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The human rights situation in Zimbabwe remained relatively stable throughout 2012. Although serious problems remain, overall human rights protection has improved since the Government of National Unity (GNU) took office in 2009. Reports from reputable civil society groups continue to show a year-on-year decrease in cases of human rights violations since 2008. Figures from the Zimbabwe Peace Project show a steady decrease in the number of incidents reported, from 23,755 in 2008 to 10,188 in 2011. There were 5,096 incidents recorded in 2012.

The government has enhanced the national framework for the protection of human rights, including by enacting the Electoral Amendment Bill and the Human Rights Commission Bill. At the 19th session of the UN Human Rights Council in March, Zimbabwe accepted 115 out of 177 recommendations made by member states during Zimbabwe's first Universal Periodic Review process in October 2011. In May, UN High Commissioner for Human Rights, Navi Pillay, visited Zimbabwe, the first visit of its kind. However, although the human rights situation is relatively calm compared to the peak of 2008, there are signs that it is starting to deteriorate as elections draw near. We remain concerned by reports that state-led low-level politically motivated harassment of human rights activists and political figures remains prevalent and appears to be increasing as we enter 2013.

In 2012, the UK Government continued to pursue our policy of supporting the aspirations of the Zimbabwean people for a more democratic, stable and prosperous Zimbabwe. We worked closely with reformers in Zimbabwe and the Southern African Development Community (SADC) towards reforms needed for free and fair elections. There has been incremental progress on the constitution-making process and human rights reforms. The EU Targeted Measures have been used to support this process, by placing the onus on the government to live up to its commitments under the Global Political Agreement (GPA). Our Embassy in Harare has worked closely with NGOs, human rights defenders, the EU and other diplomatic missions to monitor the human rights situation and coordinate developmental assistance. In addition, the FCO, DFID and the Ministry of Defence (MOD) have collectively allocated £2.5 million to human rights and conflict prevention projects in Zimbabwe.

Constitutionally, elections must take place in Zimbabwe before the end of October 2013. This is likely to prompt a deterioration of the human rights situation. Full implementation of the GPA ahead of elections will be important if Zimbabwe is to address its human rights record and make further democratic advances.

In 2013, we will continue to help the Zimbabwean people in creating a more democratic Zimbabwe in which human rights are respected. We will support SADC as it continues to encourage the parties to reach agreement on the constitution. We will maintain support and pressure so that the GNU fulfils its obligation to enact essential reform and restore internationally accepted human rights standards in Zimbabwe.

Elections

It is important that essential reforms are completed before elections are held if Zimbabwe is to avoid a repeat of the violence of 2008. We therefore welcome South Africa and SADC's lead in helping the parties to overcome their differences and implement the GPA. We are encouraged by the communiqué that followed the SADC Summit in Luanda in May, which re-emphasised the need for political reforms, including a new constitution, before any elections take place in Zimbabwe.

The past year saw some progress on reforms outlined in the roadmap for credible elections. The Electoral Amendment Bill was passed into law on 28 September. This bill aims to enhance transparency around voter registration and the voter roll. It sets out more stringent guidelines for elections and states that results must be announced within five days, which should lead to a more transparent process. However, there are concerns that the introduction of polling station-based voting may make intimidation easier to coordinate, and that millions of expatriate Zimbabweans have been disenfranchised.

A draft constitution, produced by the Constitutional Select Committee (COPAC) and agreed by all three party negotiators, was discussed at the Second All-Party Stakeholder Conference on 21-23 October. There are a number of stages this process still needs to go through, but a referendum is expected early in 2013. So far, the Department for International Development (DFID) has provided £1 million of support for the constitution-making process via the UN Development Programme through a joint fund with 10 other donors.

There are already signs of an increase in low-level intimidation and violence towards political opponents in the build-up to elections. NGOs and civil society organisations have been harassed and threatened and the Movement for Democratic Change – Tsvangirai (MDC-T) Cabinet Minister for Energy and Power Development was arrested in October for allegedly insulting the President. The Governor of Masvingo Province accused 29 NGOs of ignoring calls to renew their annual registration and subsequently suspended them, and the Minister for Mines and the Zimbabwe Attorney General accused pro-democracy civil society groups of damaging Zimbabwe's interests and threatened that this would no longer be tolerated.

