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FREEDOM IN THE WORLD

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Zimbabwe

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OVERVIEW:

Halting progress toward a new constitution continued in 2012, and the final draft was expected to reduce the power of the presidency and clear the way for elections in 2013. Low-level political violence persisted, as did the harassment of civic activists and journalists by both state and nonstate actors. Positive developments during the year included the issuance of two new radio licenses and the recovery of the domestic economy. In addition, the European Union suspended sanctions on aid to the government and on scores of individuals. The government moved ahead with efforts to achieve 51 percent indigenous ownership of mining assets, while accusations of graft and rights abuses continued to mar the country's diamond sector.

In 1965, a white-minority regime in what was then colonial Southern Rhodesia unilaterally declared independence from Britain. A guerrilla war led by black nationalist groups, as well as sanctions and diplomatic pressure from Britain and the United States, contributed to the end of white-minority rule in 1979 and the recognition of an independent Zimbabwe in 1980. Robert Mugabe and the Zimbabwe African National Union–Patriotic Front (ZANU-PF), first brought to power in relatively democratic elections, have since ruled the country.

Zimbabwe was relatively stable in its first years of independence, but from 1983 to 1987, the Shona-dominated government violently suppressed opposition among the Ndebele ethnic minority, and between 10,000 and 20,000 civilians were killed by government forces. Widespread political unrest in the 1990s, spurred by increased authoritarianism and economic decline, led to the creation in 1999 of the opposition Movement for Democratic Change (MDC), an alliance of trade unions and other civil society groups. However, President Mugabe and ZANU-PF claimed victory over the MDC in parliamentary elections in 2000 and 2005, as well as in a 2002 presidential poll. All three elections were seriously marred by political violence aimed at real or perceived MDC supporters, fraudulent electoral processes, and the ruling party's abuse of state resources and state-run media. Security forces violently crushed mass protests and labor actions called by the MDC and its leader, Morgan Tsvangirai during these years.

The 2005 parliamentary elections left ZANU-PF with a two-thirds majority and the ability to amend the constitution. It subsequently enacted amendments that nationalized all land, brought all schools under state control, and reintroduced an upper legislative house, the Senate. The MDC split over whether to participate in November 2005 elections for the upper chamber, allowing ZANU-PF to win an overwhelming majority amid voter turnout of less than 20 percent. That same year, the government implemented a slum-clearance effort known as Operation Murambatsvina, which means "drive out the trash" in the Shona language. It resulted in the destruction of thousands of informal businesses and dwellings as well as thousands of arrests. According to the United Nations, approximately 700,000 people were made homeless, and another 2.4 million were directly or indirectly affected. Initially moved into transit camps near cities, many displaced residents were forced to return to the rural areas designated on their national identity cards. Analysts maintain that the operation, billed as part of a law-and-order campaign, actually targeted urban MDC strongholds.

Violence before the concurrent parliamentary and presidential elections in March 2008, though serious, was less severe than during prior elections in the 2000s. In the parliamentary polls, the main, Tsvangirai-led faction of the MDC won 99 seats in the lower house, followed by ZANU-PF with 97 seats and a breakaway MDC faction, led by Arthur Mutambara, with 10. The results denied ZANU-PF a legislative majority for the first time in the country's 28-year history. In the Senate, ZANU-PF took half of the 60 elected seats, but it also controlled the chamber's 33 unelected seats. The MDC and its splinter faction won 24 and 6 Senate seats, respectively. Meanwhile, Tsvangirai outpolled Mugabe, 47.9 percent to 43.2 percent, in the presidential vote, requiring a runoff between the two. The MDC accused the Zimbabwe Electoral Commission (ZEC) of fraud and claimed Tsvangirai had won the election outright with 50.3 percent of the vote, citing a parallel vote count by a network of civic groups.

2013 SCORES

STATUS

Not Free

FREEDOM RATING

6.0

CIVIL LIBERTIES

6

POLITICAL RIGHTS

6

Between the March voting and the presidential runoff scheduled for June, ZANU-PF militias and state security forces carried out a brutal campaign of violence aimed at punishing and intimidating MDC members and their suspected supporters in civil society and the press. Tsvangirai ultimately withdrew from the runoff contest, allowing the unopposed Mugabe to win 85 percent of the vote amid low turnout and many spoiled ballots. Political violence continued after the election. According to international and domestic human rights organizations, some 200 MDC activists and supporters were killed over the course of 2008, about 5,000 were tortured, and more than 10,000 required medical treatment for injuries.

