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Zimbabwe Country Report

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Explanatory Note

This report presents country of origin information (COI) on Zimbabwe up to 27th November 2014 on issues of relevance in refugee status determination for Zimbabwean nationals. The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on sources published in 2014 and 2013 (covering events in 2013, not before) and all sources were accessed between November 2014 and early January 2015.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities. Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases
All Africa
Child Rights International Network
European Country of Origin Information Network (ECOI)
Kubatana
Relief Web
UNHCR Refworld
Zimbabwe Situation

Sources
Afro Barometer
Afrol News
Aidsmap
AIDSPortal
Amnesty International
Article 19
Avert
Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report'
Christian Solidarity Worldwide
CIA World Factbook
Civil Society Monitoring Mechanism (CISOMM)
Committee to Protect Journalists[Zimbabwe country page]
Disabled People's International
Eldis
Freedom House
Gay Star News
Handicap International
Henry J. Kaiser Family Foundation [HIV/AIDS site]
Herald *[state owned newspaper]*
Human Rights Watch
Inclusion International
Internal Displacement Monitoring Centre
International Coalition for Religious Freedom
International Crisis Group
International Disability Alliance
International Federation for Human Rights
International Gay and Lesbian Human Rights Commission
International Labour Organisation (ILO)
International Lesbian, Gay, Bisexual and Trans and Intersex Association
International Organization for Migration
Integrated Regional Information Networks (IRIN)
Institute for Security Studies [Zimbabwe country page]
Institute for War and Peace Reporting[Zimbabwe country page]

Leonard Cheshire Disability International
Medecins Sans Frontieres/Doctors Without Borders
Medecins Sans Frontieres – Access Campaign
Minority Rights Group International
National Aids Council of Zimbabwe
News Day
Open Society Institute
Oxfam
Pink News
Reporters Without Borders[Zimbabwe country page]
Research and Advocacy Unit
Save the Children[Zimbabwe country page]
Sokwanele
Solidarity Peace Trust
The Standard
Transparency International
UK Foreign and Commonwealth Office[Zimbabwe country page]
UN Habitat
United Nations Children's Fund (UNICEF) Zimbabwe
United Nations Development Programme (UNDP)
United Nations Population Fund (UNPFPA)
United Nations Office of the High Commissioner for Human Rights (OHCHR)
UN Office for the Coordination of Humanitarian Affairs (UNOCHA) [Zimbabwe country page]
UN World Food Programme
World Bank[Zimbabwe country page]
World Health Organisation[Zimbabwe country page]
The Zimbabwean
Zimbabwe Electoral Commission
Zimbabwe Independent
Zimbabwean Election Support Network (ZESN)
Zimbabwe Human Rights NGO Forum
Zimbabwe Lawyers for Human Rights
Zimbabwe Peace Project (ZPP)
76 Crimes

