pdf

For more information about politically motivated violence see the section on WOZA (Women of Zimbabwe Arise), Latest news, Recent developments, Security forces, Political affiliation, Political freedom and Human rights institutions, organisations and activists

## Domestic violence

For information about spousal rape, see following subsection.

22.41 The USSD 2010 noted that:

"Domestic violence against women, especially wife-beating, continued to be a serious problem. The Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that many women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported, due to traditional sensitivities and the women's fear of abandonment without support. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes; however, details were unavailable.

"In 2007 the government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs, Gender, and Community Development and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in 2006. In October 2009 the ministry created an 11-member Anti-Domestic Violence Council to monitor the implementation of the act, with members drawn from government, civil society, churches, and traditional leaders. The council was ineffective, due to the unavailability of statistics and information on prevailing trends of domestic violence and lack of funding.

"The government continued a public awareness campaign about the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. However, the high turnover rate within the police force demanded a continuous level of training that could not be met. Local women's rights groups reported that awareness of the domestic violence act increased; however, the press reported that the act proved difficult to

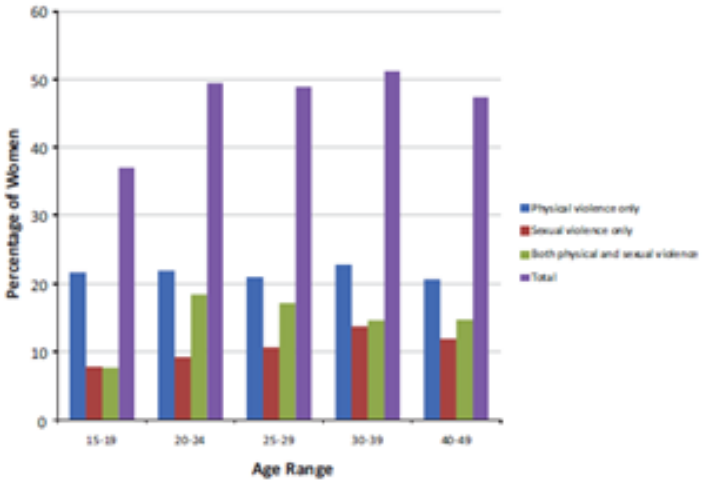
implement. For example, one impediment was the police form to report domestic violence: not only was it difficult to complete, but due to budget constraints police would ask victims to make their own photocopies of the form." **[2b] (Section 6)**

22.42 The UNWomen report 2011 annex on providing statistics on violence against stated that 30 per cent of women had been subject to physical violence and 19 per cent had sexual violence by an "intimate partner". In the previous 12 months, 25 per cent of women had been subject to physical violence, 13 per cent sexual violence, by an intimate partner. **[63a] (p137)**

22.43 The Unicef report, dated 18 March 2011, provided a graph (below) recording the levels of violence experienced by women aged between 15-49 years of age (based on a demographic and health survey conducted in 2005/6).

*Figure 15:* **Percentage of women age 15-49 who have experienced different forms of violence in Zimbabwe**

*Source: Zimbabwe Demographic and Health Survey 2005-06*




A clearer copy of the graph is available here:
http://www.unicef.org/media/files/SitAn_2010-FINAL_FINAL_01-02-2011.pdf

22.44 The report also noted that:

"The belief that violence against women is acceptable under some circumstances has become so engrained that a higher percentage of surveyed women (48 per cent) than men (37 per cent) in the last DHS agreed that it was reasonable for a husband to use violence against his wife if she fails to meet her gendered roles (such as neglecting children, arguing, rejecting sexual advances, burning the food or going out without first informing her husband). The prevalence of these beliefs differ across the age brackets, with 15-19 year olds representing the highest percentage of men who agreed violence was reasonable. … Figure 15: Percentage of women age 15-49 who have experienced different forms of violence in Zimbabwe shows the difference forms of violence experienced by women." **[85d] (p22)**

The following link is to the Domestic Violence Act 2007:
http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10770&baseHREF=country&baseHREFId=1438

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## Rape

22.45 The USSD 2010 noted that:

> "The law makes rape and non-consensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and feared losing the ,.,support of their families, particularly in rural areas. Government statistics on rape were unavailable, but anecdotal evidence indicated it remained a widespread problem. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases not associated with political violence, and the government media frequently published stories denouncing rape and reporting convictions. In many cases, the survivors knew their rapists. The criminal code also makes it a crime to knowingly infect anyone with HIV and provides for penalties up to five years in prison. Local NGOs dealing with women's rights reported that rape cases were brought to the court and there were convictions; however, statistics were unavailable. Children born from rape suffered stigmatization and marginalization if their mothers or extended families failed to report the rape and failed to register their births." **[2b] (Section 6)**

22.46 The same source also noted a one-stop project to assist victims of gender-based violence was initiated in 2009. This was: "… in response to a survey that found that the country's social, political, and economic instability had led to an increase in sexual abuse of women, girls, and some boys. More than 50 percent of the 1,900 persons interviewed, both male and female, reported that they had been raped. Nearly half of the respondents stated that they did not know what to do to cope with rape experiences." **[2b] (Section 6)**

22.47 The report by AIDS Free World (published December 2009) notes that some NGOs believe that hundreds, or possibly thousands of women may have been raped by ZANU-PF supporters during the 2008 elections. However, the report notes that "… inaction on the part of the police and prosecuting authorities, and widespread fear engendered by police reprisals, renders local criminal proceedings practically unavailable to survivors of political rape." **[112a] (p34)**

For information about assistance given to victims of rape, see following subsection.

### ASSISTANCE TO WOMEN

22.48 An article published by Zimintransition, dated 21 October 2010, noted that the Musasa Project – a local women's NGO – provided assistance to 1,606 women victims of domestic violence during the previous year. The "Musasa Project provides the only shelter in Harare where women facing danger as a result of gender violence have no alternative place to go which is safe. The accommodation is temporary and is also offered to all the children excluding boys who are aged above 12 years." **[7a]** The Director of the Musasa Project stated in a letter (published on website Kubatana), dated 30 June 2009, noted that the organisation had made every effort to meet the needs of

it's clients by providing assistance 24 hours a day. **[55a]** The Musasa Project can be contacted via its office in Harare – 64 Selous Avenue, Cnr 7th Street, Harare. **[55d]**

22.49 In addition to the Musasa Project above, Amnesty International (USA) reported in 2008 that the Zimbabwe Girl Child Network, a local NGO set up in 1998, has assisted 500,000 girls of all ages. Amongst the services the Network provided was a number of "safe houses". **[14d]** The Kubatana NGO Directory provides contact details for the organisation: http://www.kubatana.net/html/sectors/gir001.asp?like=G&details=Tel

A copy of the report is available via the following link: http://www.aids-freeworld.org/images/stories/Zimbabwe/zim%20grid%20screenversionfinal.pdf

22.50 The USSD Report 2010 observed that:

"During the year, two adult rape clinics were set up in public hospitals in Harare and Mutare. The clinics were designed to receive referrals from the police and NGOs working with rape survivors and to administer HIV tests and provide medicines to prevent HIV infection, other sexually transmitted diseases, and pregnancy. The clinics could collect evidence and give medical examination that could be used for court processes. According to one medical NGO, the clinics were well organized but had been poorly advertised due to fear that their capacity could not meet likely demand.

"In November 2009 the IOM, UNICEF, and the UN Population Fund created a one-stop center project for gender-based violence survivors. One one-stop center and three general centers were set up around the country." **[2b] (section 6)**

22.51 The USSD TIP Report 2011 noted that: "During the reporting period [2010], partnerships between the police and NGOs and international organizations enabled the establishment of one new one-stop drop-in center for victims of gender-based violence, where victims can receive examinations, file police reports, and receive psycho-social counselling …" **[2c] (Protection)**

22.52 Further, the Unicef report 2011 noted that:

"… a majority of essential services are still being delivered by non-governmental organisations with little government oversight, preventing the delivery of a standardised and comprehensive service delivery model … The Victim Friendly System is a long running and potentially national scale service for vulnerable children and women. This system seeks to deliver comprehensive, specialised psychosocial care and medical, legal and referral services to survivors of sexual abuse through Victim Friendly Police Units (VFU), Courts and Clinics. In 2009, 5,768 children were reached directly through the Victim Friendly Courts, police and hospital clinics.

"Currently Victim Friendly Police Units are situated in 10 provincial headquarters, 43 districts offices and 267 police stations at sub-district level. The majority of reported cases to this police unit involve children (64 per cent of 3,239 cases in 2009)." **[85d] (p24)**

For more information on violence against women (and girls) see Latest news, Recent developments, Security forces, Political affiliation, Human rights institutions, Children, Violence against children, and Trafficking

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## HEALTH AND WELFARE

22.53 The USSD Report 2010 stated:

"Inadequate medical facilities, including a lack of electricity and medication, contributed to a relatively high maternal mortality ratio of 880 deaths per 100,000 live births. HIV/AIDS disproportionately affected females and was the major contributing factor to maternal deaths in the context of a weakened health delivery system. According to UNICEF's November 2009 Multiple Indicators Monitoring Survey (MIMS), 65 percent of women who were married or in a union used modern methods of contraception. Approximately 60 percent of births were attended by skilled attendants, while 40 percent of women gave birth at home. Half of the mothers between the ages of 15 and 19 delivered their babies at home. Approximately 93 percent of women received prenatal care during pregnancy at least once. There was no information available on whether women were equally diagnosed and treated for sexually transmitted infections, including HIV." **[2b] (section 6)**

22.54 Amnesty International's report *Zimbabwe: Briefing to the pre-session working-group of the UN Committee on the elimination of discrimination against women*, dated the 24 June 2011, noted that regarding access to antenatal care, "Most people generally cannot afford healthcare fees in Zimbabwe." Amnesty gave an example of women living at Hopley Farm outside Harare, noting that:

"Most pregnant women and girls at Hopley are deprived of the benefits of antenatal care because they cannot afford the fees charged. The nearest maternity clinic, run by the Harare city council, charges USD 30 to register for both antenatal care and delivery. Before December 2010 the council was charging USD 50. The reduction was a positive step towards broadening the accessibility of maternal health care. However, for many women the USD 30 fee is still prohibitive … At present the formal unemployment figure in Zimbabwe stands at over eighty per cent and the community at Hopley are reliant on food aid. The inability to afford antenatal fees forces pregnant women and girls at Hopley to delay seeking care, quite often until they are in labour or experiencing complications, increasing the risk of death or damage to health.

"Antenatal care can help to reduce maternal and neonatal mortality by alerting women and their families to symptoms that signal medical care is urgently needed. Antenatal care also serves numerous other critical functions; for example, it can help to ensure the prevention of HIV transmission from mother to child. The inadequate access to antenatal care services in Hopley contributes to the risk of preventable death and ill-health for women and newborns.

"Several of the women interviewed by Amnesty International gave birth on their own, in conditions which may have put both the lives of the woman and the baby at risk. Some of the women were unaware at the time of delivery that they were carrying twins and suffered complications, including breech deliveries, and the babies died.

"Zimbabwe's Deputy Prime Minister Thokozani Khupe who is also the Chair of the Parliamentary Cluster on Social Services, visited Hopley settlement in December 2010, a week after Amnesty published its findings on neonatal mortality at the settlement and in response to lobbying by Amnesty International. During the visit the Deputy Prime Minister made a public commitment to the community to scrap the registration fee for maternal health care. However, this is yet to be implemented." **[14e] (p9)**

See also Medical issues for information about healthcare generally.

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## 23. CHILDREN

### OVERVIEW

23.01 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enrol in school and access health services; however, the government made improvements in 2007 by decentralizing the authority to issue birth certificates to local registrar general offices throughout the country. According to the UNICEF's MIMS, 37 percent of children under five years of age possessed birth certificates.

"Schools and clinics operated in most communities, although many families struggled to pay fees and purchase educational materials for their children. According to statistics from UNICEF, one-quarter of the country's children were orphans, of which approximately 70 percent were orphaned due to HIV/AIDS. Orphans and vulnerable children (OVC) together constituted 37 percent of the country's children, and approximately 80 percent of OVCs did not receive any form of external support. An estimated 100,000 children lived in child-headed households. Data on street children was not available at year's end." **[2b] (Section 6)**

23.02 UNICEF, undated, accessed 15 December 2010 reported that there were 6,175,000 children under the age of 18 in 2007. Of that figure, 1,706,000 were under the age of 5. **[84a]** The USSD *2009 Human Rights Report: Zimbabwe*, 13 March 2010, (USSD Report 2009) noted that most of the 1.6 million orphans in the country were also infected with HIV/AIDS. **[2h] (Section 6)** The United Nations Treat Collection reported that Zimbabwe is a signatory to the Convention on the Rights of the Child http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

Further detailed background information can be found at the following website: http://www.unicef.org/infobycountry/zimbabwe_1403.html

### Basic legal information

23.03 Avert.org, undated, accessed on 23 August 2010, noted that the age of consent in Zimbabwe for males and females was 16 years pld. **[19a]** The Zimbabwe Human Rights NGO Forum, noted in a report on Women's Rights, undated, but accessed on 5 July 2010, that: "The Marriages Act [Chapter 5:11] discriminates against women … Under this legislation, a man may marry at the minimum age of eighteen while a woman may marry at the minimum age of sixteen. This makes the girl child more vulnerable to early marriages, early pregnancies and premature motherhood." **[35i]**

23.04 The USSD 2010 reported that:

"Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 18 years of age. According to UNICEF, one-third of women married when they were under 18 years of age, and 5 percent of women married when they were under 15 years of age. Approximately 21 percent of young women between the ages of 15 and 19 were married or in a union. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who did not have relatives willing or able to take care of them. **[2b] (Section 6)**

23.05 The Zimbabwe Ministry of Youth Development and Employment (accessed 29 May 2009) noted that the age of majority was 18, also noted that "… the legal minimum age for employment is 15 and employed children cannot work for more than 6 hours a day." **[106a]** The United Nations Committee on the Rights of the Child reported on 17 June 1996 that the age of criminal responsibility was 15. Children under the age of 7 years of age are considered incapable of committing a crime with a 'rebuttable presumption' that children between 7 and 14 years of age were incapable of committing crimes. **[25b] (p2)**

See section on Military Service for information about the minimum age to join the military.

## LEGAL RIGHTS

23.06 The USSD 2010 noted that: "Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of resources." **[2b] (Section 6)**

23.07 The United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010*, (Unicef Report 2011) the report noted that:

Zimbabwe is governed by a comprehensive legal and regulatory framework that includes legal protections that it has committed to provide through ratification of the [African Charter on the Rights and Welfare of the Child] ACRWC, the [UN Convention on the Rights of the Child] CRC and the [UN Convention on the Elimination of Discrimination Against Women] CEDAW. The government is yet to ratify the two optional protocols of the CRC, including on Children and Armed Conflict and Child Trafficking. A review of the national legal framework conducted in 2004 concluded that Zimbabwe's legislation 'meets most of the standards of the CRC'. The administration of statutory child protection services is covered by the Children's Act and the Criminal Code criminalises many forms of abuse and violence against children. … However, these provisions do not apply equally to all … children and the benefits and protections of such legislation can be negated through the primacy of customary law and certain clauses within the Constitution. Other discriminatory legislation remains, reinforcing potentially harmful customary views …" **[85d] (p17)**

23.08 Details of the Convention on the Rights of the Child, ratified 11 September 1990, and amendments to Article 43(2) of the Convention (dated 12 December 1995) on 27 August 2002 can be found here: http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en

## VIOLENCE AGAINST CHILDREN

23.09 The Unicef Report 2011 noted that:

"Although comprehensive data is lacking on the prevalence and incidence of sexual and physical violence against children in Zimbabwe, emerging anecdotal evidence and local studies by UN agencies and NGOs suggest that violence of all types is a significant issue, particularly for girls and other vulnerable children, including orphans and children living away from their family, children on the move, children with disabilities and children who come into conflict with the law." **[85d] (p15)**

23.10 The USSD 2010, noted that:

"Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. Police statistics showed that reports of child rape tripled between 2005 and 2007. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network (GCN) reported that girls believed to be virgins were at risk of rape due to the belief among some that having sex with a virgin would cure men of HIV/AIDS. In 2008 UNICEF and the government launched the Stand Up and Speak Out child abuse awareness and prevention campaign. In October 2009 the NGO Plan Zimbabwe and the Ministry of Education, Sport, Art, and Culture launched the Learn Without Fear campaign, aimed at eradicating child abuse in schools. The campaign began after a study found that many children had been victims of unreported sexual and physical abuse by their teachers and peers. During the year the GCN reported an increase in the reports of violence in schools, with numerous cases of children suffering serious injuries from corporal punishment." **[2b] (Section 6)**

23.11 The United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010*, the report noted that:

"The latest official poverty statistics indicate that approximately 3.5 million children live below the food poverty line in Zimbabwe, and are in urgent need of quality protection and free access to basic services. Recent research indicates that between 220,000 and 250,000 rural households in Zimbabwe live in extreme poverty and are food insecure. These households include between 620,000 and 700,000 vulnerable children.

These children struggle to access basic services, such as health, education and social protection. As a result, many children, particularly adolescents, are forced to work, often under exploitative conditions, to meet their basic needs. Unsafe migration, child trafficking, child prostitution, child labour and other forms of abuse pose special challenges for this marginalised community of children." **[85d] (p13)**

23.12 The Unicef report noted the following statistical snapshot of violence against children:

- "25 per cent girls affected by HIV are exposed to sexual violence before their 18th birthday.
- 22 per cent of children report experiencing abuse by a caregiver.
- 13 per cent of girls report being sexually harassed by teachers and/or fellow pupils. Of these, 7 per cent report having been forced into sex at least once.

- 25 per cent of boys living and working on the streets of Harare are victims of sexual abuse, and only 8 per cent of these boys were able to report that the perpetrator had been arrested.

- The Police recorded 3,448 child abuse cases in 2009, the Victim Friendly Courts heard 1,222 cases of child sexual abuse and it is widely recognised that a majority of abuse is not reported to authorities.

- 67 per cent of children and 35 per cent of teachers concur that corporal punishment is used by all teachers at one point or another during school time." **[85d] (p15)**

23.13 The Foreign and Commonwealth Office Human Rights Annual Report, published on 26 March 2009, covering events in 2008, noted that: "… children were not spared the violence meted out by state agents in the electoral period. Children have been beaten, watched their parents be beaten in front of them, been coerced into participating in violence, been displaced and been separated from their parents and carers." **[13a] (Women's and children's rights)**

23.14 *The Guardian* reported on 10 November 2009 that the poor state of Zimbabwe's economy was breaking traditional family structures, and this had led to a significant rise in the numbers of reported cases of child abuse. The economic migration of parents and the fact that many more children are being orphaned by HIV/AIDS has seen more children placed in vulnerable positions where they are more easily exploited. The report noted that a single clinic in Harare was "… seeing an average of 20 child abuse victims a day." Local NGO, the Girl Child network, estimated that "… on average a man can rape 250 children before his crimes become public knowledge." **[34a]**

23.15 Regarding child abuse, the Unicef report noted that:

"Childline, in partnership with UNICEF and the Collaborative Centre for Operational Research and Evaluation (CCORE), collected data on all 6,118 calls and visits handled by Childline in 2009. Forty-one per cent constituted actual cases falling into at least one of the categories of child abuse as illustrated in Figure 12: [Sexual, Physical, Neglect, Emotional, and Bullying] Rates of reported abuse against boys and girls. There was little difference in proportion between girls and boys for neglect, physical abuse and bullying, but a significant difference for sexual and emotional abuse, with girls nearly six times more likely to be sexually abused than boys. …

"The significant findings from the report included:

- "91 per cent of all cases of sexual abuse were classified as 'rape', with 46 per cent of the children reporting the abuse had occurred on multiple occasions.

