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ZIMBABWE

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

25 March 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 21 February 2011. The 'Latest News' section contains further brief information on events and reports accessed from 22 February 2011 to 24 March 2011. The report was issued on 25 March 2011.

ii The Report is compiled wholly from material produced by a wide range of recognised 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 are 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 COI 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 COI 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.

vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS 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. COI 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 COI Report and the accompanying source material are public documents. All COI Reports are published on the UK Border Agency website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link 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 the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. UKBA officials also have constant access to an information request service for specific enquiries.

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

Country of Origin Information Service
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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 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 country of origin information material. Information about the IAGCI's work can be found on the 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 COI 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.

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Latest News

EVENTS IN ZIMBABWE FROM 22 FEBRUARY 2011 TO 24 MARCH 2011

The Latest News provides a non-exhaustive selection of significant events since 22 February 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.

23 March 2011 Zimbabwean authorities yesterday postponed indefinitely a vote to choose a new speaker of Parliament, a move that effectively suspends the House of Assembly until further notice, while also signaling deepening strife within the Harare coalition government. Under the country's laws the House of Assembly must first elect a Speaker before it can contact any business.

ZimOnline
Election of Speaker cancelled, 23 March 2011
http://www.zimonline.co.za/Article.aspx?ArticleId=6629
Date accessed 25 March 2011

Prime Minister Morgan Tsvangirai on Tuesday retracted his stinging attacks against the judiciary amid unconfirmed reports that the [ZANU-PF] Attorney General was considering charging him for labelling Zimbabwe's judges functionaries of President Robert Mugabe's ZANU PF party.

ZimOnline
Tsvangirai backtracks on judiciary, 23 March 2011
http://www.zimonline.co.za/Article.aspx?ArticleId=6628
Date accessed 25 March 2011

21 March 2011 Six of Zimbabwe's 10 provinces face severe food shortages, and the government has ordered the country's grain marketing board (GMB) to send grain to the affected areas.

RadioVop
Zim facing severe food shortages in six provinces, 21 March 2011
http://www.radiovop.com/national-news/5876-zim-facing-severe-food-shortages-in-six-provinces.html
Date accessed 25 March 2011

Heavily armed soldiers have been deployed in Matabeleland and Midlands provinces, a development which human rights organisations fear will revive memories of the massacres in which 20 000 civilians perished. Human rights groups say the soldiers have been deployed to intimidate villagers into supporting Zanu PF ahead of elections which Zanu PF insist will be held this year.

Zimbabwe Metro
Heavily armed soldiers deployed in Matabeleland and Midlands provinces, 21 March 2011

http://www.zimbabwemetro.com/news/heavily-armed-soldiers-deployed-in-matabeleland-and-midlands-provinces/
Date accessed 25 March 2011

20 March 2011 Churches in Bulawayo (CIB), a grouping of church organizations in the city, have been elected to chair multi-party peace liaison committees that will handle issues related to election violence. The multi-party peace liaison committees are made up of the country's political groupings including those that form the unity government. The Zimbabwe Victims of Organized Violence Trust (ZIVOVT) has since late last year been facilitating meetings between the country's main political parties to form the peace liaison committees.

RadioVop
Parties form committees to deal with violence, 20 March 2011
http://www.radiovop.com/national-news/5866-parties-form-committees-to-deal-with-violence.html
Date accessed 25 March 2011

18 March 2011 A group of soldiers raped two women, and assaulted and robbed guests at a Harare lodge two weeks ago, in a disturbing show of riotous behaviour by Zimbabwe's soldiers once famed for their discipline.

ZimOnline
Zim soldiers rob, rape women, 18 March 2011
http://www.zimonline.co.za/Article.aspx?ArticleId=6620
Date accessed 25 March 2011

Events in many rural areas have clearly demonstrated that Zanu-PF does not enjoy a monopoly of support there. In many other rural areas there is open and fierce opposition to Zanu_PF.

SW Radio Online
Zanu-PF unpopular even in rural areas, 18 March 2011
http://www.swradioafrica.com/pages/zpfunpopular180311.htm
Date accessed 25 March 2011

Political party ZAPU issued a statement on 18 March accusing ZANU-PF officials of human rights violations against its members. The party noted that recent events, particularly in their stronghold of Mashonaland West province, was a repeat of the events preceding the atrocities committed in the 1980s. ZAPU members, particularly in Hurungwe district, were reportedly subjected to "… systematic threats of violence, displacement and death".

SW Radio Africa
ZANU-PF Top official threatens ZAPU members with death, 18 March 2011
http://www.swradioafrica.com/pages/zpfterror170311.htm
Date accessed 25 March 2011

17 March 2011 Police in Harare have banned MDC-T rallies scheduled for this weekend, saying ZANU-PF had either booked the venues or were holding its own

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rallies in close proximity to where the MDC-T wanted to assemble. The article went on to note a number of other occasions where the police had banned the MDC from holding events claiming that an "unnamed organisation" would be using the venues.

Zimbabwe Independent
Police ban weekend MDC-T peace rallies, 17 March 2011
http://allafrica.com/stories/201103180819.html
Date accessed 25 March 2011

16 March 2011 War veterans and ZANU-PF youths have declared war against Movement for Democratic Change (MDC) supporters in Mberengwa district, Midlands province, saying their party should start setting up a refugee camp as they will all be forced to flee.

Daily News
War Vets, Zanu PF youths declare war on MDC, 16 March 2011
http://www.dailynews.co.zw/news/53-top-story/1900-warvets-zanu-pf-youths-declare-war-on-mdc.html
Date accessed 25 March 2011

12 March 2011 The Supreme Court upheld the acquittal of MDC-T minister of agriculture designate, Roy Bennett, of terrorism charges.

The Zimbabwean
Bennett now a free man, 12 March 2011
http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=38025:bennett-now-a-free-man&catid=69:sunday-top-stories&Itemid=30
Date accessed 25 March 2011

9 March 2011 The MDC-T called on Zimbabweans to resist what it characterizes as attempts by the police to impose a state of emergency across the nation.

Voice of America
Tensions escalate in Harare's unity Govt as PM's party calls on people to defy police bans, 9 March 2011
http://www.voanews.com/zimbabwe/news/Tensions-Rise-in-Harare-In-Harare-Govt-As-Police-Ban-Rallies-By-Mugabe-Foes-117658348.html
Date accessed 25 March 2011

6 March 2011 The security of women remains in the spotlight as the country prepares for the referendum (on the constitution) and elections. Women fear they will be the target for rape, beatings and intimidation, says local human rights watchdog, Zimrights.

RadioVop
Zim women fear being targetted for rape during elections, 6 March 2011
http://www.radiovop.com/national-news/5730-zim-women-fear-being-targetted-for-rape-during-elections.html
Date accessed 25 March 2011

4 March 2011 Schools in Gutu could be forced to a premature closure after hordes of teachers fled their work stations following deaths threats from self-styled commander of war veterans, Jabulani Sibanda. Mr Sibanda is accusing them of discouraging villagers to sign President Robert Mugabe's anti-sanction petition launched in Harare.

RadioVop
Gutu teachers flee violence, 4 March 2011
http://www.radiovop.com/national-news/5711-gutu-teachers-flee-violence.html
Date accessed 25 March 2011

1 March 2011 Seven male and female members of civil society organisation Women of Zimbabwe Arise were arrested and held in custody in Bulawayo overnight without food or water. The organisation reported that two of its members had been beaten.

The Zimbabwean
WOZA members jailed, beaten, 1 March 2011
http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=37672:woza-members-jailed-beaten-&catid=52&Itemid=32
Date accessed 25 March 2011

28 February 2011 Forty families from a village in central Buhera have been left with nothing, after their homes were looted and burned by ZANU-PF supporters over the weekend. The MDC MP for Manicaland province, Pishai Muchauraya, told SW Radio Africa on Monday that youth militia and war vets rampaged through the Mapfurutse village on Friday night, destroying homes and looting property, accusing people of being MDC supporters. He said the youth militia were organised and led by a Colonel Mzilikazi, while the war vets were sent by notorious war vet leader Joseph Chinotimba.

SW Radio Africa
Buhera village destroyed by ZANU PF mob, 28 February 2011
http://www.swradioafrica.com/news280211/buhera280211.htm
Date accessed 25 March 2011

ZANU-PF youth militias ran riot in Chitungwiza beating up people and revellers at Makoni Shopping Centre accusing them of ignoring President Robert Mugabe's birthday celebrations held at the Harare International Conference Centre (HICC) held last Saturday.

RadioVop
Zanu (PF) Youths on a rampage in Chitungwiza, 28 February 2011
http://www.radiovop.com/national-news/5866-parties-form-committees-to-deal-with-violence.html
Date accessed 25 March 2011

25 February 2011 More than 30 villagers from Nyanga North Constituency have fled the country into Mozambique while several others are now staying in the mountains following a spate of political violence from ZANU-PF youth

militias. Some of the people affected by the new wave of violence are school teachers, MDC-T supporters and officials.

Zimbabwe Peace Project
Political violence - Nyanga North villagers flee to Mozambique, 25 February 2011
http://www.kubatana.net/html/archive/hr/110225zpp.asp?orgcode=zim028&year=0&range_start=1
Date accessed 25 March 2011

23 February 2011 The arrest and detention of MDC-T MP for Nyanga North, Douglas Mwonzora, who is also the co-chairperson of the Parliamentary Select Committee (COPAC) drafting the new constitution means that a new draft will be delayed. Mwonzora and 24 activists were arrested last week following allegations that they instigated violence against ZANU-PF supporters in his constituency. He denies the charges and has instead accused his ZANU PF opponent Hurbert Nyanhongo of sending his militia to storm his rally.

SW Radio Africa
Mwonzora's arrest stalls progress in COPAC, 23 February 2011
http://www.swradioafrica.com/news230211/mwonzora230211.htm
Date accessed 24 February 2011

23 February 2011 Zimbabwe has arrested dozens of activists on charges of plotting protests against long-serving President Robert Mugabe similar to those that toppled the leaders of Egypt and Tunisia, police said on Monday. Police detained 46 people in the capital Harare as they watched videos of protests in north African countries. Those arrested included trade unionists, student leaders and Munyaradzi Gwisai, who heads a small but radical pressure group, the International Socialist Organisation (ISO).

BBC News
Zimbabwe holds 46 for attending lecture on Egypt unrest, 23 February 2011
http://www.bbc.co.uk/news/world-africa-12558073
Date accessed 23 February 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/

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REPORTS ON ZIMBABWE PUBLISHED OR ACCESSED BETWEEN 22 FEBRUARY 2011 AND 24 MARCH 2011

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

International Federation for Human Rights
Acts of harrassment and intimidation against Mr. Chikomo, Executive Director of the Zimbabwe Human Rights NGO Forum, published 15 March 2011
http://www.fidh.org/Acts-of-harrassment-and-intimidation-against-Mr
Date accessed 25 March 2011

Human Rights Watch
Perpetual Fear: Impunity and Cycles of Violence in Zimbabwe, published 8 March 2011
http://www.hrw.org/en/reports/2011/03/08/perpetual-fear-0
Date accessed 25 March 2011

Amnesty International
Zimbabwe treason charges an attack on freedom of expression, published 25 February 2011
http://www.amnesty.org/en/news-and-updates/zimbabwe-treason-charges-attack-freedom-expression-2011-02-25
Date accessed 25 March 2011

Zimbabwe Peace Project
Summary on politically motivated human rights and food related violations - January 2011, published 25 February 2011
http://www.kubatana.net/html/archive/hr/110225zpp2.asp?orgcode=zim028&year=0&range_start=1
Date accessed 25 March 2011

Human Rights Watch
Zimbabwe: Free Activists Charged for Viewing Mideast Video, published 24 February 2011
http://www.hrw.org/en/news/2011/02/24/zimbabwe-free-activists-charged-viewing-mideast-video
Date accessed 25 March 2011

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Background Information

1. GEOGRAPHY

1.01 Jane's *Sentinel Security Assessment: Zimbabwe*, dated 16 September 2009, 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, *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 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 experience significant migration and emigration as result of the deterioration of the economic and human rights environment 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 Assessment: Zimbabwe, 7 September 2010) **[90k] (Demography)**

1.05 Europa noted 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." (Europa World Online, accessed 13 May 2010) **[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 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 Department report, *Doing Business in Zimbabwe: 2011 Country Commercial Guide for U.S. Companies*, undated, accessed on 21 February 2011, stated:

"● Zimbabwe generally ranks poorly in global comparisons of economic competitiveness. For example, in the World Bank's 'Doing Business' rankings for 2011, Zimbabwe is number 157 out of 183 economies.

"● The government of Zimbabwe estimates that the economy grew by 8.1 percent in 2010 and projects 9.3 percent real growth in 2011.

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"● Growth was underpinned by a rebound in both agriculture and mining, which benefited from the liberalization of marketing arrangements and high commodity prices. Agriculture grew by 34 percent in 2010 while mining grew by 47 percent, according to government estimates.

"● In 2009 adoption of the multicurrency monetary regime, under which nearly all business is done in U.S. dollars, brought stability and restored business confidence. It also imposed a hard budget constraint on public spending.

"● The manufacturing sector grew by 2.7 percent [in 2010]; other non-mining sectors grew at rates ranging from 0.1 to 0.5 percent.

"● In 2010 inflation in Zimbabwe was 3.2 percent.

"● Exports expanded by 25 percent from US$2.0 billion in 2009 to US$2.5 billion in 2010, underpinned by mineral exports that accounted for 65 percent of total exports. The liberalization of gold marketing, the removal of foreign-exchange surrender requirements, and firm commodity prices all contributed to the high rate of growth. The government expects exports to grow by 9.8 percent in 2011.

"● Imports grew by 20 percent in 2010 to US$3.6 billion and the government projects growth of 11 percent in 2011 to US$4.0 billion.

"● Dollarization in 2009 eliminated exchange controls on current account transactions, but some controls remain on capital account transactions." **[2j] (Chapter 1)**

2.02 The US State *Background Note: Zimbabwe*, updated November 2010, 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]**

2.03 The Economist Intelligence Unit's (EIU) *Zimbabwe December 2010 report* noted that:

"Economic policy will continue to be driven by political considerations, with the struggle for influence in the GNU [Government of National Unity] between ZANU-PF and the MDC overshadowing policy reform. However, there is also likely to be a continuing struggle for influence between rival economic ministries that are controlled by the MDC; this will add to the confusion over Zimbabwean economic policymaking and risks creating (or, more accurately, reinforcing) the perception in some areas that the MDC is simply not up to the task of running the economy. … [With elections mooted for 2011] … much will depend on the make-up of the new administration. If the MDC secures power, a large increase in donor support can be expected and the IMF will help to shape a prudent economic policy. If, however, the polls are violent, or ZANU-PF continues to dominate, there is unlikely to be substantial progress with reform." **[24g] (p5)**

2.04 The EIU report continued, noting that:

"After a prolonged period of collapse the economy started to recover in 2009-10, albeit from a very low base: although data vary widely, it is generally estimated that Zimbabwean GDP shrank by more than 40% between 1998 and 2009. There is unlikely to be any substantial recovery in income per head or overall GDP in 2011-12. Indeed, GDP growth is likely to slow in 2011, reflecting business and political uncertainty, static commodity prices and supply-side constraints. Business confidence is being damaged by the sense of governmental drift, uncertainty over the likely election timetable and continued confusion over legislation requiring 51% local ownership of all enterprises. At the same time, problems in the core agricultural sector are unlikely to be resolved in the forecast period. Growth is therefore likely to moderate to around 3% at best in 2011… Inflationary pressures are set to increase strongly in 2011 because of rising food and fuel prices and increasing wage demands. … rate[s] will rise again in 2011-12, to around 8.5-9% and possibly higher if the authorities boost spending in the run-up to polls. However, inflation should remain low by historical standards, provided that the government does not revert to the disastrous policies used previously, such as printing money to finance deficits." **[24g] (p6-7)**

2.05 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]**

REMITTANCES

20 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

2.06 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]**

2.07 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)**

SANCTIONS

2.08 The website European Union Business, dated 17 February 2010, noted that the European Union 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, which have been extended until February 2011, key figures in the regime are prevented from travelling to Europe and are subject to an asset-freeze. **[36a]** BBC news reported on 16 February 2010 that "The EU sanctions target 200 people and 40 firms …" **[3d]**

Details of the ban can be found here:

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:049:0015:0017:EN:PDF

A list of Zimbabweans subject to sanctions/travel ban can be found at the following link:

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:172:0089:01:EN:HTML

3. HISTORY (19TH CENTURY TO 2008)

The following section provides a brief history from 19th centrury 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 History of Nations: http://www.historyofnations.net/africa/zimbabwe.html

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

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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, but according to the Zimbabwe Standard on 13 July 2003 this compensation had not been paid. **[20f]**

POLITICAL EVENTS: LATE 1980S – 2007

3.06 Jane's *Sentinel Country Risk Assessment: Zimbabwe*, dated 10 September 2009, 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)**

3.07 Jane's *Sentinel Country Risk Assessment: Zimbabwe*, updated on 10 September 2009, noted in the section on Internal Affairs, that in 1996:

"Discontent rising from the perception that only the government and party faithful were enjoying economic success led to widespread dissatisfaction that was manifest first by a strike at the national airline, Air Zimbabwe. With the ongoing economic reforms, the cost of living had been increasing at an average of over 20 per cent a year, while wages and salaries did not keep up. The general dissatisfaction persisted and further demonstrations and strikes paralysed large sections of the manufacturing industry as the time for the yearly July wage increases were due to be negotiated." **[90b]**

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." 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)**

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 …" **[1d] (Recent history)**

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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EVENTS IN 2008 – 2010

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 will 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)

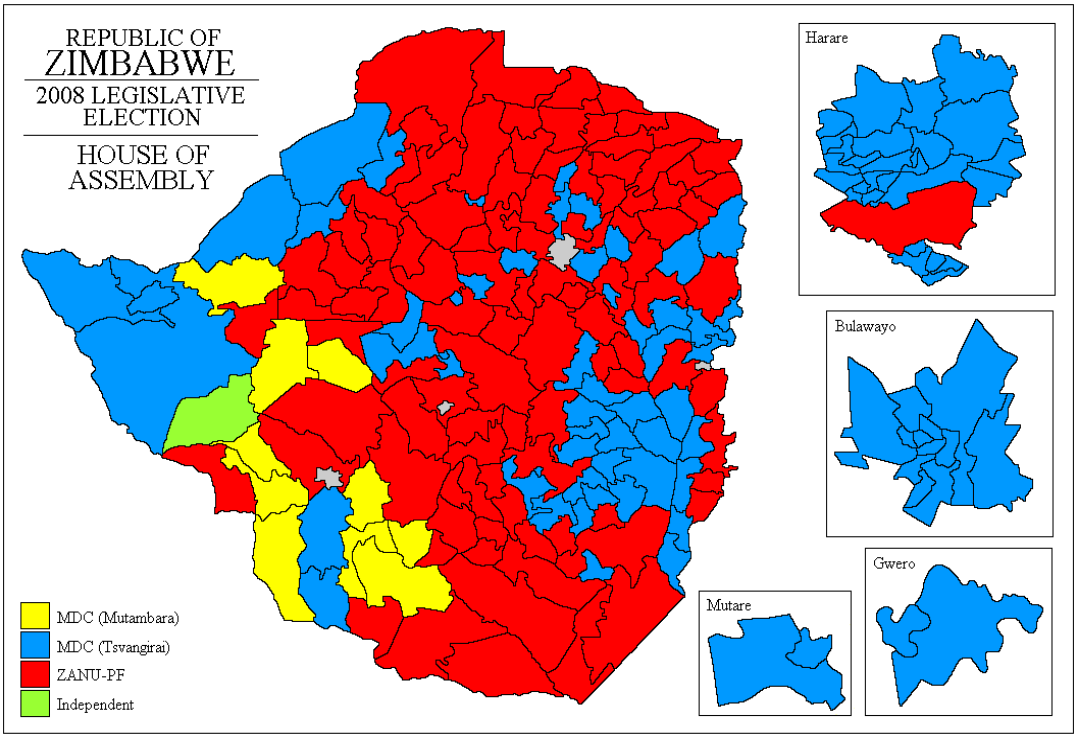
(Based on 207 constituencies counted)

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 November 2010 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 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://www.homeoffice.gov.uk/rds/pdfs09/zimbabwe-260309.doc

Global political agreement and formation of the Government of National Unity (GNU): September 2008 – February 2009

3.29 Against a background of continuing violence, Amnesty International reported on the 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." (Amnesty International, Annual Report 2009) **[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 Government of National Unity (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 activist's 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 time 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 until 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)**

Constitutional Outreach Programme

3.37 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 new 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, 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]**

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 (1 OCTOBER 2010 – 21 FEBRUARY 2011)

THE POWER-SHARING GOVERNMENT AND POSSIBLE ELECTIONS

4.01 The United States Institute of Peace noted in a report entitled *Zimbabwe: Power-sharing deal under stress*, dated 3 November 2010, that:

"The fragile power-sharing deal between Zimbabwe's political parties is close to breaking down. A deep rift has developed between the main protagonists: President Robert Mugabe and Prime Minister Morgan Tsvangirai. Frustrated with deadlock in the country's 'unity' government, each has publicly called for fresh elections in 2011 as the only way forward. Yet the prospect of a new round of political campaigning raises the spectre of a return to state-sponsored violence. The latest stalemate risks a constitutional crisis that could ruin the coalition. The precipitating events were the president's decisions to appoint provincial governors and ambassadors without informing the prime minister or seeking his consent. These unilateral acts are the most recent in a string of violations of the terms of a unity agreement struck two years ago. Mugabe's latest manoeuvre adds evidence that power sharing does not work when one

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

partner holds the balance of power and lacks sincere commitment to cooperate." **[135a] (Introduction)**

4.02 The Economist Intelligence Unit's (EIU) *Country Report – Main Report*, Zimbabwe, dated 4 January 2011, noted that:

"● Politicians remain split on the timing of elections, with the MDC leader, Morgan Tsvangirai, now suggesting that presidential polls should be held in 2011 and legislative elections in 2013.