List of acronyms

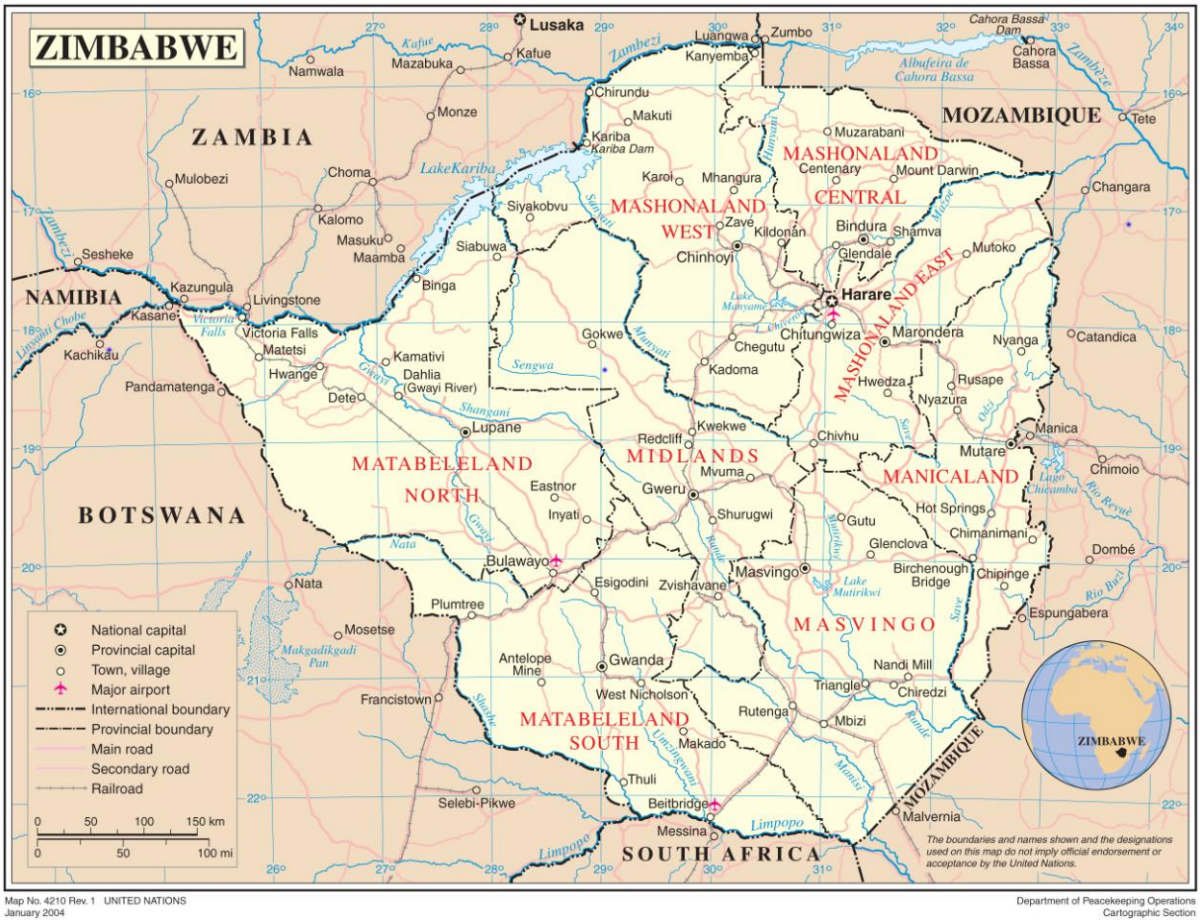
AIPPA- Access to Information and Protection of Privacy Act
CFU- Commercial Farmers Union of Zimbabwe
CIA- Central Intelligence Agency [USA]
CIO- Central Intelligence Organisation
CSO Civil Society Organisation
GALZ - The Gays and Lesbians Association of Zimbabwe
GM – Genetically Modified
GNU- Government of National Unity
GPA- Global Political Agreement
HRD- Human Rights Defender
IRIN- Integrated Regional Information Networks
JOMIC -Joint Monitoring and Implementation Committee
LGBTI(Q) - Lesbian, Gay, Bisexual, Transgender, Intersex, (Queer)
MDC-N – Movement for Democratic Change- Ncube
MDC-T- Movement for Democratic Change- Tsvangirai
MMIP- Ministry of Media, Information, and Publicity
MP- Member of Parliament
MT – Metric Ton
MWAGCD - Ministry of Women Affairs, Gender and Community Development
NAC- National AIDS Council
POSA -Public Order and Security Act
POTRAZ- Postal and Telecommunications Regulatory Authority of Zimbabwe
PTUZ- Progressive Teachers Union Zimbabwe
PWD – People With Disabilities
SADC - Southern African Development Community
UNDP- United Nations Development Programme
VAW- Violence against Women
WFP- UN World Food Programme
ZANU-PF – Zimbabwe African National Union- Patriotic Front
ZBC- Zimbabwe Broadcasting Corporation
ZCTU- Zimbabwe Congress of Trade Unions
ZEC- Zimbabwe Electoral Commission
ZLHR- Zimbabwe Lawyers for Human Rights
ZPCS - Zimbabwe Prison and Correctional Services
ZRP- Zimbabwe Republic Police