- "74 per cent of the child survivors of sexual abuse reported that they knew the perpetrator, with 24 per cent of perpetrators originating from the immediate family and 37 per cent of perpetrators living in the same house as the survivor.

- "24 per cent of alleged perpetrators from reported cases were arrested. A court hearing date was obtained in 23.5 per cent of the cases, but only 8 per cent of the cases went to trial. The perpetrators were sentenced in 3.5 per cent of cases and imprisoned in 1.2 per cent of cases." **[85d] (p16)**

23.16 The USSD 2009 report noted that trafficking of children was a serious problem with girls and boys being trafficked for sexual exploitation in neighboring countries. The report noted that there was limited assistance available to these children, noting that:

"Victims suffering from child or domestic abuse were offered special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception centers in Beitbridge and Plumtree for unaccompanied children and trafficking victims." **[2h] (Section 6)**

23.17 Afrol News (accessed on 31 August 2006) reported that initiation rites practised by the small Remba ethnic group in Midlands province include infibulation, the most extreme form of FGM. **[73a]**

See also Women, Violence against women, and Trafficking

## Child labour

23.18 The United States Department of Labor report, *2009 Findings on the worst forms of child labor – Zimbabwe* (USDL 2009), covering the period March 2010 to February 2011, although major developments up to October 2010 were also included, dated December 2010, noted that:

"The Government has engaged with international organizations and NGOs in some efforts to combat the worst forms of child labor. However, children are found in a variety of worst forms, including dangerous work in agriculture and mining, forced labor and commercial sexual exploitation. The Government has not dedicated sufficient resources for labor inspections and research found no evidence of child labor or child trafficking enforcement activities." **[38b] (p726)**

23.19 The report continued:

"The Labor Relations Act sets the minimum age for employment at 15. However, a child age[d] 13 or 14 may work as an apprentice or perform work as part of training at a school or technical or vocational institution. The Act prohibits employers from hiring a person under age 18 to perform hazardous work. Hazardous work is defined in the Children's Protection and Adoption Amendment Act of 2001 as any work that jeopardizes or interferes with education of a child; involves contact with hazardous substances, electronically-powered hand tools, cutting tools or grinding blades; involves underground mining; exposes a child to extreme heat, cold, or noise; or requires a child to work a night shift. It is not known if these provisions are applied in such a manner as to cover all types of work-related hazards to which children are exposed." **[38b] (p727)**

23.20 The USDL 2009, also noted that:

"Children in Zimbabwe are exploited in the worst forms of child labor. In agriculture, they face occupational health and safety risks in the production of tea, cotton, and tobacco. For example, they may use potentially dangerous machinery and tools, carry heavy loads, and apply toxic pesticides.

"Children are exploited in diamond, gold, chrome, and tin mining including in the extraction of material from underground passages and quarries. Children in mining work long hours in unhealthy and dangerous conditions. Child labor has been found in the military-controlled Marange diamond fields of Eastern Zimbabwe. Other children work as domestic servants and may be exposed to long hours of work and physical or sexual exploitation.

"An estimated 1.3 million Zimbabwean children are orphaned. Of these, around 100,000 survive on their own in child-headed households, often working as street vendors. Children engaged in work on the street may be vulnerable to a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. While there is no evidence that such practices occurred during the reporting period, some orphans have been rounded up by police and taken to farms where they are forced to work as unpaid laborers.

"Children are trafficked within Zimbabwe to border towns and to the neighboring countries of Botswana, Mozambique, and South Africa where they suffer forced labor in agriculture and domestic service, and commercial sexual exploitation. Specific reports concern girls as young as age 12 who are trafficked along the Zambezi River to the Mozambican port of Beira and to Central Mozambique; and children from Zimbabwe who are sexually exploited by taxi and truck drivers in exchange for transportation to and across unofficial border crossings to South Africa.

"Reports suggest that between 3,000 and 15,000 unaccompanied children from Zimbabwe move into and out of South Africa every month. These children go in search of work harvesting crops on plantations and small farms or work; or for work in urban areas as street vendors, domestics, hairdressers, and/or day-laborers loading and unloading materials." **[38b] (p726-7)**

## CHILDCARE AND PROTECTION

23.21 The Unicef Report 2011 noted that:

"The MoLSS [Ministry of Labour and Social Security] is responsible for overall implementation of the Children's Act. The Zimbabwe Republic Police … and the Ministry of Justice and Legal Affairs, administer the formal legal system, including law and order, and correctional services. Each of these services is functioning, albeit to varying degrees. For example, there are currently only 96 district social workers nationwide performing all government social work and probation functions. These professionals are situated in Harare or the provincial or district capitals and other urban areas. With around more than a million children affected by HIV/AIDS and hundreds of other abused children undocumented and in need of specialised social welfare support the reach of government services is highly limited. Indeed, the ratio of care workers to children is amongst the lowest in the region." **[85d] (p24)**

23.22 The USSD 2010 report noted with regard to displaced and street children that:

"UNICEF estimated that at least 10,000 children were displaced in election-related violence in 2008. Several thousand were also displaced with their parents as a result of farm-related violence and evictions in 2009. At year's end, NGOs were uncertain how many children remained affected. Economic hardships and the government's lack of support for social welfare institutions contributed to a highly vulnerable population of

street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers." **[2b] (Section 6)**

23.23 Further, the Unicef report 2011 noted that:

"… a majority of essential services are still being delivered by non-governmental organisations with little government oversight, preventing the delivery of a standardised and comprehensive service delivery model … The Victim Friendly System is a long running and potentially national scale service for vulnerable children and women. This system seeks to deliver comprehensive, specialised psychosocial care and medical, legal and referral services to survivors of sexual abuse through Victim Friendly Police Units (VFU), Courts and Clinics. In 2009, 5,768 children were reached directly through the Victim Friendly Courts, police and hospital clinics.

"Currently Victim Friendly Police Units are situated in 10 provincial headquarters, 43 districts offices and 267 police stations at sub-district level. The majority of reported cases to this police unit involve children (64 per cent of 3,239 cases in 2009)." **[85d] (p24)**

23.24 Kubatana.net, undated, accessed 5 July 2010 listed over 100 organisations working in the children and youth sector in Zimbabwe. Many of these organisations specifically champion children's rights and provide assistance in the form medical care, education and accommodation and shelter for orphaned children. **[55o]** The Firelight Foundation (accessed 5 July 2010) **[72a]** and Save the Children (website accessed 5 July 2010) were active in providing a range of support services for orphans and other children. Services included arranging accommodation for orphaned children, providing food, medication and funding for education. Save the Children (What we do in Zimbabwe – 2008/9) noted that it worked in partnership with a range of organisations including UNICEF, IOM, World Food Programme and local NGOs. **[86a]**

23.25 With regard to orphans, the Unicef report 2011 noted that:

"… 98 per cent of orphans are cared for by their extended families or communities. … National Orphan Care Policy, developed in 1995, states 'It is the policy of the government to move away from institutional care and children's homes. Children's homes should only be used as a last resort and as a temporary measure in transit to a more permanent placement in a family or family type environment.' … the number of institutions and institutionalised children has doubled over the last ten years. … Faith-based organisations are responsible for 90 per cent of the new institutions and with most new homes being built in remote rural locations, outside the reach of existing probation services, oversight remains minimal." **[85d] (p25-26)**

23.26 The same report on the subject of orphans (defined as a child who has lost one or both biological parents) stated that:

"The HIV epidemic remains one of the largest drivers of widespread poverty in Zimbabwe and one of the most devastating effects is the large number of orphans. Estimates suggest that a quarter of all children in Zimbabwe, around 1.6 million, have lost one or both parents due to HIV and other causes. As a result, many orphans are cared for by their extended families, including grandparents (generation gap households), or are living in one of the 100,000 child headed households." **[85d] (p13-14)**

The following link provides details of NGOs, including childrens NGOs, in Zimbabwe: http://www.devdir.org/files/Zimbabwe.PDF

23.27 The USSD Report 2010 stated that:

"There were approximately one million orphans and OVCs in the country. One of the biggest contributing factors was the high HIV/AIDS rate. Approximately 13 percent of the population was infected, and an estimated 2,214 persons died per week. The vast majority of orphans were cared for by the extended family. Many grandparents were left to care for the young and, in many cases, children or adolescents headed families and were forced to work to survive. Orphaned children were more likely to be abused; not to be enrolled in school; to suffer discrimination and social stigma; and to be vulnerable to food insecurity, malnutrition, and HIV/AIDS. Extended families and communities often refused to take orphans due to fear that they or their own children might contract HIV. Some children were forced to turn to prostitution for income." **[2b] (section 6)**

## EDUCATION

23.28 The Unicef report 2011 noted that: "The Education Act, which is supported by statutory instruments and policy circulars, is the main piece of legislation governing education. Section 4 of the Act states; 'every child in Zimbabwe shall have the right to school education'. The Act provides grounds on which no child can be refused admission or be discriminated against, and primary education is compulsory." However, while primary education had formerly provided free of charge, the law was amended in 1991 and "… section 6 of the Education Act now states tuition should be provided for 'the lowest possible fees'. Although the Basic Education Policy states that no school head should refuse admission of pupils even whose school fees was not paid, in reality, education is no longer a right which is accessible to all children." **[85d] (p53)**

23.29 The USSD Report 2010 stated that:

"Primary education is not compulsory, free, or universal. According to the UNICEF's MIMS, 92 and 90 percent of female and male children of primary school age, respectively, attended primary school. Ninety-four percent of children of primary school age attended school in urban areas compared with 90 percent in rural areas. In 2009 the Ministry of Education, Sport, Art, and Culture drastically reduced school fees, particularly in rural areas, to increase enrollment. However, due to a lack of funding from the central government, some schools began to charge levies of up to several hundred dollars for the school year, which were prohibitive for many students. Some children continued to pay school fees and levies with crops and livestock if they did not have adequate hard currency. Despite a directive from the minister of education that no child should be refused education for not paying school fees, there were reports that students with unpaid fees were locked out or turned away from schools." **[2b] (section 6)**

23.30 Freedom House noted in *Freedom in the World 2010*, Zimbabwe, published on 3 May 2010, that: "Academic freedom is limited. All schools are under state control, and education aid has often been based on parents' political loyalties. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy." **[96b] (p5)**

See also Freedom of speech and media/Academic freedom and students

23.31 The Solidarity Peace Trust report, *Walking a thin line*, published on 30 June 2009, noted that:

"Zimbabwe has previously been considered as one of the best nations in Africa in providing blanket access to education for children, including in rural areas. This position has been drastically undermined in the last ten years … Apart from the lack of teachers, schools have fallen into dramatic disrepair, and textbooks are now in a ratio of one book to more than 30 pupils. There are entire schools without a stick of chalk, no exercise books to write in, and little in the way of classroom furniture." **[65b] (p32)**

23.32 The International Organisation for Migration (IOM) noted in a briefing about the education system in Zimbabwe, accessed 16 August 2010, that:

"In Zimbabwe there are three types of schools - Primary, Secondary and Tertiary education. Primary school students range in age from 5-12 years old. At the primary level, all students are required to wear school uniforms.

"Secondary school students are from 13 to 18 years old. Most Secondary school pupils wear uniforms but there are private colleges that allow pupils to dress in their formal clothing as they choose. The entry age for tertiary education is 16 years for the youngest but most students enter at the age of 19 and 20 years, just after their secondary school.

"On average, primary schools cost approximately US$5.50 per term, with secondary education in cities/towns costing approximately US$10.70 per term (three months)." **[51b]**

23.33 The USSD 2010 report noted that:

"Primary education is not compulsory, free, or universal. According to the UNICEF's MIMS, 92 and 90 percent of female and male children of primary school age, respectively, attended primary school. Ninety-four percent of children of primary school age attended school in urban areas compared with 90 percent in rural areas. In 2009 the Ministry of Education, Sport, Art, and Culture drastically reduced school fees, particularly in rural areas, to increase enrollment. However, due to a lack of funding from the central government, some schools began to charge levies of up to several hundred dollars for the school year, which were prohibitive for many students. Some children continued to pay school fees and levies with crops and livestock if they did not have adequate hard currency. Despite a directive from the minister of education that no child should be refused education for not paying school fees, there were reports that students with unpaid fees were locked out or turned away from schools." **[2b] (Section 6)**

23.34 A report published by the United Nations Development Programme in October 2010 entitled *2010 Millennium Development Goals: Status Report Zimbabwe*, noted that:

"The economic situation for the average Zimbabwean family has worsened during the past decade. This has had a direct negative impact on their ability to send their children to school and pay for school fees and uniforms. In this worsened economy, there is greater pressure on children to contribute to the family economy in order to make ends meet… Zimbabwe has consistently maintained relatively high levels of primary school enrolments. The net enrolment ratio (NER) increased from 81.9% in 1994, peaking at 98.5% in 2002 … . Since 2003, however, there has been a gradual decrease, with the 2009 Multiple Indicator Monitoring Survey (MIMS) recording an NER of 91%. In urban

areas the NER is 94% compared to 90% in rural areas. Gender equality at primary school level is good; in fact, 2009 saw a pro-female enrolment rate of 50.5%. Although enrolments have remained high, completion rates deteriorated between 1996 and 2006, falling from 82.6% in 1996 to 68.2% in 2006.2 In 2009, the dropout rate was around 30% and slightly higher for boys than it was for girls." **[124a] (p10)**

23.35 The Unicef report 2011 noted that:

"Net enrolment ratios (NER) increased from 81.9 per cent in 1994 to a peak of 98.5 per cent in 2002, before experiencing a gradual decline since 2003… It is estimated that about 30 per cent of children are unable to complete primary education and that only about half of those eligible go on to secondary education. … Whilst enrolment in primary schools has remained stable, enrolment in secondary schools is falling, a situation which may be due in part to the rising cost of secondary education …" **[85d] (p58 & 59)**

23.36 The USSD 2010 also stated:

"Traditionally, the government gave preference to National Youth Service (NYS) graduates among those seeking employment in the government, especially in the security forces. From the time of its inception in 2000 until its suspension in 2007, an estimated 80,000 NYS youths underwent militia training at more than 150 training camps across the country. The stated purpose of the training camps was to instil national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as stating that the camps subjected trainees to partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence, human rights violations, and intimidation. There were numerous reports from NGOs that children as young as 16 participated in ZANU-PF affiliated youth militias, which perpetrated violence across the country during the 2008 election period. After the program's suspension in 2007, some participants were absorbed into the country's security structures, including the army, prisons, air force, intelligence organization, and police. Persons under the age of 18 are prohibited from joining the military or police." **[2b] (Section 6)**

23.37 The Unicef report 2011, which noted that there was "widespread use of corporal punishment" in schools, stated that:

"In 1990, the Supreme Court of Zimbabwe described juvenile whipping as 'inherently brutal and cruel' and ruled that it was an inhuman and degrading punishment, which violated the Constitution. However, Constitutional Amendment number 11, adopted the following year, revised the relevant section of the Constitution to expressly allow moderate corporal punishment for males under the age of eighteen. The United Nations Committee on the Rights of Children has since recommended the Government of Zimbabwe to 'adopt appropriate legislative measures to forbid the use of any form of corporal punishment within the family and in any school'. There are regulations that limit the use of corporal punishment in schools, but the enforcement of these regulations remains inconsistent." **[85d] (p19)**

23.38 The Unicef report 2011 also noted:

"The breakdown of government and non-government schools shows that community, church and private schools play a significant role in the provision of education in

172 The main text of this COI Report contains the most up to date publicly available information as at 12 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 18 August 2011.

Zimbabwe. Of the total number of over 5500 primary schools, 94 per cent are run by nongovernment organisations. At the secondary level a similar trend exists whereby 88 per cent of the 1,644 schools are registered as non-government. These schools function with significant government financial support, including salaries for teachers, and are governed by MoESAC standards and regulations." **[85d] (p58)**

The UN Educational, Scientific and Cultural Organisation published a report entitled, Education under attack - Zimbabwe, dated 10 February 2010. The report provides a commentary of events since September 2007 noting intimidation and attacks against teachers and the education system.

## Special needs education

23.39 Regarding the provision of special needs education, the Unicef report noted that:

"The Government aims to provide special needs education in order to bridge the gap for learners with special needs. According to 2004 data, there were 14,115 students with intellectual disabilities, 50,000 children with learning disabilities, 1,634 children with hearing impairment, and 2,635 students with blindness or visual impairment attending school. Zimbabwe is estimated to have 300,000 children of school age with a disability, yet the enrolment figures indicate that a large proportion of children with disabilities do not attend school.

"While it is the policy of the Government to not discriminate against any child regardless of race, religion, gender, creed and disability, in reality, these children face serious access issues related to teachers inability to support their special learning requirements. Due to resource constraints, MoESAC provides limited in-service training and support for teachers in special needs education." **[85d] (p61)**

23.40 The United States based organisation 'Autism Support Network' (website accessed 4 July 2011) noted the contact details for the Zimbabwe Association of Occupational Therapists, which is based in Avondale, Harare. **[88a]**

23.41 An advertisement on Dipleague.zol.co.zw, dated 21 March 2011, noted that there were places available for autistic children in a new unit of a "mainstream Christian school". Contact details were provided but confirmation of what was on offer had not been received at the time of publication of this report. **[95a]**

### HEALTH AND WELFARE

23.42 The UNICEF country website on Zimbabwe undated, accessed 23 August 2010, reported: "The population of Zimbabwe is estimated at 12.2 million (Census 2002) with over 49% of this being children between 0-17 years. The national population growth is estimated at 1.4%." **[85c]** However, in spite of the high proportion of young people in Zimbabwe, the Department for International Development's (DFID) country overview of Zimbabwe (accessed on 17 August 2010) noted that: "1 in 12 children die before the age of five: 82 per 1,000 births. Almost 40% of these will die in the first month of life." **[45f]**

23.43 The Unicef report noted that

"The Government is signatory to a number of international instruments that support delivery of equitable health services [to children and women], including:

- "The UN Convention for the Rights of the Child (1989)
- The International Conference on Population and Development (ICPD) Programme of Action (1994)
- The Millennium Declaration (2000)
- The Abuja Declaration (2000)
- The Regional Child Survival Strategy for the African Region (2006)
- The Maputo Plan of Action (2006)
- The Ouagadougou Declaration (2008) on Primary Health Care and Health Systems in Africa

"In addition to the National Health Strategy for Zimbabwe (2009-2013), the Government has adopted a wide range of legislation, policies and strategies that promote children and women's health and welfare including:

- Public Health Act
- Children's Act
- Maternity Act
- Maternal and Neonatal Health Road Map (2007- 2015)
- Zimbabwe National HIV and AIDS Strategic Plan (ZNASP) (2006-2010) and ZNASP II (2011-2015)
- Comprehensive Multi-year Plans for EPI (2009-2013)
- Health Sector Investment Case (2010-2012)
- National Gender Policy
- National Child Survival Strategy for Zimbabwe (2010-2015)
- Nutrition and HIV Strategy (draft, 2010-2014)
- Infant and Young Child Feeding Policy (draft, 2010)
- Code for Marketing Breast Milk Substitutes." **[85d] (p33)**

Further detailed information about children's healthcare issues, including child mortality, and nutrition, can be found in Chapter 4 of the Unicef report – link here: http://www.unicef.org/media/files/SitAn_2010-FINAL_FINAL_01-02-2011.pdf

## HIV/AIDS

23.44 Avert.com, updated 23 August 2010, noted that: "With around half of the people living with HIV in Zimbabwe becoming infected during adolescence or young adulthood, education campaigns have primarily targeted young people. As a result, knowledge

about HIV and AIDS is higher than the average for sub-Saharan Africa. A greater understanding and awareness of HIV and AIDS is thought to lead to changes in sexual behaviour, which has been shown to reduce the number of new HIV infections." **[19c]**

23.45 The Unicef report noted that:

"HIV is a major determinant of child and maternal health in Zimbabwe, and is most likely one major factor responsible for the rise in both child and maternal mortality since the early 1990s. HIV-related causes contribute indirectly to 26 per cent of maternal deaths and directly to 21 per cent of under 5 mortality… The Prevention of Mother-to-Child Transmission (PMTCT) program began as a three-site pilot in 1999, and was rolled out in 2002, with full integration into antenatal care services. PMTCT services are currently offered in over 1,560 health facilities. Of these, 940 facilities are comprehensive PMTCT sites (that is, they offer both HIV testing and antiretrovirals (ARVs), while the remaining 620 are basic PMTCT sites (that is, they have ARVs but do not do on-site HIV testing.) Two hundred sites offer the more efficacious PMTCT prophylaxis regimen (MER), while the remainder still only give single-dose Nevirapine.