"● Some business leaders want the polls to be deferred, suggesting that elections will prove destabilising. The president, Robert Mugabe, appears committed to elections this year, however.

"● Documents published by a whistle-blowing website, Wikileaks, have highlighted concerns about Mr Tsvangirai's performance as prime minister." **[24i] (Monthy review)**

4.03 The same source noted that:

"There is continued confusion over the likely timing of Zimbabwe's next elections. The president, Robert Mugabe, told the annual congress of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) party on December 17th that the Global Political Agreement (GPA) signed in September 2008 'cannot be allowed to continue', suggesting that he is determined to press ahead with presidential and parliamentary elections in 2011. This is not a certainty, however, since there is speculation that Mr Mugabe's insistence on 2011 polls is chiefly designed to divert attention from ongoing disputes over the failure to implement the GPA fully. Meanwhile, Morgan Tsvangirai, the prime minister and leader of the Movement for Democratic Change (MDC), has changed his stance on the issue for the third time in as many months, saying that he wants presidential polls in 2011 but that parliamentary and local government elections should be delayed until 2013. His latest formulation seems designed to keep restive backbenchers on side: many MDC members of parliament are content with the existing situation and do not want to risk being unseated at the polls. The only consistent figure is the deputy premier, Arthur Mutambara, the leader of the breakaway wing of the MDC (MDC-M), who continues to insist that elections are out of the question until 2012 at the earliest, assuming that a new constitution is in place by then. However, Mr Mutambara's opinion counts for little, since he announced that he would not contest the leadership election at the MDC-M's January national congress." **[24i] (The political scene)**

4.04 An EIU Viewswire, *Zimbabwe politics: End of term*, dated 4 February 2011, observed:

"The two-year term of Zimbabwe's Government of National Unity is due to expire on February 11th [2011], amid signs of intensifying inter-party squabbling over the best way to proceed. Disputes are focussing on the timing of elections. With the electoral schedule remaining extremely fluid, Zimbabwe looks set for a further period of political uncertainty.

"Before flying to Ethiopia to attend the annual African Union (AU) Summit, Robert Mugabe repeated his intention of calling new elections in 2011 even if electoral and constitutional reforms, envisaged in September 2008's so-called Global Political Agreement (GPA) have not been implemented. The power-sharing coalition with the two wings of the Movement for Democratic Change (MDC) was 'not meant to be a permanent arrangement', he said, adding 'I can invoke the existing constitution and call

elections.' Mr Mugabe's political opponents believe that fresh elections this year would be illegal, and insist that the GPA signed by the leaders of the three political parties takes precedence over the existing constitution. Constitutional lawyers do not concur, however.

"At the same time the MDC's position is hardening—the National Committee has resolved that the party will not take part in polls before a new constitution is in place. Some opponents fear that this will simply prompt Mr Mugabe to call the election soon in the hope that the MDC will not contest it, but moderate elements within the Zimbabwe African National Union-Patriotic Front (ZANU-PF) oppose such a strategy, arguing that it would not be acceptable to the Southern African Development Community or AU.

"At this juncture it is extremely difficult to predict when the country will go to the polls. The most likely option appears to be the first half of 2012, but there are many imponderables—Mr Mugabe's health, the aftershocks of the removal of a long-standing president in Tunisia (and the pledge by the Egyptian head of state to stand down), not to mention the in-fighting in all three Zimbabwe political parties—that could change the political environment very rapidly. What is clear is that President Mugabe will only call elections when he is confident that he can win or when he is pushed into action by, for instance, deteriorating health (recent reports suggest that he has recently undergone surgery for prostate cancer, although the president denies this). As things currently stand, a substantial constituency within ZANU-PF believes that the MDC is steadily losing support and that the president would be better advised to wait for a new constitution and go to the polls in 2012. Unfortunately, continued uncertainty about the electoral schedule will do little for business confidence, or policy predictability." **[141a]**

Electoral roll outdated

4.05 Zimonline reported on 21 January 2011 that: "Twenty-seven percent of names listed on Zimbabwe's voters' roll are of dead people… highlighting once again the chaotic state of the key register." The article continued, noting that: "The report compiled by the Zimbabwe Electoral Support Network (ZESN), a local pro-democracy non-governmental group, revealed an outdated and thoroughly distorted voters roll that …" contained the names of at least 2353 people aged between 101 and 120 years old **[49b]** ZESN's own statement, posted on 10 January 2011 (dated 16 December 2010), noted that: ". Findings from the voters roll observation recently conducted by ZESN revealed significant flaws with the voters roll when tested for currency, completeness and accuracy [these included].… 41 per cent of voters do not live at the address listed in the voters roll and that only 18 per cent of registered voters are youths (18-30). Research findings also showed that proof of residency requirements for urban populations constituted an obstacle in voter registration." **[130a]**

MR TSVANGIRAI FACING POTENTIAL TREASON CHARGE

4.06 Reuters reported on 4 January 2011 that fall-out from the publication by WikiLeaks of US diplomatic cables could result in Prime Minister Morgan Tsvangirai on charges of treason. The article noted that:

"Attorney-General Johannes Tomana has ordered a probe against Tsvangirai over State Department cables released by WikiLeaks about his briefings with U.S. ambassador Charles Ray, which some of Mugabe's officials see as 'bordering on treason'.

"According to another confidential U.S. cable dated October 2009 on WikiLeaks, a senior MDC official suggested that the United States should contribute to a fund to buy off security service chiefs to achieve regime change in Zimbabwe.

"What to watch: - The probe gives Mugabe's camp options to pursue treason charges against MDC leadership, but political analysts say this could be part of a psychological war against Tsvangirai." **[75e]**

4.07 *The Guardian* reported on 3 January 2011 that: "If found guilty, Tsvangirai will face the death penalty." **[34c]**

MUGABE'S HEALTH

4.08 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 is believed to be suffering from cancer. **[34b]**

MDC-M ELECTS A NEW LEADER

4.09 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. Mr Mutambara's announcement followed repeated criticism of his leadership. **[28b]** In January 2011 the Smaller faction of the MDC announced that it had 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]**

4.10 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]**

4.11 ZimOnline reported on 11 February 2011 that: "President Robert Mugabe has refused to fire Deputy Prime Minister Arthur Mutambara to pave way for Welshman Ncube, the new leader of the breakaway MDC faction to take up the post. [The] … secretary general of the splinter group that pulled out of Prime Minister Morgan Tsvangirai's main MDC in 2005, told reporters in Harare that Mugabe categorically refused to appoint Ncube as deputy premier in place of Mutambara." The report continued, noting that: "The fight between Ncube and Mutambara is not expected to alter the balance of power between Mugabe's ZANU-PF and Tsvangirai's MDC-T but is likely to further weaken the smaller MDC faction ahead of elections …" **[49g]**

4.12 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 …" Commenting the future prospects for the party, the EIU noted:

"… Mr Ncube is not a particularly popular figure. He led the revolt against Morgan Tsvangirai's leadership that precipitated the party split in 2007 - as a result of which relations with the prime minister remain poor - and he lost his parliamentary seat to a Tsvangirai supporter in the 2008 elections. Mr Ncube's elevation to the leadership is unlikely to make the tiny MDC-N any more electable than it was under the mercurial and unpredictable Arthur Mutambara." **[24j] (Monthy review)**

VIOLENCE IN HARARE

4.13 SW Radio Africa reported on 24 January 2011 that: "Dozens of MDC supporters were injured, some of them seriously, in a wave of weekend violence that saw gangs of ZANU-PF youths rampaging through the capital." A local MDC official was reported to be "… recovering in hospital after he was shot in the leg and assaulted by the youth militia." **[53ad]** *The Daily News* reported on 26 January 2011 that: "ZANU-PF has set up campaign bases in various constituencies in … [Harare] as the political temperature hots up in the country. The bases are confined to high density areas." The setting up of the bases was reported to have resulted in several incidents of violence across the capital. **[132f]** SW Radio Africa reported that the violence in Harare occurred after ZANU-PF youths were bussed in from other parts of the country. **[53ad]**

4.14 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 …" **[28m]**

4.15 The violence continued in to February 2011 with Radiovop reporting on 8 February 2011 that Mark Canning, the British Ambassador to Zimbabwe, had "… condemned the looting and violence perpetrated by ZANU-PF youths, which has engulfed Harare …" **[28a]** In the latest wave of violence to hit the city, SW Radio Africa reported on 7 February 2011 that: "Harare came to a standstill on Monday when a ZANU-PF mob engulfed the city in chaos, destroying property worth thousands of dollars, mainly belonging to foreign owned companies. … [the] police … stood by watching ordinary people and shop owners being abused and brutalised. … Our correspondent observed that members of the CIO were seen giving instructions to the youth and directing which routes they should take. … [the] attacks were … part of the ongoing violent campaign in Harare. On Saturday ZANU-PF youths attacked several MDC activists in Mbare and left five of them seriously injured." **[53h]**

For more information about the attacks in Harare see Distribution of politically motivated human rights violations in 2010 - Harare and Incidents in early 20011.

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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

See Constitutional Outreach Programme above

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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 23 April 2010, 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

THE 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)**

THE 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 *2009 Country Reports on Human Rights Practices*, Zimbabwe, released on 11 March 2010, 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 opposition party members and supporters and obstructed their activities. The Joint Operation Command, a group of senior security and civilian authorities, maintained control of the security forces and often used them to repress opposition to ZANU-PF.

"Security forces, the police, and ZANU-PF-dominated elements of the government continued to engage in the pervasive and systematic abuse of human rights. ZANU-PF's dominant control and manipulation of the political process through trumped-up charges and arbitrary arrest, intimidation, and corruption effectively negated the right of citizens to change their government. Politically motivated, arbitrary, and unlawful killings by government agents continued. State-sanctioned use of excessive force continued, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity. Security forces continued to refuse to document cases of political violence committed by ruling party loyalists against members of the opposition. Prison conditions improved but remained harsh and life threatening. Security forces, who regularly acted with impunity, arbitrarily arrested and detained the opposition, 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. The government continued to use repressive laws to suppress freedom of speech, press, assembly, association, and movement. The government restricted academic freedom. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators and members of the opposition. The government continued to evict citizens and to demolish homes and informal marketplaces. Thousands of citizens were displaced in the wake of increasingly violent farm invasions, and the government impeded nongovernmental organization (NGO) efforts to assist the displaced and other vulnerable populations. The following human rights violations also continued: 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." **[2h]**

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

"Two years into Zimbabwe's power-sharing government, President Robert Mugabe and the Zimbabwe African National Union- Patriotic Front (ZANU-PF), have used violence and repression to continue to dominate government institutions and hamper meaningful human rights progress. The former opposition party, the Movement for Democratic Change (MDC), lacks real power to institute its political agenda and end human rights abuses.

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”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]**

7.03 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)**

7.04 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)**

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

For further up to date information about the Human Rights situation see the following reports:
http://www.cisomm.org/index.php?option=com_docman&task=cat_view&gid=13&Itemid=5&limitstart=10;
http://www.kubatana.net/docs/hr/zpp_summary_hr_food_violations_1012_110221.pdf

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8. SECURITY FORCES

8.01 The US State Department *Country Report on Human Rights Practices 2009, Zimbabwe*, released on 11 March 2010, (USSD Report 2009), noted that:

"The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the President's Office, through the Joint Operation Command, controlled some roles and missions. 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 [Central Intelligence Organisation] CIO, under the Ministry of State for National Security, is responsible for internal and external security." **[2h] (section 1d)**

8.02 Jane's Security Sentinel – *Country Profile: Zimbabwe* (Armed Forces), updated 2 September 2010, noted that:

"The government has been accused by the MDC of politicising the security forces. ZANU-PF loyalists from the liberation war dominate the senior echelons of the Zimbabwe Defence Force (ZDF) and Central Intelligence Organisation (CIO) and have vested interests in perpetuating ZANU-PF's political dominance, if not Mugabe's own presidency. There are concerns whether hardliners among the security forces and among ruling party supporters would accept any regime change. In March 2008 the army threatened to overturn the constitutional order if President Robert Mugabe lost the election later in the month and publicly stated that they would not accept a Zimbabwean leader who had not participated in the liberation war- obviously referring to Morgan Tsvangirai." **[90b]**

8.03 A report by the States in Transition Observatory, *The Security – Development Nexus: An analysis of the potential impact of Security Sector Reform on the reconstruction process in Zimbabwe*, dated 8 October 2009, observed that: "The government, since 1999, has operated through the army, with security sector personnel recruited into all sectors of the country's economy, media, social services and quasi-government departments. Government expenditure on the security sector has increased and the security sector has 'become law' as it carries out violence for the ruling party." **[9c]**

8.04 The USSD Report 2009 continued:

"Security forces were rarely held accountable for abuses. … Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. For example, security forces refused to comply with court orders to investigate security agents involved in abducting and torturing more than a dozen activists in 2008. Government efforts to reform the security forces were minimal, and training was rarely provided." **[2h] (Section 1d)**

8.05 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 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)**

8.06 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:

"A significant number of the provisions of the GPA deal with the necessity to reform state institutions and legislation… There has been some, limited reform of state institutions but in the ones most prejudicial to a democratic transition, namely the Security Sector, 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)**

POLICE

8.07 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)**

8.08 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)**

8.09 The USSD Report 2009 noted that: "Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. Corruption continued in part due to low salaries." **[2h] (Section 1d)** *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 2009 report stated that: "It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. There were reports that police and army personnel suspected of being sympathetic to the political opposition were threatened with demotion or suspension." **[2h] (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 impartial. 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]**

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

ARMED FORCES

8.12 Jane's Security Sentinel – *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]**

8.13 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)**

CENTRAL INTELLIGENCE ORGANISATION

8.14 The USSD Report 2009 observed that the Central Intelligence Organisation (CIO) is responsible for external and internal security. **[2h] (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]**

8.15 Jane's Sentinel *Security Assessments – Southern Africa (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)**

8.16 *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)**

8.17 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)**

8.18 Sources have for some time 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]** An article in *The Zimbabwe Guardian* dated 28 June 2008, reported that CIO operatives in the UK were using the threat of being included in a "hit list" if MDC supporters in the UK did not refrain from supporting and fund raising for the opposition party. **[43a]** A further report in *The Independent* (UK) also dated 28 June 2008, noted that: "British security sources" confirmed that Zimbabwe's Central Intelligence Organisation (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]**

OTHER GOVERNMENT FORCES

National Youth Service (aka ZANU-PF youth militia)

8.19 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)**

8.20 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)**

8.21 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)**

8.22 The USSD 2009 report noted that: "The government gave preference to national youth service graduates among those seeking employment in the government, especially in the security forces." **[2h] (Section 5)** 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)**

8.23 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)**

8.24 *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… a smaller number remain at the government-funded youth training camps where they are from time to time assigned work by ZANU-PF which controls the youth ministry." **[49d] (p4)**

8.25 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 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 name's 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]**

8.26 A report published by the Civil Society Monitoring Mechanism, covering events during January and February 2010, noted that there were continuing "… reports of the reestablishment of youth militia training bases across the country. In addition, ZANU-PF youth act with impunity and assume roles normally reserved for the police." **[48a] (p28)**

See politically motivated violence, and Recent Developments

War Veterans

8.27 Jane's *Sentinel Security Assessment Country Profile – 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)**

8.28 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, much of which committed by the security forces, ZANU-PF and its proxies, see Political affiliation, sub section Politically motivated humans rights violations.