In September 2008, ZANU-PF and the MDC reached a power-sharing agreement brokered by the Southern African Development Community (SADC)—known as the Global Political Agreement, or GPA—that allowed Mugabe to remain president, created the post of prime minister for Tsvangirai, and distributed ministries to ZANU-PF (14, including defense, state security, and justice), Tsvangirai's MDC faction (13, including finance, health, and constitutional and parliamentary affairs), and Mutambara's faction (3). A constitutional amendment creating the post of prime minister was enacted in February 2009, and the new government was sworn in that month.

In practice, Mugabe retained control of the powerful executive branch, and in 2009 and 2010 he unilaterally appointed the central bank governor, the attorney general, and the police commissioner, as well as a number of senior judges and diplomats. Mugabe also refused to swear in some MDC ministers and all of its provincial governors, appointing ZANU-PF loyalists instead. Nevertheless, the economy began to recover after the government abandoned the Zimbabwean dollar—whose inflation rate had reached an astounding 13 billion percent in 2008—in favor of the South African and U.S. currencies in early 2009. Some international donors resumed their support under the power-sharing government, and schools and hospitals reopened.

The GPA set a February 2011 deadline for the adoption of a new constitution, but the draft had yet to be finalized by the end of 2012. ZANU-PF opposed the latest draft's provisions limiting the president's executive powers (including over security forces and the judiciary), diluting the authority of traditional leaders, and allowing Parliament to appoint provincial governors. It was also unclear how the ZEC would fund a constitutional referendum and subsequent parliamentary and presidential elections once a final draft was issued. Nevertheless, negotiations proceeded more peacefully in 2012 than previous years, and most parties predicted that an acceptable draft would be approved in early 2013.

Despite a 2011 decision by the Kimberley Process—an international mechanism designed to prevent the use of diamonds to fund armed conflicts—to lift a suspension of Zimbabwean diamond exports from a number of mines in the Marange diamond fields, allegations of graft and human rights abuses at mines continued to be reported in 2012. Some of the mines were controlled by security forces or powerful generals. A November report by Partnership Africa Canada (PAC) alleged that at least \$2 billion in diamonds had been stolen from Marange by military and government officials, while Finance Minister Tendai Biti of the MDC claimed in July that the treasury had received only \$46 million out of an expected \$600 million in diamond revenues in 2011–12, an assertion that was denied by the state-owned Zimbabwe Mining Development Corporation.

Zimbabwe's economy continued to stabilize in 2012, though growth slowed significantly to 4.4 percent, from 9.3 percent in 2011, due to a decline in agricultural output. Citing political and economic progress, in February the European Union (EU) lifted sanctions on the assets and travel of 51 ZANU-PF officials and 20 government entities, though sanctions remained on Mugabe and over 100 other senior ZANU-PF members. In July, the EU suspended sanctions on providing aid to the Zimbabwean government.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

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 flawed voter registration and balloting, biased media coverage, and the use of state resources—including food aid—to bribe and threaten voters. The period leading up to the presidential runoff in June 2008 featured accelerated violence against the opposition, prompting a UN Security Council resolution declaring the impossibility of a fair poll. Mugabe ultimately ran unopposed, and the vote was declared illegitimate by observers from the African Union and the SADC. In keeping with the GPA, though much delayed, Parliament passed the Electoral Amendment Act in September 2012, reconstituting the ZEC with new, more independent commissioners. The ZEC's pre-GPA staff remained largely intact, however. The expectation of elections in the first half of 2013 left little time to reform Zimbabwe's voter rolls, which were allegedly riddled with millions of "ghost voters," including children and people aged over 100.

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 size of the House of Assembly to 210 elected seats and the Senate to 60 elected seats, and redrew constituency boundaries. Commentators suggested that the new boundaries were intended to dilute the urban vote and reduce opposition representation in the House. In the Senate, at least 33 additional seats are still held by traditional chiefs, presidential appointees, and other unelected officials. The president and elected lawmakers serve five-year terms. A 2009 constitutional amendment stemming from the GPA created the posts of prime minister and two deputy prime ministers while retaining the presidency, leaving the country with a split executive branch. In practice, the Joint Operations Command, composed of the heads of the security services, continues to play a central role in decision-making.

In 2012, MDC-affiliated ministers and officials continued to face obstruction and harassment from state entities controlled by ZANU-PF. Most notably, in October 2012 Energy Minister Elton Mangoma was arrested and briefly detained for insulting Mugabe in a speech at a political rally. In December, 24 of 29 MDC members who had been detained for 19 months on charges of murdering a Harare policeman were released on bail.