"In 2009, 59 per cent of pregnant women received ARVs to reduce risk of vertical transmission; compared to only 46 per cent of HIV exposed infants who received prophylactic ARVs. Consequently, an estimated 10,000 infected infants (out of an estimated 50,069 HIV exposed births) were expected in 2009. In addition, only 54 per cent of HIV exposed infants seen in the programme received cotrimoxazole, a simple antibiotic that can save HIV positive children's lives." **[85d] (p35-36)**

See also Medical issues, HIV/AIDS

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### DOCUMENTATION

23.46 The Zimbabwean Ministry of Home Affairs website, accessed 1 September 2010, provides information regarding the initial registration of births, general registration, fees, processing times, and how to obtain copies/ urgent copies. **[108a]**

The following link contains information about birth and death certificates: http://www.moha.gov.zw/rg_death_births.php

Please see Forged and fraudulently obtained documents for more information about various official documents and forged and fraudulently obtained documents.

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## 24. TRAFFICKING

24.01 The US State Department's *Trafficking in Persons Report 2011*, (USSD TIP Report 2011) dated 27 June 2010, placed Zimbabwe in tier 3. The US State Department defined tier 3 as: "Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so." This is the second year that Zimbabwe has been categorised as Tier 3. **[2c] (Tier placement)**

24.02 The USSD TIP Report 2011 noted that:

"Zimbabwe is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Women and girls from Zimbabwean towns bordering South Africa and Zambia are subjected to sex trafficking in brothels that cater to long-distance truck drivers. Recent reports indicate that young women from rural areas are recruited into forced prostitution through the guise of beauty pageants held in cities. Some victims of forced prostitution are subsequently transported across the border to South Africa where they suffer continued exploitation. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in rural areas, as well as domestic servitude and sex trafficking in cities and towns. Children are also utilized in the commission of illegal activities, including gambling and drug smuggling. Although security forces still maintain control of Marange district, sources indicate that forced labor abuses, including Zimbabwean security services forcing young men and boys to mine for diamonds, have ended." **[2c] (Zimbabwe introduction)**

24.03 On the subject of protection for victims of trafficking, the report noted:

"The Zimbabwean government provided trafficking victims with some protection and continued to ensure victims' access to shelter and care services provided by NGOs and international organizations. Although the government sustained its employment of a formal process for referring some types of trafficking victims to international organizations and NGOs for services, it continued to rely on these organizations to identify most trafficking victims. During the reporting period, IOM and local NGO partners identified and assisted at least eight Zimbabwean trafficking victims during the reporting period with safe shelter, psycho-social support, family tracing, and reunification; in contrast to 2009, the Zimbabwean police and Department of Social Services did not refer any victims to these organizations for care in 2010. IOM and NGO partners referred six alleged child trafficking victims to the Department of Social Welfare for care and case evaluation. Government-run shelters are in place to assist vulnerable and orphaned children, including trafficking victims, through their provision of longer-term shelter; it is unknown whether they provided such services to trafficking victims during the year. The Ministry of Labor and Social Welfare operates programs in three districts to provide orphans and vulnerable children with counseling, as well as other services; it is unknown whether they provided such services to trafficking victims during the year. … With the exception of deportees from South Africa and Botswana, the government's law enforcement, immigration, and social services authorities did not have formal procedures with which to proactively identify victims of trafficking among vulnerable populations, such as women in prostitution and irregular migrants. The lack of formal identification procedures impaired the government's ability to ensure that trafficking victims were not inappropriately incarcerated or otherwise penalized for unlawful acts committed as a direct result of being trafficked." **[2c] (Protection)**

24.04 Regarding prosecution, the report noted:

"The Government of Zimbabwe did not record or release information on the number of trafficking investigations, prosecutions, or convictions it pursued over the year and the country remained without a comprehensive anti-trafficking law. Zimbabwean law does not prohibit all forms of trafficking in persons, though existing statutes prohibit forced labor and sex trafficking. The Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years' imprisonment, a fine of between $5 and

$400, or both; these penalties are not sufficiently stringent. The Criminal Law (Codification and Reform) Act also prohibits procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe, prescribing insufficiently stringent penalties of up to two years' imprisonment, a fine up to $5,000, or both; if the victim is under 16, the sentence is increased to up to 10 years' imprisonment. The Act also prohibits coercing or inducing another person to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years' imprisonment, a fine, or both. Pledging a female for forced marriage or to compensate for the death of a relative or any debt or obligations, is punishable under the Act, prescribing penalties of up to two years' imprisonment, a fine up to $5,000, or both. None of these penalties are commensurate with penalties prescribed for other serious crimes, such as rape. In 2010, the attorney general and the Ministry of Home Affairs finalized draft anti-trafficking legislation and, in September 2010, it was introduced in the Council of Ministers for debate; however, neither the Ministry of Home Affairs or the Council of Ministers have transferred the bill to the Cabinet, which is the first step in introducing it for parliamentary consideration. The Prime Minister's Office, however, identified the draft anti-trafficking bill as priority legislation and it was included on the 2010-2011 legislative agenda. Despite these legislative plans, high level officials in the Ministry of Justice, including the minister, publicly denied the existence of the trafficking problem in Zimbabwe." **[2c] (Prosecution)**

24.05 And with regard to prevention, the USSD TIP Report 2011 noted that:

"The government demonstrated minimal efforts to prevent trafficking. The inter-ministerial task force on trafficking, made up of senior government officials, met at least once during the reporting period, did not execute any anti-trafficking programming, and continued to lack a national plan of action. The government did not conduct any anti-trafficking awareness campaigns during the reporting period; however, NGOs and international organizations developed and aired an anti-trafficking information campaign around the World Cup in South Africa on state-run television and radio. State-run media continued to print and air stories about the dangers of illegal migration, false employment scams, underage and forced marriages, engaging in prostitution, and exploitative labor conditions. Information regarding any potential measures adopted by the government to ensure its nationals deployed to peacekeeping missions did not facilitate or engage in trafficking was unavailable. The government did not make efforts to reduce the demand for commercial sex acts. Zimbabwe is not a party to the 2000 UN TIP Protocol." **[2c] (Prevention)**

See also Children and Women, Prostitution

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## 25. MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

25.01 The International Committee of the Red Cross (ICRC) *Annual Report (Zimbabwe) 2010*, published May 2011, noted that: "People in Zimbabwe have improved access to health care." The reported noted in particular that improved access to health care in Harare's suburbs was available in 12 polyclinics in the city which covered a catchment population of 1.2 million people.

"The ICRC began downsizing its support to the polyclinics in 2010, with donations covering 75% of the requirements for drugs, compared with nearly 100% in 2009; the remaining 25% was met by the National Pharmaceutical Company of Zimbabwe and UNICEF… In January [2010], the health authorities in two districts in Masvingo and Matabeleland North took over the supply of drugs and medical materials to 6 of the 11 rural health centres and 1 of the 2 referral hospitals supported by the ICRC since 2006. Following a final ICRC donation, they also started supplying the remaining six health facilities by the end of the month." **[125b] (p204)**

25.02 Noting the average distance to a medical centre (average taken from 750 individuals in 25 villages in two provinces), the United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010*, that noted:

"The mean travelling distance to the nearest health service centre is 8.7 kilometres. This distance is usually covered on foot or using an ox-drawn cart and disproportionally affects health service access for vulnerable groups such as infants, the elderly and pregnant women. The distance to health services, for example, is a contributing factor to the 39 per cent of pregnant women who do not deliver their child in an institution. The distance also presents a barrier to mothers taking infants to clinics for post-natal care." **[85d] (p100)**

25.03 The Civil Society Monitoring Mechanism report, *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, (CSMM Report 2011) released on 21 February 2011, observed that: "The situation in Zimbabwe's health sector has improved compared to 2008/9, although the country continues to battle disease outbreaks. Currently, Zimbabwe is facing cholera and measles outbreaks, albeit at a lower scale than the previous two years, following interventions by partners." **[48c] (p22)**

25.04 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), (UKBA FFM Report 2010) noted that a representative of the Zimbabwe Human Rights NGO Forum stated that:

"There have been major improvements in the health sector. People are getting drugs, many provided by humanitarian organisations. However, the cost of healthcare even in public hospitals puts it beyond the financial reach of many.

"There is some politicisation in healthcare provision. If a patient is a victim of a human rights violation they cannot get treatment without a police report, which the police will often decline to provide, thus effectively barring treatment in public hospitals. In rural areas the senior people in charge of healthcare facilities will usually be controlled by ZANU-PF supporters and there is concern that this may lead to denial of treatment for those who are known to be MDC supporters. However the Forum has received no reports of this happening and it is likely to apply only to those who have a known profile as a political or human rights activists.

"In the major cities, there is no political discrimination in the provision of healthcare and in fact most of the healthcare workers would probably be more inclined to discriminate against ZANU-PF supporters, but it doesn't happen, possibly because of higher literacy rates and political awareness.

"The Source also explained that 'high profile' will mean different things in urban and rural areas. In the latter a Ward Chairperson would be a high profile figure but in the cities such a person would be a nobody." **[121a] (p18)**

25.05 IRIN, dated 5 August 2009, noted that there was a range of good private medical facilities in the country, but most Zimbabweans were unable to afford them. There were reports of some Zimbabweans crossing the border to South Africa to access cheap or free treatment in the country's public hospitals. **[10a]**

25.06 Radio Netherlands Worldwide reported on 9 November 2009 that:

"In an article published in the British medical journal *The Lancet* last month, figures show how health care has deteriorated. Between 1990 and 2006 life expectancy reduced from 62 to 43 years. This was mainly caused by many young adults who died of HIV-related diseases such as tuberculosis. The mortality of mothers in childbirth rose from 168 in 1990 to 725 per 100,000 births in 2007. The number of tuberculosis infections has quadrupled in that period." **[114a]**

25.07 An article documenting the personal observations of Dr Kate Adams, a British general practitioner, who visited Zimbabwe in May 2010, published in the *British Medical Journal*, dated 7 August 2010, noted that since the formation of the Government of National Unity improvements in the economy and assistance from international NGOs had meant that the public "… health system is starting to function again." Hospitals that only two years previously had been empty and understaffed are now operating successfully with good levels of staffing, service, and care. More complex testing and treatments, such as dialysis, CD4 counts, and bone marrow biopsies, are also being offered. While there were no significant problems obtaining Anti Retrovirals for the treatment of HIV/AIDS, there continued to be shortages of other essential drugs. The article noted that a significant concern for medical staff was the "fragile" political situation. While "… healthcare professionals are beginning to return …", they remain "… anxious about the country's stability and their own prospects, given the ongoing political situation and human rights abuses." **[116a] (p302)**

25.08 The *British Medical Journal* article (dated 7 August 2010) continued, the public "… health system is starting to function again." Of the hospitals and clinics visited by Dr Kate Adams in Bulawayo and Buhare, it was noted that hospitals were now beginning to operating successfully with good levels of staffing, services, and care. More complex testing and treatments, such as kidney dialysis, CD4 counts, and bone marrow biopsies, are also being offered. While there were no significant problems obtaining Anti Retrovirals for the treatment of HIV/AIDS, there continued to be shortages of other essential drugs. **[116a] (p302)**

25.09 The Voice of America reported on 13 September 2010 that intensive care wards were re-opened at Harare's Central Hospital after having been closed for eight years. A new renal centre was also reported to have opened at the hospital. **[83f]**

### PRIVATE HEALTH CARE FACILITIES

25.10 IRIN reported on 5 August 2009 that: "Private hospitals in Zimbabwe still maintain high standards, but at a premium …" **[10a]** A report by Hospital Management, dated 22 December 2009, noted that: "… most of the private [healthcare] institutions are

operating on a US dollar system charging fees out-of-reach for the majority of the country's 13 million people." **[102a]**

25.11 The International Organisation for Migration (IOM) in Ireland noted in an undated document, accessed 25 September 2009, that: "There are a wide range of health facilities in Zimbabwe from General Practioners (GPs) and specialists to public and private hospitals and clinics. Facilities are clean and modern practices are used. Medication can be sourced from pharmacies that are found across the country." **[105a]**

25.12 Zimbabwe has a number of private hospitals, the two main hospitals in Harare are the Avenues Clinic and St Anne's Hospital (US State Department, accessed 23 September 2009) **[2f]** (St Anne's Hospital, accessed 4 July 2011) **[64a]**. The Australian Department of Immigration and Citizenship website, accessed 4 July 2011, noted that the Baines Imaging Group had radiology clinics in Bulawayo and Harare. The Diagnostic Imaging Clinic, based in Harare also has a radiology clinic in the city. **[68a]** St Anne's Hospital provided the following treatments:

Oncology (cancer diagnosis/treatment),

General surgery,

Urology (Urinary tract, including kidneys),

Orthopaedic surgery,

Paediatrics medicine/surgery,

Neurology and Neurosurgery,

Radiology,

Gynaecology,

Cardio-thoracic surgery (heart and lungs),

Ear, nose and throat surgery,

Pharmacy. (St Anne's Hospital, accessed 4 July 2011) **[64a] [64b]**

25.13 The Commercial and Industrial Medical Aid Society (CIMAS) website (last modified on 24 May 2010) noted that its medical partners are able to offer chemotherapy through the St Clements Centre in Harare. **[54a]**

25.14 A report in the *The Standard*, dated 5 September 2009, noted that private hospitals in Zimbabwe were able to offer renal dialysis treatment at around US$160 per session. **[70a]**

25.15 Two sources noted the existence of renal (kidney) dialysis in Zimbabwe. Both *The Herald*, dated 7 September 2009, and *The Standard*, dated 5 September 2009, reported that hospitals in Bulawayo and Harare, including private medical facilities, and had dialysis machines. However, the sources reported that access was limited because of demand and the low number of machines in the public sector. **[30c] [70a]** *The Herald* reported on 14 September 2010 that the public Harare Central Hospital had opened its

own renal unit. The move is expected to "… reduce medical costs for people suffering from kidney failures. The unit offers dialysis services at a cost of US$200 a week compared to US$500 charged by private health institutions." **[30b]**

See Economy for information about average income and Health care professionals below.

### HEALTH CARE PROFESSIONALS

25.16 ZimOnline reported on 10 February 2010 that: "Nurses and doctors earn below [US]$200 a month and use mostly sub-standard equipment, while public hospitals do not have adequate stocks of medicines. These conditions have shattered the health personnel's morale and the government has said it does not have money to raise civil service salaries by a substantial amount." **[49e]** *The Herald* reported on 6 April 2011 that public service salaries were increased in April, but while union demands of a minimum of US$502 were declined, the government had agreed to raise salaries to around US$250 per month. **[23b]**

25.17 A report by Dr Kate Adams on a private visit to Zimbabwe published by the *British Medical Journal*, dated 7 August 2010, noted that in spite of a fragile political system people were more optimistic about the future. "Some healthcare professionals are beginning to return, though people remain anxious about the country's stability and their own prospects, given the ongoing political situation and human rights abuses." The article noted that in one public hospital in Bulawayo, medical staff salaries were being topped up by the Global Fund to Fights AIDS, Tuberculosis and Malaria. The topping up of salaries ensures that staff earn a living income. **[116a] (p302)**

25.18 The *British Medical Journal* article also observed that: "Zimbabwe has just 900 working doctors, including only 19 paediatricians, for a population of about 10 million …" [116a] (p302) The Institute for the Democratic Alternative for South Africa, noted in its States in Transition Observatory (SITO report) - *Zimbabwe Government of National Unity Watch*, April 2010, dated 14 May 2010, that "The Surgical Society of Zimbabwe … revealed that there are only 47 surgeons left in the country." **[9g]**

25.19 A response to Dr Kate Adams's article in the *British Medical Journal*, dated 11 August 2010, by a consultant physician and Kings College Hospital, London, stated that "… the Department of Medicine in the medical school in Harare … continues to produce 170 medical graduates every year." **[116b]**

### ACCESS TO DRUGS

25.20 The UKBA FFM report 2010 recorded the comments of a representative of the Zimbabwe Human Rights NGO Forum: "There have been major improvements in the health sector. People are getting drugs, many provided by humanitarian organisations." **[121a] (p18)** A report by the International Committee of the Red Cross (ICRC), *Zimbabwe: addressing the essential needs of prisoners*, dated 28 October 2010, noted that: "… 92 per cent of the rural clinics and 87 per cent of the urban ones are no longer experiencing shortages of essential drugs." **[125a]**

25.21 The UKBA FFM report 2010 noted the comments of an organisation that asked to remain anonymous: "… aid is increasingly delivered not to individuals, but to

organisation[s] such as hospitals … making discrimination against individuals more difficult." **[121a] (p15)**

25.22 With regard to drugs for HIV/AIDS, the Foreign and Commonwealth Office produced a report entitled *Availability of Treatment for HIV/AIDS in Zimbabwe* (FCO HIV/AIDS report), published 11 February 2010, which noted that there was no evidence of political manipulation in the distribution of Anti Retrovirals (ARVs). The report noted:

"Most respondents stated that they had seen no evidence of the availability or otherwise of Antiretroviral Treatment being dependant on political affiliation. All of those interviewed stated that they were not aware of any issues around the withholding of drugs by the Government in MDC areas. Some of those interviewed said that it was difficult to see how ZANU (PF) would be able to orchestrate the withholding of drugs to particular areas as they would not have the access to the relevant mechanisms, for example, they have 'no control over procurement, which is handled by NGO's and International Organisations etc'." **[13f] (p19)**

25.23 Local NGO, *HIV/AIDS Zimbabwe*, noted on 12 May 2011 that the National Aids Council (NAC) announced that it would be introducing an anti retroviral card system to monitor distribution and access to ARVs and to curb "double dipping" abuse to increase overall access to the drugs. **[141a]**

25.24 *Business Monitor International*, *Zimbabwe Pharmaceuticals and Healthcare Report Q3 2010*, noted that counterfeit drugs had become a problem in Zimbabwe. The report stated that:

"… counterfeiting has grown. While a laudable effort to seize substandard medicines has been run by the authorities, the weak legal framework prolongs the time taken to grant permission to destroy consignments and prosecute offenders. With no real deterrent in place, and an increasing demand for medicine from the population, addressing counterfeit drugs in Zimbabwe will be difficult, despite international collaboration with international agencies. Antimalarials, steroids, antibiotics and erectile dysfunction (ED) medicines comprise the bulk of the counterfeit medicines." **[128a]**