8.29 Human Rights Watches' *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]**

8.30 The US State Department *Country Report on Human Rights Practices 2009, Zimbabwe*, released on 11 March 2010, (USSD Report 2009), noted that:

"Security forces, the police … continued to engage in the pervasive and systematic abuse of human rights… Politically motivated, arbitrary, and unlawful killings by government agents continued. State-sanctioned use of excessive force continued, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity. Security forces continued to refuse to document cases of political violence committed by ruling party loyalists against members of the opposition. … Security forces… regularly acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem." **[2h] (Introduction)**

8.31 The Freedom House report, *Freedom in the World 2010, Zimbabwe*, released on 3 May 2010, covering events in 2009, noted that:

"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. 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. Security forces have taken on major roles in crop collection, food distribution, and enforcement of monetary policy, and both the police and the military are heavily politicized. In October 2009, UN torture investigator Manfred Nowak, whom Prime Minister Morgan Tsvangirai had invited to inspect the police and some jails, was denied entry into Zimbabwe." **[96b]**

8.32 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)**

Arbitrary arrest and detention

8.33 The USSD Report 2009 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." **[2h] (Section 1d)** Human Rights Watch confirmed 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]**

8.34 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]**

8.35 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]**

8.36 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)**

http://www.kubatana.net/docs/hr/zpp_summary_hr_food_violations_1012_110221.pdf

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

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

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8.37 The USSD Report 2009 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 that occurred during the year or during widespread political violence in 2008. Police used excessive force in apprehending and detaining criminal suspects. 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 government supporters continued during the year. One NGO report stated that at least 3,316 victims of torture and assault received medical treatment during the year, a reduction from the 6,300 victims recorded in 2008. Victims of 2008 election violence continued to require medical care for injuries inflicted in 2008. Torture and other assault methods commonly reported included beating victims with sticks, logs, whips, and cables; suspension; burning; electric shock; and falanga (beating the soles of the feet)." **[2h] (section 1c)**

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

8.39 The Human Rights Watch *World Report 2010 – Zimbabwe*, published 20 January 2010, noted that security forces continued to "… harass, abduct, torture … those it considers opponents, including senior MDC figures." **[69l] (p1)** A report published by the Civil Society Monitoring Mechanism, covering events during January and February 2010, noted that the "Army … [were] involved in violations of the rule of law, with complete impunity." **[48a] (p6)** 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)**

8.40 Amnesty International's *Annual Report 2010, Zimbabwe*, covering events in 2009, released 28 May 2010, noted that: "Torture and other ill-treatment of detainees persisted. No perpetrators were brought to justice… Throughout 2009, elements within the army… felt able to continue targeting human rights activists and members of the MDC-T…" **[14g] (p3)**

8.41 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]**

8.42 Dr 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)**

8.43 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)**

8.44 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 (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)**

8.45 The USSD Report 2009 noted that the National Youth Service (ZANU-PF youth militia) were "… deployed to harass and intimidate members of the opposition, labor, student movement, civic groups, and journalists considered critical of the government, and white farmers and their employees." There were also continuing reports of ZANU-PF youths being involved in the rape and murder of opposition and MDC activists. **[2h] (Sections1a, 1c and 2d)**

8.46 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)**

8.47 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)**

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

Extra-judicial killings

8.48 The USSD 2009 noted that:

"The government or its agents committed politically motivated, arbitrary, and unlawful killings during the year [2009]. By year's end at least 19 citizens had died as a result of injuries sustained from political violence that targeted members of the opposition party in 2008, in addition to the more than 200 who died in 2008. At least three persons were killed as a result of politically motivated violence during the year. The MDC-T continued to claim that approximately 200 other members and supporters were missing and presumed dead in the wake of election-related violence in 2008. The killings were primarily committed by members of ZANU-PF, ZANU-PF youth militia, war veterans, and, to a lesser extent, members of the military and police. NGOs also estimated security forces killed at least 40 persons in the Chiadzwa diamond fields in Manicaland Province during the year.

"Security forces killed opposition members during the year… Security forces continued to engage in extralegal killings in connection with illegal diamond mining… There were killings by political party supporters during the year… Despite the more than 200 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 400 civil suits in the High Court against perpetrators for wrongful deprivation of life; all were pending at year's end." **[2h] (section 1a)**

8.49 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)**

8.50 *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]**

8.51 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 a member of the CIO (Innocent Makamure) was found dead two weeks after apologising to villagers for his part in the beating and torture of people during the 2008 election run-off. Mr Makamure stated that: "Though I did not kill anyone personally, I believe my actions and the role which I played during campaigning for President Mugabe towards the June run-off led to some deaths." **[9g]**

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

Disappearance

8.52 The USSD Report 2009 noted that:

"There were numerous 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 opposition and civil society members, as well as student leaders, as part of an effort to intimidate MDC supporters and civil society members and leaders. 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 and tortured for one or two days, and abandoned. In some cases the abducted person was located in police custody days or weeks later… Several abductions were committed by MDC supporters in retaliation for ZANU-PF initiated violence … The government seldom investigated reported abductions." **[2h] (section 1b)**

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 2010 to February 2011, 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 (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 & FAIR TRIAL

10.04 The USSD 2009 noted that:

"The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. 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 certain security cases. 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 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." **[2h] (Section 1e)**

10.05 The USSD 2009 continued:

"Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. 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 HRW report, most junior magistrates and magistrates in rural areas did not benefit from government patronage. Instead, government 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. During the year numerous lawyers and court officers were arrested on criminal charges after taking action that some in government opposed." **[2h] (Section 1e)**

10.06 Freedom House in its *Freedom in the World 2010* report, Zimbabwe, covering events in 2009, released on 3 May 2010, stated:

"Pressure from the executive branch has substantially eroded judicial independence in recent years, although the situation improved somewhat in 2009. 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. The vacancy of nearly 60 magistrate posts has caused a backlog of some 60,000 cases. Among other signs of decreased politicization in 2009, a judge in February dropped treason charges against MDC official Tendai Biti, and in July a magistrate ordered the government to investigate the alleged assault of four women arrested at a peaceful demonstration on World Refugee Day. In October, the Supreme Court ordered a permanent stay of prosecution against Jestina Mukoko and eight other human rights activists, citing torture by police. However, in March police arrested a magistrate who had ordered the release of the MDC's Roy Bennett on bail." **[96b] (p5)**

10.07 Amnesty International's *Annual Report 2010, Zimbabwe*, covering events in 2009, released 28 May 2010, noted that:

"Magistrates' courts found themselves under pressure after passing decisions not favourable to the Attorney General's office. The lower courts came under increased pressure in cases against MDC-T officials and human rights defenders, often seeing judicial officers themselves facing trumped-up charges at the instigation of the Attorney General's office. The charges were intended to instil fear among judicial officers, undermining their independence and impartiality." **[14g] (p2)**

10.08 A report published by the Civil Society Monitoring Mechanism, covering events during January and February 2010, noted that "… some magistrates and judges [failed] to exercise independence … the judiciary has a long way to go before it can be called impartial." However, it also noted that: "Some magistrates and judges exhibiting independence and impartiality by throwing out politically-motivated cases, and issuing orders against senior members of government." **[48a] (p5-6)**

10.09 The same source's report covering events in June observed that:

"The courts themselves have struggled to exert any independence. The main problem continues to be the enforcement of their judgements. Rulings on land issues are disregarded by the police who even assist in the illegal evictions of farmers, at the instigation of politicians. Statements by Didymus Mutasa for example, exhorting illegal settlers to invade farms from which legally barred demonstrate an utter disdain for the rule of law and the GPA. It remains difficult for the courts to act independently when senior politicians openly advocate defiance of court orders with impunity." **[48b] (p33)**

10.10 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]**

10.11 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 Hight 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]**

10.12 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:

"5. 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

10.13 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.

PENAL CODE

10.14 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 2009* (USSD 2009), published on 11 March 2010, noted that:

"Arrests require court-issued warrants, and 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. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests, which may have been politically motivated, on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations' activities, and then releasing them the next day without charge.

"Although the Criminal Procedures and Evidence Act (CPEA) substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, a circular issued by the attorney general giving a general authority to grant bail lessened the negative effect of the law in practice. 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." **[2h] (Section 1d)**

11.02 The USSD 2009 report also noted: "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 opposition members and civil society activists. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado." **[2h] (Section 1d)**

See also Security forces, Arbitrary arrest and detention

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12. PRISON CONDITIONS

12.01 King's College London's *World Prison Brief*, Zimbabwe, (KCL Prison Brief 2010) website last modified 17 June 2010 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,

60 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

	Zimbabwe
Telephone/fax/website	tel: +263 4 706501/4 or 777384/5 or 710095/7 or 754197 fax: +263 4 754157 Web: zps@gta.gov.zw
Head of prison administration (and title)	Paradzayi Willings Zimondi Commissioner
Prison population total (including pre-trial detainees / remand prisoners)	c.15,000 at October 2010 (national prison administration)
Prison population rate (per 100,000 of national population)	c.121 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% (October 2010)
Female prisoners (percentage of prison population)	3.0% (October 2010)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	1.8% (October 2010 - under 18)
Foreign prisoners (percentage of prison population)	0.7% (31.12.2008)
Number of establishments / institutions	46 (2010 - there are also 26 satellite prisons)
Official capacity of prison system	17,000 (October 2010)
Occupancy level (based on official capacity)	c.88% (October 2010)
Recent prison population trend (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 2009 *Country Reports on Human Rights Practices* (USSD 2009), published on 11 March 2010, noted that:

"Prison conditions remained harsh and life threatening. The government's 42 prisons were designed for a maximum of 17,000 prisoners. Local NGOs and the International Committee of the Red Cross (ICRC) estimated that there were approximately 12,000 to 14,000 prisoners in the Zimbabwe Prison System (ZPS) at year's end, 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 and overcrowding persisted, which aggravated outbreaks of cholera, diarrhoea, measles, tuberculosis, and HIV/AIDS-related illnesses.

"Lawyers, NGOs, and church officials familiar with prison conditions reported that although the situation had improved since 2008, shortages of food, water, electricity, clothing, and soap continued. In April an undercover film crew produced a documentary entitled 'Hellhole' that depicted serious malnutrition and unsanitary conditions that directly contributed to severe cholera in prisons in late 2008 and early 2009. Local NGOs believed that the publicity from the documentary prompted the government to grant NGOs greater access to provide prisoners with food, clothing, and medical and legal services." **[2h] (Section 1c)**

12.03 The USSD 2009 report noted:

"NGOs reported that the death rate decreased significantly during the year; however, the ZPS did not keep statistics on prisons deaths. NGOs estimated that the death rate was 40 deaths per month during the year, a reduction from the estimated 40 to 50 deaths per week during the height of the 2008 prison crisis. Most observers attributed the dramatic decrease to the ICRC's feeding program, which was the direct result of efforts by MDC-T Deputy Minister of Justice Jessie Majome to permit the ICRC and NGOs increased access to the prisons. Most prison deaths were attributed to harsh conditions, hunger, and HIV/AIDS. NGOs continued to estimate that half 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 were consistently ill, and routine medical conditions such as hypertension, diabetes, and asthma were life threatening.

"NGOs estimated that there were 500 women in prison; 43 children under the age of five lived with their incarcerated mothers. NGOs reported that female prisoners generally fared better than males. Women generally received more food from their families than male prisoners, resulting in reduced rates of malnutrition. 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, and suggested that female guards may have been more diligent about protecting female prisoners from abuse and that female prisoners may not have reported abuse. However, women 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. According to lawyers, female offenders also received sentences that were on average two to three years longer than male offenders for the same crime." **[2h] (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 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, observed: "The Prisons Service retains its record for dismal treatment of prisoners, in particular the failure to provide adequate food, sanitary conditions, medical assistance if needs be, and also in terms of facilitating access to justice in courts or otherwise." **[x] (p7)**

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CHILDREN

12.07 The KCL Prison Brief 2010 profile stated that 1.8% of the prison population (around 280 of the estimated 15,000 prisoners) were under 18 years old as of October 2010. **[x]** The USSD 2009 report noted that:

"NGOs and the ZPS estimated there were approximately 300 juveniles in prison facilities; the majority were being held in pretrial detention. Although juveniles were not officially held separately from adults, officials in remand prisons generally tried to place juvenile inmates in cells separate from adults. However, an estimated 20 convicted juveniles were held in the same prison cells as adult offenders. Juveniles were particularly vulnerable to the effects of poor prison conditions, and local NGOs reported several complaints of physical and sexual abuse." **[2h] (Section 1c)**

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13. DEATH PENALTY

13.01 Hands Off Cain profile on Zimbabwe (HoffC Profile), undated though articles cited on the webpage were dated February 2011, accessed 21 February 2011, noted that Zimbabwe retains the death penalty. **[71a]** The same source on a webpage titled *The Constitution of Zimbabwe at Chapter 3, section 12*..., dated 1 January 2011, noted that capital crimes were murder, treason and mutiny. **[71b]** The HoffC Profile also noted that the method of execution is hanging and there were 52 prisoners on death in row in 2009 – 49 as of March 2010. A total of 244 people were sentenced to death by the country's High Court between 1980 and 2001, 76 of whom were executed. The report also noted:

"Executions were suspended for several years due to lack of a public hangman, but resumed in October 2001 when a candidate was covertly appointed. The last executions were those of four prisoners convicted of murder hanged in June 2003. No executions were registered in Zimbabwe in 2004 and in 2005. On December 18, 2008 Zimbabwe voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly." **[71a]**

13.02 Amnesty International's *Annual Report 2010*, Zimbabwe, covering events in 2009, released 28 May 2010, noted that: "At least seven people were sentenced to death in 2009, bringing the number of people on death row at the end of the year to at least 52." **[14g] (p4)**

13.03 The US State Department 2009 *Country Reports on Human Rights Practices* (USSD 2009), published on 11 March 2010, noted that: "The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed." **[2h] (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. Additionally, for a wider appreciation of freedom of expression see also Freedom of speech and media, and Human rights institutions, organisations and activists.

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

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, discusses the background to the political system in the country. 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)**

FREEDOM OF POLITICAL EXPRESSION

14.03 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, stated: "The constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice

because the political process continued to be tilted heavily in favor of ZANU-PF, which has dominated since independence in 1980." **[2h] (Section 3)**

14.04 The same report stated in regard to the 2008 parliamentary and presidential elections that:

"In 2007 SADC designated then South African president Thabo Mbeki to serve as mediator between Robert Mugabe's government and the MDC. The mediation aimed to produce a mutually agreed election date and procedures to rewrite the constitution. Mbeki described his main objective as facilitating elections 'whose outcome would not be contested.' While the mediation was ongoing, Mugabe announced in January 2008 that elections would be held in March 2008, despite Morgan Tsvangirai's protests that mediation was still under way and there was not enough time to campaign. On March 29, 2008, the country held harmonized elections for the presidency, House of Assembly, Senate, and local government.

"As in previous elections in 2000, 2002, and 2005, the preelection 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 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." **[2h] (Section 3)**

14.05 The Freedom House report, *Freedom in the World 2010*, Zimbabwe, 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

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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.

"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]**

14.06 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) recorded the views of source that wished 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)**

14.07 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)**

14.08 Further comments from other sources in the same report included a major international humanitarian organisation noted 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

14.09 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 new elections. Preparations for the new constitution began in April 2009 with the appointment of a Constitutional Parliamentary Committee to oversee the process. **[90a] (Constitution)**

14.10 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 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)**

14.11 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

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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)**

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

14.12 The USSD 2009 noted that:

"The constitution provides for freedom of assembly; however, the government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. In January 2008 POSA was amended as part of constitutional amendment 18 to require police to go to a magistrate's court and to state in an affidavit why a public gathering should not take place. Although many groups that conducted 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." **[2h] (Section 2b)**

14.13 The USSD 2009 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 the opposition. Suspected security force members visited the offices and inquired into the activities of numerous NGOs and other organizations that it believed opposed government policies." **[2h] (Section 2b)**

14.14 Freedom House reported in *Freedom of Association Under Threat*, dated 21 November 2008, that:

"Freedom of assembly is severely restricted under the 2002 Public Order and Security Act (POSA). The act obliges organizers to give police seven days' notice prior to any public meeting, and failure to do so can result in both criminal and civil charges. While the advance notice provisions do not explicitly require police permission, security forces routinely use POSA to declare meetings and demonstrations illegal, arrest and detain demonstrators, impose arbitrary curfews and bans, and obstruct public gatherings with roadblocks and riot police. Consequently, thousands of opposition activists (mostly from the MDC), members of civic organizations (particularly the National Constituent

Assembly and Women of Zimbabwe Arise), and trade unionists have been arrested in the past five years." **[96d]**

14.15 The International Trade Union Confederation's 2010 *Annual Survey of Violations of Trade Union Rights – Zimbabwe*, dated 9 June 2010, noted that:

"There were fewer serious trade union rights violations than in previous years, thanks in part to the new Government of National Unity, but many problems persist. Members of the Zimbabwe Congress of Trade Unions (ZCTU) still faced harassment at the hands of the police, ZANU-PF youths and the Central Intelligence Organisation. Three striking mineworkers were shot and injured and many workers faced severe sanctions for exercising the right to strike. ZCTU President Lovemore Matombo was arrested in November along with four colleagues under the notorious Public Order and Security Act. Union activities are hampered by restrictive legal provisions, and there are no trade union rights in the public sector." **[46a] (p1)**

14.16 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.

14.17 The FFM report 2010 noted that the Zimbabwe Human Rights Association stated that: "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

14.18 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)**

14.19 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)**

14.20 The Zimbabwe Peace Project reported on 9 November 2010 that: "Two traditional leaders from Masvingo North constituency are reportedly forcing villagers to pay two goats or a US$70 fine for refusing to be under the leadership of ZANU-PF imposed village heads. … more than 60 families … have … been forced to buy ZANU-PF party card or face eviction. " In a similar case, the NGO also reported that war veterans in Bikita West (also in Masvingo province) had been forcing villagers to "… hold ZANU-PF meetings every Wednesday to showcase their allegiance to the party up until the election … All the people who were at the meeting were ordered to buy ZANU-PF party cards …" Villagers were also threatened with "… beatings and attacks worse than the 2008 election …" **[122j]**

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.21 MDC-Tsvangirai and MDC-Mutambara, the two largest opposition parties in Zimbabwe, agreed to join a government of national unity with 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 and wishes to ultimately govern the country alone. (International Crisis Group, 20 April 2009) **[100a] (p2)**

Information about the situation and treatment of MDC supporters within and without the government and those considered to oppose the ZANU-PF in a number of sections throughout the report. See Recent developments, Political affiliation, and Human rights institutions, organisations and activists.

14.22 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

14.23 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)**

14.24 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)**

14.25 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]**

14.26 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)**

14.27 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]**

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

Level of incidents: 2008 - 2010

14.28 The Zimbabwe Peace Project (ZPP) report, *Summary on politically motivated human rights and food related violations: December 2010*, (ZPP Report December 2010) published on 21 February 2011 stated 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.) This figure fell to 14,725 human rights violations in 2009 and rose slightly in 2010 to 10, 703 recorded human rights violations. The large majority were for harassment/intimidation (6839), assault (1929) and discrimination (1033), which in total represented over 90% of incidents. **[122j] (p8)** 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.