State-sponsored political violence is a serious and chronic problem, though it declined somewhat in 2012. In general, MDC politicians, activists, and supporters are subject to harassment, assault, and arbitrary detention by security forces and militias allied with ZANU-PF. Some attacks have also been perpetrated by affiliates of the MDC. The Zimbabwe Elections Support Network continued to report in 2012 that ZANU-PF militants were setting up bases in disputed rural voting districts. In October, ZANU-PF-affiliated militias reportedly began attacking MDC-linked businesses as well as development projects and social-service providers in MDC-led municipalities. The Zimbabwe Human Rights Commission (ZHRC) Act, adopted that month, empowered the new ZHRC to investigate and recommend responses to human rights abuses committed only after February 2009; in December, commission chairman Reginald Austin resigned, citing inhibiting laws and a lack of resources.

Historically, Zimbabwe had a much more professional and less corrupt civil service than most other countries in sub-Saharan Africa. Since 2000, however, corruption has become endemic, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid has made the problem ubiquitous at the local level. In 2011, the World Bank reported that almost half of Zimbabwe's civil servants were either not qualified for their positions or not working at all. The bulk of proceeds from the Marange diamond fields have bypassed the national treasury, fueling suspicions of official enrichment and patronage. Zimbabwe was ranked 163 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedom of the press is restricted. The country's draconian legal framework—including the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act—has yet to be reformed. In general, these laws restrict who may work as a journalist, require journalists to register with the state, severely limit what they may publish, and mandate harsh penalties, including long prison sentences, for violators. Journalists are routinely charged with defamation by government officials and powerful individuals, subjecting them to arrest, detention, and onerous lawsuits. Attacks and intimidation have also been common, although less so in 2012. In October, the editor and deputy editor of the *Daily News* were arrested and briefly detained after businessman and former Reserve Bank official Munyaradzi Kereke launched a \$25 million defamation suit against them over an article suggesting that the disappearance of Kereke's family was a hoax.

As mandated by the GPA, in 2010 the newly formed and quasi-independent Zimbabwe Media Commission (ZMC) replaced the state-controlled Media and Information Commission (MIC). However, former MIC head Tafataona Mahoso was appointed chief executive of the new body. The ZMC has granted a number of new licenses, including to two news agencies and the long-shuttered *Daily News*, the country's most widely read independent daily until it was closed for violating AIPPA in 2003, but restrictions remain. ZMC chairman Godfrey Majonga warned in February that foreign newspapers would be banned if they failed to register with the ZMC, and began implementing this policy in July. In May, security forces began restricting the sale of *Newsday* and the *Daily News* in politically contested rural areas, especially Mashonaland East.

The government continues to dominate the broadcast sector via the state-controlled Zimbabwe Broadcasting Corporation (ZBC) and the NewZiana news agency. Access to international news via satellite television is prohibitively expensive for most Zimbabweans. In 2009, the government lifted a ban on foreign news organizations such as the British Broadcasting Corporation, but the MIC significantly raised the accreditation fees for these outlets. Accreditation and license fees for foreign outlets were raised again in 2011, though the Broadcasting Authority of Zimbabwe (BAZ) did issue a call for private radio applications in late 2011. BAZ issued two new radio licenses in 2012, one for Star FM and the other for ZiFM Stereo, both of which are affiliated with ZANU-PF. BAZ had yet to license a single private television broadcaster by year's end. Government jamming of domestic and foreign-based shortwave radio has decreased in recent years, but is still a problem. The 2007 Interception of Communications Act empowers the state to monitor telephonic and electronic communications.

While freedom of religion has generally been respected in Zimbabwe, church attendance has become increasingly politicized, and recent years featured stark restrictions on and harassment of religious groups—particularly the mainstream Anglican Church—that are not aligned with ZANU-PF. These restrictions declined significantly after a November 2012 Supreme Court ruling returned control of Anglican Church properties to Bishop Chad Gandiya of Harare, ending a six-year campaign by excommunicated pro-Mugabe bishop Nolbert Kunonga to seize the sites.

While academics rank among the regime's most vociferous critics, academic freedom is limited. Constitutional amendments in 2005 placed all schools 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. Teachers, especially in rural areas, are often targets of political violence. In 2011, Amnesty International reported that thousands of children evicted during Operation Murambatsvina in 2005 were still attending makeshift schools in their new settlements. About one-third of Zimbabwean girls do not attend primary school and two-thirds do not attend secondary school due to poverty, abuse, and discriminatory cultural practices.