25.25 The US Embassy in Harare on its website, undated, accessed on 3 September 2010, listed five pharmacies in Harare. **[2d]**

## HIV/AIDS – ANTI-RETROVIRAL TREATMENT

### Overview

25.26 The United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010*, (Unicef Report 2011). The report noted that:

"Zimbabwe has long been at the epicentre of the HIV epidemic. The estimated HIV prevalence among adults 15-49 years is 14.3 per cent. Women face a higher risk of infection at younger ages: 7.45 per cent of women 15-24 years are HIV positive, compared to 3.54 per cent of their male peers. … HIV is a major determinant of child and maternal health in Zimbabwe, and is most likely one major factor responsible for the rise in both child and maternal mortality since the early 1990s. HIV-related causes contribute indirectly to 26 per cent of maternal deaths and directly to 21 per cent of

under 5 mortality… Trends in adult HIV prevalence 1981 to 2007, [show] there has been a significant decline in HIV prevalence since the peak of the pandemic in 1997. Intensive data analysis shows that the decline in HIV prevalence was driven by a combination of falling HIV incidence and high mortality." **[85d] (p35)**

For more details of the impact of HIV/AIDS on children and women see the Unicef report: http://www.unicef.org/media/files/SitAn_2010-FINAL_FINAL_01-02-2011.pdf

25.27 A joint report published by Food and Agriculture Organisation of the United Nations, and the World Food Programme, entitled *FAO/WFP Crop and Food Security Assessment Mission to Zimbabwe*, dated 9 August 2010, noted that:

"By the end of 2009, 1.1 million Zimbabweans were living with HIV and 1,090 people were dying weekly of AIDS related illness, the main cause of mortality. … Health indicators have deteriorated at an alarming rate with Zimbabwe having the fourth highest crude mortality rate in Africa. Life expectancy at birth dropped to 44 years in 2008 (WHO). … Gains have been made through intensive HIV awareness and behavioural change campaigns, leading to a decline in the prevalence rate from 18.1 to 13.7 percent in 2009 (Ministry of Health and Child Welfare), remaining one of the highest in the world." **[101a] (p28)**

25.28 The Foreign and Commonwealth Office produced a report entitled *Availability of Treatment for HIV/AIDS in Zimbabwe* (FCO HIV/AIDS report), published 11 February 2010, noted that at the end of November 2009, more than 215,000 people were receiving ARTs in the public and private health care sectors. **[13f] (p13)** Business Monitor International, *Zimbabwe Pharmaceuticals and Healthcare Report Q3 2010*, noted that the coalition "… government is planning to increase the number of patients with access to HIV/AIDS antivirals (ARVs) to 250,000 state patients by end of 2010, and to 350,000 patients by 2012." **[128a]** The World Health Organisation (WHO) in *Health Action in Crises*, published December 2008, noted that around 340,000 people required anti-retroviral treatment (ART). **[97b]**

## Availability of treatment

25.29 As noted in the FCO HIV/AIDS report (published 11 February 2010), over 215,000 Zimbabweans were in receipt of ARVs. **[13f] (p13)** The Business Monitor International, *Zimbabwe Pharmaceuticals and Healthcare Report Q3 2010*, noted that this would be scaled-up to 250,000 recipients by end of 2010. **[128a]** However, IRIN news report on 12 April 2011 that: "Around 226,000 people are obtaining ARVs from Zimbabwe's public health system, leaving a treatment gap of about 340,000 …" **[10d]**

25.30 The Southern Africa HIV and AIDS Information Dissemination Service (SAfAIDS) noted in a guide published in December 2009, entitled *An HIV Treatment Roadmap for Zimbabwe*, that treatment for HIV/AIDS was available across Zimbabwe with dozens of hospitals and clinics offering treatment in each of the country's provinces. The guide provided detailed information regarding accessing of treatment, costs for testing and drugs, and the location of public and mission hospitals, clinics, and counselling centres. Unless subsidised by a charity or mission hospital, all tests and HIV medication (ARVs – AntiRetroVirals) will need to be paid for at the point of delivery. **[52a]**

25.31 A guide produced by the National Drug and Therapeutics Policy Advisory Committee and the Zimbabwe Ministry of Health and Child Welfare, dated July 2007, noted that

ARV treatment should be initiated following a "… documented positive HIV test and one of the following:

- "Have a WHO clinical stage 3 plus CD4+ count less than 350
- Have a WHO clinical stage 4
- Have a CD4+ count of less than 200 irrespective of the WHO staging." **[113a] (p11)**

The following link provides details of the different WHO Clinic Staging System: http://www.avert.org/stages-hiv-aids.htm

25.32 IRIN News reported on 12 April 2011 that:

"Zimbabwe's government adopted new guidelines set by the World Health Organisation (WHO) for treating people living with HIV almost a year ago, but funding constraints have made it difficult to implement then – until now.

"On 1 April 2011, Zimbabwe started phasing out the combination antiretroviral treatment (ARV) Stavudine, Lamivudine and Nevirapine as its first-line option for the national programme , replacing it with the less toxic Tenofovir-based regimens for adults and Zidovudine-based regimens for children, as recommended by the 2010 WHO guidelines. Stavudine is widely used in developing countries because of its lower cost, but produces more serious side effects." **[10d]**

## Waiting time for treatment

25.33 The FCO HIV/AIDS report (published 11 February 2010) noted that the waiting time for access to public treatment for those not deemed to be priority cases was reported to be typically around 6 months. **[13f] (p14)** However, those returning to Zimbabwe, who were already receiving treatment, would be prioritised and should be able to access treatment in about two to four weeks at a government hospital, and only a few days at a private clinic. **[13f] (p11&12)** IRIN News reported on 12 April 2011 that adults with a CD4 cell count of 350 or below, or pregnant women and infants would begin treatment immediately and with less toxic ARV regimens. **[10d]**

## Shortages and political influence in the availability of ARVs

25.34 The FCO HIV/AIDS report (published 11 February 2010) noted that the majority of ARVs (around 90%) are supplied by NGOs and International Organisations. As a result, the availability of ARVs is not affected by economic and political conditions in the country. A number of NGOs and International Organisations provide their own transport to ensure drugs reach regional clinics and treatment centres. **[13f] (p20)**

25.35 The FCO HIV/AIDS report also noted that its contacts had not reported any evidence of political manipulation in the distribution of ARVs, even in MDC areas. **[13f] (p19)** A report published by the Civil Society Monitoring Mechanism, covering events during January and February 2010, that noted that the "Distribution of ARVs continues without discrimination." **[48a] (p4)**

25.36 IRIN PlusNews recorded 19 HIV organisations in Zimbabwe providing assistance to people with HIV/AIDS. (IRIN PlusNews – Country Profile: Zimbabwe, 2009) **[10bm]**

The following link provides details of these organisations:
http://www.plusnews.org/profiletreatment.aspx?Country=ZW&Region=SAF

## Cost and availability of ARVs

25.37 Sokwanele reported on the 11 July 2011 that while ARV's are "free", people in rural areas were often at a disadvantage because clinics were often some distance from their homes, the resultant transportation costs making it difficult for the rural poor to attend clinics. **[37h]** IRIN, dated 12 April 2011, noted that newly adopted treatment "… guidelines mean that at least half a million people will now qualify for treatment, at a cost of US$7 per person per month." **[10d]**

25.38 A guide produced by the National Drug and Therapeutics Policy Advisory Committee and the Zimbabwe Ministry of Health and Child Welfare, dated July 2007, noted that the following ARVs were available in Zimbabwe:

| NRTIs | NNRTIs | PIs | NtRTIs |
|---|---|---|---|
| Zidovudine (ZDV, AZT) | Nevarapine (NVP) | Saquinavir (SQV) | Tenofovir |
| Didanosine (ddl) | Efavirenz (EFV) | Ritonavir (RTV) | |
| Emtricitabine (FTC) | | Inidavir (IDV) | |
| Stavudine (d4T) | | Nelfinavir (NFV) | |
| Lamivudine (3TC) | | Lopinavir/ritonavir (LPV/r) | |
| Abacavir (ABC) | | Atazanavir | |

**[113a] (p9)**

25.39 In addition, the FCO reported that the following ARVs were available privately:

| NRTI's | NNRTI's | PI's | NtRTI's |
|---|---|---|---|
| Zidovudine (ZDV, AZT) | Nevarapine (NVP) | Saquinavir (SQV) | Tenofovir |
| Didanosine (ddl) | Efavirenz (EFV) | Ritonavir (RTV) | Truvada |
| Emtricitabine (FTC) | | Inidavir (IDV) | Truvada/Nevarapine |

| | | | |
|---|---|---|---|
| Stavudine (d4T) | | Nelfinavir (NFV) | |
| | | Lopinavir/ritonavir (LPV/r) | |
| Lamivudine (3TC) | | Atazanavir | |
| Abacavir (ABC) | | Invirase | |
| | | Aluvia | |
| **Combination ARVs** | | | |
| Triomune (Lamivudine + Stavudine + Nevarapine) | | | |
| Duovir (Lamivudine + Zidovudine + Nevarapine) | | | |
| Didanosine + Ritonavir | | | |
| Lamivudine + Stavudine | | | |
| Combivir (Lamivudine + zidovudine) | | | |

**[13f] (p15-17)**

## Women and children

25.40 IRIN News reported on 12 April 2011 that the Zimbabwe's government had adopted new guidelines set by the World Health Organisation (WHO) which means that "… pregnant women and infants living with the virus should begin treatment regardless of their CD4 count and clinical stage." **[10d]**

25.41 The Inter Press Service (IPS) reported on 26 July 2010 that:

"Under government policy, care for pregnant women, new mothers and infants receive free care. But the country's rapid economic decline in the past decade has compelled health institutions to raise their own revenue to meet costs. … Expecting mothers are required to pay a 50 U.S. dollar booking fee at clinics and government hospitals, but this is equivalent to about a third of a low-ranking civil servant's monthly salary, an amount many here cannot afford." **[15b]**

25.42 The IPS article noted that the high costs at public hospitals had driven many mothers to seek health care assistance from traditional healers, potentially exposing mother and child to "… unnecessary life threatening conditions." **[15b]** The Voice of America, dated 29 July 2010, noted that fees at public hospitals were preventing women from accessing professional maternity services and that this had caused "… maternal deaths, particularly in rural communities …" **[83e]**

25.43 The IPS article noted that many mothers "disappear" to avoid paying all or some of the fees, however, "… mothers who fail to pay their fees are denied the necessary documents needed to get birth certificates for their newborns." **[83e]**

25.44 Avert.com updated 23 August 2010 noted that:

"In Zimbabwe, more than 17,000 children are infected with HIV every year, the majority through mother to child transmission. As with VCT [Voluntary Counselling and Testing], the provision of services to prevent the transmission of HIV between mothers and their children during pregnancy is gradually being scaled up. The prevention of mother-to-child transmission (PMTCT) pilot programme was launched at four sites in 1999 and today the programme is nationwide. It aims to provide pregnant women with free VCT and give them access to nevirapine, a drug that significantly reduces the chances of transmission occurring.

"The provision of drugs to prevent MTCT rose from 4% in 2006 to 29% in 2007. Although this is an encouraging scale-up, the provision of PMTCT services remains severely limited by a lack of funding, and access to nevirapine remains low. Around 120,000 children are living with HIV in Zimbabwe, most of whom became infected through mother-to-child transmission. AVERT is calling for rapid improvements in PMTCT in our Stop AIDS in Children campaign." **[19c] (p5)**

25.45 Zimbabwe News Online, dated 1 April 2011, noted that: "The National Aids Council recently revealed that children as young as 12 years of age in Matabeleland North are resorting to commercial sex in both Victoria Falls and the nearby mining town of Hwange. These may include women, young girls, men and transgender people …" The report went on to note that because the men who use the prostitutes often refuse to use condoms, the risks of contacting HIV were increased and that "… trying to fight the spread of HIV had become like chasing the wind." **[98a]**

## MENTAL HEALTH

25.46 The US State Department *Country Reports on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"Persons with mental disabilities … suffered from inadequate medical care and general provision of health services. There were eight centralized mental health institutions in the country with a holding capacity of more than 1,300 patients. The eight institutions were allocated approximately 1 percent of the Ministry of Health's budget. Inpatients received cursory screening, and most waited for at least one year for a full medical review. A shortage of drugs and adequately trained mental health professionals resulted in patients not being properly diagnosed and not receiving adequate therapy. There were fewer than 10 certified psychiatrists working in public and private clinics and teaching in the country. There was a 50 percent vacancy rate for psychiatric-trained nurses; more than 90 percent of the available psychiatric services were provided at the mental institution in Bulawayo. NGOs reported patients being subjected to deplorable living condition in terms of food, water, clothing, and sanitation. Budgetary constraints and low holding capacity at these institutions resulted in persons with mental disabilities being kept at home and cared for by family, normally under chains and without treatment. No social workers worked on the issue of reintegration for recovering patients." **[2b] (section 6)**

25.47 *The Standard* (Zimbabwe), dated 12 June 2011, noted that:

"Government only provided US$6,000 to the mental health sector last year, signalling a lack of will to help people suffering from mental illnesses, experts have said.

Contributing to [a] debate on mental health facilitated by the Humanitarian Information Facility Centre in hare last week, the stakeholders said the lack of commitment had also hampered the country's capacity to deal with mental health issues. … 'Lack of funds is negatively affecting procurement of medication and admissions for psycho-social services,' said Mercy Kamuzunguze of Healthwatch Welfare Organisation Trust. 'Sometimes patients run out of medication and that negatively affects the progress made in rehabilitating them.' … Lovemore Pasina of Tariro Halway Homes … said Zimbabwe only had 10 psychiatrists, which made it difficult to properly care for patients." **[20e]**

25.48 Kubatana, last updated 25 July 2009, noted that national NGO Zimbabwe National Associations for Mental Health (ZIMNAMH), campaigns for assistance for people with mental health problems. The organisation is based in Harare. **[55b]**

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## 26. HUMANITARIAN ISSUES

26.01 The Civil Society Monitoring Mechanism *Annual review of the performance of the inclusive government of Zimbabwe, February 2010 – February 2011*, released on 21 February 2011, observed that the improved political environment has had a "… direct dividend for humanitarian operations, as access to vulnerable communities significantly improved and collaboration between the humanitarian community and the Government of Zimbabwe (GoZ) increased." The report continued:

"Improvements notwithstanding, numerous challenges remain that require the full attention and planning of the humanitarian community including those which may arise in the context of constitutional reform, the scheduled end of the GPA, anticipated elections and/or further socioeconomic shocks.

"Significant improvement is evident in areas of food security and basic social service delivery as a result of joint efforts by Government and aid partners. Led by the Government and with the support of the humanitarian community, major disease outbreaks have been prevented or responded to in an effective and timely manner, averting large-scale epidemics. Improved humanitarian access has led to better targeted assistance, while the gains achieved through concerted humanitarian action in the last couple of years need to be consolidated by ensuring strong linkages to medium-term and long term programming.

"However, there are still significant humanitarian needs. One in every three children in Zimbabwe is chronically malnourished and malnutrition contributes to nearly 12,000 child deaths each year. An estimated 1.7 million Zimbabweans will face severe food insecurity in the peak hunger period of January to March 2011. Challenges remain in the agriculture sector. One-third of rural Zimbabweans still drink from unprotected water sources, and while the scale of cholera was significantly reduced, localized outbreaks continued due to the poor state of the health and water-sanitation-hygiene sectors. As of 10 November 2010, 18 out of the 62 districts in the country have been affected by the cholera outbreak that started on 4 February, compared to 54 districts at the same time in 2009. The crude case fatality rate since the outbreak started stands at 2.6% which is 1.7% lower than that of last year. The low coverage of basic health care is still resulting in rising maternal and child mortality and overall excess morbidity and mortality. Emigration, triggered inter alia by over 60% unemployment, is affecting all sectors.

Significant numbers of internally displaced people require humanitarian assistance and durable solutions." **[48c] (p21)**

## LAND REFORM

26.02 A report published by the United States Congressional Research Service entitled *Zimbabwe: The Power Sharing Agreement and Implications for U.S. Policy*, dated 27 October 2009, noted that:

"At the time of Zimbabwe's independence in 1980, the country's white minority, which composed less than 5% of the population, owned the vast majority of arable land. Many observers considered the country's commercial farms crucial to the country's economy, although there was a general recognition that reforms were necessary to provide greater equity in land distribution. Britain initially funded a 'willing buyer, willing seller' program to redistribute commercial farmland, offering compensation to white farmers amenable to leaving their lands. Dissatisfaction with the pace of land reform grew and led in the 1990s to spontaneous and often violent farm invasions. Facing rising political and economic challenges, the Government of Zimbabwe began to implement aggressive land expropriation policies, leading Britain and other donors to begin withdrawing financial support for resettlement. In 2000, the government held a referendum to approve changes to the constitution that would allow land seizures without compensation. The referendum was rejected by 55% of voters. Within days of the vote, however, so-called veterans of the independence struggle and ruling party supporters moved onto an estimated 1,000 white owned farms, and, months later, the President invoked emergency powers to expropriate land without compensation. There were numerous attacks against white farmers and their employees." **[6a] (p15)**

26.03 The US State Department *Report on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, noted that:

"Land seizures remained a serious problem. Constitutional amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the government, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. The 2006 Gazetted Land (Consequential Provisions) Act requires all farmers whose land was forcibly seized by the government and who were not in possession of an official offer letter, permit, or lease to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years. The act was primarily used to target the 4,500 large-scale and primarily white-owned farms in the country for seizure and redistribution to black Zimbabweans, including ZANU-PF supporters." **[2b] (Section 1f)**

26.04 The USSD 2010 noted that

"Some of the approximately 400 remaining white commercial farmers continued to be targeted, harassed, and threatened with eviction by farm beneficiaries, youths, and hired thugs. According to one commercial farmer union, an average of 150 farm incidents per month were documented during the year. In some instances farmers were forced off their farms at gunpoint, despite being in possession of a court order that allowed them to remain on the property, and not given the opportunity to collect their

personal belongings. A few were arrested and kept in detention at the local police station for at least one night prior to being given access to a lawyer and released. Black farm workers on white-owned farms were beaten, intimidated, or displaced. Police, in most cases, did not intervene and stood aside while invaders and looters carried on their activities." **[2b] (Section 1f)**

26.05 The USSD 2010 noted that in spite of the SADC in November 2008 ruling in favour of 79 farmers "… finding that by barring titleholders from being heard in Zimbabwe's courts, the government violated the rule of law ... the government continued prosecutions of farmers for remaining on state-confiscated farms during the year. In an August 2009 letter, Minister of Justice Patrick Chinamasa informed the SADC tribunal that the country was pulling out of the tribunal." **[2b] (Section 1f)**

26.06 A report by the Crisis Coalition of Zimbabwe, entitled *The Military Factor in Zimbabwe's Political and Electoral Affairs*, dated 3 June 2011, noted that:

"President Mugabe has gone to great lengths to ensure the military's continued loyalty, including distribution of land… Senior military officials rank among the top beneficiaries to the violent and chaotic commercial farm invasions that began at the instigation of ZANU-PF in February 2000. An investigation by a Zimbabwean online publication revealed that of the 200 army officers from the rank of Major to Lieutenant General of the Zimbabwe National Army, at least 90% benefited from farm invasions and have farms in most fertile parts of the country." **[43a] (p20)**

For more detailed information regarding land and politics see the Institute for the Democratic Alternative for South Africa, States in Transition Observatory, report, *The Politics of Land in Zimbabwe*, dated 30 May 2011 **[9h]**:
http://www.idasa.org/media/uploads/outputs/files/the_politics_of_land_in_zimbabwe.pdf

Also see Ethnic Minorities: Whites

26.07 The Foreign and Commonwealth Office's *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, published March 2011, noted that: "More than 200 commercial farmers continued to face prosecution, intimidation and harassment as they fought to remain on their farms in 2010. Farm evictions continued, often accompanied by violence and looting of property." **[13h] (p355)**

26.08 The USSD 2010 noted that: "Black farm workers on white-owned farms were beaten, intimidated, or displaced. Police, in most cases, did not intervene and stood aside while invaders and looters carried on their activities." **[2b] (Section 1f)**

26.09 SW Radio Africa reported on 29 November 2010 that Zimbabwe's "… Supreme Court has effectively given the all clear for unlawful land invasions to continue across the country, after dismissing an urgent application for a moratorium on farm seizures to be put in place." The article continued:

"The application was filed by the Commercial Farmers Union (CFU) in an attempt to halt the land seizures, by asking the Court to stop the ongoing prosecution of white farmers, whose only crime has been to remain on the properties they own. The CFU's President Deon Theron explained to SW Radio Africa on Monday that there are only a handful of white farmers left in Zimbabwe, and the moratorium was to give them breathing space until the land issue in the country was sorted out.