Freedom of expression and assembly

Despite requirements in Zimbabwe's current Constitution and the Police Act for police officers to maintain a clear division between their duties and their political affiliations, the police force often act in a partisan fashion. The police regularly invoke and misuse repressive legislation, including the Public Order and Security Act and the Criminal Procedure and Evidence Act, for political purposes to prevent and break up protests and rallies organised by the MDC political parties and civil society groups.

Examples of politically motivated policing include the assault and arrest of eight MDC-T activists outside the MDC-T headquarters in Harare. The day after High Commissioner Pillay's visit, an MDC-T rally in the Mudzi district of Mashonaland was violently disrupted by alleged ZANU PF

supporters, resulting in the death of the local MDC ward Chairperson. Seven other MDC members received treatment for injuries. The EU issued a statement condemning the violence and urging the police and Attorney General's office to bring the alleged perpetrators and instigators to justice. The British Ambassador has raised this incident and expressed her concerns to ZANU PF leaders.

Media freedom remains restricted. The main source of information to rural Zimbabwe is state broadcast media, which is under the control of ZANU PF. A number of new daily newspapers report independently, but these newspapers are predominately available in urban areas. Independent journalists continue to be harassed. Several were targeted in 2012, including the editor of *Daily News*.

Human rights defenders

Human rights defenders were harassed by the state sporadically in 2012, often beaten and arrested on false charges. A case that has been ongoing for some time is that of Abel Chikomo, the executive director of the Zimbabwe Human Rights NGO Forum, who was served with a summons to stand trial for running an "unregistered" organisation.

On 5 November, the police raided the offices of the Civil Society Organisation (CSO), Counselling Services Unit (CSU); they arrested staff and confiscated documents and a computer. On 12 December, the police raided the Harare offices of the Zimbabwe Human Rights Association (ZimRights), the ZimRights Education and Programmes Manager was arrested and accused of conducting illegal voter registration and is still in police custody. These incidents raised growing fears amongst many civil society organisations of a crackdown on human rights groups and CSOs in Zimbabwe in advance of elections.

The Civil Society organisation Woman of Zimbabwe Arise (WOZA) has faced repeated restrictions on its freedom of expression and assembly. In February, police intervened to break up a demonstration by WOZA members outside the Joint Monitoring and Implementation Committee (JOMIC) office; nine WOZA members were arrested and charged with criminal nuisance. In July, nine more members of WOZA were arrested in Bulawayo for writing political messages on a road; eight of the members were convicted and one was acquitted. A High Court appeal has been submitted to challenge this sentence.

Access to justice and the rule of law

A culture of impunity is widespread in Zimbabwe. Victims of violence are rarely able to rely on the police to pursue justice on their behalf. Court cases in Zimbabwe take a long time to proceed and are regularly postponed. Selective application and interpretation by law enforcement officials and the Attorney General's office limit access to justice and the freedoms of political actors opposed to ZANU PF.

Two MDC-T MPs were arrested for insulting the President. MDC-T Deputy Treasurer General and Cabinet Minister Elton Mangoma were arrested five months after the alleged incident, and 10 days before the second All-Party Stakeholder Conference, suggesting that the intent was to intimidate key political figures before crucial constitutional negotiations.

We reported last year that a police officer was murdered in Glen View on 29 May 2011. The trial of 29 MDC-T members who were arrested for this incident began in early June. After 18 months in a remand prison, three members were granted bail in November, with a further 21 members granted bail in December. Five members still remain in detention.

However, 2012 saw some positive court cases. In January, Calbin Ncube, Mpumelelo Donga and Gift Mlala's long-running case, for allegedly possessing cartoons that insulted President Mugabe, ended in acquittal. Additionally, the MDC-T MP for Chipinge South, Meki Makuyana, successfully appealed against his 2009 conviction for kidnapping and has resumed his

parliamentary duties. Finally, in May, Moses Mzila-Ndlovu, the Minister of Healing, was acquitted of communicating false statements whilst addressing a Gukhurundi memorial meeting.