14.29 The same report provided a tabulation of rights violations recorded during 2010:

Acts	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Murder	0	0	1	0	0	0	0	0	0	0	0	0
Rape	1	0	5	0	1	6	4	3	1	2	0	1
Kidnapping / Abduction	2	5	5	7	4	1	13	0	3	0	2	1
Assault	165	196	161	156	186	169	154	155	136	144	134	173
Theft/Looting	26	30	25	27	27	27	17	42	15	17	16	14
Discrimination	27	76	61	65	73	62	98	86	104	143	109	129
MDP	14	10	16	9	11	25	10	6	12	6	10	7
Torture	3	3	2	3	4	7	3	2	3	4	0	1
Unlawful Detention	6	5	15	8	6	7	7	8	2	5	12	10
Harassment / Intimidation	490	628	589	651	641	587	558	531	561	558	520	525
Displacement	45	26	28	30	25	22	20	15	24	17	17	12
Attempted Rape	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Murder	0	0	0	0	0	0	0	0	0	0	0	0
Total	779	979	908	956	978	913	884	848	869	896	820	873

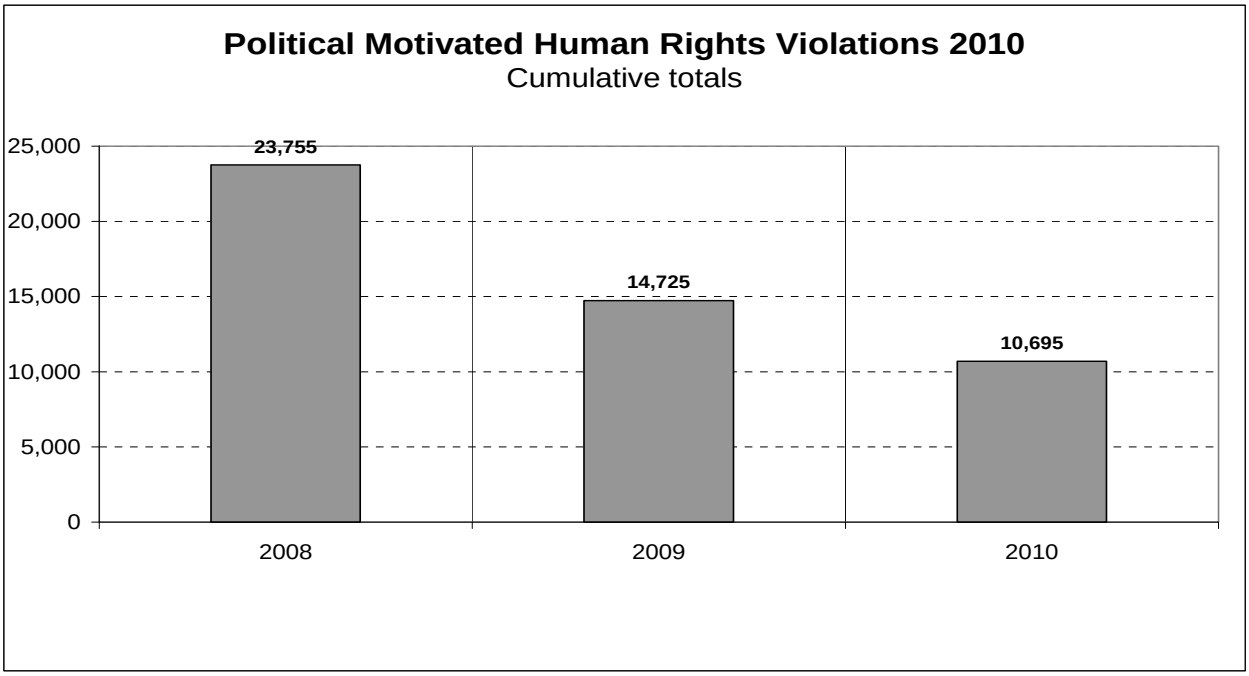
[122j] (p9)

14.30 Taking figures in the above table, and figures for 2008 and 2009 recorded in ZPP Report December 2010, the total human rights violations for years 2008, 2009 and 2010 documented by ZPP were:

Act / Year	2008	2009	2010
Murder	207	8	1
Rape	61	69	24
Kidnapping / Abduction	511	147	43
Assault	4886	3296	1929
Theft/Looting	611	598	283
Discrimination	366	1314	1033
MDP	1009	294	136
Torture	452	157	35
Unlawful Detention	514	284	91
Harassment / Intimidation	12593	7865	6839
Displacement	2508	680	281
Attempted Rape	23	3	0
Attempted Murder	16	10	0
Total	23755	14725	10703

[122j] (p9)

14.31 The bar chart below has been created using data from the ZPP Report December 2010 and shows the cumulative levels of politically motivated human rights violations documented by the ZPP.



[122j] (p9)

14.32 Statistics collated individually by the Zimbabwe Peace Project (2008-10) and the Zimbabwe Human Rights NGO Forum (2006-7) over the last five years noted that in the most serious human rights abuse categories (murder, rape, abduction, assault, and torture) the total number of serious human rights violations had dropped in 2009 and 2010 (2010 figure projected based on figures for January to November 2010) from 2008's high. The total number of violations is still higher than those collated in 2006 and 2007, but violations such as murder, attempted murder, and torture were at their lowest levels recorded in the last five years. (Zimbabwe Human Rights NGO Forum, Political Violence Report – December 2006, published 27 February 2007) **[35a] (p4)** (Zimbabwe Human Rights NGO Forum, Political Violence Report – December 2007, published 13 February 2008) **[35b] (p4)** (Zimbabwe Peace Project: December 2010) **[122j] (p8)**

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

Incidents in early 2011

14.33 The US Embassy in Harare announced in a press release on 11 February 2011 that: "The United States is alarmed by, and condemns, the recent spate of political violence perpetrated by youths and opportunists affiliated with elements of ZANU-PF. Such unlawful actions violate the Global Political Agreement and demonstrate that the undermining of the rule of law has not changed fundamentally." **[2k]**

14.34 Radiovop in an article dated 30 January 2011, referring to a report in *The Sunday Times*, noted that:

"President Robert Mugabe's Zanu (PF) has started unleashing violence on the people, setting up bases throughout the country as the ageing leader 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 [in the second half of January], especially in Movement for Democratic Change (MDC)-controlled areas of Budiriro, Mbare and Mabvuku in Harare.

"Zanu-PF and military insiders confirmed to the Sunday Times last week that Mugabe was under pressure from hardliners to go for elections where they expect intimidation to coerce people to vote for them.

"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 of the country.

"People in rural and urban areas have already reported spotting heavily armed soldiers moving around their areas without explanation." **[28m]**

14.35 The Associated Press reported on 31 January 2011 that:

"Zimbabwe has seen a surge in political violence and intimidation as the government prepares for national elections, an independent advocacy group said Sunday.

"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]**

14.36 SW Radio Africa noted in article dated 24 January 2011 that:

"Dozens of MDC supporters were injured, some of them seriously, in a wave of weekend violence that saw gangs of ZANU PF youths rampaging through… [Harare] Since the beginning of the year MDC activists have once again been targeted by ZANU PF mobs carrying logs, stones and at times guns, as Robert Mugabe's party 'go for broke' to try to reclaim lost ground from the 2008 electoral defeat.

"Incidents of politically related chaos and violence have continued to rock the country since the autocratic Mugabe announced his determination to hold elections this year.

"With his ZANU PF party in shambles and opinion polls suggesting a drubbing, there are fears Mugabe will resort to the extreme violence he did two years ago, as he seeks to extend his 30-year rule over a nation wracked by mounting tension as an election draws near… Harare has largely escaped the worst of the violence over the years but its luck may be running out. A series of attacks during the constitution making process last year and a number of high profile assaults of MDC activists in the first weeks of this year have come as a major source of worry for the party [MDC].

"A statement from the MDC said weekend violence left many of its party supporters injured in this fresh violence sweeping Harare. ZANU PF youths attacked MDC activists in Budiriro, Mbare, Hatcliffe and Chitungwiza." **[53ad]**

14.37 *The Daily News* reported on 26 January 2011 that violence had occurred as ZANU-PF worked to "… set up campaign bases in various constituencies in … [Harare] … The bases are confined to high density areas." **[132f]** An article in the Christian *Science Monitor* dated 27 January 2011 noted that:

"… in the past few weeks, the violence has spread to urban areas with the seeming intent of intimidating those who would vote for Prime Minister Tsvangirai… MDC members say the offensive, which started last week in Tsvangirai's political strongholds of Harare and Chitungwiza, involves the police and the military, war veterans of the liberation struggle, and youth militia from Mugabe's… (ZANU-PF) party… 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]**

14.38 An Irinnews article, dated 14 February 2011, noted that:

"Although no election has been announced, both President Robert Mugabe, leader of ZANU-PF, and Prime Minister Morgan Tsvangirai, of the Movement for Democratic

Change (MDC), have created an air of expectation that a national poll is being planned for 2011.

"'As expected, following Mugabe's call for elections in 2011, the violence perpetrated by hired ZANU-PF hoodlums has escalated in the past three weeks. This is not at all a result of political protest by Mugabe's personal party - rather, this is well-orchestrated destabilization of the GNU... This will throw the nation back to the year 2008,' political analyst John Makumbe alleged in an article published on 9 February." **[10h]**

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Perpetrators of politically motivated human rights violations

14.39 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)**

14.40 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 continue 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.'" While the 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

14.41 The *Zimbabwe Inclusive Government (ZIG) Watch: Issue 20* report published by Sokwanele on 21 October 2010 noted that the majority of breaches of the terms of the Global Political Agreement (GPA) between ZANU-PF and the MDC were committed by ZANU-PF - the document stated that breaches of the GPA included incidents of violence, intimidation, hate speech and abductions. **[37g]** Sokwanele's *ZIG Watch: Issue 23*, published 24 January 2011, noted a similar situation with ZANU-PF responsible for over 90 per cent of violations (including human rights and political violence) against the

GPA. **[37d]** During the constitutional outreach process Prime Minister Morgan Tsvangirai accused the army of using violence and intimidation to coerce people in to following ZANU-PF's preferred option, noted a report by States in Transition Observatory – *GNU Watch Zimbabwe September 2010*. **[9i]**

14.42 The Zimbabwe Peace Project's (ZPP) *October 2010 report* notes that: "The majority of the perpetrators of human rights violations during the month of October have been war veterans, ZANU PF youth militias, police officers serving members of the Zimbabwe National Army (ZNA) and to a lesser extent MDC-T supporters." **[122b] (p3)** The Zimbabwe Peace Project's (ZPP) *November 2010 report* noted a similar situation and stated that ZANU-PF supporters (including war veterans and ZANU-PF youth) were "re-establishing torture bases" in parts of the country. **[122i] (p2)** The ZPP Report December 2010 noted that "… the local governance structures in rural Zimbabwe have been politicised to a very large extent that they clearly and effectively serve the interests of Zanu PF party. This has resulted in the perpetrators of human rights violations being the District Administrators, war veterans, ZANU PF youth militias, chiefs, police officers and serving members of the Zimbabwe National Army (ZNA)." **[122j] (p2-3)**

14.43 There were some reports of violations by factions of the MDC. The ZPP *October 2010 report* noted that there were some "… instances … of intra-party violence especially within the MDC-M party, with members making counter accusations of being sell-outs and defecting to the MDC-99 led by Job Sikhala. One such case was reported in Mkoba Constituency on 5 October 2010, where a member of the MDC was assaulted by his fellow party members who accused him of defecting to MDC-99 [MDC 99 is predominantly made up of former members of the MDC-Tsvangirai and MDC Mutambara **[117b]**]." **[122b] (p3)**

14.44 The ZPP *December 2010 report*, published 21 February 2011, noted that:

"Assults were not only one sided as MDC-T supporters were also recorded as perpetrators. In one incident at Gokwe Centre, a ZANU-PF supporter was assaulted by an MDC-T activist after the former had tried to invite him to a Unity Day commemoration party. The victim was told to keep his party's activities to himself and fellow party members. From Mberengwa another ZANU-PF supporter was struck on the head with an iron bar by an MDC-T supporter. It was reported that the victim was putting on a ZANU-PF t-shirt which annoyed the perpetrator." **[122j] (p3-4)**

Mobilisation of security forces and ZANU-PF supporters

14.45 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)**

14.46 Reports of security forces being deployed across the country continued throughout the latter part of 2010 and into 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]**

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

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

14.47 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)**

14.48 On 18 November 2010 the *Daily News* reported that:

"The Zimbabwe National Army (ZNA) has embarked on a massive recruitment drive of junior soldiers to be used to spearhead a terror campaign against ZANU-PF arch rivals, MDC-T supporters in next year's planned elections … the officers will undergo special training to unleash terror to villagers in the rural areas in a bid to wrestle parliamentary seats that were grabbed by the MDC-T and make sure that Robert Mugabe sweeps to victory.

"The exercise comes barely two weeks after another crop of soldiers had a pass out parade after completing their six months training, a development that shows desperate efforts by ZANU-PF to beef up its human resources ahead of elections." **[132a]**

14.49 Sokwanele's *ZIG Watch (Zimbabwe Inclusive Government): Issue 23*, published 24 January 2011, noted that:

"Over two years since the inclusive government was formed, political unease and sporadic violence seem unending. The intimidation and violence which characterised the Constitutional Outreach process has been followed by an increase in political tensions with talk of a 2011 election. Zanu PF, a highly organised party with national reach seems to be preparing for a win at all costs. Increased violence, threats and coercion directed against the rural electorate primarily with the message that anything but a Zanu PF win will result in death for opposition supporters." **[37d] (p1)**

14.50 The FFM report reported the views of a major NGO which asked to remain anonymous:

"The Source is not aware of ongoing widespread physical violence at the present time and incidences of actual violence now are relatively low. However, the Source was at pains to emphasise that this is likely a consequence of the widespread and real fear that was instilled in the last round of major violence in 2008, and actual and implied threats that the victims can expect the same in the run-up to the next elections. The Source was firmly of the view that such levels of intimidation in themselves may amount to persecution even in the absence of actual physical violence." **[121a] (p27)**

14.51 The United States Institute of Peace noted in a report entitled *Zimbabwe: Power-sharing deal under stress*, dated 3 November 2010, that: "…militia leaders loyal to the ZANU-PF are already warning would-be voters in rural areas that violence will befall anyone who dares to vote for the MDC." **[135a] (p4)**

14.52 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]**

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Distribution of politically motivated human rights violations in 2010

For further details of the level and distribution of politically motivated incidents in early 2011 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, then breaks this down by province.

Demography

14.53 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 human rights violations in 2010

14.54 The Zimbabwe Peace Project (ZPP) noted in its *September 2010 report* that the provinces of Masvingo, Midlands, Mashonaland Central and Mashonaland East were the "most volatile provinces" that month. **[121a] (1&2)** The ZPP's October 2010 report noted that human rights violations were prevalent in the provinces of Mashonaland West, Mashonaland Central, Mashonaland East, Manicaland and Masvingo; in "… Mashonaland West and Mashonaland Central the levels of violations remained almost constant with sporadic incidents of physical violence in the form of assaults being recorded." **[122b] (p1&2)** The ZPP Report December 2010 noted in its summary that:

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

"The festive season [December 2010] also saw a marked decline in recorded incidents of political violence in the provinces of Bulawayo, Matabeleland North and South. However incidents of politically motivated human rights violations were very high in the Midlands Province (180). ZPP has noted that the Midlands Province has seen very high figures of violations during the month of December with 201 cases having been recorded in December 2008 and again 195 violations were witnessed in December 2009.

"It is also very worrying to note 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.

"The report also notes the re-establishment of torture bases manned by war veterans and members of the ZANU PF youth in Mashonaland Central where such bases have been maintained in Muzarabani and Bindura districts." **[122j] (p2)**

14.55 The ZPP publishes monthly* statistics (*reports were not found for January and July 2010) of human rights violations including murder, rape, kidnapping/abduction, assault, theft/looting, discrimination, malicious damage to property (MDP), unlawful detention, harassment/intimidation and displacement. The tables below have been created using ZPP statistics for the months February to December (except January & July) 2010 and represent monthly totals of violations by province. The figures have been split between the five provinces with the highest incidents of human rights violations (Table 1: Midlands, Manicaland, Mashona East, Mashona Central and Masvingo) and the five provinces with the lowest incidents of human rights violations (Table 2: Bulawayo, Matare North, Matare South, Harare and Mashonaland West). (ZPP Report Feb 2010) **[122c]**, (ZPP Report Mar 2010) **[122d]**, (ZPP Report April 2010) **[122e]**, (ZPP Report May 2010) **[122f]**, (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 Decmber 2010) **[122j] (p9)**

Table1

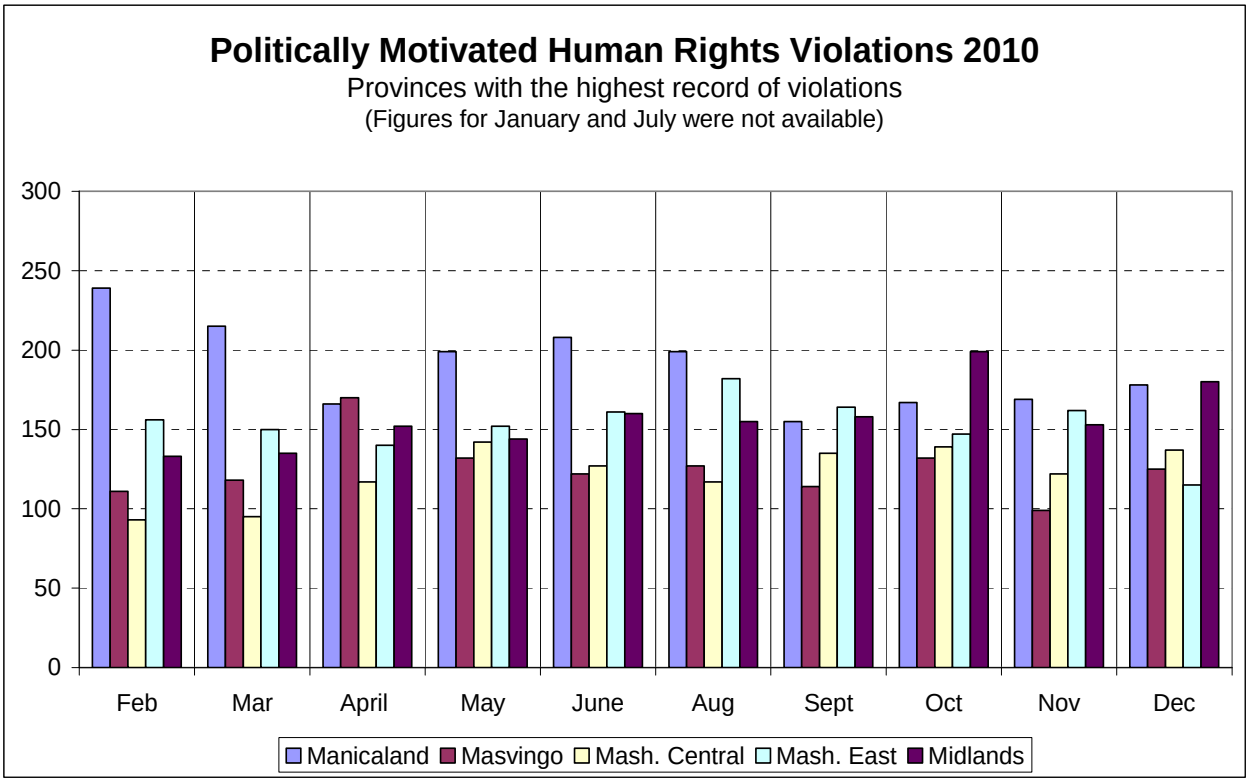
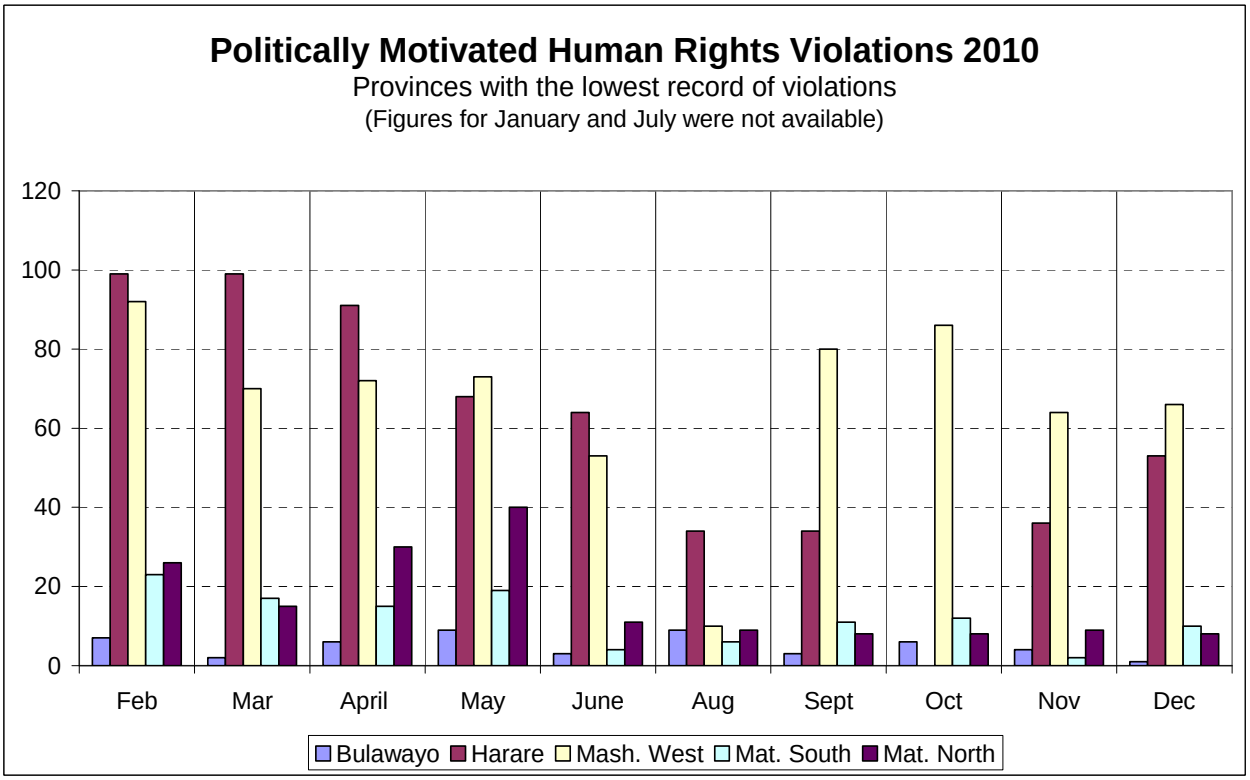


Table2



14.56 The ZPP Report December 2010 provide a table of politically motivated human rights violations by province documented by the ZPP (and not all incidents that may have occurred) in December 2010:

Acts	Midlands	Bulawayo	Mat. South	Mat. North	Masvingo	Manicaland	Harare	Mash. East	Mash. West	Mash. Central	Total
Murder	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	1	0	0	0	0	0	1
Kidnapping / Abduction	0	0	0	0	0	1	0	0	0	0	1
Assault	52	1	2	2	17	33	11	30	12	13	173
Theft / Looting	0	0	0	0	0	6	1	4	2	1	14
Discrimination	15	0	3	0	26	38	4	14	9	20	129
MDP	0	0	0	0	1	2	0	1	0	3	7
Torture	0	0	0	0	0	1	0	0	0	0	1
Unlawful detention	4	0	0	2	1	1	2	0	0	0	10
Harassment / Intimidation	106	0	5	4	77	95	32	65	43	98	525
Displacement	3	0	0	0	2	1	3	1	0	2	12
Total	180	1	10	8	125	178	53	115	66	137	873

[122j] (p8)

14.57 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)**

14.58 The FFM report continued, noting 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)**

14.59 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)**

14.60 The FFM report noted 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 traditionally voted for ZANU-PF prior to the 2008 elections. http://psephos.adam-carr.net/countries/z/zimbabwe/

14.61 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.