"The remaining commercial farmers have been under almost constant siege despite the formation of the unity government, which promised to protect the property rights of all Zimbabweans. Farmers have continued to lose land and have been hauled before the courts time and time again, facing accusations of refusing to leave so called 'State land'. … The Chief Justice also made it clear that the 2008 regional ruling, declaring the land grab campaign unlawful, held no power in Zimbabwe, saying the Supreme Court's decision was final and was not bound or influenced by the Southern African Development Community (SADC) Tribunal." **[53g]**

26.10 *The Gulf Times* reported on 4 June 2010 that: "White farmers and their lawyers are struggling with a new wave of violent invasions of what is left of the embattled community's farms, agricultural union officials said yesterday. … In Bubye district in the western province of Matabeleland North, six farmers were evicted at gunpoint, arrested and forced to spend several nights in jail after state security agents seized their farms, officials of the Southern African Commercial Farmers Association said in a statement." **[44a]** *The Times* reported on 31 January 2010 the case of white farmer Ray Finaughty who received a "savage beating" by farm invaders. While the local police had previously been sympathetic to Mr Finaughty, *The Times* reported that the local chief inspector had said that he was unable to get involved as the situation was "political" and a "hot potato". **[82f]** On 11 June 2010 *The Telegraph* detailed a number of illegal farm evictions that took place in April and May 2010. In one incident the report noted that: "When the police tried to take Gary Godfrey's farm in Nyamandhlovu [Matabeleland] a few weeks ago, his workers and the locals veterans went to see the superintendent and insisted it stopped. Most of the seizures have been taking place in Nyamandhlovu and Inyathis, districts which are traditionally very independent. People there are tired of being dictated to by the police." **[5f]**

26.11 SW Radio Africa reported on 27 October 2010 that: "A 67 year old white farmer was killed at his Scotsdale Farm in the town of Chegutu, west of Harare, just after midnight on Monday as lawlessness on commercial farms continues." The report noted a further case of senior army officers in mid October forcing 73 year old Tiennie van Rensburg and his wife to vacate their farm in the Nyazura district east of Harare. **[53i]**

26.12 The Zimbabwe Peace Project noted in its Summary on politically motivated human rights violations and food related violations - May 2011, published 24 June 2011, noted that: "On May 12, a group of war veterans invaded a farm in Guruve South and ordered the white farm owner to vacate the premises as they were moving to evict all the remaining white commercial farmers. The farm manager of Mwembezi 1 Farm reported the incident to the District Administrator whose interventions have failed to stop the war veterans' actions." **[122o] (p6)**

For recent developments on land reform/evictions see Latest news and the Zimbabwe Peace Project monthly political and human rights reports.

## FOOD SHORTAGES

25.13 The United Nations Children's Fund (Unicef) published a report on 18 March 2011 entitled: *A situational analysis on the status of women's and children's rights in Zimbabwe, 2005 – 2010*, noted that:

"Agricultural production has suffered as a result of weak support services, lack of credit, acute shortages of essential inputs, and the impact of HIV. These conditions are

exacerbated by poor soil fertility and low water availability. Many rural areas have not recovered from the impact of erratic rainfall, as recurrent droughts make it difficult for people to improve their situation. Regular shocks have wiped out savings and productive assets, increased people's vulnerability and reduced their productivity. Loss of livestock has resulted in loss of draught power and reduced productivity. With increased frequency of dry spells, women and young girls walk long distances to collect water." **[85d] (p99)**

26.14 The United Nations World Food Programme noted in its *Zimbabwe Country Profile - Overview*, accessed 12 July 2011, noted that:

"In Zimbabwe, food production has been devastated by economic and political crises as well as by natural disasters. … This situation has necessitated large-scale humanitarian food assistance operations in the country… The 2010 Food and Crop Supply Assessment (CFSAM) report estimated the national cereal deficit and food gap at 428,000 tons against a national requirement of 2.1 million tons. Liberalization of the grain market means that commercial traders have been able to fill some of this gap but a substantial international humanitarian assistance programme has still been necessary and will continue until the harvest.

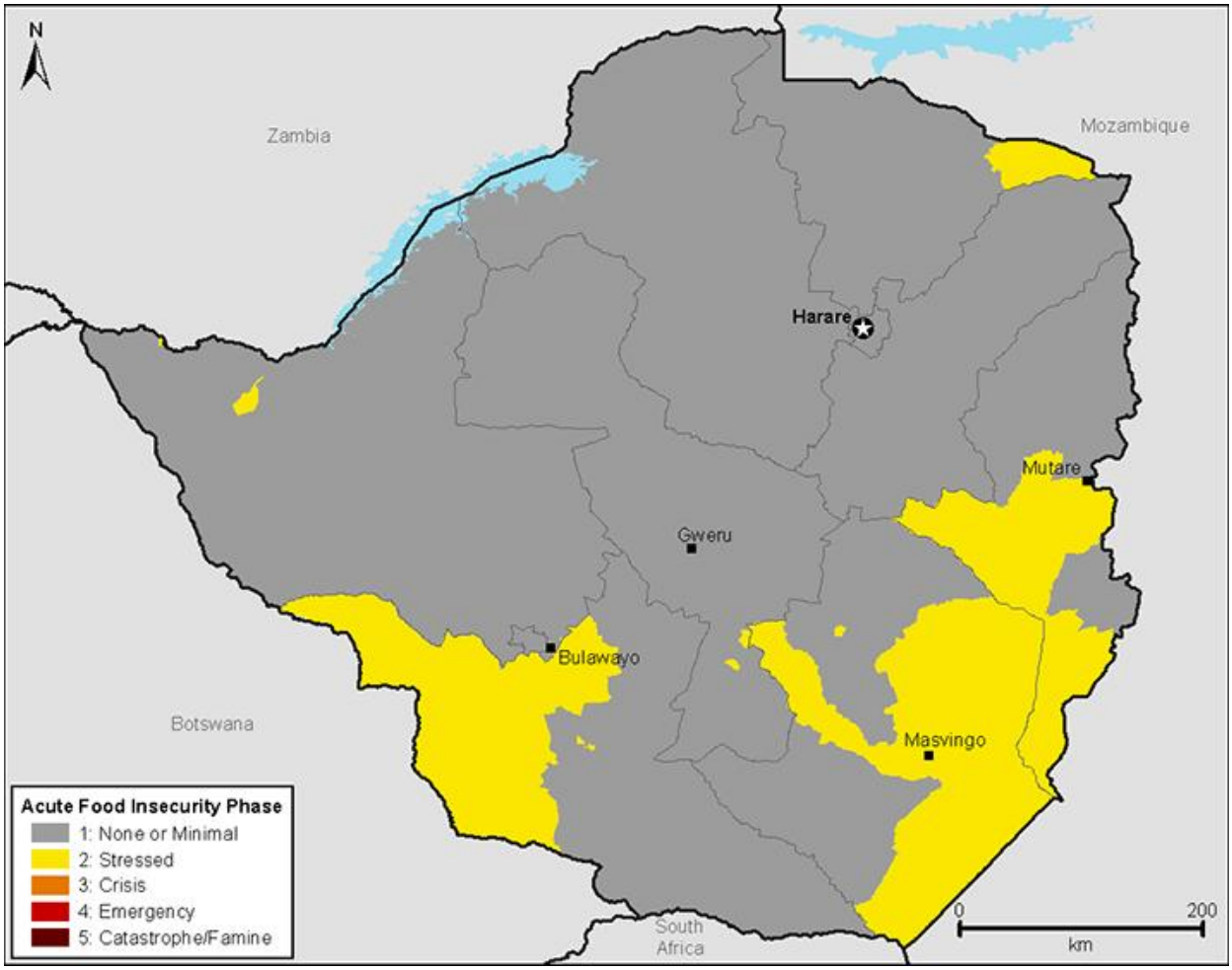
"The CFSAM estimated that around 1.68 million food-insecure people would continue to need assistance during the 2010/11 consumption year, the time between harvest and the next harvesting season. Under the Seasonal Targeted Assistance (STA) programme, WFP plans to reach as many as 1.1 million people out of a total of 1.3 million nationwide during the 2010/2011 hunger season (the lean period between October and March just before the harvest). Additionally, WFP will continue with the implementation of its year-round health and nutrition and social safety net programmes, such as support to HIV/AIDS patients and their households, home- based care, as well as assistance to orphans and vulnerable children, and internally displaced people. These programmes target some 400,000 people." **[111a]**

26.15 The United States funded Famine Early Warning Systems Network (FEWSNet), noted in its Zimbabwe Country profile, accessed 4 July 2011, that: "Food security remains generally stable at the national level with staple cereals and basic food stuffs readily available on the market." **[94a]**

The FEWSNet Zimbabwe Country Profile provided the map below indicating areas of the country with food security issues:

**Estimated food security conditions, 2nd Quarter 2011 (April-June 2011) [94a]**

192 The main text of this COI Report contains the most up to date publicly available information as at 12 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 18 August 2011.




More details can be found via the following link to the FEWSNet website: http://www.fews.net/Pages/country.aspx?gb=zw&l=en

26.16 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), noted an international organisation (who asked to remain anonymous) who stated: "Food production is much higher now than it was … two years ago although problems with the harvest mean this year's will be lower. This may be offset to some extent by the fact that the government has more money to import food from neighbours, though still not enough and 1.7million [people] are expected to need food aid." **[121a] (p9)**

26.17 An International Displacement Monitoring Centre report, dated 21 May 2010, noted that there were large differences across the country as to how people obtained their food, with many in the most fertile areas of the country relying on their "own production" of food, people in other areas, such as more arid and urban areas, relied upon purchasing food. The report noted that while "Diaspora remittances play[ed] a major role in supporting household food needs …" very poor households, such as "… elderly-headed households, families hosting orphans or with disabled or chronically ill members, those with high levels of dependants, child-headed households and the destitute who lack any resources …" were unable to "… purchase sufficient food, even at regulated prices …" **[104a] (p23-24&28)** An earlier report by the Solidarity Peace Trust entitled *Gone to Egoli*, dated 30 June 2009, found that poorer rural families were less likely to receive remittances than the urban middle classes. **[65c] (p7)**

## POLITICISATION OF HUMANITARIAN AID

26.18 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), (UKBA FFM Report 2010) noted that a representative from the Zimbabwe Human Rights NGO Forum stated that:

"There was a time when it was very difficult for many people to access aid. Politicisation was a major problem, with the ZANU-PF leadership in many areas insisting that people had to show a party card to access aid. The situation is very different now and the Forum is not aware of any humanitarian organisation involved in aid distribution that allows food distribution to be controlled on a political basis. All now have effective mechanisms in place to prevent this, which is a remarkable transition.

"Reports from one Forum member organisation suggest that there have been a few incidents of local individuals seeking to politicise aid distribution but this does not appear to be systematic and politicisation is not really a problem at the moment." **[121a] (p17)**

26.19 The UKBA FFM report 2010 went on toreport that a number of organisations noted that there was some evidence of continued political manipulation of aid. A major NGO who asked to remain anonymous stated that it had witnessed "… some political interference in the distribution of aid, notably in Mashonaland Central and East and Manicaland." The NGO "… pointed to a pilot initiative in Mashonaland Central which has seen the Government of Zimbabwe seeking to link the provision of food aid and other forms [of] assistance to 'voluntary' work in the community. The GoZ has sought to justify this on the grounds that it reduces the risk of culture of dependency developing. However, the Source is greatly concerned that in the hands of government that is inclined to do so, it is potentially a tool of manipulation of aid." **[121a] (p16)**

26.20 The UKBA FFM Report 2010 noted the views of the Counselling Services Unit which observed that: "Aid organisations were able to operate much more freely immediately after the formation of the Government of National Unity. But the environment has become more restrictive of late, particularly in the rural areas. Local Chiefs are increasingly regaining control of their areas. Everything has to be done through local ZANU-PF structures who will use lists to manage the distribution of aid." The Zimbabwe Human Rights Association stated that while "The population is generally able to access aid now. … Food aid is the most politicised aid and it is not only ZANU-PF that is guilty of that." However, an NGO who asked to remain anonymous stated that aid distributed by NGOs and international organisations stood "… a better chance of getting to the people who need it." **[121a] (p13-14)**

26.21 *The Daily News* reported on 30 June 2011 of ZANU-PF sensitivity regarding the distribution of food aid. The article noted that ZANU-PF Masvingo provincial chairman, Lovemore Matuke, was reported to have threatened unnamed NGOs (believed to include international relief organisations) with expulsion from the province after he accused them of dabbling in politics by using food handouts to support the MDC-T. **[132c]**

26.22 The *May 2011 Summary on Politically Motivated Human Rights and food Related Violation*, published by the Zimbabwe Peace Project (ZPP) on 24 June 2011, noted that:

"Cases of food and other forms of aid violations have been declining since the beginning of the year with only 102 incidents having been recorded during the month of May. … The perpetrators have been mainly ZANU-PF officials since the major distributor of food aid is the Grain Marketing Board (GMB). The victims were either forced to chant ZANU-PF slogans or produce ZANU-PF party cards in order to receive food aid." **[122o] (p14)**

26.23 Regarding the distribution of food aid violations, the ZPP report noted that Bulawayo, Harare (Metropolitan), Matabeleland North, and Matabeleland South had not been subject to violations in April 2011*. **[122o] (p15)** * This is the first ZPP report to provide a monthly breakdown of food violations by province.

For recent developments on food security and food aid see Latest news, see also the section on Political Affiliation.

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## 27. FREEDOM OF MOVEMENT

27.01 The US State Department *Report on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, stated that:

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

"Unlike in 2009, the government did not invoke travel bans on foreign correspondents; however, security forces continued to harass foreign journalists.

"The constitution prohibits forced exile, and there were no reports that the government used it. A number of persons, including former government officials, prominent businessmen, human rights activists, MDC members, and human rights lawyers, left the country and remained in self-imposed exile." **[2b] (Section 2d)**

27.02 Freedom House, in *Freedom in the World 2010*, dated 3 May 2010, noted that: "The state has extensive control over travel and residence. The government has seized the passports of its domestic opponents, and foreign critics are routinely expelled or denied entry. In 2008, the authorities confiscated the passports of several MDC officials, including Tsvangirai. High passport fees inhibit legal travel." **[96b]**

### INTERNAL RELOCATION

27.03 As part of the UK Border Agency's Fact Finding Mission to Zimbabwe (see Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010, dated 21 September 2010 (reissued 27 October 2010)) a representative of a major NGO who asked to remain anonymous stated that there were:

"… no express legal restrictions [on internal relocation]. … [but] the intelligence systems of the main political parties are sophisticated and it would not be possible for those who have come to the adverse attention of a party to avoid that risk by relocating within Zimbabwe.

"This applies equally to rural and urban areas. Thus, once a low level but influential supporter had been singled out for attention in a rural area had been identified as such, it would not be possible for that person to avoid the threat by relocating to an urban area because that knowledge would follow them to the city, even though someone with a similar profile in the city would be unlikely to attract the same level of interest and so would probably not be at risk." **[121a] (p45)**

27.04 Also interviewed, the Research and Advocacy Unit (RAU) noted that while internal relocation was possible, there were potential difficulties in registering to vote. The RAU noted that: "It is difficult to change the area a person is registered to and they may therefore have to return to a rural area to vote. The Registrar General's Department requires a large amount of documentation to alter a person's voter registration area." **[121a] (p46-47)**

## INTERNATIONAL MIGRATION

27.05 A report published by the Solidarity Peace Trust entitled *Gone to Egoli*, dated 30 June 2009, noted that:

"The phenomenon of diasporisation … is … a very recent one for Zimbabwe: prior to 2000, there was not much of a Diaspora community. However the implosion of the Zimbabwean state since then, including the shrinking of the GDP by around 50% owing to the collapse of local industry and agriculture, has pushed Zimbabwe from the second biggest economy in SADC to the smallest, behind Swaziland and Lesotho. The economic collapse, combined with the political crisis, has pushed Zimbabweans across the borders and all over the world, looking for a means of survival." **[65c] (p6)**

27.06 The UK Border Agency's Fact Finding Mission to Zimbabwe (see *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010)) interviewed a representative of the Counselling Services Unit as part of the mission. On the subject of migration the Counselling Services Unit noted that: "… it was the aim of every family to have one family member in the UK and one in South Africa to send back remittances which have always been an extremely important part of the rural economy." **[121a] (p44)**

27.07 The Solidarity Peace Trust report *Gone to Egoli* , noting that most research into diasporan movements had concentrated on the "…'urban middle and upper class' Zimbabwean families … [who] have the capacity and the qualifications that make diasporisation out of Africa possible." The report noted that it was "… only Zimbabwe's elite who make it to the UK …" The report noted that the rural poor, "… who make up 70% of Zimbabwe's population …[who lack] the money or connections to organize for family members to fly overseas …" are reported to make up a "… substantial proportion of the southern African diaspora population." **[65c] (p6&12)**

More information about Zimbabwe diaspora can be found at the Solidarity Peace Trust report entitled *Gone to Egoli* http://www.solidaritypeacetrust.org/download/report-files/gone_to_egoli.pdf

Also see sections on Exit and Return and Remittances

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## 28. INTERNALLY DISPLACED PERSONS (IDPS)

28.01 The US State Department *Report on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, stated that:

"According to the Internal Displacement Monitoring Center's 2009 estimate, between 600,000 and one million persons remained displaced within the country as a result of government policies, including state-sponsored election-related violence, land reform, and Operation Murambatsvina in 2005. According to an IDP assessment report conducted during the year, approximately one-third of the IDPs interviewed cited Murambatsvina as the cause of displacement. Nevertheless, the government denied that a serious IDP problem existed. Historically, the government did not tolerate use of the phrase 'internally displaced persons' and instead referred to 'mobile and vulnerable populations' (MVPs). In 2009 the government started acknowledging that there were some IDPs in the country and began to agree to use of the term when describing some populations. However, some government officials continued to refuse to describe victims of farm-related displacements as IDPs or MVPs and preferred to call them 'squatters.'" **[2b] (Section 2d)**

