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## FREEDOM IN THE WORLD

# Zimbabwe

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### OVERVIEW:

While the national unity government held together in 2011, political violence continued and little progress was made toward a new constitution. President Robert Mugabe and his Zimbabwe African National Union–Patriotic Front (ZANU-PF) party pushed for elections in early 2012, though no dates were set. An international entity that oversees the diamond trade approved diamond exports from the country despite the reported abuse of miners and graft by ZANU-PF power brokers. Also during the year, the authorities expanded their crackdown on the mainstream Anglican Church, which does not recognize a pro-Mugabe splinter faction.

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 increasing 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, including many white farmers. However, President Mugabe and ZANU-PF claimed victory over the MDC in parliamentary elections in 2002 and 2005, as well as in a 2002 presidential poll. All three elections were seriously marred by political violence aimed at MDC supporters, fraudulent electoral processes, and the abuse of state resources and state-run media. Security forces crushed mass protests and strikes called by MDC leader Morgan Tsvangirai in 2003.

The 2005 parliamentary elections left the ruling party 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 chamber, allowing ZANU-PF to win an overwhelming majority amid voter turnout of less than 20 percent.

Also in 2005, 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,

## 2012 SCORES

STATUS

# Not Free

FREEDOM RATING

# 6.0

CIVIL LIBERTIES

# 6

POLITICAL RIGHTS

# 6

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 March 2008 elections, though serious, was less severe than expected. In the parliamentary polls, the Tsvangirai-led MDC won 99 seats in the lower house, followed by ZANU-PF with 97 seats and a breakaway faction of the MDC, 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.

When the Zimbabwe Election Commission (ZEC) finally released the presidential results in May, it found that Tsvangirai had outpolled Mugabe, 47.9 percent to 43.2 percent, requiring a runoff between the two. The MDC accused the ZEC of fraud and claimed that Tsvangirai had won the election outright with 50.3 percent of the vote. As evidence, the party cited an extensive parallel vote count conducted by a network of civic groups.

Following the election, ZANU-PF militias and state security forces began 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 June runoff, 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.

The GPA set a February 2011 deadline for the adoption of a new constitution, but attempts to hold public meetings on the charter in 2009 and 2010 were undermined by political violence that was overwhelmingly perpetrated by ZANU-PF supporters.

In July 2011, the MDC and ZANU-PF agreed on a roadmap toward elections, including reforms of the electoral laws within 45 days. However, no such reforms were made by year's end, nor were any agreements reached on the composition of the ZEC or security reforms. In October, the ZEC announced that it would need an additional US\$220 million to hold a constitutional referendum and administer future elections. No date had been set for either by year's end, though Mugabe called for the elections to be held in early 2012. ZANU-PF was generally pushing to hold elections earlier than Tsvangirai and the MDC, apparently due to concerns about Mugabe's health and the likelihood of internal ZANU-PF rifts if balloting were to be held after his death. In December, ZANU-PF once again endorsed Mugabe as its presidential candidate.

The Kimberly Process, an international mechanism designed to prevent the use of diamonds to fund armed conflicts, decided in November to lift a suspension

of Zimbabwean diamond exports from a number of mines in the Marange diamond fields. The ban had been imposed in 2009 following reports of military control of the mines and severe human rights abuses against both miners and locals. In August, the British Broadcasting Corporation (BBC) had reported that security forces ran a “torture camp” near the mines to punish those caught mining for themselves or demanding higher payment. Also that month, Human Rights Watch (HRW) found that mining companies were employing police and private security guards who used shootings, beatings, and attack dogs to deter unlicensed miners. The *Financial Times* reported in December that significant amounts of diamond revenues were not being reported or sent to the MDC-controlled Finance Ministry, but were directed instead to high-ranking ZANU-PF officials.

## **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 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 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. Although the September 2008 GPA called for a new constitution and the formation of an independent election commission, neither goal had been achieved by the end of 2011. In June, the South African Institute for Race Relations reported on a leaked Zimbabwean voter roll that contained some two million extra names, 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 both chambers (to 210 elected seats in the House of Assembly and 60 elected seats in the Senate), and redrew constituency boundaries. 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 post of prime minister (and two deputy prime ministers) while retaining the presidency, leaving the country with a split executive branch.

In 2011, MDC-affiliated ministers and officials continued to face obstruction and harassment from state entities controlled by ZANU-PF. Most notably, in March the Supreme Court nullified the 2009 election of the MDC’s Lovemore Moyo as speaker of the lower house based on a claim by ZANU-PF that the vote had been “disorderly.” Later in the month, Moyo was reelected speaker. In June, MDC deputy media minister Jameson Timba was arrested for “insulting the president” in a South African newspaper; he was soon released from detention. The following month, a number of employees of the MDC-controlled Finance Ministry were briefly detained on charges of inappropriate travel.

State-sponsored political violence is a serious and chronic problem, and worsened in 2011. In general, MDC-affiliated 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. In January, the Southern African Coalition reported a surge in ZANU-PF-inspired violence, particularly surrounding meetings of MDC supporters and MDC-controlled local authorities in Harare and the Budiro and Mbare townships. In February, hundreds of MDC supporters who sought refuge in a church from an outbreak of MDC–ZANU-PF violence in Mbare were briefly detained by police. In June, the Zimbabwe Elections Support Network reported that ZANU-PF militants had begun setting up bases in disputed rural voting districts, many of which were used as

so-called “torture camps” during the 2008 elections. Police raided the offices of the MDC in Harare in November, sealing the office of Prime Minister Morgan Tsvangirai and firing tear gas into the building.