1. Background information

1.1. Geographical Information

1.1.1. Map of Zimbabwe

Zimbabwe is made up of 8 provinces: Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South, Midlands and 2 cities with provincial status: Bulawayo and Harare.[1] Map of Zimbabwe[2]:



1.2. Political institutions and structures

1.2.1. Government structure

Free & Fair Zimbabwe Electionexplains that Zimbabwe has a hybrid of presidential and parliamentary systems of government:

> The President is chosen by a separate election, held concurrently with parliamentary and local government elections, as in a presidential system. The President appoints Members of Parliament to the Cabinet, as in a parliamentary system. Important policy decisions are often made at political party caucus. Legislation is mostly initiated by Cabinet, with amendments by the Legislature limited. While MPs can initiate legislation, they are prohibited from introducing draft legislation that affects Government spending or taxation.

[1]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*

[2]United Nations Department of Peacekeeping Operations Cartographic Section, *Map of Zimbabwe*, January 2004

> Because the Constitution and political circumstances tend to emphasise the powers of the President, Zimbabwe can also be described as a semi-presidential system.
> The elected government appoints senior officials of the public service, including the security sector. Lower level appointments are made through the Civil Service Commission, a non-independent body since commissioners hold office at the pleasure of the President.
> Political power is split between three branches – Executive, Legislature and Judiciary.[3]

Free & Fair Zimbabwe Electionreports that "the Executive's primary function is to formulate and implement public policy, and to enforce laws formulated by the legislative branch. Ministers and deputy ministers are appointed by the President from Parliament. The new Constitution allows up to five to be appointed from outside Parliament, but these have no vote in the Legislature".[4]

Free & Fair Zimbabwe Electionfurther reports that "The President and Parliament make up the Legislative Branch. […] Parliament is comprised of the National Assembly and the Senate".[5] With regards to the legislative branch, the CIA World Factbook explains that the "bicameral Parliament consists of a Senate (80 seats - 60 members elected by popular vote for a five-year term, 18 traditional chiefs elected by the Council of Chiefs and 2 seats reserved for people with disabilities) and a House of Assembly (270 seats - members elected by popular vote for five-year terms and 60 seats reserved for women who are identified by their parties and nominated by proportional representation)".[6] The National Assembly is headed by the Speaker, who is the Head of Parliament and the Senate is headed by the President of the Senate, who is the Deputy Head of Parliament.[7] Free & Fair Zimbabwe Election further notes that "The primary function of Parliament is to make laws by passing draft legislation that is then signed into law by the President. In the past, the President had the final say. Now, with the passing of the new Constitution, if there is disagreement between President and Parliament, the Constitutional Court is the final arbiter. Overseeing the work of ministries and government departments and representing the interests of the public are the other core functions of Parliament".[8]

The Zimbabwe Executive branch comprises:

> Chief of state: Executive President Robert Gabriel MUGABE (since 31 December 1987);
> Vice President: Emmerson Dambudzo MNANGAGWA and Phelekezela MPHOKO[Joice Mujuru was vice president between 6 December 2004 and December 2014[9]][10]
> Head of government: Executive President Robert Gabriel MUGABE (since 31 December 1987)
> Cabinet: Cabinet appointed by the president; responsible to the House of Assembly.[11]

Note that according to the new constitution, the position of Prime Minister previously held by Morgan Tsvangirai of MDC-T, was abolished following the 31 July 2013 presidential elections.[12]

As of December 2014[13], as listed by the Central Intelligence Agency (CIA),the rest of the cabinet of Zimbabwe comprised:

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[3]Free & Fair Zimbabwe Election, , *Zimbabwe Profile,*undated (accessed 8 December 2014)
[4]Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)
[5]Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)
[6]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[7]Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)
[8]Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)
[9]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[10] For accuracy, this source was included despite being past the cut-off date for research for this report: CIA, *Chiefs of State and Cabinet Members of Foreign Governments: Zimbabwe*, last updated 12 December 2014
[11]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[12]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[13] For accuracy, this source was included despite being past the cut-off date for research for this report