28.02 A report by the Internal Displacement Monitoring Centre (IDMC), dated 1 July 2011, noted that:

"Internal displacement remains a politically sensitive subject in Zimbabwe. As a result, it has been impossible for comprehensive survey of IDPs to be undertaken in the country, and there are thus no precise figures for the total number of IDPs in Zimbabwe (OCHA, 30 November 2009, p.38). In August 2009, the Government of Zimbabwe and the UN carried out a rapid small-scale IDP assessment, but the government has never made public the results of this assessment. Plans for a large-scale nationwide IDP assessment have stalled altogether. …

"Estimating the total number of IDPs is made more difficult by the fact that a significant number of IDPs in Zimbabwe have been displaced more than once, in different waves of displacement. An estimate for the total number of IDPs in the country can therefore not simply be obtained by adding up the estimates for the number of people displaced by each of the different causes of displacement. … [However, the IDCM estimates that the total number of displaced people could be] … between 880,000 and 960,000. This number would reflect the total number of displaced farm workers and their families, victims of forced evictions in urban areas including Operation Murambatsvina, and victims of Operation Chikorokoza Chapera." **[104b]**

28.03 The USSD 2009 reported that: "During the year some local government officials facilitated donor and NGO provision of humanitarian assistance to IDPs. However, in certain cases, particularly those involving disputed farms, the government refused to grant NGOs access to assist displaced persons." **[2h] (Section 2d)** An IDCM report dated 21 May 2010 noted that "… in some cases humanitarian organisations have continued to be faced with restrictions on access to IDPs. Access has often had to be negotiated with District Administrators and local authorities on a case-by-case basis, and especially

in cases of people displaced as a result of new farm invasions, this access has frequently been denied." **[104a] (p9)**

28.04 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), noted that a major NGO which had asked to remain anonymous, stated that it had experienced some problems with its work with IDPs in some areas of the country. However, they noted that most problems had been overcome through negotiation, but warned that there was potential for problems as elections drew nearer. **[121a] (p10)**

28.05 Amnesty International reported on 30 September 2010 that up to 20,000 people were at risk of being evicted from their homes at informal settlements on the outskirts of Harare after failing to "… pay prohibitively high lease renewal fees …" Amnesty noted that "Most of the residents … were allocated plots of land for new homes after they were forcibly evicted by the authorities under the country's 2005 mass forced evictions programme. [Operation Murambatsvina]." **[14f]**

## OPERATION MURAMBATSVINA

28.06 On 18 July 2005, the United Nations (UN) published the findings of its fact-finding mission to Zimbabwe which found that Operation Restore Order or Operation Murambatsvina (meaning, "drive out rubbish") began on 19 May 2005. **[25a] (p7)** International Crisis Group reported that: "Operation Murambatsvina (Restore Order) cost some 700,000 Zimbabweans their homes or livelihoods or both and otherwise affected nearly a fifth of the troubled country's population." (Zimbabwe's Operation Murambatsvina: The Tipping Point? 17 August 2005) **[100c]**

28.07 Amnesty International's *Annual Report 2011 – Zimbabwe*, published 13 May 2011, noted that:

"May marked the fifth anniversary of the 2005 mass forced evictions known as Operation Murambatsvina. Five years on, the government failed to provide effective remedies for survivors living in appalling conditions on plots of land allocated by the government under Operation Garikai/Hlalani Kuhle – the government's programme to re-house some of the victims of Operation Murambatsvina.

"In most of the settlements, survivors were still living in worn-out shacks which had been provided as temporary shelter by humanitarian organizations. They often had no access to clean water, sanitation, health care, education or means of livelihood. The majority of the survivors of Operation Murambatsvina also lost their livelihoods during the mass forced evictions that directly affected 700,000 people." **[14h]**

For more information see Solidarity Peace Trust report, *A Fractured Nation: Operation Murambatsvina – five years on*, 30 July 2010, http://www.solidaritypeacetrust.org/787/a-fractured-nation-operation-murambatsvina-%E2%80%93-five-years-on/

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## 29. MARANGE DIAMOND FIELDS

29.01 Noting the background to the situation in the Marange diamond fields, the Foreign and Commonwealth Office's *Annual Report on Human Rights 2009*, published in March 2010, noted that:

"In 2006, large deposits of diamonds were discovered in the Marange area in eastern Zimbabwe. As a result, thousands of jobless and homeless Zimbabweans went to the region to pan illegally for diamonds. State forces took control of the illegal diamond mining activity, reportedly using forced labour, violence and extrajudicial killings. Between November 2008 and January 2009, the Zimbabwean government stepped up efforts to control mining areas by launching 'Operation Hakudzokwi' (you will not return), and an estimated 200 people were killed." **[13e] (p173)**

29.02 The US State Department *Report on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, stated that: "Security forces continued to engage in extralegal killings in connection with illegal diamond mining. … In late 2008 security forces undertook a major operation to kill illegal diamond miners in the Marange/Chiadzwa area of Manicaland to ensure the government retained the proceeds from diamond sales." **[2h] (1a)**

29.03 Noting the importance of the Marange diamond fields on politics in Zimbabwe, Global Witness noted in a report entitled *Return of the blood diamond*, published 14 June 2010, that:

"The efforts of the Zanu PF and military elite to seize control of Marange's diamonds through a combination of abusive military operations and suspect deal-making could have serious consequences for the peace and stability of Zimbabwe. It gives some of Zanu PF's most recalcitrant elements a means of financing renewed campaigns of political violence against their opponents if the current power-sharing arrangement with the Movement for Democratic Change (MDC) ceases to serve their interests.

"In light of the systematic killing and harassment of opposition supporters following the 2008 elections, this risk should not be under-estimated. MDC leaders have recognised the danger the situation poses and have expressed concern about the lack of transparency in the management of Marange's diamonds." **[120a] (p3)**

29.04 A report by Human Rights Watch entitled *Universal Periodic Review of Zimbabwe*, dated 29 March 2011, noted that:

"Human Rights Watch published a report in June 2009 detailing diamond-smuggling, corruption, and widespread serious human rights abuses-including killings, torture, beatings, and child labor-in the Marange diamond fields of eastern Zimbabwe. The report highlighted the army's seizure of control of the diamond fields in October 2008 and its killing of more than 200 people in the same month. Zimbabwe's government has failed to investigate or prosecute these abuses.

"Soon after the release of the report, the Kimberley Process Certification Scheme (KPCS), a global body that governs the diamond industry and to which Zimbabwe belongs, sent a review mission to investigate. The mission confirmed Human Rights Watch's findings and assessed that the abuses violated KPCS minimum standards. In an interim report, the mission recommended the withdrawal of the Zimbabwe Defence

Forces from Marange, as well as an end to abuses and smuggling. Civil society groups active in the Kimberley Process demanded Zimbabwe's suspension until it complied with KPCS standards.

"The government of Zimbabwe has so far failed to fully comply with the KPCS recommendations, despite initial government indications of a willingness to do so. While beatings, torture, forced labor, and other abuses decreased in 2010, corruption is rife, and smuggling of diamonds by soldiers in the fields is prolific. The government has not withdrawn the military from Marange, but has instead rotated new units into the area.

"Diamond revenue, particularly from the Marange diamond fields in eastern Zimbabwe, is providing a parallel source of revenue for ZANU-PF and its repressive state apparatus. The diamond revenues continue to benefit a few senior people in the government and their associates rather than the people of Zimbabwe." **[69c]**

29.05 Sokwanele in Issue 15 of the *Zimbabwe Inclusive Government Watch*, dated 22 May 2010, noted that the Zimbabwean parliament has made efforts to monitor the situation in the diamond fields but ZANU-PF members "… blocked Parliament's Committee on Mines from carrying out a fact-finding mission … For a second time, members gathered in Harare to travel to Manicaland, but were told the Ministry had not cleared them to enter Marange." **[37e] (p2)**

Further detailed information about human rights abuses in the Marange diamond field can be found in the Human Rights Watch reports, False Dawn, dated 31 August 2009, and Diamonds in the rough, dated 26 June 2009.

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## 30. CITIZENSHIP AND NATIONALITY

30.01 The US State Department *Report on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, stated that the Citizenship Act:

"… requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. However, the High Court ruled in 2002 that this interpretation does not take into account the fact that persons are not automatically assured foreign citizenship merely because their parents were born in a foreign country, as some countries require persons to confirm their citizenship, in which case they could be rendered stateless. It further held that it is incorrect to presume that, when persons have a parent or parents born out of the country, they are citizens of the other country by descent. In addition some countries, including countries in southern Africa, do not have a means to renounce citizenship. Independent groups estimated that as many as two million citizens may have been disenfranchised by the law, including those perceived to have anti-ZANU-PF leanings, such as the more than 200,000 commercial farm workers from neighboring countries and approximately 30,000 mostly white dual nationals. The problem became particularly acute during voter registration in late 2007 and during the 2008 elections, when some were denied the right to vote – despite having voted previously – because they could not adequately demonstrate their citizenship." **[2b] (Section 2d)**

30.02 However, correspondence from the UK Foreign and Commonwealth Office dated 2 October 2006, noted that they had consulted a lawyer in Harare who was of the opinion that: "Only those who had acquired their citizenship by registration can be deprived of it after 5 years continuous absence outside the country." i.e. categories of citizenship obtained through "… birth or descent, cannot be deprived of their citizenship regardless of how long they remain outside the country." **[13g]**

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## 31. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

31.01 Official documents could be obtained either by payment of bribes to corrupt officials (Institute for War and Peace Reporting, 1 June 2007) **[77b]** (*The Herald*, 17 April 2009) **[23d]**, or through unofficial contacts on the black market. (*The Herald*, 21 March 2007) **[23h]**

31.02 The Solidarity Peace Trust reported on 30 June 2009 that even where genuine documents are issued correctly, some public officials are demanding large amounts of foreign currency before handing them over. The report noted that one public official demanded 200 South African Rand (about £17 at June 2009 exchange rates) for a death certificate. **[65b] (p22)**

31.03 An article published by the United Nation's IRIN news service, dated 2 November 2010, noted that bribes of between US$70-250 were reported to have been asked by civil servants for processing passport applications. One civil servant at the Registrar General's office in Harare admitted to pocketing up to US$500 a day. An economist stated that some poorly paid officials "… would seize the slightest opportunity to get money …" **[30e]**

31.04 An entry on the Kubatana website, dated 29 October 2010, stated that bribes totalling US$160 were often required to obtain a provisional licence and then a driving test pass. **[55c]**

31.05 *The Zimbabwean* reported on 17 February 2010 that:

"South African authorities have confiscated over 5,000 fraudulently-acquired [South African] passports from Zimbabweans … In December last year, the neighbouring country's Home Affairs ministry launched a crackdown on foreigners using fraudulently-acquired South African travelling documents.

"A large number of Zimbabweans [SW Radio Africa, dated 9 June 2010, estimated 3 million Zimbabweans were living in South Africa **[53k]**] who have lived in the neighbouring country for more than five years, especially those from Matabeleland, use South African national registration documents and passports, which are fraudulently obtained by either misrepresenting facts with the assistance of some locals, or paying officials at the Home Affairs offices." **[99c]**

### ID CARDS AND OFFICIAL DOCUMENTS

31.06 CNN reported on 22 November 2001 that the National Registration Act and the Criminal Procedure and Evidence Act make it compulsory for people to carry a national ID card, a passport or a driver's licence. People stopped without these documents are liable to a fine or a term of imprisonment. **[8a]**

31.07 The Zimbabwean Ministry of Home Affairs website, accessed 1 September 2010, states that non-citizens of Zimbabwe can obtain an ID Card on production of a passport and a residence permit which is 6 months old. **[108a]**

The following link contains information about birth, marriage, death certificates, and travel documents. http://www.moha.gov.zw/index.php?link=rg_about

31.08 ZimOnline, dated 29 November 2006, noted that the Zimbabwe Registry Office had stopped issuing metal ID cards and had replaced them with plastic cards. **[49a]** The website of the Ministry of Home Affairs, accessed 1 September 2010, notes that the new plastic ID cards are available from its offices. **[108a]**

An example of a Zimbabwe ID Card

(Zimbabwe Ministry of Home Affairs, accessed 1 September 2010) **[108a]**

31.09 The Foreign and Commonwealth Office reported on the 20 April 2009 that the word Alien on ID cards indicates that the holder is not a citizen of Zimbabwe but is a non-Zimbabwean national living in the country. **[13c]**

31.10 IRIN News reported on 13 May 2010 that the Zimbabwean government had earlier in the year introduced a new Temporary Travel Document (TTD). The new TTD costs US$37 and is valid for six months. The TTD was introduced because of a huge backlog in passport applications and because a full passport is too expensive for many people costing US$170. **[10c]**

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## 32. EXIT AND RETURN

32.01 Jane's Sentinel Security Assessments noted in an update of 12 October 2010 that: "The Central Intelligence Organisation (CIO) has taken over immigration security at Harare International Airport." **[90m] (Security and Foreign Forces)** *The Telegraph* noted in an article dated 22 May 2006, that the details of every person passing through airport immigration is fed into a central computer system. **[5c] (p1)** However, Peta Thorneycroft, a

Zimbabwean journalist, questioned the effectiveness of security processes at Harare Airport stating that the processes were "… not terribly efficient … despite their electronic scanning." (NewZimbabwe.com, 17 January 2007) **[41d]**

32.02 Reliefweb reported on 19 March 2009 that during February 2009 over 80,000 Zimbabweans returned to the country from South Africa with most of them holding South African asylum permits. It further noted that:

"Zimbabwean professionals, many of them teachers, are coming home and seeking readmission into the public service, in response to a move by the country's new inclusive government to pay civil servants in foreign currency and relax conditions for rejoining the sector. The influx is a response to calls from President Robert Mugabe and Prime Minister Morgan Tsvangirai for the more than three million exiles … to return to Zimbabwe to help rebuild the country." **[22a]**

32.03 On 8th May 2009 Prime Minister Morgan Tsvangirai, encouraged exiled Zimbabweans at a meeting in South Africa, to move beyond political divisions and help in the rebuilding of the country. Mr Tsvangirai stated that while Mugabe and ZANU-PF had been part of the problem, they were also part of the solution and asked Zimbabweans in exile to be prepared to reconcile their differences so that the country could be rebuilt. **[40a]**

32.04 A joint report published by Food and Agriculture Organisation of the United Nations, and the World Food Programme, entitled *FAO/WFP Crop and Food Security Assessment Mission to Zimbabwe*, dated 9 August 2010, noted that between 2006 and 2009 the IOM had assisted 314,000 Zimbabwean to return to Zimbabwe via the Beitbridge border post with South Africa. The source continued, noting that "… over 57,000 migrants returning from Botswana were assisted at the Plumtree reception centre between June 2008 and June 2009." **[101a] (p6)**

32.05 The UK Border Agency's *Report of the Fact Finding Mission to Zimbabwe: Harare 9-17 August 2010*, dated 21 September 2010 (reissued 27 October 2010), reported the views of the Zimbabwe Human Rights NGO Forum, who noted that:

"The Forum has not come across any cases of returnees from the UK being mistreated and would expect to know of any such cases because its member organisations are represented across the country. It works closely with the Zimbabwe Association in London and is alerted where there are concerns a returnee might be at risk but has not come across any cases where that is happened. They are unable to say that there have been no such cases but if there have been they have been isolated examples. They do however have concerns that those who are known to have claimed asylum in the UK would be considered necessarily to have been disloyal to Zimbabwe and may therefore face additional problems reintegrating because the fact that they had claimed asylum would become known. This would not apply to returning economic migrants unless their families were known to be political activists. The Forum considers that the abolition of hate speech against asylum seekers returning from the UK is central to creating a more conducive environment." **[121a] (p44)**

32.06 The FFM report also recorded the comments of Anastasia Moyo, an activist. She was "… aware of four people who had returned to Zimbabwe from the UK, one of whom was a failed asylum seeker, although this was not common knowledge. She was not aware that any of them had faced any difficulty on return to Zimbabwe." **[121a] (p45)**

32.07 To gain an impression of the experiences of a sample of returnees the UK Border and Immigration Agency's *Fact Finding Mission to Zimbabwe* in August 2010 met with seven Zimbabweans who had claimed asylum in the UK but subsequently voluntarily returned to Zimbabwe in 2009 and 2010. The interviewees were identified and selected by the International Organisation for Migration (IOM). A copy of the interview notes can be found here: http://www.ecoi.net/file_upload/1226_1289391521_zimbabwe271010.pdf

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## 33. EMPLOYMENT RIGHTS

33.01 The US State Department *Report on Human Rights Practices 2010* (USSD 2010), published on 8 April 2011, stated that:

"There is no national minimum wage except for agricultural and domestic workers. The minimum wage did not provide a decent standard of living for a worker and family, and more than 85 percent of the population continued to live below the government's poverty line. The Ministry of Labor and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. In 2008 the ILO reported that four of five jobs in the country were in the informal sector, 78 percent of which were in agriculture. This trend continued during the year. These jobs generally provided extremely low cash income and poor working conditions and did not offer adequate worker protections.

"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 agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

"The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The government designated the Zimbabwe Occupational Safety Council, a quasigovernmental advisory body made up of six representatives each from the government, employers, and trade unions, to regulate working conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council largely ineffective. Industries did not have the capacity to replace or update non-functioning and archaic machinery, further aggravating workplace conditions. The National Social Security Administration (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it closed shops and factories not in compliance. Economic hardship also resulted in factories shutting on their own or operating informally. The NSSA could not inspect the informal sector due to budget constraints. The NSSA reported in 2007 that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to monitor an estimated 14,000 registered factories. For the period May 2009 to May 2010, the ZCTU reported 44 workplace fatalities and 686 injuries, a significant decrease from 106 fatalities and 3,122 injuries over the same period in 2008-09. As of year's end, the government had not taken action to address health risks in the workplace. Workers have a legal right to remove themselves from dangerous work situations without

jeopardy to continued employment, but in practice they risked the loss of their livelihood if they did." **[2b] (Section 7e)**

Further detailed information regarding trade union rights and violations can be found at the International Trade Union Confederation's report.

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# Annex A

## CHRONOLOGY OF MAJOR EVENTS

A major portion of the information in this section is taken from the *BBC Timeline* **[3ag]** Other sources have also been used, and additional information, including links to the original sources, can be found at Annex E – Reference to Source Material.