Human rights violations by province (1 October 2010 to 21 February 2011)

14.62 The information below lists a selection of main incidents identified by COI Service occurring in the respective provinces between 1 October and 21 February 2011. Not all incidents, or reports of human rights violations, are necessarily documented; the list therefore is not intended and cannot be considered comprehensive. Numbers of violations by province as recorded by the ZPP can be found in the preceding subsection.

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

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

14.64 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]**

14.65 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "In Bulawayo cases of harassment and intimidation were reported in Bulawayo East and Luveve constituencies including intra-party fights within the MDC-M, forced denunciation of one's political affiliation and one assault case in Nkulumane of an MDC-T supporter by ZANU PF." **[122b] (p6)**

14.66 SW Radio Africa noted on 19 November 2010 that:

> "A Bulawayo magistrate denied Standard journalist Nqobani Ndlovu bail on Friday, because she is 'afraid of getting into trouble' is she released him without properly checking facts. Ndlovu was brought to court to face charges of criminal defamation, after he alleged that exams in the police were being scrapped to facilitate the absorption of war vets and retired officers back into the force ahead of next year's elections. The scribe was arrested by the police in Bulawayo …" **[53z]**

14.67 Sokwanele reported on 29 November 2010 that a demonstration organised by WOZA (Women of Zimbabwe Arise) to mark International Women Human Rights Defenders Day proceeded peacefully in Bulawayo after 900 supporters turned up to take part in the march. "Jenni Williams, WOZA's National Coordinator was briefly detained by a senior-ranking police officer during the march but was later released after a discussion about its legality." **[37c]**

14.68 The ZPP Report December 2010, covering events in December, noted that the month "… saw a marked decline in recorded incidents of political violence in … Bulawayo …" **[122j] (p2)** "Incidents of politically motivated human rights violations remained low with two cases being recorded in Bulawayo Province." **[122j] (p7)**

Harare

14.69 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]**

14.70 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in September 2010, published 21 October 2010, that: "Harare province was generally quiet since the beginning of the month with very isolated cases of human rights violations from the region's highly polarised constituencies. Chaos only erupted when the COPAC teams visited the province during the weekend of 18 and 19 September where physical violence was recorded at some of the outreach venues." **[122a] (p6)**

14.71 Radiovop reported on 1 November 2010 that two freelance journalists were arrested while trying to cover consultative meetings on the new constitution being held in south

Harare. The two were reportedly attacked by "… suspected ZANU-PF supporters when … [one of them] made contributions which were contrary to their party position." The journalists were stabbed but did not receive life threatening injuries. **[28k]**

14.72 *The Standard* reported on 17 October 2010 that 78 police officers stationed at Avondale Police Station, who were believed by the head of the police service to be sympathetic to Morgan Tsvangirai (who is also a resident of the area), were transferred to a number of "remote" police stations in the provinces. **[20b]**

14.73 SW Radio Africa reported on 1 December 2010 that MDC activists "… Augustine Mahute … from Matapi Flats in Mbare Harare, died on Saturday night from injuries he suffered while in police custody. A statement released by the MDC said Mahute had first been attacked by ZANU PF youths and then by the police officers at Matapi Station, where the youths had taken him by force." **[53aa]**

14.74 The ZPP Report December 2010, covering events in December, noted that:

"There were cases of harassment and intimidation … recorded in Harare Province during the month with most cases highlighting that there are politically motivated human rights violations still being perpetrated in most constituencies. Political intolerance has been the major cause of the violations recorded in Harare. … The province recorded a significant increase in cases of politically motivated violence during the month of December with 53 cases having been documented as compared to the November figure of 36." **[122j] (p7)**

14.75 The Voice of America reported on 6 January 2011 the views of an MDC member of parliament who "… warned that there could be more trouble in … [Harare] and other MDC strongholds with a constitutional referendum and national elections potentially taking place in 2011." The MP noted an incident where "… suspected ZANU-PF militants attacked a party vehicle in a Harare suburb …" injuring the driver. The MP also described how he had been "… harassed by ZANU-PF youths in Mbare …" **[83k]**

14.76 Further violence was reported in Harare when SW Radio Africa noted on 24 January 2011 that: "Dozens of MDC supporters were injured, some of them seriously, in a wave of weekend violence that saw gangs of ZANU-PF youths rampaging through the capital." A local MDC official was reported to be "… recovering in hospital after he was shot in the leg and assaulted by the youth militia." **[53ad]** *The Daily News* reported on 26 January 2011 that "ZANU-PF has set up campaign bases in various constituencies in … [Harare] as the political temperature hots up in the country. The bases are confined to high density areas." The setting up of the bases was reported to have resulted in several incidents of violence across the capital. **[132f]** SW Radio Africa reported that the violence in Harare occurred after ZANU-PF youths were bussed in from other parts of the country. **[53ad]**

14.77 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]**

14.78 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]**

14.79 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]**

14.80 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]**

14.81 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 rep for the 46 accused claimed that at least nine of the 46 Zimbabwean activists arrested had been tortured under interrogation. **[109b]**

Manicaland

14.82 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that Manicaland 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]**

14.83 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Manicaland Province witnessed a post-constitutional outreach backlash, where victims were either assaulted or harassed for the contributions they made, during the outreach process. The majority of the victims recorded during the month of October were those who contributed alternative views, contrary to those sanctioned by Zanu PF." **[122b] (p4)**

14.84 SW Radio Africa reported on 12 November 2010 that: "Police in Manicaland … blocked the MDC-T from holding their 11th anniversary rally in Musikavanhu …". The source also noted that a spokesperson for the MDC reported that while the venue had been

booked it believed that that "… police chiefs and headmen have orders to ban all MDC rallies in Manicaland …" **[53q]**

14.85 SW Radio Africa noted on 29 October 2010 that "… members of the Central Intelligence Organisation (CIO) and police seized donated portable radios from villagers in the Chitowa District [Mashonaland East]." The radios had previously been donated by civil society organisations to improve access to information – something that the report said ZANU-PF want to curtail. **[53r]**

14.86 In Manicaland SW Radio Africa reported on 28 October 2010 that:

"The commander of 3 Brigade in Mutare, Brigadier-General Douglas Nyikayaramba, [had] … summoned close to 200 traditional leaders from Manicaland province for a two-day 'indoctrination' workshop. The so-called workshop. … was attended by chiefs, headmen and village heads from all the seven districts of the province. … [an] MDC-T spokesman for Manicaland, told SW Radio Africa … that the summoning of the traditional leaders was confirmation that ZANU-PF, with the help of the security establishment, is readying itself for another electoral battle with the MDC-T party and the familiar tactics of persecuting the opposition is on the agenda." **[53s]**

14.87 *The Zimbabwean* reported on 18 November 2010 that: "ZANU-PF youth militia, war veterans and members of the uniformed forces have launched an operation called Mugabe Zvachose aimed at drumming up support for President Robert Mugabe in the forthcoming elections. The team responsible for the operation is reportedly disrupting MDC political meetings in the province …" The report also noted "… that ZANU-PF youth militia and war veterans have established torture bases in the province and have been disrupting MDC meetings." **[99j]**

14.88 SW Radio Africa reported on 22 November 2010 that: "MDC activists have gone into hiding in some areas of Chipinge East after armed soldiers went around the constituency flushing out known opponents of ZANU-PF and beating them up. The soldiers, camped at Suwesu farm in Chipinge, have been on a rampage since last week forcing villagers to chant ZANU-PF slogans." The report noted that people were "… fleeing their homes fearful of the soldiers who are terrorising anyone thought to be MDC. **[53ac]**

14.89 The ZPP Report December 2010, covering events in December, noted that:

"Cases of politically motivated human rights violations remained very high in Manicaland Province mainly because of the Zanu PF national conference that was held in that region. The most common cases of human rights violations were of intimidation and harassment with cases of kidnapping, unlawful detention and arson also being reported.

"The most volatile period during the month was during the week in which the Zanu PF conference was being held [in Mutare in mid December 2010]." **[122j] (p4)**

14.90 *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]**

Mashonaland Central

14.91 Electoral returns (2000 and 2005) published by the Zimbabwe Electoral Commission show that Mashonaland Central 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. **[140c]**

14.92 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Mashonaland Central also witnessed cases of people who had their rights violated as a result of intra-party political violence while others were intimidated, harassed or assaulted for allegedly belonging to the MDC-T." **[122b] (p5)**

14.93 SW Radio Africa reported on 9 November 2010 that several teachers in Mashonaland Central were reported "… to have fled marauding ZANU-PF youths, who want to punish them for contributing to the constitutional outreach exercise which ended in October. Seven schools were reported to have closed after the teachers fled." **[53t]**

14.94 In Mashonaland Central the Voice of America reported on 12 November 2010 that human rights activists were claiming that ZANU-PF "… had launched a new operation targeting MDC supporters in rural communities … an unnamed ZANU-PF official [was quoted] as saying the party has launched 'Operation Headless Chicken' threatening to behead MDC supporters in the next elections …" **[83g]**

14.95 An IRIN News article noted on 22 October 2010 that: "… 30 families had been displaced and soldiers deployed in the three districts of Muzabarabani, Shamva and Bindura in the ZANU-PF stronghold of Mashonaland Central province." **[10g]**

14.96 SW Radio Africa reported on 10 November 2010 that: "Villagers in the politically volatile district of Muzarabani in Mashonaland Central province have pledged to sell their chickens and goats, to help finance foreign election observers for next year's elections. At a recent 'Heal Zimbabwe' meeting at Machaya village …" villagers stated that they wanted UN and EU observers to monitor the forthcoming national elections. The area which was once considered to be a "… bastion of the ruling ZANU-PF party …" suffered severe political violence after the MDC took an increased share of the vote in 2008. **[53u]**

14.97 SW Radio Africa reported on the 1 December 2010 that: "The Progressive Teachers Union of Zimbabwe (PTUZ) has expressed concern over the whereabouts of six teachers, thought to have been abducted by a state security agent [in the Central Intelligence Organisation] in Rushinga [Mashonaland Central] on Wednesday." The abduction "… followed attempts by ZANU PF supporters, the headmaster Luckson Chidhidhi and the district education officer, Beauty Gasa, to get rid of them from the school. The teachers are being victimised because they dared to contribute during constitutional outreach meetings conducted in Rushinga, despite instructions from ZANU PF youths that they should keep quiet during the exercise." **[53v]**

14.98 The ZPP Report December 2010, covering events in December, noted that although "… the human rights situation in Mashonaland Central remained tense, December 2010 saw a relatively quiet situation in terms of politically motivated human rights violations a situation which can be attributed to the farming season. The farming season saw almost everyone busy and with little time to engage in political activities. " Although, the report continued, noting that "Elections (sic) fever has gripped ZANU-PF camps in the province with most aspiring candidates now busy positioning themselves for any future primary elections resulting in increased cases of politically motivated violations." **[122j] (p4)**

Mashonaland East

14.99 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. **[140c]**

14.100 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Mashonaland East province remained one of the most volatile regions in the country despite having witnessed a slight decline in the number of violations recorded in October compared to the September figures. There are 147 cases of politically motivated human rights violations in October compared to the 164 cases recorded in September." **[122b] (p4)**

14.101 *The Zimbabwean* noted on 17 November 2010 that: that a MDC-T activist who is also a council municipal police office, "… was arrested by police … after he was brutally attacked by ZANU-PF thugs … Sources within the police [in Marondera] said harassment of MDC activists was part of the planned silencing of vocal and influential Tsvangirai followers by state security agents ahead of elections expected next year." **[99i]**

14.102 ZimOnline reported on 1 December 2010 that: "Soldiers stationed in Zimbabwe's Mashonaland East province have held training drills in villages as part of a drive to intimidate villagers into backing President Robert Mugabe in elections expected next year… The Zimbabwe Peace Project (ZPP) said the army has stepped up its presence in villages while ZANU PF militia have set up torture camps in some parts of the country …" **[49f]**

14.103 The ZPP Report December 2010, covering events in December, noted that: "It is … worrying to note that cases of politically motivated violence remain high and the atmosphere has remained volatile in … Mashonaland East …" **[122j] (p2)** However, the report noted that: "Mashonaland East Province witnessed a significant decline in cases of politically motivated human rights violations to 115 cases in December down from November's figure of 162. This could be attributed to the fact that most people were busy concentrating on their farming activities as well as prepare (sic) for the festive season." The report went on to note a "serious case of torture" together with "cases of assult, harassment and intimidation" and "displacement". **[122j] (p6)**

14.104 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 stats). 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]**

Matabeleland North

14.105 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]**

14.106 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Matabeleland North recorded cases of harassments mostly around the issue of partisan distribution of food and other forms of aid with victims being denied access to aid for either belonging to ZANU PF, MDC–T or ZAPU. Volatile areas were Lupane West, Hwange West, and Binga South." **[122b] (p6)**

14.107 SW Radio Africa reported on 30 November 2010 that:

"Residents in rural Matabeleland North and South are increasingly being targeted by violent war vets, sponsored to establish ZANU PF strongholds.

"Villagers in Nyamandlovu are being harassed by a war vet called Nkanyezi, and their headmen are being pressured to take up senior posts in ZANU PF branches in the area … Nkanyezi is [reported to be] … forcing MDC and ZAPU members to surrender their membership cards and join ZANU PF. … It's understood that police have ignored reports about Nkanyezi, and although ZIPRA war vets have asked him to stop his violent behavior, he has refused to do so." **[53w]**

14.108 SW Radio Africa reported on 29 November 2010 that:

"Police in Nkayi in Matabeleland North province have released 17 MDC officials they arrested last week Thursday, allegedly for breaching sections of the Public Order and Security Act (POSA).

"A statement from the MDC said the officials were on Monday granted US$30 bail each by a Nkayi magistrate. The party said the officials, who include the MDC Matabeleland North chairperson Sengezo Tshabangu, were arrested on fabricated charges of causing violence. Tshabangu was chairing a meeting to welcome nine councillors who had rejoined the MDC after defecting from Arthur Mutambara's party, when police moved in and arrested them. The group had gathered at Nkayi central." **[53x]**

14.109 The MDC-T issued a statement on 26 November 2010 that reported the arrest and detention of "… 30 MDC members including the MDC Matabeleland North provincial chairperson, Sengezo Tshabangu … in Nkayi Central on charges that they were holding an illegal meeting." **[12d]**

14.110 The ZPP Report December 2010, covering events in December, noted that the month "… saw a marked decline in recorded incidents of political violence in … Matabeleland North …" **[122j] (p2)** "… incidents were recorded in the Lupane West, Binga North, Nkayi North, Bubi and Lupane East constituencies. Most of the cases were those of harassment and intimidation, denial of maize seed and unlawful detention." **[122j] (p7)**

Matabeleland South

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

14.112 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Matabeleland South reported on cases of constant police raids in public drinking places and the imposition of unofficial curfews in Gwanda." **[122b] (p6)**

14.113 The Voice of America reported on 19 November 2010 that:

> "Police in Zimbabwe's Matabeleland South province have been raiding non-governmental organisations and visiting homes demanding the surrender of wind-up short-wave radios associated with the Voice of America's Studio 7 program for Zimbabwe. Civic activist Jastone Mazhale, chairman of the Gwanda Agenda … told Studio 7 that the effort to confiscate radios was an attempt to silence dissenting voices as the country braces for possible elections next year." **[83h]**

14.114 Radiovop reported on 23 November 2010 that war veterans disrupted a youth meeting in Gwanda organised by the National Youth Development Trust. The meeting had been organised to discuss the effects of holding parliamentary elections in 2011. The war veterans threatened the group and accused one of the participants of being a 'sell out'. **[28h]**

14.115 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]**

14.116 The ZPP Report December 2010, covering events in December, noted that the month "… saw a marked decline in recorded incidents of political violence in … Matabeleland South …" **[122j] (p2)** There were reports of "… 11 incidents of harassment and intimidation. Most of the incidents occurred around the distribution of farming inputs. ZANU-PF continued as the main perpetrator of violence." **[122j] (p7)**

Mashonaland West

14.117 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. **[140c]**

14.118 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Mashonaland West Province witnessed a slight decrease in the number of politically motivated violations and this has been attributed to the finalisation of the constitutional outreach meetings during the first week of the month under review." **[122b] (p6)**

14.119 Radiovop reported on 22 November 2010 that: "At least 43 families believed to be Movement for Democratic Change (MDC) supporters have fled their homes and are living in mountains after marauding ZANU-PF youths burnt their houses and assaulted

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

them near Mhangura [Mashonaland West]. … The marauding youths are said to be moving in the company of police officers." **[28g]**

14.120 The ZPP Report December 2010, covering events in December, noted that after Bulawayo, Matabeleland North and South and Harare, Mashonaland West recorded the lowest number of human rights abuses during the month. However, there were continued reports of "… discrimination, harassment and intimidation on political grounds on the distribution of farming inputs … and the perpetrators were mainly ZANU-PF supporters." **[122j] (p6)**

Masvingo

14.121 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]**

14.122 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Masvingo Province witnessed a lot of violations which were perpetrated by war veterans and traditional leaders while the most affected areas remained Zaka and Bikita districts accounting for the majority of violations. However, most of the violations recorded during the month of October were linked to the just ended constitutional outreach meetings." **[122b] (p5)**

14.123 *The Daily News* (4 November 2010) noted that in Masvingo province: "Three teachers from Bikita [Masvingo province] are battling for their lives at Silveira Mission hospital after they were severely assaulted by suspected ZANU-PF youths … A ZANU-PF official and war veteran from Bikita who identified himself as Comrade Lenin bragged that his party would unleash violence to opponents in the next polls." **[132c]** SW Radio Africa, dated 5 November 2010, noted that a further teacher had also been beaten but hadn't received life threatening injuries. **[53y]**