Min. of Agriculture, Mechanization, & Irrigation Development: Joseph MADE
Min. of Defense: Sydney Tigere SEKERAMAYI
Min. of Economic Planning: Simon Khaya MOYO
Min. of Energy & Power Development: Samuel UNDENGE
Min. of Environment & Water Resources: Savior KASUKUWERE
Min. of Finance: Patrick Anthony CHINAMASA
Min. of Foreign Affairs: Simbarashe MUMBENGEGWI
Min. of Health & Child Welfare: David PARIRENYATWA
Min. of Higher & Tertiary Education, Science, & Technology Development: Oppah MUCHINGIRI
Min. of Home Affairs: Kembo MOHADI
Min. of Industry & Commerce: Mike BIMHA
Min. of Information: Jonathan MOYO
Min. of Information Communications Technology & Courier Services: Supa MANDIWANZIRA
Min. of Justice & Legal Affairs: Emmerson Dambudzo MNANGAGWA
Min. of Labor & Social Services: Prisca MUPFUMIRA
Min. of Lands: Douglas MOMBESHORA
Min. of Local Govt.: Ignatius CHOMBO
Min. of Mines & Mining Development: Walter CHIDHAKWA
Min. of National Healing, Peace, & Reconciliation: Phelekezela MPHOKO
Min. of Primary & Secondary Education: Lazarus DOKORA
Min. of Small & Medium Enterprises: Sithembiso NYONI
Min. of Sport, Art, & Culture: Andrew LANGA
Min. of Tourism: Walter MZEMBI
Min. of Transport & Infrastructure Development: Obert MPOFU
Min. of Welfare Services for the War Veterans, War Collaborators, & Ex-Detainees: Christopher MUTSVANGWA
Min. of Women's Affairs:
Min. of Youth Development, Indigenization, & Economic Empowerment: Christopher MUSHOWE
Governor, Reserve Bank of Zimbabwe: John Panonetsa MANGUDYA
Ambassador to the US: Machivenyika MAPURANGA
Permanent Representative to the UN, New York: Frederick Musiiwa Makamure SHAVA.[14]

The International Crisis Group reports that on 10 September 2014 President Mugabe announced a new cabinet "retaining most of old guard and introducing some new faces. Hawkish Saviour Kasukuwere [was] replaced with [the] more moderate Francis Nhema in [the] indigenisation ministry; [and the] inclusion of hardline propagandist and ZANU-PF politburo member Jonathan Moyo as minister of information responsible for media suggests [a] return to [a] hardline stance".[15]

- Role of the President

Bertelsmann Foundation reports that the (then) draft constitution "introduces the idea of devolution of power and removes some executive powers (no unilateral dissolution of parliament, presidential term limits as well as term limits for security service heads)".[16] The same source further notes that:

> The Zimbabwean constitution provides for the separation of powers between the executive, legislative and judiciary branches, although in recent decades and even after the formation of the Government of National Unity (GNU), presidential powers have been de jure and de facto so far reaching that this separation was essentially blurred. The executive can initiate legislation – and does

[14]CIA, *Chiefs of State and Cabinet Members of Foreign Governments: Zimbabwe*, last updated 12 December 2014
[15]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 October 2013
[16] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Executive summary*

> so in most cases – and law must be put into effect by the president. Moreover, the president appoints 16 out of 66 members of the Senate, the second chamber of parliament. The president plays a central role in appointing and dismissing judges of the Supreme Court and High Court, and has the power to summon, adjourn and dissolve parliament and to unilaterally call for elections. Section 31 of the constitution vests the president with "the executive authority of Zimbabwe," giving the role the power to run the general administration of the country.[17]

Freedom House notes that the new constitution "limited the president to two five-year terms, eliminated the post of prime minister, removed the presidential power to veto legislation and dismiss parliament, devolved some powers to provinces and retained Zimbabwe's bicameral legislature, but failed to introduce reforms to the heavily politicized security sector. The term limit was not retroactive, however, giving Mugabe—who has been the country's president since its independence in 1980—the chance to serve two more terms. It also empowered the president's party, and not parliament, to select a presidential successor in the case of a death in office, a critical provision given that Mugabe turned 89 in early 2013".[18]