**1889** Rhodes' British South Africa Company (BSA) gains a British mandate to colonise what becomes Southern Rhodesia. **[3ag]**

**1953** Britain creates the Central African Federation, made up of Southern Rhodesia (Zimbabwe), Northern Rhodesia (Zambia) and Nyasaland (Malawi). **[3ag]**

**1963** The UK dissolves CAF; Northern Rhodesia and Nyasaland granted independence by the UK under majority rule administrations, as Zambia and Malawi respectively. **[3ag]**

**1965** Rhodesia Front Prime Minister, Ian Smith, makes illegal unilateral declaration of independence (UDI) for Southern Rhodesia from the UK, renaming the territory Rhodesia. **[3ag]**

**1972** Guerrilla war against white rule intensifies, with rivals Zanu and Zapu operating out of Zambia and Mozambique. **[3ag]**

**1976** ZAPU and ZANU combine their military efforts in the Patriotic Front (PF) alliance. **[90l]**

**1978** Smith yields to pressure for negotiated settlement. Elections for transitional legislature boycotted by Patriotic Front made up of Zanu and Zapu. New government of Zimbabwe Rhodesia, led by Bishop Abel Muzorewa, fails to gain international recognition. Civil war continues. **[3ag]**

**1979** Ian Smith's administration concludes an 'internal settlement' with some Black nationalists; Bishop Abel Muzorewa becomes first Black Prime Minister of 'Zimbabwe-Rhodesia'. **[90l]**
December: Lancaster House constitutional conference in London, attended by all parties including the PF produces independence settlement for Rhodesia; Whites to be guaranteed 20 seats in new 100-seat parliament. **[90l]**

**1980** February: Robert Mugabe's ZANU-PF party wins 57 out of 80 'common roll' seats and Nkomo's PF (ZAPU) wins 20 seats; Bishop Muzorewa's UANC party wins only three seats and Rhodesia Front wins all 20 seats reserved for Whites. **[1d]**
April: Independence of Zimbabwe – Robert Mugabe of ZANU-PF becomes Prime Minister and Reverend Canaan Banana becomes President, with ceremonial duties only. **[1d]**

**1982-87** Matabeleland Massacres; Government sends mainly Shona Fifth Brigade to quell dissent – thousands killed during Gukurahundi pacification campaign, causing resentment of Government by the Ndebele. **[1d]**

**1987** Reconciliation between ZANU-PF and ZAPU ends Matabeleland conflict; ZANU-PF and ZAPU merge, keeping ZANU-PF name; reserved seats for Whites abolished; Prime Minister Mugabe becomes executive President. **[1d]**

**1988** Amnesty proclaimed in Matabeleland, leading to rapid improvement in security; Edgar Tekere expelled from ZANU-PF for persistent denunciation of party leadership and policies. **[1d]**

**1990** Mugabe wins Presidential election, polling 2.03 million votes against ZUM's Edgar Tekere's 413,840; ZANU-PF wins 117 of the 120 contested seats in parliamentary elections, with ZUM taking 20% of the vote and two seats. **[90l]**

**1990**
August: Joshua Nkomo becomes Vice-President, in addition to existing Vice-President Simon Muzenda. **[90l]**

**1995**
April: ZANU-PF wins decisive victory in general elections, although eight opposition parties boycott polls – ZANU-PF takes 118 seats and Sithole's ZANU-Ndonga two.
October: Sithole charged with conspiracy to assassinate Mugabe. **[90l]**

**1996**
March: Mugabe wins Presidential elections with nearly 93 per cent of the vote, but turnout less than 32 per cent. **[1d]**

**1997**
July: Criminal charges brought against former President Canaan Banana for alleged sexual assault against a former male employee. **[1d]**
December: Sithole found guilty of plotting to kill Mugabe and sentenced to two years' imprisonment, but released on bail pending appeal. **[1d]**

**1999**
July: Vice-President Joshua Nkomo dies. **[90l]**
September: Movement for Democratic Change formed. **[90l]**

**2000**
February: President Mugabe suffers defeat in referendum on draft constitution. **[3ag]**
Squatters seize hundreds of white-owned farms in an ongoing and violent campaign to reclaim what they say was stolen by settlers.
June: Parliamentary elections: Zanu-PF narrowly fights off a challenge from the opposition Movement for Democratic Change (MDC) led by Morgan Tsvangirai, but loses its power to change the constitution. **[3ag]**

**2001**
May: Defence Minister Moven Mahachi killed in a car crash - the second minister to die in that way in a month. **[3ag]**
July: Finance Minister Simba Makoni publicly acknowledges economic crisis, saying foreign reserves have run out and warning of serious food shortages. Most

western donors, including the World Bank and the IMF, have cut aid because of President Mugabe's land seizure programme. **[3ag]**

**2002**

February: Parliament passes a law limiting media freedom. The European Union imposes sanctions on Zimbabwe and pulls out its election observers after the EU team leader is expelled. **[3ag]**

March: Mugabe re-elected in presidential elections condemned as seriously flawed by the opposition and foreign observers. Commonwealth suspends Zimbabwe from its councils for a year after concluding that elections were marred by high levels of violence. **[3ag]**

April: State of disaster declared as worsening food shortages threaten famine.

June: 45-day countdown for some 2,900 white farmers to leave their land begins, under terms of a land-acquisition law passed in May. **[3ag]**

**2003**

March: Widely-observed general strike is followed by arrests and beatings. **[3ag]**

June: Opposition Movement for Democratic Change (MDC) leader Morgan Tsvangirai is arrested twice during a week of opposition protests. He is charged with treason, adding to an existing treason charge from 2002 over an alleged plot to kill President Mugabe. **[3ag]**

**2003**

November: Canaan Banana, Zimbabwe's first black president, dies aged 67.

December: Zimbabwe pulls out of Commonwealth after organisation decides to extend suspension of country indefinitely. **[3ag]**

**2004**

March: A group of mercenaries allegedly on the way to Equatorial Guinea to stage a coup is intercepted after landing at Harare airport. Their leader, British national Simon Mann, is sentenced to seven years in prison for attempting to buy guns. **[3ag]**

October: Opposition leader Morgan Tsvangirai is acquitted of treason charges relating to an alleged plot to kill President Mugabe. However he continues to face a further separate treason charge. **[3ag]**

**2005**

January: The US labels Zimbabwe as one of the world's six "outposts of tyranny". Zimbabwe rejects the statement. **[3ag]**

March: Ruling Zanu-PF party wins two-thirds of the votes in parliamentary polls. Main opposition party says election was rigged against it. **[3ag]**

May-July: Tens of thousands of shanty dwellings and illegal street stalls are destroyed as part of a "clean-up" programme. The UN estimates that the drive has left about 700,000 people homeless. **[3ag]**

**2005**

August: Prosecutors drop remaining treason charges against opposition leader Morgan Tsvangirai. **[3ag]**

November: Ruling Zanu-PF party wins an overwhelming majority of seats in a newly-created upper house of parliament, the Senate. **[3ag]**

The opposition MDC splits over its leader's decision to boycott the poll.

December: UN humanitarian chief Jan Egeland says Zimbabwe is in "meltdown". **[3ag]**

**2006**

May: Year-on-year inflation exceeds 1,000%. New banknotes, with three noughts deleted from their values, are introduced in August. **[3ag]**

September: Riot police disrupt a planned demonstration against the government's handling of the economic crisis. Union leaders are taken into custody and later hospitalised, allegedly after being tortured. **[3ag]**

December: Ruling ZANU-PF party approves a plan to move presidential polls from 2008 to 2010, effectively extending Mr Mugabe's rule by two years. **[3ag]**

**2007**

February: Rallies, demonstrations banned for three months. The ban is extended in May. **[3ag]**

March: Opposition leader Morgan Tsvangirai is hospitalised after his arrest at a rally. One man is shot dead as riot police move to disperse the gathering. **[3ag]**

June: Ruling ZANU-PF and opposition MDC hold preliminary talks in South Africa. **[3ag]**

**2008**

March: Opposition MDC claims victory in presidential and parliamentary elections. **[3ag]**

May: Electoral body says Tsvangirai won most votes in presidential poll, but not enough to avoid a run-off against Mugabe. **[3ag]**

June: Run-off goes ahead despite calls from around the world. Mugabe declared winner. Tsvangirai pulled out days before poll, complaining of intimidation. Russia, China veto a Western-backed UN Security Council resolution to impose sanctions. **[3ag]**

July: EU, and US widen sanctions against Zimbabwe's leaders. **[3ag]**

Sept: Mugabe and Tsvangirai sign power-sharing agreement. Implementation stalls over who gets top ministerial jobs. **[3ag]**

December: Zimbabwe declares national emergency over a cholera epidemic and the collapse of its health care system. **[3ag]**

**2009**

January: Government allows use of foreign currencies to try stem hyperinflation. **[3ag]**

February: Tsvangirai is sworn in as prime minister, after protracted talks over formation of government. **[3ag]**

March: Susan Tsvangirai, wife of Prime Minister Morgan Tsvangirai, was killed following a car crash on 6th March that also injured Mr Tsvangirai. Officially, Mr Tsvangirai claimed that the crash was an accident **[53a]**, although senior members of the MDC expressed doubts, with many other MDC activists believing that the crash was planned by a clique within Zimbabwe's security forces. **[5a]**

May: The Zimbabwean African People's Union (ZAPU), a wing of ZANU-PF, announced that it had formally split from the ruling party. **[67a]**

June: Morgan Tsvangirai announces that the 'acrimony is over' between him and President Robert Mugabe and urges Zimbabweans to put their differences behind them to rebuild the country. **[3v]**

Constitutional review begins. Tsvangirai tours Europe and US to drum up donor support. **[3ag]**

September: One year after power-sharing deal, MDC remains frustrated and alleges persecution and violence against members.
Arrival of EU and US delegations seen as signs of thaw in foreign relations. Both maintain stance on targeted sanctions.
IMF provides $400 million support as part of G20 agreement to help member states. **[3ag]**

October: Mugabe calls for new start to relations with West. **[3ag]**
Prime Minister Tsvangirai announced that the MDC was withdrawing co-operation with the government in the Cabinet and Council of Ministers. Mr Tsvangirai points to continuing abuses and a lack of co-operation from ZANU-PF. **[103a]**

**2010**

January: Prime Minister Morgan Tsvangirai urges the easing of targeted sanctions, saying the unity government's progress should be rewarded. Zimbabwe's High Court rejects a regional court ruling against President Mugabe's land-reform programme. **[3c]**

March: New rule forces foreign-owned businesses to sell majority stake to locals. **[3c]**

June: Commercial farmers say they are under a renewed wave of attacks. **[3c]**

August: Zimbabwe resumes official diamond sales, amid controversy over reported rights abuses at the Marange diamond fields. **[3c]**

September: Premier Tsvangirai alleges ruling party instigating violence at public consultations [COPAC] on new constitution. **[3e]**

December: Deputy Prime Minister Arthur Mutambara, leader of the smaller formation of the MDC, announces that he will not stand for re-election at the party's congress in January 2011. Mr Mutambara's announcement followed repeated criticism of his leadership. **[28b]**

**2011**

January: President Mugabe unexpectedly flies to Malaysia for an emergency operation after problems with his prostate are diagnosed. **[5g]** Sources suggest that Mugabe is suffering from cancer. **[34b]**
The Smaller faction of the MDC announced that it had elected Welshman Ncube as leader of the party. Ncube replaces Arthur Mutambara as leader of the faction, but Mutambara retains the post of Deputy Prime Minister. **[131a]**
Sources reported a surge in political violence, particularly in Zimbabwe's cities, as ZANU-PF set-up campaign bases in MDC areas. **[138a] [139a]**

March: Prime Minister Tsvangirai says unity government rendered impotent by ZANU-PF violence and disregard for power-sharing deal. **[3e]**

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# Annex B

## POLITICAL ORGANISATIONS

**ZANU-PF**

The Economist Intelligence Unit's *Zimbabwe Country Profile*, 2008, noted that since independence from the United Kingdom in 1980 the country has been ruled by Robert Mugabe and ZANU-PF. The report stated that:

"At independence ZANU-PF's ideology was initially Marxist-Leninist, but from the late 1980s in line with the fall of communism the president did reluctantly allow a move towards market-oriented economic policies. As the political crisis in Zimbabwe has intensified in recent years, Mr Mugabe has reverted to more revolutionary language, notably the need to complete the chimurenga (the revolution by which he came to power) through the redistribution of land. He has also at various times called for the nationalisation of mines and industries." **[24n]**

Jane's Sentinel *Country Risk Assessment: Zimbabwe*, dated 12 October 2010, noted that:

"ZANU-PF holds five-yearly congresses as its primary decision-making mechanism. Its congress in early December 2004 led to the appointment of a new ZANU vice-president, Joyce Mujuru. The event was closely managed by Mugabe and left open the question of his succession. This question continues to dominate the party's internal politics, with competing interests developing. Some had expected that Mugabe would retire in 2008, thereby opening the way for a new leadership. ZANU-PF factions had already starting competing for influence ahead of this potential power vacuum, but were thwarted by Mugabe's decision to stand for another term in office.

"The party again endorsed Mugabe as its presidential candidate for the 2008 elections, but divisions were apparent with the incumbent not only facing his old opposition foe of the Movement for Democratic Change (MDC), but also an unprecedented challenge from within the ruling party's own ranks, in the form of former ZANU-PF minister and party stalwart Dr Simba Makoni. Makoni announced his intention to run as an independent in the polls in February 2008.

"ZANU-PF appeared to have been unprepared for its defeat in the first round in March in the National Assembly and presidential polls. …" **[90e] (Internal Affairs)**

The *Zimbabwe Independent* reported on 29 October 2009 that ZANU-PF is due to hold its next party Congress in December. One of the main issues for discussion and for the party to vote on is a replacement for the late Vice-President Msika. The report noted that ongoing power struggle within the party will have an influence over who obtains the post. "So far four senior members, Naison Ndlovu, Cain Mathema, Ambrose Mutinhiri and Obert Mpofu have openly declared their interest in the post. **[11a]** The States in Transition Observatory, noted in the report, *Zimbabwe Government of National Unity Watch – October 2009* (dated 10 November 2009), that ZANU-PF chairman John Nkomo had been nominated to take the post of vice president, but dissent within the party became apparent after 'War Veterans' in Bulawayo rejected his nomination and Commissar Richard Ndlovu stated that the process was null and void because the correct nomination procedures had not been followed. **[9f] (p4)**

Sokwanele published a report by anonymous Zimbabwean activists entitled *The Anatomy of Terror*, dated 9 June 2011. The report at Appendix B provides a detailed summary of ZANU-

PF's party structure from local party cells through to Politburo and National Consultative Assembly. **[37f] (Appendix B)** http://www.sokwanele.com/node/2333

**MOVEMENT FOR DEMOCRATIC CHANGE (MDC-T AND MDC-M)**

"Founded in September 1999, the Movement for Democratic Change (MDC) emerged from … a coalition of civil society groups, the National Constitutional Assembly (NCA)" and the Zimbabwe Congress of Trade Unions (ZCTU) to fight a constitutional referendum in February 2000. "The MDC, led by former ZCTU leaders Morgan Tsvangirai and Gibson Sibanda, campaigned for a 'No' vote that carried the day."

The MDC went on to contest the June 2000 parliamentary elections and only narrowly missed out on gaining a majority. "By then the government had unleashed a campaign of intimidation against the MDC, including manipulation of the electoral rules." Morgan Tsvangirai contested the 2002 presidential election, and lost to Robert Mugabe. Shortly afterwards, Tsvangirai and other prominent members of the party were charged with treason - charges that were later dropped.

In 2005, "Mugabe's decision to introduce a Senate … plunged [the party] into crisis when Tsvangirai opposed the MDC's participation in the senate polls." The MDC formally split in two, with the smaller faction fielding candidates in the Senate elections. The bulk of the party remained loyal to Morgan Tsvangirai.

The smaller faction of the party elected its own leader in Arthur Mutambara, becoming know as the MDC-M. The main faction is know as MDC-T (Tsvangirai). "The MDC-T - as the original MDC faction - also continued to enjoy the support of the National Constitutional Alliance, the Zimbabwe Congress of Trade Unions and the Zimbabwe Students Organisation." **[90l]**

### MDC-M becomes MDC-N

Radiovop reported on 18 December 2010 that Deputy Prime Minister Arthur Mutambara, leader of the smaller formation of the MDC-Mutambara (MDC-M), announced that he would not stand for re-election at the party's congress in January 2011. **[28b]** In January 2011 the Smaller faction of the MDC elected Welshman Ncube as leader of the party. Bloomberg reported on 10 January 2011 that Ncube replaces Arthur Mutambara as leader of the faction, but Mutambara retains the post of Deputy Prime Minister. **[131a]**

The same source reported on 30 January 2011 that President Mugabe stated that Arthur Mutambara could "… stay on in government as long as he want[ed] …" and that he would not remove him as deputy prime minister. However, "A meeting of the party's [MDC-M] national standing committee last week decided to recall Mutambara and re-assign him to the portfolio of Regional Integration Minister, while naming [Welshman] Ncube as Deputy Prime Minister in the coalition government." But the source noted the opinion of legal experts who believe that "… only Mugabe can force Mutambara to move …" **[131c]**

The Economist Intelligence Unit's (EIU) Country Report – Main Report, Zimbabwe, dated 8 February 2011, noted that: "The third party to the GPA - the MDC-M - will from now on be known as the MDC-N …" **[24j] (Monthy review)**

## MDC party symbols and slogans

The MDC's symbol is an open hand, palm outstretched. The party's slogan during the June 2000 parliamentary election campaign was 'Chinja Maitiro, Maitiro Chinja' in Shona and 'Guqula Izenzo, Izenzo Guqula' in Ndebele. The closest English translation is 'Now is the time, fight for change, support the Movement'. **[12b]**

Movement for Democratic Change99 (MDC99)
BBC Monitoring, dated 8 May 2010, noted that: "Maverick politician Job Sikhala recently broke ranks with the smaller formation of the Movement for Democratic Change (MDC) following sharp policy differences two weeks ago formed a third splinter group." Mr Sikhala claimed that MDC99 was not a new political party but later described himself as the interim president of MDC99. **[118a]**

### MAVAMBO/KUSILE/DAWN (MKD)

Simba Makoni, a former finance minister within ZANU-PF [BBC News, 9 April 2009) [3ag], who ran against President Mugabe in the 2008 presidential election, announced that he was formally launching "… a new opposition political party, vowing to 'clean up the politics of Zimbabwe' and to uphold human rights and democracy if elected to power." The Africa Research Bulletin, covering events between 1-31st July 2009, noted that Mr Makoni announced that the new party would be called Mavambo/Kusile/Dawn (MKD) "… meaning 'The beginning of a new dawn' in Shona, Makoni said, 'Our vision is a stable, united and responsive governance system that will provide genuine empowerment, not a government that accumulates wealth among the few at the expense of others.' … Makoni is interim president of the MKD while former spokesman Godfrey Chanesta is interim chairman." **[76a] (18035)**

### ZANU-NDONGA

The late Reverend Ndabaningi Sithole, who led ZANU before Robert Mugabe, set up ZANU-Ndonga. The party held two seats in Parliament prior to the elections in June 2000. (The Telegraph, 14 December 2000) **[5a]**

### ZAPU (ZIMBABWE AFRICAN PEOPLE'S UNION) [ZAPU 2000]

ZAPU, or ZAPU 2000, was formed as a resurgent group of the former ZAPU party of the late Joshua Nkomo in 1999. The party advocates a federal system for Zimbabwe, with considerable powers devolved to Matabeleland. The party was unable to agree an electoral alliance for the June 2000 elections with the MDC, as the latter does not support a federal structure. ZAPU candidates stood in most constituencies in Matabeleland and Bulawayo in June 2000 but failed to win any seats.

In early January 2002, ZAPU leader Agrippa Madlela announced that he would not contest the March 2002 presidential election. His decision split ZAPU into two factions. Paul Siwela, leader of a splinter group, announced his candidature for the presidency, standing for ZAPU.