14.124 *The Standard* reported that: "Masvingo has been rocked by political violence as war veterans and ZANU-PF activists gear up for planned elections next year … a number of MDC activists in Masvingo have been forced to flee their homes …" **[20a]**

14.125 Again, in Masvingo province *The Daily News*, in a report dated 16 November 2010, and a Radiovop article dated 8 November 2010, each reported MDC rallies being blocked by the army, war veterans, and the police. *The Daily News* reported that "… members of the Zimbabwe National Army (ZNA) and war veterans… went on the rampage and blocked MDC-T supporters in Mwenezi [Masvingo province] from attending a rally that was supposed to be addressed by party spokesperson Nelson Chamisa." **[132d]** Radiovop recorded a similar situation where police in Bikita [Masvingo province] ordered two MDC politicians "… not to go ahead with a roadshow at several places in Bikita…" The roadshows were reported to have gone ahead but the police were reported to be "hunting down" the two politicians. **[28i]**

14.126 In Masvingo province Radiovop noted in a news report dated 8 November 2010 that:

"… 500 armed soldiers marched through the streets of townships demanding that Mugabe rule 'forever and ever'." The soldiers were reported to have chanted "… if you provoke our hero then you must be prepared for war … Meanwhile in Mwenezi ZANU-

PF youth militia in collaboration with traditional chiefs were said to be forcing poverty stricken villagers to contribute US$2 each to buy the party's membership card as their passport to getting food aid." **[28j]**

14.127 On 18 December 2010 Radiovop reported that the MDC member of parliament for Gutu North stated that "… at least two people are dying in his constituency every month due to injuries sustained from politically motivated assaults. 'There are no more MDC-T youths here. All of them are fleeing after ZANU-PF youth, war veterans and armed soldiers who patrol the area openly announced that they are prepared to 'slaughter our supporters'…" **[28l]**

14.128 The ZPP Report December 2010, covering events in December, noted that:

"It is … worrying to note that cases of politically motivated violence remain high … Masvingo Province remained very volatitle and recorded a total of 125 cases of politically motivated human rights violations in December with the majority of cases being of harassment and intimidation (77), 17 assault cases, 24 cases of food related violations and 1 case of rape that was reported from Chiredzi West Constituency. Among the most notable perpetrators was war veterans' leader Jabulani Sibanda and ZANU-PF MP for Chivi Central Paul Mangwana while traditional leaders supposedly acting under the orders of Chief Fortune Charumba claimed they had been told that chiefs and headmen must ensure their subjects pay allegiance to only ZANU-PF and President Robert Mugabe." **[122j] (p2&5)**

14.129 On 14 January 2011 the MDC-T issued a press release drawing attention to an "upsurge in violence". 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]**

14.130 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]**

14.131 *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]**

14.132 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]**

14.133 Radiovop reported on 7 February 2011 that an MDC-T Member of Parliament for the Zaka North constituency (Masvingo Province) was reportedly prevented from entering his constituency after suspected Zanu (PF) youth threatened to beat him up. The MP, who was due to hold meetings on Saturday and Sunday, had to postpone the meetings after fearing for his safety. "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]**

14.134 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]**

Midlands

14.135 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. **[140c]**

14.136 The Zimbabwe Peace Project noted in a report monitoring politically motivated violence in October 2010, published 18 November 2010, that: "Midlands Province witnessed a marked increase in the number of violations recorded during the month of October, experiencing continued political violence in the form of harassment, intimidation, assaults and discrimination. During the month under review the province recorded the highest number of politically motivated violations, compared to the month of September where Mashonaland East experienced the most violations." **[122b] (p3)**

14.137 *The Zimbabwe Mail* reported on 21 November 2010 that ZANU-PF Defence Minister, Emmerson Mnangagwa told a gathering of traditional chiefs and business leaders from the province that "… ZANU-PF will continue to rule Zimbabwe even if Zimbabweans rejected it… Mnangagwa accused his audience of having voted for the wrong party in the last elections." **[134a]**

14.138 The ZPP Report December 2010, covering events in December, noted that "… incidents of politically motivated human rights violations were very high in the Midlands Province …" **[122j] (p2)** The province recorded "… the highest number of infringements during the month of December. The province saw an increase in assaults (52), harassments and intimidation (106) as prospects of an election in 2011 gathered momentum."

"ZANU-PF youths were reported to be working with members of the military who were deployed to the province to terrorise and intimidate villages in most of the Gokwe, Zvishavane, Kwekwe and Mberengwa districts. …

"There were … cases of assault that were recorded in the province with ZANU-PF supporters being the major perpetrators. … The assaults were not only one sided as MDC-T supporters were also recorded as perpetrators." **[122j] (p3)**

14.139 *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]**

14.140 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]**

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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 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]**

15.02 The Committee to Protect Journalists report, Attacks on Press Freedom 2010: Zimbabwe, dated 15 February 2011, noted that: "Regulators granted five private publishing licenses, 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]**

http://www.cpj.org/2011/02/attacks-on-the-press-2010-zimbabwe.php

15.03 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]**

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

"More than a year into the implementation of the GPA [Global Political Agreement] … reforms remain unfulfilled … and freedom of expression is imperilled in Zimbabwe. … Five separate pieces of legislation restricting free expression remain on the books and are enforced. The laws, which are used only against ZANU-PF's critics, exist in violation of Zimbabwe's obligations under international law, under its constitution, and according to commitments under the GPA to undertake media reform. ZANU-PF continues to rely on these laws, and the state-controlled media itself, to promote political propaganda and restrict independent information about the party.

"Superficially, the power-sharing government has made a few positive changes… ZANU-PF has sought to portray these changes as indicative of genuine progress in the protection and promotion of human rights in Zimbabwe. … In practice, however, the former sole ruling party has blocked meaningful political changes that would safeguard those rights." **[69j] (Summary)**

15.05 The Economist Intelligence Unit's (EIU) *Zimbabwe Country Report*, 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… The MDC will have greater opportunities to promote its views, since two of the four daily newspapers that have now been licensed – Newsday from the Zimbabwe Independent stable and the Daily News, banned by the Mugabe government in 2002 – will be broadly supportive of it. The Daily

Gazette (in which Gideon Gono, the governor of the Reserve Bank of Zimbabwe, has a substantial financial stake), is expected to lean towards ZANU-PF, although nothing like as slavishly as the state media, while the stance of The Mail, to be published by Fruitlink, is not yet known. However, it is debatable whether Zimbabwe can support as many as five daily newspapers, suggesting that some of the new licensees – specifically the Daily Gazette – may not launch at this juncture. It is also possible that one or more of the papers will go bankrupt, although the state-owned Herald newspaper seems likely to survive because it has such a firm grip on the 'classifieds' advertising market." **[24d] (p9-10)**

15.06 SWRadio Africa reported on 23 November 2010 that the state broadcaster (Zimbabwe Broadcasting Corporation), which "…remains tightly controlled by Robert Mugabe's party [ZANU-PF] …" has regularly referred to Prime Minister Morgan Tsvangirai as simply the leader of the MDC-T – the article asserted that this is to "ridicule" and reduce the stature of the premier. **[53d]**

See Treatment of journalists below

MEDIA LAW AND MONITORING

15.07 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)**

15.08 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)**

15.09 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]**

15.10 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]**

PRINT MEDIA

15.11 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]**

15.12 The FH Press Report 2010 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)**

15.13 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]**

15.14 The BBC News *Country Profile of Zimbabwe*, updated on 16 June 2010, 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)**

15.15 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)**

TELEVISION AND RADIO

15.16 Freedom House noted in *Freedom of the Press 2010 – Zimbabwe*, 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)**

15.17 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]**

15.18 The USSD 2009 reported 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, supervised by the MMIP. The popularity of independent short-wave 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 Voice of America's (VOA) Studio 7 and SW Radio Africa. The government controlled the only domestically based television broadcasting station, the Zimbabwean Broadcasting Corporation. International satellite television

broadcasts were available through private firms but too expensive for most citizens." **[2h] (Section 2a)**

15.19 *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]**

15.20 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

15.21 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 2009 also stated this to be the case. **[2h] (Section 2a)**

15.22 Freedom House noted in *Freedom of the Press 2010 – Zimbabwe*, published 5 October 2010, that:

"Access to the internet is limited by the high costs at internet cafes and service disruptions caused by frequent power outages. Nonetheless, Zimbabwe has a relatively high rate of internet penetration for Africa, at 11.3 percent of the population. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are popular among those with internet access. 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.' According to CPJ, journalists and opposition activists are regularly subject to such surveillance." **[96c] (p3)**

For interest: http://www.internetworldstats.com/af/zw.htm

JOURNALISTS

15.23 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]**

15.24 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 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 subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and ZANU-PF supporters." **[96b] (p4)**

15.25 Reports by the International Federation of Journalists (IFJ), dated 2 November 2010, and the Media Institute of Southern Africa (MISA), dated 4 November 2010, noted the arrest, harassment and overnight detention of two journalists who had been covering the constitutional outreach process in Harare on 30 October 2010. **[61a] [119a]** The IFJ report continued, noting that a third journalist was reported to have been "severely beaten up and injured while attending a ZANU-PF fundraising function in Mutare. … In a statement … [the] ZUJ [Zimbabwe Union of Journalists] and the Southern Africa Journalists Association (SAJA) condemned the increasing threats against journalists in Zimbabwe." **[61a]**

15.26 The Committee to Protect Journalists reported on 13 August 2010 that Webster Shamu, the Information Minister (a ZANU-PF MP) in the government of national unity, threatened journalists with up to 20 years imprisonment if they published information leaked from cabinet meetings. The latest cabinet leak was about discussions to "… stop the state-run Zimbabwe Broadcasting Corporation from playing pro-ZANU-PF songs every half hour." **[30b]**

15.27 The CPJ Report 2010 observed that:

"While harassment of journalists 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]**

Journalistic corruption

15.28 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

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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, noting that:

"… 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.

"The proposed Interception of Communications Bill that appeared before parliament during mid-2006 was widely criticised by human rights groups. It was later withdrawn in November but, if passed, the Bill would have enabled the state to monitor telephone calls, faxes and emails in what the government claimed was an effort to combat espionage and international terrorism." **[90b] (Internal affairs)**

16.03 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, 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 POSA and AIPPA; election observation; constitutional and electoral reform; increasing poor women's access to the courts; raising awareness of the abuse of children; conducting civic education; preserving 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, Zimbabwe Human Rights NGO Forum, 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]." **[2h] (Section 5)**

16.04 The USSD 2009 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; many 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. Unlike in previous years, there were no known cases of police raids of NGO offices. The government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. Representatives of international and foreign NGOs were harassed." **[2h] (Section 5)**

16.05 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]**

16.06 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

16.07 The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, noted that in spite of the formation of the Government of National Unity, "The working environment for human rights defenders continues to be restrictive." The report continued, noting that:

"For example, 83 men and women from the group Women of Zimbabwe Arise were arrested in Harare on September 20 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.

"In a raid at the offices of the organization Gays and Lesbians of Zimbabwe (GALZ) on May 21, police arrested staff members Ellen Chadenama and Ignatius Mhambi, 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 Mugabe. Two days later police searched the house of the acting director of GALZ, confiscating his birth certificate, several GALZ magazines, books, and business cards. Chadenama and Mhambi spent six days in detention before they were released on bail; they pleaded not guilty to the charges. Mhambi and Chadenama reported that they were physically assaulted by the police while in custody. Mhambi said that police hit him with empty glass bottles on his knees. The arrests, which Human Rights Watch considers to be politically motivated, 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. The trial is ongoing at this writing although Mthambi has been acquitted of the first charge." **[69a]**

16.08 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]**

16.09 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 the December 2009 Zimbabwe Country Report for more detailed information about the abduction of human rights activists in 2008-2009.

See also Latest news, Recent developments, Political affiliation and Politically Motivated Violence.

Women of Zimbabwe Arise (WOZA)

16.10 Women of Zimbabwe Arise (WOZA) was founded by Jenni Williams in 2003 and is a well respected 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]**

16.11 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]**

16.12 The USSD 2009 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. **[2h] (Section 1d, 2b & 2d)** The Civil Society Monitoring Mechanism, covering events between March and April 2010, noted that WOZA (as a non-political organisation) does not need to provide the police with notice of any demonstration. At a meeting with the MDC and ZANU-PF co-Ministers of Home Affairs, Jenni Williams reminded them that WOZA had "… successfully defended this right to assembly in seven trials." **[48b] (p22)**

16.13 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:

"Several WOZA members were arrested on the 15th [April] in Harare following a peaceful demonstration against high electricity costs. Fully armed riot police broke up the demonstration and arrested WOZA leaders Jenni Williams and Magodonga Mahlangu. Several other women handed themselves in to the police in solidarity. In total, 65 people where held in custody without charge, 61 were released that evening. The other four women, Jenni Williams, Magodonga Mahlangu, Selina Madukane and Clara Manjengwa were released after spending 5 nights in jail." **[9g]**

16.14 A report published by the Civil Society Monitoring Mechanism, covering events during January and February 2010, noted that while WOZA marches and meetings were "interrupted by police" in January, "WOZA/MOZA['s] Valentine's day marches in February [were] unimpeded by police in Harare, Bulawayo and Mutare." **[48a] (p7)**

16.15 Amnesty International's *Annual Report 2010, Zimbabwe*, covering events in 2009, released 28 May 2010, noted that:

"Seven members of Women of Zimbabwe Arise (WOZA), all of them women, were arrested in Bulawayo on 17 June and denied access to their lawyers after participating in a peaceful demonstration. The next day, while Amnesty International's Secretary General was holding a press conference at the Meikles Hotel in Harare, four WOZA activists, a cameraman from the state-owned Herald newspaper and an independent journalist were arrested and beaten by police about 50 metres from the hotel. The WOZA activists were denied access to medical treatment as a punishment for their activism and detained overnight. The independent journalist and cameraman were released the same day." **[14g] (p2)**

16.16 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

17. CORRUPTION

17.01 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, 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. The most recent World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. Implementation of the government's ongoing redistribution of expropriated white-owned commercial farms substantially favored ZANU-PF elite and continued to lack transparency… A government-appointed Anticorruption Commission was established in 2005 but had yet to register any notable accomplishments. Constitutional amendment 19 required the previous commission to be was disbanded and a new one to be appointed; however, 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. …

"There were reports that ZANU-PF officials in the government removed from the civil service and the military persons perceived to be MDC supporters. There also were reports that the government assigned soldiers and youth service members to work in government ministries. …

"NGOs documented numerous cases of public officials soliciting bribes to allocate market stalls in the major cities … In April Transparency International-Zimbabwe's (TI-Z) Advocacy and Legal Advice Center began an anticorruption campaign by inaugurating a toll-free hotline for residents to report corruption, seek free legal advice, and propose solutions for the prevention of corruption, TI-Z also established a corresponding monthly newsletter to discuss hotline complaints. Although the hotline was initially advertised in government-controlled media, in August the national public broadcaster, Zimbabwe Broadcasting Holdings, refused to carry TI-Z's advertisements. Many of the hotline's callers complained about police soliciting bribes at traffic stops, corruption in the allocation of vending stalls, and officials' misappropriation of funds.

"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." **[2h] (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 Report on *Human Rights Practices 2009* (USSD 2009), published on 11 March 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* (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)**

WITCHCRAFT

18.11 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 Report on *Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, noted that: "According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the white minority and other groups, between the Shona majority and the Ndebele minority, and among the various Shona subgroups." **[2h] (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 2009 reported that:

"The government continued its attempts to attribute the country's economic and political problems to the white minority and Western countries. On several occasions President Mugabe, members of ZANU-PF, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party 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." **[2h] (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]**

See also Land reform

ASIANS

19.10 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]**

19.11 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]**

ALBINOS

19.12 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]**

19.13 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)**

19.14 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]**

19.15 *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

19.16 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]** (The Lemba, p1-2) 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)**

19.17 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)**

19.18 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, and transgender persons has separated out 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 section on Women below.

20.01 The International Lesbian and Gay Association report, *State-sponsored Homophobia 2010*, dated May 2010, listed laws relating to same-sex sexual relations and gender identity. These laws include 'negative' – that prohibit behaviour – and 'positive' legislation – those which protect from discrimination or recognise entitlements. Zimbabwe prohibits "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] (p41-50)**

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 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 2010*, dated May 2010, (ILGA Report 2010) 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_2010.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 2009* (USSD 2009), published on 11 March 2010, noted that:

"Although there was no statutory law proscribing homosexual conduct, common law prevents homosexual men… from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In 2006 the 2004 amended criminal code became effective, broadening the definition of sodomy to include '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." **[2h] (Section 6)**

Lesbians and bisexual women

20.08 The ILGA Report 2010 stated that same-sex sexual acts between women were legal. **[81] (p21)** 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 2009 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…" **[2h] (Section 6)**

20.09 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

20.10 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 2010 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

20.11 The GALZ website, undated, accessed on 21 February 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

20.12 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)**

20.13 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)**

20.14 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]**

20.15 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]**

20.16 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]**

20.17 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]**

20.18 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 2009 report observed that: "Over a period of years, Mugabe publicly denounced the LGBT community, blaming them for Africa's ills." **[2h] (Section 6)** The GALZ website, undated, accessed on 21 February 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)**

20.19 Amnesty International noted on 17 December 2010 that it "… welcomed a Zimbabwe court's decision to acquit a lesbian, gay, bisexual and transgender (LGBT) rights activist

[who had been] charged with [the] possession of pornographic materials. Ellen Chademana, an administrative assistant at the prominent NGO Gays and Lesbians of Zimbabwe (GALZ), was acquitted by a magistrate's court in Harare… The charges followed an armed police raid on the GALZ offices…" in Harare in May 2010 where Ms Chademana and a colleague, Ignatius Mhambi, were arrested and detained for six days. "… Mhambi was acquitted of his charges in July." Amnesty International called on the coalition government to "… protect the rights of Zimbabwe's LGBT community …" and to "… end the persistent harassment of human rights defenders in Zimbabwe…" **[14a]** The Human Rights Watch *World Report 2011 – Zimbabwe*, published 24 January 2011, suggested that the arrests 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]**

20.20 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]**

Lesbians and bisexual women

20.21 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)**

SOCIETAL TREATMENT AND ATTITUDES

20.22 An article published by *The Standard* (Zimbabwe) noted on 27 March 2010 that homophobia in sub-saharan Africa is a relatively new phenomenon with late 19th century records showing that same sex practices were tolerated and sometimes celebrated in a wide range of African cultures including societies in southern Africa. The article noted that "… European contact altered some pre-colonial African attitudes towards homosexuality considerably." With Christian and Islamic missionaries imposing new concept of sin with resulting new laws giving rise to or intensifying homophobia. **[70b]**

20.23 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]**

20.24 Kubatana published a paper in January 2008 titled, *The position of lesbian and bisexual women*, by Fadzai Muparutsa of GALZ, dated January 2008, 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]**

20.25 The Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 27 May 2010, 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)**

20.26 The USSD Report 2009 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, by year's end [2009] 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 the LGBT community were reported." **[2h] (Section 6)**

20.27 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]**

20.28 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]**

20.29 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]**

20.30 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)**

Gay and bisexual men

20.31 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)**

20.32 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)**

20.33 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]**

20.34 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." The article went on to consider the situation for lesbians, as women, who "… 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." (See following section.) **[92g]** No further information has been identified by COIS with regard to transgender persons.