Corruption is rampant throughout the country, 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 May 2011, the World Bank reported that almost half of Zimbabwe’s civil servants are either not qualified for their positions or not working at all. Also in 2011, reports by both the Finance Ministry and international observers alleged that the bulk of proceeds from the Marange diamond fields had bypassed the national treasury, fueling speculation of official enrichment and patronage. In March, Energy Minister Elton Mangoma of the MDC was arrested on charges of making irregular fuel purchases and violating tender procedures, though a court cleared him of the charges in June. An anticorruption commission envisioned in the GPA has yet to be formed. Zimbabwe was ranked 154 out of 183 countries surveyed in Transparency International’s 2011 Corruption Perceptions Index.

Freedom of the press is restricted. The country’s draconian legal framework includes 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. 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. 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 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. The paper returned to print in March 2011.

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 BBC, but the MIC significantly raised the accreditation fees for these outlets. Accreditation and license fees for foreign outlets were raised again in January 2011. 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 communication. Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and ZANU-PF supporters.

Restrictions on freedom of expression have extended to the art world. In 2011, the cast of a play about the 2008 election violence was arrested and detained for two days for “beating a drum in public” and undermining the authority of the president.

While freedom of religion has generally been respected in Zimbabwe, church attendance has become increasingly politicized, and 2011 featured a stark increase in restrictions on and harassment of religious groups—particularly the mainstream Anglican Church—that are not aligned with ZANU-PF. Throughout the year, a pro-Mugabe Anglican splinter faction led by excommunicated bishop Nolbert Kunonga mounted a campaign to seize hundreds of church properties and other assets, including orphanages and Harare’s main cathedral. In October, Archbishop of Canterbury Rowan Williams gave Mugabe a report on alleged abuses against Anglicans, including death threats against bishops; denial of access to churches, schools, clinics, and missions stations; the violent dispersal of congregations; evictions of priests; and one murder. In September, South Africa’s *Mail & Guardian* reported on efforts by ZANU-PF to court the leaders of popular evangelical churches ahead of upcoming elections.

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. Teachers, especially in rural areas, are often targets of political violence. In 2008, thousands of teachers—many of whom served as polling officials—were beaten by ZANU-PF militias, and many rural schools were closed. According to the Progressive Teachers' Union of Zimbabwe, seven teachers were killed, 60 were tortured, about 600 were hospitalized, and over 230 teachers' houses were burned down. In October 2011, Amnesty International reported that thousands of children evicted during Operation Murambatsvina in 2005 were still attending makeshift schools in their new settlements. The nongovernmental organization (NGO) Plan International reported in November that one-third of Zimbabwean girls were not attending primary school and two-thirds were not attending secondary school due to poverty, abuse, and cultural practices.

The small nongovernmental sector is active, but NGOs face legal restrictions and extralegal harassment. The 2004 Non-Governmental Organizations Act increased scrutiny of human rights groups and explicitly prohibited them from receiving foreign funds. Among other instances of harassment in 2011, Abel Chikomo, director of the Zimbabwe Human Rights NGO Forum, was arrested in April and charged with running an illegal organization; Chikomo was harassed repeatedly throughout the year. In September, Jenni Williams and Magodonga Mahlangu, leaders of Women of Zimbabwe Arise (WOZA), were arrested along with 10 other activists during a demonstration in Bulawayo. While others were released without charge, Williams and Mahlangu were held for 13 days on charges of kidnapping and theft. According to Amnesty International, WOZA leaders and members had also faced a targeted intimidation campaign by security forces in February, ahead of their annual Valentine's Day protest march in Bulawayo.

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 March 2011, police raided a meeting of civil society activists inspired by the popular uprising in Egypt. While 46 people were initially arrested and charged with treason, which can carry the death penalty, the cases against all but six were dropped, and the remaining charges were reduced to "inciting public violence" in July. The six defendants' trial had not begun by year's end.

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 rising incidence of torture and mistreatment of suspects in custody. Security forces have also taken on major roles in crop collection and food distribution, and both the police and the military remain heavily politicized toward 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 March 2011, HRW accused the government of willfully failing to investigate and prosecute political violence perpetrated during the 2008 elections, and alleged that this failure was fueling further acts of violence. In September, in a rare exception to the prevailing impunity, a court sentenced

ZANU-PF militia commander Gilbert Mavhengengwa 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, and 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 the advent of a government resettlement program (Operation Garikai), by 2011 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.

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. September 2011 was the deadline for foreign companies to submit plans on share sales to the government. Over 700 companies did not submit plans or had their plans rejected by the government; many complained of lack of clarity over the procedures and requirements. By year's end, details concerning the implementation and enforcement of the law remained murky. In February 2011, a ZANU-PF-sponsored rally against foreign ownership of companies spurred a series of violent attacks on foreign traders (mostly Chinese and Nigerian) in Harare; eight people were arrested.

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. In November 2011, a study by researchers at Sussex University found that only 35 percent of recipients of the redistributed land were pursuing farming full time, with the rest either farming part time or having abandoned the land altogether.

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. 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.

Homosexuality is illegal, and police raided the offices of a gay rights NGO in 2010. In October 2011, Tsvangirai called for gay rights to be enshrined in the new constitution, but the suggestion was rejected by Justice Minister Patrick Chinamasa.

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