The Human Rights Commission Bill was passed into law on 12 October. The Act empowers the nine independent Human Rights Commissioners to investigate human rights violations from February 2009 onwards, and empowers the independent commission to investigate, and refer to the Attorney General, cases of politically motivated violence and intimidation ahead of elections, as well as electoral manipulation on and after polling day. Whilst this has been welcomed, significant challenges to its implementation remain. In December, the Chair of the Human Rights commission resigned in protest at lack of resources and progress.

Death penalty

Zimbabwe still has the death penalty but has observed a moratorium since 2005 when the last execution was carried out. The last death sentence issued was in 2010. There were 58 people on death row at the end of 2012. The current draft constitution abolishes the death sentence for women altogether, and for men under 21 and above 70 years old.

Torture

There is currently no specific crime of torture defined in Zimbabwean law. Allegations of torture are regularly made against police for their interrogation practices, and the security sector allegedly continues to use torture during politically motivated interrogations. Many human rights defenders claim to have experienced torture by members of the police force. For instance, in another WOZA case 17 members were arrested on 19 January and were allegedly tortured by officers at Donnington police station. Six members were made to sit on "air chairs" and police put a plastic bag over the head of one. We welcome the announcement in February by the Minister for Justice Patrick Chinamasa that the government will ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Freedom of religion or belief

Zimbabwe generally displays religious tolerance. However, the treatment of the Anglican Church over recent years was an exception. On 19 November, the Supreme Court of Zimbabwe ruled in favour of the Anglican Church in the dioceses of Harare and Manicaland, ordering that property appropriated by the "rogue" Bishop Nolbert Kunonga be returned to its rightful owners. The court's judgment is perceived as a major success for freedom of religion in Zimbabwe and for the Anglican Communion, who have been battling against Kunonga in the courts since 2009. The judgment has been welcomed worldwide, including in the UK.

Lesbian, gay, bisexual and transgender rights

Homosexuality remains illegal in Zimbabwe. President Robert Mugabe often refers disparagingly to gay people in his speeches. The rights of homosexuals are not openly discussed due to the stigma associated with homosexuality. LGBT people remain a marginalised and stigmatised group.

On 11 August, police raided the offices of the NGO Gays and Lesbians of Zimbabwe (GALZ), following the launch of their "Violations Report" and public briefing on the constitution. In total, 44 members of the group were assaulted, detained and denied access to lawyers, before being released without charge. GALZ offices were raided again on 20 August. GALZ have been charged with running an illegal organisation and are due to be called to court.

Land/farm invasions

President Mugabe's land reform programme continues to cause suffering to the remaining white farmers, their families and workers. Many face continued intimidation and harassment, and 210 white commercial farmers are under prosecution for refusing to vacate farms allocated for redistribution. We continue to raise our concerns with the government and highlight our support for a fair, transparent and pro-poor land reform programme. We encourage Zimbabwe to carry out a land audit leading to land property rights, and stand ready to support this process, if credible. On a positive note, there are reports that ZANU PF has admitted to its obligation to pay compensation to farmers who were victims of the land reform programme (where they are nationals of countries with a Bilateral Investment Protection Agreement with Zimbabwe). ZANU PF has further admitted the illegality of the seizure of many of the farms.

Marange diamond fields

Local NGOs such as the Marange-based NGO the Chiadzwa Community Development Trust continued to highlight human rights abuses in the diamond-mining areas of Marange. They reported several cases of abuse towards the local communities within Marange, including intimidation, threats of violence and allegations about suspicious deaths. Police and private security companies are often implicated in cases involving persons who are allegedly mining illegally. NGOs are often threatened and prevented from accessing the areas to monitor the human rights situation. In November, the Zimbabwe Environmental Lawyers Association (ZELA) withdrew their operations from Marange as a result of sustained threats and intimidation.

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