20.35 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

20.36 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)**

20.37 An article posted on Kubatana.com, 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……. while gay men are spurned by society, they still maintain the privileges that automatically accrue to them as biological males." These privileges include the right of free association, whereas "Women… 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." However, women who were economically independent (generally in the large towns and cities) were reported to be in a slightly better situation. **[92g]**

20.38 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." **[92g]**

20.39 The same source noted that the traditional and invented African traditions of many of these organisations further constrict 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." **[92g]**

20.40 The report 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. (Behind The Mask, reported on 13 June 2008) **[92g]**

20.41 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 (not clear when exactly), it has focussed on making the association 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)**

20.42 Behind the Mask, reported on 13 June 2008, 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." **[92g]**

Additional information about sexual violence against lesbians, and HIV/AIDs can be found at Women and Children

LGBT SOCIAL SCENE

20.43 The GALZ website, undated, accessed 9 October 2009) 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)** it described the gay and lesbian social scene in Zimbabwe as "vibrant" and "flourishing". In supporting this view GALZ pointed to the annual Jacaranda Queen (Drag Queen) competition which has taken place in one form or another since the 1970s; the most recent incarnation of which began in 1995 at the height of government pronouncements against Lesbians and Gays. (GALZ, accessed 27 May 2010) **[42d] (Zim Pride)**

20.44 GALZ also 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)**

20.45 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)**

20.46 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 (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]**

20.47 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)**

20.48 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)**

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21. DISABILITY

21.01 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, 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 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 children with disabilities often were hidden when visitors arrived. In 2008 the government announced it was reviewing the

Disabled Persons Act, the Mental Health Act, and the constitution to align them with the Convention on the Rights of People with Disabilities; no further action was taken by year's end." **[2h] (Section 6)**

21.02 The USSD 2009 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." **[2h] (Section 6)**

21.03 The USSD 2009 also noted: "Operation Murambatsvina in 2005 severely affected persons with disabilities and, according to the UN special envoy's report on the operation, the government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population." **[2h] (Section 6)**

21.04 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]**

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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, which will provide more details:

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 US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, noted that:

"In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government. NGOs reported that anecdotal evidence indicated women experienced economic discrimination, including in access to employment, credit, pay, and owning or managing businesses.

"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." **[2h] (Section 6)**

22.04 However, the Department for International Development's Country *Overview of Zimbabwe* (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 2009 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 remained a problem. **[2h] (Section 6)**

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

22.07 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)**

22.08 The report continued, noting that while "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 …" the report noted that:

"… 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)**

22.09 The USSD 2009 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 House and Senate elected positions, 57 were filled by women, constituting 21 percent of the total, short of the SADC target for female representation of one-third. In 2006 Rita Makarau became the first woman to hold the

position of judge-president of the High Court. 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." **[2h] (Section 3)**

SOCIAL AND ECONOMIC RIGHTS

22.10 Behind the Mask reported on 13 June 2008 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. **[92g]**

22.11 The USSD 2009 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." **[2h] (Section 6)**

22.12 The USSD 2009 report also stated that:

"Women and children continued to be adversely affected by the government's forced evictions, demolition of homes and businesses, and the takeover of commercial farms. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband's family upon marriage and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband's family in rural areas where resources were already strained.

"The Ministry of 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. The government gave qualified women access to training in the military 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 women experienced economic discrimination, including in access to employment, credit, pay, and owning or managing businesses.

"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." **[2h] (Section 6)**

22.13 Afrol, 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)**

22.14 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 2009: Maternal and newborn health*, provides a range of range of statistical reports on aspects of health and education: http://www.unicef.org/sowc09/statistics/tables.php

Family law: marriage, divorce and inheritance

22.15 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]**

22.16 The USSD 2009 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." **[2h] (Section 6)**

22.17 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)**

Prostitution

22.18 The USSD 2009 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 - access to abortion

22.19 The United Nations Population Division (Department of Economic and Social Affairs) noted, in a report dated 23 November 2005, that abortion in Zimbabwe was only legally sanctioned in the following circumstances:

- to save the life of the mother;

- to preserve the physical health of the mother;
- following rape or incest; and,
- foetal impairment.

Abortion was not available on request or for the following reasons:

- to preserve mental health; and,
- economic or social reasons. **[74] (p189)**

22.20 The UN report noted 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)**

22.21 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]**

22.22 *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]**

VIOLENCE AGAINST WOMEN

22.23 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]**

22.24 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]**

22.25 Afrol accessed 2 February 2009 noted that "Violence against women, especially wife beating, is common. Domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The media increasingly reports incidents of rape, incest, and sexual abuse of women." **[73a] (p1)** The same source also noted that Female Genital Mutilation (FGM) is still practised by a small ethnic group called the Remba [or Lemba]. **[73a] (p2)**

22.26 The USSD 2009 noted that trafficking remained a problem in 2009, and women and girls were trafficked for sexual exploitation and domestic servitude. **[2h] (Section 5)**

More details can be found the section on Trafficking.

Politically-motivated violence

22.27 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)**

22.28 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]**

22.29 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)**

22.30 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 2009 noted that the police continued to use "excessive force" to break-up and disrupt WOZA demonstrations. **[2h] (Section 1c)**

22.31 The Zimbabwe Peace Project reported in its reports *Summary on politically motivated human rights and food related violations,* published between February and November 2010, that women accounted for about 23 per cent of the victims of politically motivated and/or human rights abuses. **[122b] [122c] [122d] [122e] [122g] [122h]** One specific indicator of violence against women is rape. In the year to the end of November 2010 (not including the months of January and July) there were 23 reports of politically motivated cases of rape or attempted rape; this compares to 84 cases in 2008 and 72 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. A copy of the report is available via the following link: 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. A copy of the report is available via the following link: 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 and Human rights institutions, organisations and activists

Domestic violence

For information about spousal rape, see following subsection.

22.32 The USSD 2009 noted that:

"In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of 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 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.

"During the year the government continued a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counselling for women. 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 – at 30 pages long, it was difficult to complete and photocopy." **[2h] (Section 6)**

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

22.33 The USSD 2009 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 was a widespread problem, particularly during the 2008 elections. 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 victims knew their rapists. The criminal code also makes it a crime to knowingly infect anyone with HIV. Local NGOs dealing with women's rights reported that rape cases were brought to the court and there were convictions; however, statistics were unavailable." **[2h] (Section 6)**

22.34 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)**

ASSISTANCE TO WOMEN

22.35 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 hoyrs a day. **[55a]** The Musasa Project can be contacted via its office in Harare – 64 Selous Avenue, Cnr 7th Street, Harare. **[55d]**

22.36 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

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

23. CHILDREN

OVERVIEW

23.01 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 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. 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.

"Schools and clinics reopened 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, and 100,000 children lived in child-headed households." **[2h] (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 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 notes 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, 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]** The USSD 2009 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 16 years of age." The report also noted that: "The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year, as did arranged marriage of young girls." **[2h] (Section 6)**

23.04 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)**

LEGAL RIGHTS

23.05 The USSD 2009 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." **[2h] (Section 6)**

23.06 Zimbabwe is a signatory to Convention on the Rights of the Child, ratified 11 September 1990. It accepted amendments to Article 43(2) of the Convention (dated 12 December 1995) on 27 August 2002.
http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en

VIOLENCE AGAINST CHILDREN

23.07 The USSD 2009, noted that:

"Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems during the year. Police statistics showed that 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 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 and AIDS. In 2008 UNICEF and the government launched the 'Stand Up and Speak Out' child abuse awareness and prevention campaign. In October 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." **[2h] (Section 6)**

23.08 The Foreign and Commonwealth Office noted in its annual human rights report, published on 26 March 2009, 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)**

23.09 The Foreign and Commonwealth Office noted in its annual human rights report, published on 26 March 2009, that: "A growing number of cases of … under-age girls are experiencing sexual violence at the hands of relatives." **[13a] (Women's and children's rights)**

23.10 The BBC reported on 12 June 2009 that: "Growing numbers of children in Zimbabwe are turning to prostitution to survive, the charity Save the Children says. The aid agency says increasing poverty is leading girls as young as 12 to sell their bodies for as little as a packet of biscuits." **[3aa]**

23.11 *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]**

23.12 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)**

23.13 The States in Transition Observatory, noted in the report, *Zimbabwe Government of National Unity Watch – October 2009* (dated 10 November 2009), that: "The Coalition Against Child Labour Zimbabwe (CACLAZ) estimates that as many as 90% of children born on farms are not registered with birth certificates, exposing them to child labour." **[9f] (p6)**

23.14 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

CHILDCARE AND PROTECTION

23.15 The USSD 2009 noted that:

"In 2007 the Ministry of Public Service, Labor, and Social Welfare and UNICEF formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported in 2008 that the NGOs involved had reached more than 200,000 orphans and vulnerable children with comprehensive support and protection since the beginning of the program." **[2h] (Section 6)**

23.16 UNICEF noted in *At a Glance: Zimbabwe*, undated, accessed on 2 February 2009 that Zimbabwe has 1.1 million orphans, the vast majority of whom have been orphaned by AIDS. **[85a] (p2)** A report by the Institute for War and Peace Reporting, dated 27 January 2009, reported that the number of orphans in Zimbabwe was 1.5 million. **[77e]** The USSD 2009 estimated that there could be as many as 1.6 million orphans in the country. **[2h] (Section 6)**

23.17 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]**

23.18 The USSD 2009 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 during the year. At year's end NGOs were uncertain how many children remained affected. Ongoing economic hardships and the government's lack of support for social welfare institutions contributed to a highly vulnerable population of approximately 5,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers." **[2h] (Section 6)**

23.19 The Foreign and Commonwealth Office noted in its annual human rights report, published on 26 March 2009, that it was providing assistance that enabled "Over 150,000 orphans and vulnerable children … to go to school …" [**13a] (Aid and humanitarian relief)**

The following link provides details of NGOs, including childrens NGOs, in Zimbabwe: http://www.devdir.org/files/Zimbabwe.PDF

CHILD LABOUR

23.20 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)**

23.21 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)**

23.22 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)**

EDUCATION

23.23 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. … Despite reduced school fees, teachers' strikes and a lack of resources prevented 94 percent of rural schools from opening on schedule in February [2009], according to the UN Children's Fund." **[96b] (p5)**

23.24 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)**

23.25 The USSD 2009 report noted that:

> "Primary education is not compulsory, free, or universal. During the year the Ministry of Education, Sport, Art, and Culture drastically reduced school fees, particularly in rural areas, to increase enrolment. 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 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.
>
> "The continued low enrolment resulted from continuing economic hardship, displacement of thousands of children from their homes as a result of election-related violence in 2008, farm-related violence during the year, emigration of qualified teachers, inability to pay school fees, and Operation Murambatsvina.
>
> "In most regions of the country, fewer girls than boys attended secondary school. If a family was unable to pay tuition costs, it was most often female children who left school or never began. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In 2006, in collaboration with UNICEF and other partners, the government launched a National Girls' Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school." **[2h] (Section 6)**

23.26 The USSD 2009 continued:

> "The government gave preference to national youth service graduates among those seeking employment in the government, especially in the security forces. 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 saying 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. 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. Persons under 18 are prohibited from joining the military or police." **[2h] (Section 6)**

23.27 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]**

23.28 A report by the Zimbabwe Independent, dated 3 September 2010, reported that the "… education system in Zimbabwe is still on the verge of total collapse." The report went on to note that the average cost for collage fees was around US$600 [the period this is for is not clear – it is assumed per year] – this prevented most Zimbabweans from accessing further and higher education. **[11d]**

23.29 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)**

23.30 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:

"Prime Minister Morgan Tsvangirai said that the unity government has been largely successful in restoring basic education in the country as it promised when it was formed early last year, thanks to help from the international community in restoring social services including health and education. … [The] Ministry of Finance awarded the highest vote in the 2010 budget to the Education sector with $400 million." **[48c] (p23)**

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.

HEALTH AND WELFARE

23.31 The UNICEF country website on Zimbabwe, accessed 23 August 2010, reported: "The population of Zimbabwe is estimated at 12.2million (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]**

23.32 The USSD 2009 noted that:

> "With 1.6 million orphans with HIV/AIDS, the country had the world's highest percentage of orphaned children at one in four, and the number increased during the year. Ninety percent 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, and to suffer discrimination and social stigma. Extended families and communities often refused to take in orphans out of fear that they or their own children might contract HIV. Some children were forced to turn to prostitution for income." **[2h] (Section 6)**

HIV/AIDS

23.33 The USSD 2009 noted that:

> "With 1.6 million orphans with HIV/AIDS, the country had the world's highest percentage of orphaned children at one in four, and the number increased during the year. Ninety percent 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, and to suffer discrimination and social stigma. Extended families and communities often refused to take in orphans out of fear that they or their own children might contract HIV. Some children were forced to turn to prostitution for income." **[2h] (Section 6)**

23.34 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]**

See also Medical issues, HIV/AIDS

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DOCUMENTATION

23.35 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 obtain 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 2010*, (USSD TIP Report 2010) dated 14 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. **[2e]**

24.02 The report went on to note that:

"Zimbabwe is a country of origin, transit, and destination for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution… The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government showed increased interest in trafficking issues and began to provide anti-trafficking training to some public servants, officials made no apparent efforts to proactively identify victims of trafficking. Members of government security services forced men and boys to perform hard labor in diamond mines." **[2e]**

24.03 The US State Department *Country Reports on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, noted that:

"Trafficking was a serious problem. NGOs, international organizations, and governments in neighboring countries reported that Zimbabwean emigrants continued to face exploitation. Rural children were trafficked domestically and regionally into farms or cities for agricultural labor, domestic servitude, and commercial sexual exploitation, often under false pretences of job or marriage proposals, according to one NGO. Reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. Women and children were reportedly trafficked for sexual exploitation in towns across the borders with the four neighboring countries. In recent years women and girls were lured to South Africa, China, Egypt, the United Kingdom, Canada, and Zambia with false employment offers that resulted in involuntary domestic servitude or commercial sexual exploitation. Women and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia were trafficked through the country to South Africa. Small numbers of South African girls were trafficked to the country for forced domestic labor." **[2h] (Section 6)**

24.04 The USSD 2009 report continued:

"Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young

men and boys were exploited by 'guides' when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South Africa before their 'employers' reported them to authorities as illegal immigrants. Traffickers often transported victims covertly across borders at unofficial border crossing points. The use of child laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members. Some children were trafficked internally to work as farm workers or domestic servants.

"The constitution and law prohibit forced or compulsory labor, including by children, with the exception of working for parents or the national youth service, and traffickers could be punished under this law. Forced labor is punishable by a fine, two years' imprisonment, or both. It is a crime under the criminal code to transport persons across the border for sex. The law provides for a fine and a maximum prison sentence of two years (10 years if the victim is under the age of 16) for procuring another person to become a prostitute, whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws.

"The government demonstrated interest in combating trafficking; however, it did not devote sufficient resources to investigating and prosecuting cases.

"The primary government authority to combat trafficking was the ZRP, which relied on NGOs to alert them to cases. The Interpol National Central Bureau Zimbabwe's "anti-trafficking desk" was staffed with ZRP officers who assisted with international investigations.

"There were reports suggesting that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The government took steps during the year to educate and train officials to combat trafficking. Government officials attended IOM seminars on trafficking during the year. The IOM held numerous sector-specific training workshops during the year: four for law enforcement, eight for social services professionals, two for educators, and one for local government officials." **[2h] (Section 6)**

24.05 The USSD 2009 also noted that, with regards to protection:

"Although the government lacked resources to provide protective services on its own, the police's Victim Friendly Unit, social services, and immigration officials used an established process for referring victims to international organizations and NGOs that provided shelter and other services. The government coordinated closely with the IOM-run migrant reception centers in Beitbridge on the border with South Africa and Plumtree near the Botswana border that provided social and reintegration services to the large number of repatriated illegal migrants and screened them to identify trafficking victims.

"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.

"The government-run media prominently featured articles about trafficking in persons, and the government had prevention programs to provide alternatives for children at risk. The government also continued to cooperate with the IOM and Interpol in a public awareness radio campaign in five languages that led to the identification of several victims during the year. In 2008 the IOM and local NGO Oasis Zimbabwe launched an anti-trafficking hotline. However, the hotline received few calls during the year due to lack of public awareness." **[2h] (Section 6)**

24.06 And with regard to prevention, the USSD TIP Report 2010 noted that:

"The government demonstrated some efforts to prevent trafficking. An inter-ministerial task force on trafficking made up of senior government officials that was established in 2006 still lacks a national plan of action and an operational working group. The group met during the reporting period, but it has not implemented any significant plans to date. Government officials attended and led portions of 15 sector-specific training workshops in partnership with IOM. The Ministry of Labor and Social Welfare and UNICEF have agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children, designed to ensure their access to education, food, health services, and birth registrations as a means of protecting them from abuse and exploitation. Orphans without birth certificates are particularly vulnerable to exploitation in forced labor and prostitution. The government did not directly fund any trafficking awareness programs, but the state-run media continued to print and air messages about the dangers of illegal migration, false employment scams, underage and forced marriages, prostitution, and exploitative labor conditions. Information regarding measures adopted by the government to ensure its nationals deployed to peacekeeping missions did not facilitate or engage in trafficking was unavailable. Zimbabwe is not a party to the 2000 UN TIP Protocol." **[2e]**

See also Children and Women, Prostitution

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25. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

25.01 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)**

25.02 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 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.

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

"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)**

25.03 IRIN, dated 5 August 2009, noted that during 2008 and into 2009: "Most of Zimbabwe's public health centres closed … as employees protested over poor salaries and working conditions during a severe cholera epidemic that began in August 2008 and claimed the lives of more than 4,200 people out of about 100,000 known cases. Public health facilities reopened in February 2009, when donors made money available for allowances that brought striking nurses and doctors back to work." **[10a]**

25.04 However, the article continued 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]**

25.05 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]**

25.06 The States in Transition Observatory (SITO) report of May 2009 noted that the formation of the unity government had a number of positive outcomes for the health service with funding for various humanitarian issues, including healthcare, being promised by western nations. **[9b] (p5)** ZimOnline reported on the 10 February 2010, that Zimbabwe's Health Minister had admitted that while there had been improvements in the country's health delivery system, it was still recovering from a "… decade of crippling economic decline …" **[49e]**

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 22 September 2009) **[64a]**. There is also the Baines Imaging Group; that is able to provide a range of services including: radiology, ultrasound, CT Scan and mammography's. (Baines Imaging Group, accessed 23 September 2009) **[68a]** Combined, the Avenues Clinic and St Anne's Hospital provided the following treatments:

Oncology (cancer diagnosis/treatment),

General surgery,

Urology (Urinary tract, including kidneys),

Orthopaedic surgery,

Paediatrics,

Neurology and Neurosurgery,

Radiology,

Gynaecology,

Cardio-thoracic surgery (heart and lungs),

Ear, nose and throat surgery,

Pharmacy. (St Anne's Hospital, accessed 22 September 2009) **[64a]**

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]**

See Economy for information about average income and Health care professionals below.