On 17 May 2009 ZWNews reported that the Zimbabwean African People's Union (ZAPU), a wing of ZANU-PF, had announced that it had formally split from the ruling party. **[67a]** ZAPU, which was effectively forced to merge with ZANU following the Matabeleland Insurgency (See 3.04 for further details of the Matabeleland Insurgency) **[28] (Chapter 7)** voted in favour of the de-coupling of the two parties at a special party congress, attended by around 1,000 delegates at McDonald Hall in Mzilikazi. Dumiso Dabengwa was appointed the interim chairman of the party. **[67a]**

The Solidarity Peace Trust report, *Walking a thin line*, published on 30 June 2009, noted that: "… the revived Zimbabwe African People's Union (ZAPU), decisively marginalised by the MDC as a political opposition since 2000, and effectively emasculated in the terms of the GPA, formerly withdrew from the Unity Accord signed with Zanu PF in 1987, on the 16th May 2009." **[65b] (p13)**

## UNITED PARTIES (UP)

The United Parties (UP) grouping was established by Bishop Muzorewa, leader of the UANC, in 1994 after UANC's merger with the Zimbabwe Unity Movement (ZUM). UP boycotted the 1995 general elections. In the presidential elections in 1996, Bishop Muzorewa was denied permission to withdraw his candidacy prior to the ballot and received 4.7 per cent of the vote. UP has failed to win any seats in subsequent elections. (Europa world, September 2000 **[1g]** (BBC News, 16 June 2000) **[3b]**

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# Annex C

## PROMINENT PEOPLE

Under the terms of the power sharing agreement Robert Mugabe remains head of state as President. Morgan Tsvangirai (leader of the larger opposition group MDC-M) was sworn in as prime minister on February 11th 2009 with Arthur Mutambara (leader of the splinter opposition group MDC-M) being sworn in as deputy prime minister on the same day. Zimbabwe's new cabinet was sworn in on February 13th 2009. (Economist Intelligence Unit, 13 February 2009) **[24f]** Bloomburg Businessweek reported on 10 January 201, that the Smaller faction of the MDC announced that it had elected Welshman Ncube as leader of the party. Ncube replaces Arthur Mutambara as leader of the faction, but Mutambara retains the post of Deputy Prime Minister. **[131a]**

### THE CABINET

Jane's Sentinel Country Risk Assessment – Zimbabwe, last updated 28 January 2011, provided the following list of government ministers:

| | |
|---|---|
| **President:** | Robert Gabriel Mugabe (ZANU-PF) |
| **Prime Minister** | Morgan Tsvangirai (MDC-T) |
| **First Vice-President:** | John Nkomo (ZANU-PF) |
| **Second Vice-President:** | Joyce Mujuru (ZANU-PF) |
| **Deputy Prime Minister:** | Arthur Mutambara (MDC-M) |
| **Deputy Prime Minister:** | Thokozani Khupe (MDC-T) |
| **Minister of Agriculture, Mechanisation and Irrigation Development:** | Joseph Made (ZANU-PF) |
| **Minister of Constitutional and Parliamentary Affairs:** | Eric Matinenga (MDC-T) |
| **Minister of Defence:** | Emmerson Mnangagwa (ZANU-PF) |
| **Minister of Economic Planning and Development:** | Tapiwa Mashakada (MDC-T) |
| **Minister of Education, Sport and Culture:** | David Coltart (MDC-M) |
| **Minister of Energy and Power Development:** | Elton Mangoma (MDC-T) |
| **Minister of Environment and Natural Resources Management:** | Francis Dunstun Nhema (ZANU-PF) |
| **Minister of Finance:** | Tendai Biti (MDC-T) |
| **Minister of Foreign Affairs:** | Simbarashe Mumbengegwi (ZANU-PF) |
| **Minister of Health and Child Welfare:** | Henry Madzorera (MDC-T) |
| **Minister of Higher and Tertiary Education:** | Stan Mudenge (ZANU-PF) |
| **Minister of Home Affairs:** | Kembo Mohadi (ZANU-PF)<br>Theresa Makone (MDC-T) |
| **Minister of Industry and Commerce:** | Welshman Ncube (MDC-M) |
| **Minister of Information Communication Technology:** | Nelson Chamisa (MDC-T) |

| | |
|---|---|
| **Minister of Justice and Legal Affairs:** | Patrick Chinamasa (ZANU-PF) |
| **Minister of Labour and Social Welfare:** | Paurine Gwanyanya-Mpariwa (MDC-T) |
| **Minister of Lands and Rural Settlement:** | Herbert Murerwa (ZANU-PF) |
| **Minister of Local Government, Urban and Rural Development:** | Ignatius Chombo (ZANU-PF) |
| **Minister of Media, Information and Publicity:** | Webster Shamu (ZANU-PF) |
| **Minister of Mines and Mining Development:** | Obert Mpofu (ZANU-PF) |
| **Minister of National Housing and Social Amenities:** | Giles Mutsekwa (MDC-T) |
| **Minister of Public Service:** | Eliphas Mukonoweshuro (MDC-T) |
| **Minister of Public Works:** | Joel Gabuza (MDC-T) |
| **Minister of Regional Integration and International Co-operation**: | Priscilla Misihairambwi-Mushonga (MDC-M) |
| **Minister of Science and Technology:** | Heneri Dzinotyiwei (MDC-T) |
| **Minister of Small and Medium Enterprises and Co-operatives Development:** | Sithembiso Nyoni (ZANU-PF) |
| **Minister of State Enterprises and Parastatals:** | Gordon Moyo (MDC-T) |
| **Minister of Tourism and Hospitality Industry:** | Walter Mzembi (ZANU-PF) |
| **Minister of Transport and Infrastructural Development:** | Nicholas Goche (ZANU-PF) |
| **Minister of Water Resources and Development:** | Samuel Sipepa Nkomo (MDC-T) |
| **Minister of Women's Affairs, Gender, and Community Development:** | Olivia Muchena (ZANU-PF) |
| **Minister of Youth Development, Indigenisation and Empowerment:** | Saviour Kasukuwere (ZANU-PF) |
| **Minister of State for National Security in the President's Office:** | Sydney Sekeramayi (ZANU-PF) |
| **Minister of State in the Prime Minister's Office:** | Jameson Zvidzai Timba (MDC-T) |
| **Minister of State in the President's Office:** | Didymus Mutasa (ZANU-PF) |
| **Minister of State in the President's Office (Healing):** | John Nkomo (ZANU-PF) |
| **Minister of State in the Prime Minister's Office (Healing):** | Sekai Holland (MDC-T) |
| **Minister of State in Vice-President Nkomo's Office:** | Flora Bhuka (ZANU-PF) |
| **Minister of State in Vice-President Mujuru's Office:** | Silvester Nguni (ZANU-PF) |

**[90n]**

The US Central Intelligence Agency (CIA) also provides an up to date list of current ministers:

https://www.cia.gov/library/publications/world-leaders-1/world-leaders-z/zimbabwe.html

216 The main text of this COI Report contains the most up to date publicly available information as at 12 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 18 August 2011.

## PROMINENT PEOPLE

### General Constantine Chiwenga

"General Chiwenga succeeded General Vitalis Zvinavashe as commander of the Zimbabwe Defence Force (ZDF) in December 2003. Chiwenga was born in 1955 into the Zezuru (Shona) sub-group. He joined the Zimbabwe African National Liberation Army (ZANLA), the military wing of Zimbabwe African National Union (ZANU), while still a youth and rose through the ranks until he was a member of ZANLA's High Command.

"Following Zimbabwe's independence in 1980, when he was still just 24 years old, Chiwenga was appointed to command the army's First Brigade. In 1984, he replaced Colonel Perence Shiri as commander of the Fifth Brigade. In 1996, Chiwenga became head of the Zimbabwe National Army (ZNA), which functioned separately from the Air Force of Zimbabwe under Air Marshal Shiri." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

### Emmerson Mnangagwa

"He helped direct Zimbabwe's 1970s war of independence and later became the country's spy-master during the 1980s civil conflict.

"He is currently minister of rural housing, a relative backwater after spells as minister of national security and speaker of parliament.

"In 2005, he also lost his post as Zanu-PF secretary for administration, which had enabled him to place his supporters in key party positions. This followed reports that Mr Mnangagwa, 60, had been campaigning too hard for the post of vice-president, backed by his close ally, former Information Minister Jonathan Moyo.

"Mr Mugabe sacked Mr Moyo from both party and government but Mr Mnangagwa seems to be back in the president's good books. The president has instead reportedly become alarmed at the activities of Joyce Mujuru, who got the vice-president's job, and her powerful husband, former army chief Solomon Mujuru. …

"Mr Mnangagwa's [has a] fearsome reputation … made during the civil war which broke out after independence between Mugabe's Zanu party and the Zapu of Joshua Nkomo.

"As National Security Minister Mr Mnangagwa was in charge of the Central Intelligence Organisation (CIO), which worked hand in glove with the army to suppress Zapu. Thousands of innocent civilians - mainly ethnic Ndebeles, seen as Zapu supporters - were killed before the two parties merged to form Zanu-PF. …" (BBC News Profile: Emmerson Mnangagwa, updated 30 March 2007) **[3a]**

### President Robert Mugabe

"Robert Gabriel Mugabe was born on 21 February 1924 at Kutama Jesuit Mission in the Zvimba area of what is now Mashonaland West province, to a Zezuru (Shona) family. He is a teacher by profession and has several university degrees. He joined the National Democratic Party in Zimbabwe in 1960, after a brief spell teaching in Kwame Nkrumah's Ghana. He was a founder member of the Zimbabwe African National Union (ZANU) in 1963, a party set up to oppose Joshua Nkomo. Arrested in the same year, he escaped to Tanzania only to be imprisoned again when he returned to Rhodesia, this time for 10 years. Released in 1974, he later negotiated independence for Zimbabwe and became the independent country's first prime minister. His

election to the chairmanship of the Non-Aligned Movement (NAM) in 1986 was considered the pinnacle of his international career. Following constitutional changes Mugabe became executive president of Zimbabwe in 1987.

"He was re-elected by voters in 1990, 1996 and 2002. However, there was much speculation in the period following his re-election in 2002,which had been challenged by the opposition, that he would step down from the presidency in favour of a Zimbabwe African National Union-Patriotic Front (ZANU-PF) loyalist as part of a power-sharing transition. In May 2004, he at first indicated he would not seek another term in 2008 (when he would be 84-years-old), but did intend to serve out his full term. Meanwhile, in April 2005 he stated that he would never groom a successor, and that Zimbabweans had to choose their next leader, who could come from ZANU-PF. However, in March 2007, ZANU-PF endorsed Mugabe as its presidential candidate for the 2008 elections. He subsequently lost to Morgan Tsvangirai, leader of the opposition Movement for Democratic Change (MDC-T) formation, in the first round election in March, before securing re-election in a run-off boycotted by the opposition in June. He retained the presidency in the power-sharing deal of September 2008.

"Succession in a post-Mugabe era remains a potential future source of instability. For now, the succession issue has been postponed, with ZANU-PF re-electing Mugabe as its leader at its December 2009 congress." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

**Vice President Joyce Mujuru**

"Joyce Mujuru was appointed as one of Zimbabwe's vice-president's at the ZANU-PF congress in December 2004, filling a vacancy created by the death of Simon Muzenda in September 2003. She was regarded as well placed to potentially succeed Robert Mugabe as president in 2008, had ZANU-PF not supported Mugabe's bid for another presidential term. She has taken responsibility for various cabinet portfolios since independence in 1980, most recently as minister of water affairs and infrastructural development. More importantly, she is the country's leading female war veteran and is married to a former commander of the Zimbabwe Defence Force (ZDF), Solomon Mujuru.

"Born in Mount Darwin in 1955, she joined the liberation struggle in the early 1970s while still at school, and fought as a soldier for the Zimbabwe African National Liberation Army (ZANLA). She rapidly rose through ZANLA's ranks to become a member of the organisation's leadership and commander of ZANLA's women's force. In this period she married Mujuru, a fellow Zezuru (Shona), who led the ZANLA forces. General Mujuru retired from the ZDF in 1992 and became absorbed in business ventures, while Joyce furthered her career in government.

"Having been re-appointed vice-president along with Joseph Msika (who died in August 2009) in the unity government that included the two Movement for Democratic Change formations (MDC-T and MDC-M) in 2009, Mujuru remains well-placed to continue exerting influence." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

**(Former) General Solomon Mujuru** [Deceased]

"Solomon Mujuru, or Rex Nhongo as he was known during the liberation war, was the military commander of the Zimbabwe African National Liberation Army (ZANLA) forces prior to independence. In independent Zimbabwe he served as commander of the Zimbabwe National Army (ZNA) until he was succeeded by General Vitalis Zvinavashe on his retirement in 1992. However, given the symbolic importance of the liberation war and the political profile of the defence establishment, Mujuru remained one of the most influential people in the country. He

stood down as member of parliament for Chikomba in Mashonaland East province in 2000 but is still a member of the ZANU-PF Politburo and Central Committee. His main importance in the leadership succession issue within ZANU-PF is his antipathy to Emmerson Mnangagwa and his patronage of a more liberal wing of the party. Born in 1949, he is younger than most of his rivals in the party hierarchy and, perhaps more crucially, is married to Vice-President Joyce Mujuru." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

**Deputy Prime Minister Arthur Mutambara**

"Arthur Mutambara was born in 1966. He was educated in the UK and the US and is a professor of robotics and mechanotrics. As a student leader, he was arrested and imprisoned following anti-government protests at the University of Zimbabwe. Following divisions in the MDC, he was elected president of the pro-Senate MDC faction in February 2006, replacing Gibson Sibanda, who had led the faction since its split from the original MDC in October 2005.

"Mutambara stated after his election that he would work toward the reunification of the MDC, however the rival factions were unable to come together ahead of the 2008 polls. Under the September 2008 power-sharing deal, Mutambara gained the position of deputy prime minister and officially took up this role in February 2009." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

**Vice President John Nkomo**

"John Landa Nkomo, born in August 1934, is one of the relatively few Ndebele functionaries in the ruling party. He is a cousin of another late vice-president, Joshua Nkomo, who had his major support base in Matebeleland. John Nkomo was born in the same area and became a teacher there in the 1960s.

"After clashing with the Rhodesian authorities, he became seriously interested in politics, joining Bishop Abel Muzorewa's African National Council (ANC) in the early 1970s. Having made his mark as a party administrator, Nkomo was made minister of state in the deputy prime minister's office on independence in 1980. He had been elected as a Zimbabwe African People's Union (ZAPU) member of parliament in a Matabeleland constituency at the pre-independence elections. In 1988, following ZAPU's merger with the Zimbabwe African National Union (ZANU), Nkomo became minister of labour and, in 1995, minister of local government and rural development. In 1997 his rural development portfolio was replaced with housing.

"Nkomo was elected national chairperson of the ZANU-PF National People's Congress in 1999. After the June 2000 general election, Mugabe appointed him minister of home affairs with responsibility for the Zimbabwe Republic Police. However, in the cabinet reshuffle of August 2002, Mugabe moved Nkomo to the president's office, where he was responsible for special affairs. In a February 2004 reshuffle, he was additionally given responsibility for overseeing the land redistribution programme. Following the March 2005 legislative elections, he was elected as speaker of parliament.

"Nkomo was appointed minister of state in the new unity government cabinet in 2009. He subsequently became one of Zimbabwe's two vice-president's in December that year after Joseph Msika's death earlier in August 2009." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

**Prime Minister Morgan Tsvangirai**

"Morgan Tsvangirai, the original president of the Movement for Democratic Change (MDC), was born to a Karanga (Shona) family on 10 March 1952 in Gutu in Buhera District, southern Manicaland, in what was then Southern Rhodesia. After his first full-time job at a textile mill in Umtali (now Mutare), Tsvangirai moved to a nickel mine in Bindura, where he worked as a supervisor and became a miners' union organiser. Tsvangirai successfully served as a negotiator during a strike in 1980, was elected to the executive of the mining union in 1983, became the union's vice-president two years later and general secretary of the Zimbabwe Congress of Trade Unions (ZCTU) in 1988. Tsvangirai became disappointed with the lack of democracy in the country and, shortly after persuading the ZCTU to cut ties with the ZANU-PF government, he led the country's first general strike in 1997, an event that shook both the government and country. Tsvangirai and the rest of ZCTU leadership threw their weight behind the opposition movement working for a new and more democratic constitution during 1998-1999, an effort that gave birth, in September 1999, to the founding of the MDC, an opposition party, backed by the ZCTU.

"The MDC, led by Tsvangirai, spearheaded the successful 'no' vote to the government's constitutional proposals in a referendum held in February 2000. The MDC won 57 of 120 elective seats in the parliamentary election of June 2000, the largest number ever captured by an opposition party in Zimbabwe. Tsvangirai unsuccessfully stood against Mugabe in the March 2002 presidential election that was declared as neither free nor fair by election observers.

"The Mugabe government brought Tsvangirai to court in February 2003 on charges of treason, based on a television interview, conducted in Canada, that allegedly implied that the MDC leader was conspiring to have Mugabe assassinated in the run-up to the 2002 presidential election. In early June 2003, while this trial progressed, new charges of treason - relating to an MDC-sponsored general strike and calls for mass protests - were brought against him.

"In October 2004 Tsvangirai was acquitted on the first treason charge and his passport was returned. However, he still had to stand trial on the second treason charge. His immediate action was to commence an international tour of Southern and West African and European states to lobby for free and fair legislative elections in Zimbabwe in March 2005. In August 2005, the second treason charge against him was also dropped. In the 2005 parliamentary election, however, the MDC lost significant ground to ZANU-PF, winning only 41 seats.

"By late 2005, there were severe divisions within the MDC over whether the party should participate in the November Senate election. It led to a party split, with the pro-Senate faction (MDC-M) appointing Arthur Mutambara as its leader in February 2006. Tsvangirai was later re-elected president unopposed by his faction (MDC-T) during the March MDC Congress.

"In the 2008 elections, the MDC-T and Tsvangirai scored victories over ZANU-PF, taking the lead in the National Assembly and first-round presidential poll. However, Tsvangirai subsequently boycotted the June election run-off, with Mugabe retaining the presidency. Increased regional criticism of the government and pressure for negotiation led to the signing of a power-sharing deal in September 2008, although the inclusive government was not formed until February 2009 owing to months of division and deadlock between the rivals over issues such as the division of ministries. Tsvangirai was subsequently appointed prime minister on 11 February 2009.

"A lack of resolution of outstanding issues agreed under the power-sharing deal has already led Tsvangirai and his MDC-T to temporarily disengage from cabinet once, in late 2009. Although the government of national unity remained in place in 2010, tensions continue and the former

rivals are increasingly talking about the next elections." (Jane's Sentinel Country Risk Assessment, Zimbabwe, updated 28 January 2011) **[90n] (Political leadership)**

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# Annex D

## LIST OF ABBREVIATIONS

| | |
|---|---|
| **AI** | Amnesty International |
| **CEDAW** | Committee on the Elimination of All Forms of Discrimination Against Women |
| **CPJ** | Committee to Protect Journalists |
| **EU** | European Union |
| **FCO** | Foreign and Commonwealth Office (UK) |
| **FGM** | Female Genital Mutilation |
| **FH** | Freedom House |
| **GDP** | Gross Domestic Product |
| **HIV/AIDS** | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |
| **HRW** | Human Rights Watch |
| **ICG** | International Crisis Group |
| **ICRC** | International Committee for Red Cross |
| **IDP** | Internally Displaced Person |
| **IMF** | International Monetary Fund |
| **IOM** | International Organisation for Migration |
| **MSF** | Médecins sans Frontières |
| **NGO** | Non-Governmental Organisation |
| **OCHA** | Office for the Coordination of Humanitarian Affairs |
| **RSF** | Reporteurs sans Frontières |
| **STD** | Sexually Transmitted Disease |
| **STC** | Save The Children |
| **TB** | Tuberculosis |
| **TI** | Transparency International |
| **UN** | United Nations |
| **UNAIDS** | Joint United Nations Programme on HIV/AIDS |
| **UNESCO** | United Nations Educational, Scientific and Cultural Organization |
| **UNHCR** | United Nations High Commissioner for Refugees |
| **UNICEF** | United Nations Children's Fund |
| **USAID** | United States Agency for International Development |
| **USSD** | United States State Department |
| **WFP** | World Food Programme |
| **WHO** | World Health Organization |

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# Annex E

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***Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.***


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