The 2002 POSA requires police permission for public meetings and demonstrations. Such meetings are often broken up, and participants are subject to arbitrary arrest as well as attacks by ZANU-PF militias. The POSA allows police to impose arbitrary curfews and forbids criticism of the president. In 2011, police raided a meeting of

civil society activists inspired by the popular uprising in Egypt, arresting 46 people and charging them with treason, which can carry the death penalty. Those charges were subsequently dropped, and in March 2012 only six of the arrested individuals were punished for “inciting public violence.” They received suspended two-year jail terms and were ordered to pay \$500 fines and serve 420 hours of community service.

The nongovernmental sector is active and professional, but nongovernmental organizations (NGOs) continued to face legal restrictions and extralegal harassment in 2012. The 2004 Non-Governmental Organizations Act increased scrutiny of human rights groups and explicitly prohibited them from receiving foreign funds. In February, 29 social-service NGOs in Masvingo Province were banned by Governor Titus Maluleke following accusations that they colluded with the MDC and Western governments. In July, Abel Chikomo—the frequently targeted director of the Zimbabwe Human Rights NGO Forum—was summoned to stand trial on charges of running an illegal organization, for which he had been arrested in 2011. The following month police twice raided the Harare offices of Gay and Lesbian Zimbabwe (GALZ), confiscating equipment and briefly detaining 44 members of the organization following charges that the group’s director had insulted the president. Similarly, in November security forces raided the offices of the Counseling Services Unit—a registered medical organization that counsels victims of political violence and torture—and arrested five people, three of whom were held for two days, though the others were released immediately.

The Labor Relations Act allows the government to veto collective-bargaining agreements that it deems harmful to the economy. Strikes are allowed except in “essential” industries. Because the Zimbabwe Congress of Trade Unions (ZCTU) has led resistance to Mugabe’s rule, it has become a particular target for repression. In recent years, Gertrude Hambira, secretary general of the General Agriculture and Plantation Workers’ Union (GAPWUZ), has also been subject to focused harassment by the authorities.

Pressure from the executive branch has substantially eroded judicial independence, though the situation has improved somewhat since the GPA. The accused are often denied access to counsel and a fair, timely trial, and the government has repeatedly refused to enforce court orders. It has also replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. Vacancies for scores of magistrate posts have caused a backlog of tens of thousands of cases.

Security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the incidence of torture and mistreatment of suspects in custody. Formed in 2009 as part of the GPA, the Joint Monitoring and Implementation Committee has helped expose abuses of power by security forces, but the body has almost no enforcement powers. Security forces have also taken on major roles in crop collection and food distribution, and both the police and the military remain heavily politicized in favor of ZANU-PF despite the GPA. Meanwhile, ZANU-PF militias operate as de facto enforcers of government policy and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment. In September 2011, in a rare exception to the prevailing impunity, a court sentenced ZANU-PF militia commander Gilbert Mavhenyengwa to 20 years in prison for the 2008 rape of the wife of an MDC supporter.

Lengthy pretrial detention remains a problem, and despite some improvements in recent years, prison conditions remain harsh and sometimes life-threatening. Overcrowding and funding shortages have contributed to HIV and tuberculosis infections among inmates and poor sanitation facilities.

People living in the two Matabeleland provinces continue to suffer political and economic discrimination, and security forces often target these areas as MDC strongholds. Restrictive citizenship laws discriminate against Zimbabweans born in neighboring African countries.

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. High passport fees inhibit legal travel. At the same time, badly underfunded immigration and border authorities lack the capacity to effectively enforce travel restrictions.

Property rights are not respected. Operation Murambatsvina in 2005 entailed the eviction of hundreds of thousands of city dwellers and the destruction of thousands of residential and commercial structures, many of which had been approved by the government. Despite a government resettlement program (Operation Garikai), by 2012 the majority of victims still lacked adequate housing and had no means of redressing the destruction of their property. Most victims have moved into existing, overcrowded urban housing stock or remained in rural areas. In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure, and the lack of title to land means that they have little collateral to use for bank loans.

The 2007 Indigenization Law, which stipulates that 51 percent of shares in all companies operating in Zimbabwe must be owned by black Zimbabweans, came into effect in 2010, with September 2011 the deadline for foreign companies to submit plans on share sales to the government. Although details concerning the implementation and enforcement of the law remained murky, by year’s end nearly every foreign-owned mining company had submitted an indigenization plan to the government. In July 2012, the government announced that all banks operating in country must comply with the law before June 2013. Fewer than 400 white-owned farms remain out of the 4,500 that existed when land invasions started in 2000, and any avenues of legal recourse for expropriated farmers have been closed.

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, largely due to the country's HIV prevalence rate, which remains one of the highest in the world. Sexual abuse is widespread, and past election periods have seen rape used as a political weapon. 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.

Sex between men is a criminal offense and can be punished with a fine and up to a year in prison.

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