HEALTH CARE PROFESSIONALS

25.16 A report by Hospital Management, dated 22 December 2009, noted that Zimbabwe's qualified medical staff were:

"… leaving the country in search of better wages …The decline in working conditions and monetary incentives – with some earning less than their bus fare to work – has led to many healthcare professionals and support staff migrating from the public health service facilities to private ones, in many cases in other countries. Non-government organisations are trying to buck this trend with new incentives but for many the reality of working with little equipment is just not attractive." **[102a]**

25.17 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]**

25.18 The World Health Organisation (WHO) in Health Action in Crises (published December 2008) noted that: "Staff shortages are critical: 56%, 32% and 92% of doctor, nurse and pharmacist positions are vacant. Brain drain due to poor salaries and working conditions

is compounded by qualified personnel being either chronically ill or deceased due to HIV/AIDS." **[97b] (p2)**

25.19 However, a report 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)**

25.20 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]**

25.21 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

25.22 The FFM report 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." **[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]** However, an earlier *Consular Information Sheet – Zimbabwe,* published by the US State Department, updated on 30 April 2010, urged travellers to "… carry an ample supply of prescription and other medications, as they will not likely be available in Zimbabwe." **[2g] (p8-9)**

25.23 The FFM report continued, noting an organisation that asked to remain anonymous, that noted that medical "… aid is increasingly delivered not to individuals, but to organisation[s] such as hospitals … making discrimination against individuals more difficult." **[121a] (p15)**

25.24 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)**

25.25 *Business Monitor International*, *Zimbabwe Pharmaceuticals and Healthcare Report Q3 2010*, noted that counterfeit drugs had become a problem in Zimbabwe. The report noted 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]**

25.26 The US Embassy in Harare noted on its website, undated, accessed on 3 September 2010, listed five pharmacies in Harare. **[2d]**

HIV/AIDS

Overview

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]**

25.29 However, in spite of a substantial rise in the numbers of people receiving AntiRetroVirals (ARVs), *The Standard* reported on 7 March 2009 that many people die because of an inability to afford an adequate diet. The Zimbabwe HIV and AIDS Union reported that Zimbabwe's food crises has resulted in many Zimbabweans deciding to stop taking ARVs because the drugs were painful to take on an empty stomach. **[20c]**

Availability of treatment

25.30 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]**

25.31 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]**

25.32 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

25.33 The Department for International Development noted in its *Zimbabwe: Major Challenges* document (accessed 2 June 2009) that "… Zimbabwe has more people living with AIDS without access to treatment than any other country." **[45a]**

Waiting time for treatment

25.34 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)**

Shortages and political influence in the availability of ARVs

25.35 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)**

25.36 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)**

25.37 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

25.38 The SAfAIDS report, dated December 2009, entitled *An HIV Treatment Roadmap for Zimbabwe*, noted that a months' supply of ARVs in a public hospital or clinic ranges between US$16-20. An outpatient appointment costs US$10 (US$5 for children) at a main hospital; lower fees are payable at provincial and district hospitals. **[52a]**

25.39 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)

25.40 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	Efavirenz	Ritonavir (RTV)	Truvada

(ddl)	(EFV)		
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

25.41 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. 'Our children cannot become full citizens of this country until we pay'." **[15b]**

25.44 The Voice of America article noted that "The Zimbabwean Ministry of Health … announced that it plans to do away with hospital and clinic fees for pregnant [women] …" and also "… resolved to establish maternity waiting homes, again emphasizing improved maternal health care …" **[83e]**

25.45 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)**

GAY MEN AND SEX WORKERS (MALE AND FEMALE)

25.46 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]**

MENTAL HEALTH

25.47 The WHO Mental Health Atlas – 2005 (accessed on 21 June 2010) states that:

> "The mentally ill are entitled to free health services. The country has disability benefits for persons with mental disorders. Details about disability benefits for mental health are not available. Mental illness falls under the category that qualifies for tax credits. … Primary health care workers have the capacity to handle patients with severe psychosis and refer only those that they feel require specialized services. Most of the rural and district hospitals do not have facilities for inpatient care and only 17 district, provincial and central hospitals have primary care teams … There is a shortage of material and staff to sustain the community care programme." [Refer to the source document for a list of commonly available psychiatric drugs.] **[97c]**

25.48 A news report in *The Herald* dated 26 January 2010 noted that publicly funded psychiatric units were under funded and "… unable to give as much follow-up help …" as needed. The source also noted that private psychiatric care was available in the country, but was very expensive. **[23e]**

25.49 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]**

26. HUMANITARIAN ISSUES

26.01 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2009*, published in March 2010, noted that:

"The humanitarian situation stabilised in 2009 following a better harvest, the end of the cholera epidemic and sustained international aid. However, Zimbabwe continues to experience serious humanitarian challenges.

"In early 2009, over seven million Zimbabweans were receiving food aid. Although this year's harvest was better, the World Food Programme (WFP) estimates that up to 2.8 million people may still need some assistance with food security at the peak of Zimbabwe's 'hungry season' in February–March 2010. DFID contributed £9 million in financial year 2008–09 to the WFP-led response and has allocated a further £4m to WFP to strengthen food security this year.

"In 2008–09, Zimbabwe suffered its worst recorded outbreak of cholera. Official UN figures recorded nearly 100,000 cases of cholera and approximately 4,200 deaths. International assistance, including a £10 million package from the UK, played a critical role in tackling the epidemic. DFID has provided a further £4.7 million to UNICEF to prepare and respond to further outbreaks of cholera during the rainy season of 2009–10, by providing cholera kits for vulnerable households, promoting safer hygiene practices, and repairing water and sanitation systems throughout the country.

"The UK is the second largest bilateral donor after the US, giving £60 million in aid in 2009–10, the largest-ever UK aid programme to Zimbabwe. Our bilateral aid is channelled through the UN and NGOs, not the Zimbabwean government. It is both a response to immediate needs and an investment in Zimbabwe's future. It comprises essential food aid and healthcare, including support for the national response to HIV/AIDS, work in the water and sanitation sectors to reduce the risk of further cholera outbreaks, and the provision of seeds, fertilisers, technical assistance and school textbooks." **[13e] (p172)**

26.02 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:

"Since the formation of the Inclusive Government, the overall political environment has improved with 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.

"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 longterm 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

26.03 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)**

26.04 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, noted that:

"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. In 2006 the Gazetted Land (Consequential Provisions) Act passed into law, requiring 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 ZANU-PF supporters." **[2h] (Section 1f)**

26.05 The USSD 2009 noted that

"In April 2008 the SADC tribunal ruled that more than 70 white farmers who had been evicted from their lands could remain on their property pending a May 2008 hearing … In July 2008 the tribunal reaffirmed the injunction, condemning the government's recent land seizures and turning the issue over to the SADC summit for further action. However, the government asserted that it would move forward with prosecutions of the farmers who remained on the land, effectively ignoring the tribunal's authority." **[2h] (Section 1f)**

26.06 The BBC reported on 15 September 2008 that with the signing of the power sharing deal, he two main parties agreed that the issue of land ownership would be addressed through a "… comprehensive, transparent and non-partisan land audit …" **[3aw]** The Times reported on 11 October 2009 that despite the formation of the government of national unit, violent farm invasions continued. **[82c]**

26.07 However, the USSD 2009 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 7 letter, Minister of Justice Patrick Chinamasa informed the SADC tribunal that the country was pulling out of the tribunal." **[2h] (Section 1f)**

Also see Ethnic Minorities: Whites

RECENT LAND CONFISCATIONS

26.08 The Human Rights Watch *World Report 2010 – Zimbabwe*, published 20 January 2010, noted that: "ZANU-PF and its supporters continued to violently invade commercial farms in total disregard of the rule of law … " **[69l] (p2)** The US State Department *Report on Human Rights Practices 2009* (USSD 2009), published on 11 March 2010, also noted that farm invasions "were often violent", stated that "Tens of thousands of black farm workers on white-owned farms were beaten, intimidated, or displaced." **[2h] (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]**

For recent developments on land reform/evictions see Latest news

FOOD SHORTAGES

26.12 A report published by the United Nations Development Programme in October 2010 entitled *2010 Millennium Development Goals: Status Report Zimbabwe*, noted that: "Zimbabwe, once the food basket for southern African region, is now a net importer of food. The proportion of people living below the Food Poverty Line (FPL) increased from 29% in 1995 to 58% in 2003; this percentage has probably increased since then. In terms of the 2010 ZIMVAC [Zimbabwe Vulnerability Assessment Committee] Report, an estimated 1.3 million people will be food insecure at the peak of food insecurity (February and March 2011)." **[124a] (p6)**

26.13 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)**

26.14 However, the Economist Intelligence Unit's (EIU) *Zimbabwe December 2010 report* noted that while "… the US-funded Famine Early Warning System Network predicts the deterioration of the food security status across a greater part of the country… humanitarian and government food assistance programmes are likely to prevent starvation in the country. More than 900,000 people are estimated to require food aid until the end of 2010, and the number could rise by more than 40% to around 1.4m before the next harvest in May 2011." **[24g] (p10)**

26.15 The FAO/WFP Report 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

26.16 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 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)**

26.17 A report published by the Civil Society Monitoring Mechanism, covering events between March and April 2010, noted that there were no problems in the distribution of food aid, with the report noting that: "No cases were reported of NGOs operations being disrupted." **[48b] (p6)**

26.18 However, the FFM report went on to note 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)**

26.19 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 the distribution of food to children in the northern districts of the Mashonalands was problematic. **[101a] (p6)** The *Zimbabwe Independent* noted on 22 July 2010 that the Mashonaland provinces are ZANU-PF "strongholds". **[11c]**

26.20 *The Los Angeles Times* reported on 26 September 2008 that the distribution of government food was partly controlled by the Central Intelligence Organization who ensured that opposition supporters were prevented from receiving food aid. **[66b]** ZimOnline reported on 14 May 2007 that CIO agents had asked traditional leaders in parts of Zimbabwe to compile lists of known MDC supporters. **[49bq]**

26.21 The FFM reported the views of the Counselling Services Unit who noted 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)**

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 2009* (USSD 2009), published on 11 March 2010, 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 and asylum seekers, but it interfered with some humanitarian efforts directed at internally displaced persons (IDPs).

"During the year armed police continued routinely to erect roadblocks in and around cities and rural districts, especially before planned demonstrations. Security forces

claimed that they were looking for criminals, smuggled goods, and food; however, in many cases police arbitrarily seized goods for their own consumption. During the year travel bans on a variety of persons remained in effect. Foreign correspondents were denied visas during the year." **[2h] (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 continued, 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 …" and 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 2009* (USSD 2009), published on 11 March 2010, stated that:

"According to independent assessments, hundreds of thousands of 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. Since 2007 the International Organization on Migration (IOM) helped more than 200,000 displaced persons with temporary shelter and food. A total of 8 percent of citizens surveyed in 2007 stated they had moved in the last five years because they were 'asked to move.' 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). During the year the government acknowledged 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'." **[2h] (Section 2d)**

28.02 A report by the Internal Displacement Monitoring Centre (IDMC), dated 21 May 2010, estimated that "… the total number of internally displaced people in Zimbabwe in 2007 was between 880,000 and 960,000." The report noted that this figure is thought to have increased since 2007 with continuing farm invasions and political violence. **[104a] (p4)** However, the report noted that in spite of the huge numbers of IDPs "Zimbabwe does not have any of the outward signs of other large displacement crises, such as camps for internally displaced people (IDPs): the displacement crisis in Zimbabwe is to a large extent hidden." **[104a] (p3)**

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)** The IDCM report noted that "… in some cases humanitarian organisations 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 the potential for a worsening in similar problems experienced may increase as elections draw 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]**

Please see the March 2009 update of the Zimbabwe Country Report (http://www.homeoffice.gov.uk/rds/pdfs09/zimbabwe-260309.doc) for more information about Operation Murambatsvina.

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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 *Country Report on Human Rights Practices 2009, Zimbabwe*, released on 11 March 2010, (USSD Report 2009), noted 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 The Human Rights Watch report, *Diamonds in the rough*, dated 26 June 2009, noted that in addition to the army, who have been heavily deployed in the area, "Police officers were responsible for serious abuses – including killings, torture, beatings, and harassment – often by so-called 'reaction teams' deployed to drive out illegal miners. Miners described colleagues being buried alive. A police officer working with a reaction team told Human Rights Watch of orders from senior officers to 'shoot on sight' miners found in the fields." **[69d] (p4)**

29.05 The report continued, noting that hundreds of dead miners had been buried in mass graves. Most miners were reported as having been shot, but others are reported to have died of injuries sustained whilst being tortured. **[69d] (p30-34)** The report also noted that the army had forced up to 300 children to work in the diamond fields in very poor conditions. **[69d] (p4)**

29.06 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 2009* (USSD 2009), published on 11 March 2010, 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 guaranteed 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 one has a parent or parents that are born out of the country, they are citizens of the other country by descent. In addition, some countries, including in southern Africa, do not have a means to renounce citizenship. Independent groups estimate that as many as two million citizens may have been disenfranchised by the law, including those perceived to have opposition 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." **[2h] (Section 2d)**

30.02 However, correspondence from the UK Foreign and Commonwealth Office dated 2 October 2006, noted that they had consulted a respected 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 Genuine, 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]**

 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

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 a Zimbabwean 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 respected 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 Tsavangirai 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 2009* (USSD 2009), published on 11 March 2010, noted that:

"There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and 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 the 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. In April the National Social Security Administration (NSSA) announced that pensioners would receive $25 per month; the ZCTU and pensioners complained that the pension was inadequate.

"The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and

domestic worker sectors. 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 ineffective. The NSSA continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. 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. In 2007 government media reported 64 workplace fatalities and 5,568 injuries through November. By 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 so." **[2h] (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

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]**

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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 10 September 2009, 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, but for now remains open. The party again endorsed Mugabe as its presidential candidate for the 2008 elections and appears to have been wholly 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)**

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 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]** The rest of the information is provided by the following sources: (BBC News, 12 February 2009) **[3ae]**, and (CIA, 24 September 2010) **[56d]**.

President	Robert Gabriel Mugabe (ZANU-PF) **[56d]**
Vice President	Joyce Mujuru (ZANU-PF) **[56d]**
Vice President	John Nkomo (ZANU-PF) **[56d]**
Prime Minister	Morgan Tsvangirai (MDC-T) **[56d]**
Deputy Prime Minister	Thokozani Khupe (MDC-T) **[56d]**
Deputy Prime Minister	Arthur Mutambara (MDC-M) **[56d]**
Finance	Tendai Biti (MDC-T) **[56d]**
Home Affairs (Shared)	Kembo Mohadi (ZANU-PF) **[56d]**
Home Affairs (Shared)	Theresa Makone (MDC) **[56d]**
Foreign Affairs	Simbarashe Mumbengegwi (ZANU-PF) **[56d]**
Defence	Emmerson Mnangagwa (ZANU-PF) **[56d]**
Justice and legal Affairs	Patrick Chinamasa (ZANU-PF) **[56d]**
Constitutional and Parliamentary Affairs	Eric Matinenga (MDC-T) **[56d]**
Lands and Rural Resettlement	Herbert Murerwa (ZANU-PF) **[56d]**
Deputy Minister (designate)	Roy Bennet (MDC-M) **[3ae]**
Environment, Natural Resources and Tourism	Francis Nhema (ZANU-PF) **[56d]**
Economic Planning and Development	Tapiwa Mashakada (MDC) **[56d]**
Transport	Nicholas Goche (ZANU-PF) **[56d]**
Local Government, Urban/Rural Development	Ignatius Chombo (ZANU-PF) **[56d]**
Health and Child Welfare	Henry Madzorera (MDC-T) **[56d]**
Higher and Tertiary Education	Stanislaus Mudenge (ZANU-PF) **[56d]**
Education, Sports and Culture	David Coltart (MDC-M) **[56d]**
Energy and Power Development	Elton Mangoma (MDC) **[56d]**
Mines and Mine Development	Obert Mpofu (ZANU-PF) **[56d]**
Water Resources and Management	Samuel Nkomo (MDC) **[56d]**
Public Works	Joel Gabuza (MDC-T) **[56d]**
Public Service	Elphas Mukonoweshuro (MDC-T) **[56d]**
Youth Development, Indigenisation …	Savior Kasukuwere (ZANU-PF) **[56d]**
Industry and Commerce	Welshman Ncube (MDC-M) **[56d]**
Information Communication Technology	Nelson Chamisa (MDC-T) **[56d]**
National Housing	Giles Mutsekwa (MDC-T) **[56d]**
Enterprises and Parastatals	Gordon Moyo (MDC-T) **[56d]**
Small and Medium Enterprises	Sithembiso Nyoni (ZANU-PF) **[56d]**

Science and Technology	Henri Dzinotyiwei (MDC-T) **[56d]**
Media, Information and Publicity	Webster Shamu (ZANU-PF) **[56d]**
Women's Affairs	Olivia Muchena (ZANU-PF) **[56d]**
Regional Integration and International Trade	Priscila Misihairabwi-Mushonga (MDC-M) **[56d]**
Labour and Social Services	Paurina Gwanyanya-Mpariwa (MDC) **[56d]**
Tourism and Hospitality Industry	Walter Mzembi (ZANU-PF) **[56d]**
Min. of State President's Office	Sidney Sekeramayi (ZANU-PF) **[56d]**
Governor, Reserve Bank of Zimbabwe	Gideon Gono (ZANU-PF) **[56d]**

PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

Simon Vengayi Muzenda
ZANU-PF, former Vice-President of Zimbabwe. Died September 2003.

Joseph Msika
ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Joshua Nkomo after his death in 1999. Joseph Msika died on 4 August 2009.

Solomon Mujuru
Husband of Vice-President Joyce Mujuru, Solomon Mujuru was the military commander of the ZANLA forces prior to independence. In spite of his retirement from the army in 1992 and from parliament in 2000 he remains an influential figure within the country; he remains a member of ZANU-PF's Politburo and Central Committee.

Chenjerai 'Hitler' Hunzvi MP
Leader of war veterans in farm occupations, elected as ZANU-PF MP for Chikomba in June 2000; died in June 2001.

Ian Douglas Smith
Prime Minister of colonial Southern Rhodesia in 1960s, illegally declared independence (UDI) of Rhodesia from UK in 1965, PM until 1979, he died on 20 November 2007.

Joshua Nkomo
Ndebele, leader of ZAPU until party's merger with ZANU-PF in 1987, Vice-President of Zimbabwe from 1990 until his death in 1999.

Reverend Canaan Banana
First, non-executive, President of Zimbabwe 1980–1987; sentenced to a year in prison in 2000 for sexually assaulting a male employee, Released from prison January 2001.

Bishop Abel Muzorewa
Prime Minister of 'Zimbabwe-Rhodesia' under power-sharing 'internal settlement' in 1979, former leader of UANC, leader of United Parties since 1994, United Methodist Church's Bishop of Zimbabwe.

Reverend Ndabaningi Sithole
Former leader of ZANU, latterly leader of small ZANU-Ndonga party, died 2000.

Edgar Tekere

Former ZANU-PF Secretary-General, expelled from party 1988 for denouncing plans for one-party state, founded opposition Zimbabwe Unity Movement 1989 and unsuccessfully challenged Mugabe for Presidency in 1990.

Border Gezi
Former ZANU-PF Minister for Youth, Gender and Employment Creation. Initiated the National Youth Service programme, the members/graduates of which are sometimes called Border Gezi's, or Green Bombers or Taliban.

Constantine Guveya Chiwenga (General)
Commander of Zimbabwe Defence Forces (since 1 January 2004).

Vitalis Zvinavashe (General)
Commander of Zimbabwe Defence Forces, 1994–2003.

Pius Ncube
Roman Catholic Archbishop of Bulawayo, Zimbabwe, widely known as a human rights advocate and an outspoken critic of President Robert Mugabe. Heads a multi-denominational church coalition that seeks to improve the conditions of Zimbabweans. He received a Human Rights Award from Human Rights First on 23 October 2003, for speaking out against torture and confronting the Mugabe government. In September 2007 Pius Ncube was implicated in an adultery scandal, thought by many to have been inspired by the CIO, and subsequently resigned as Archbishop of Bulawayo.

Wellington Chibebe
Mr Chibebe has been leader of the Zimbabwe Congress of Trades Unions (ZCTU) since 2001.

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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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 The main text of this COI Report contains the most up to date publicly available information as at 21 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Annex E

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