Free & Fair Zimbabwe Electionexplains:

> The President, elected by popular majority vote to a maximum of two five-year terms, is the Head of State and Government, and is Commander-in-Chief of the Defence Forces. The President selects and chairs Cabinet, an executive body of government ministers. There are two Vice Presidents elected jointly with the President.
> Although the new Constitution tries to dilute presidential powers, the President still has significant power to make appointments to the following bodies: public service; security services; members of independent and non-independent commissions; and the Judiciary.
> The President can declare war and make peace without first seeking approval from Parliament. A two-thirds majority is needed in Parliament to revoke these declarations. […]
> The President and Parliament make up the Legislative Branch. This means the President also makes law. Draft legislation passed by Parliament can only become law once it has been signed by the President.[19]

Free & Fair Zimbabwe Election note that "Zimbabwe has eight provinces, and two cities, Harare and Bulawayo, with provincial status. Each has a Governor appointed by the President. The provinces are divided into 63 districts. The eight provinces are governed by provincial councils, with Harare and Bulawayo governed by metropolitan councils. There are also urban and rural local authorities".[20]

- Role of chiefs in governance

The 2013 Constitution sets out that "A traditional leader is responsible for performing the cultural, customary and traditional functions of a Chief, head person or village head as the case may be for his or her community".[21]It further states that the functions of traditional leaders are:

> (a) to promote and uphold the cultural values of their communities and. In particular to promote sound family values;
> (b) to take measures to preserve the culture. traditions. history and heritage of their communities. including sacred shrines;
> (c) to facilitate development;

[17] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Rule of Law*
[18]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[19]Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)
[20]Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)
[21]*Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe],* 22 May 2013, *Article 280*

> (d) in accordance with an Act of Parliament. to administer Communal Land and to protect the environment;
> (e) to resolve disputes amongst people in their communities in accordance with customary law; and
> (f) to exercise any other functions conferred or imposed on them by an Act of Parliament. [22]

Note that 20 seats of the Senate are reserved for tribal chiefs.[23]

The 2013 U.S. Department of State report notes that "While the law obliges traditional chiefs to be impartial, in rural areas ZANU-PF used traditional leaders to mobilize voters and canvass support. In return, traditional leaders continued to receive farms, vehicles, houses, and other benefits".[24]Freedom House notes that "Traditional leaders—especially in more rural provinces like Mashonaland Central, Mashonaland West, Mashonaland East, Manicaland, and the Midlands provinces—were often "encouraged" to ensure their villages voted for ZANU-PF under the threat of collective retribution".[25] Amnesty International reports in the run up to the elections in July 2013 that:

> In rural areas, traditional leaders have been used to restrict the rights to freedom of association and assembly, making it virtually impossible for people to freely organise to express themselves. In April 2012, Amnesty International was told by some traditional leaders in Mashonaland West province that they had been threatened with dismissal if they were found to be supporting political parties other than ZANU-PF. Those who refused to act as gatekeepers in their communities told Amnesty International that their areas were being denied development projects.[26]

Human Rights Watch reports in June 2013 that "Since the inception of the power-sharing government, it has been clear on whose side the senior military officials are. For instance, in December 2012, recently promoted Maj. Gen. Douglas Nyikayaramba led a group of ZANU-PF-aligned war veterans and traditional chiefs in Chikomba, Mashonaland East province, to a meeting with the villagers at Firimoni Business Centre near Wedza, where he said voting for the MDC is selling out and that the army is ready to defend Mugabe".[27]

In August 2014 Justice Rita Makarau, secretary of the Judicial Service Commission (JSC) and Supreme Court Judge stated that traditional chiefs need to undergo basic training in customary law noting that "Customary Courts are our part of the law and are under the administration of traditional chiefs and we have magistrates not agreeing with some of the rulings they make. […] Some of the people working in the Customary Courts are not trained in law as they are appointed through birth since the courts are traditional. I am not trying to undermine them but I believe that they need to be trained in law".[28] In September 2014 it was reported that president of the Chiefs' Council, Fortune Charumbira had "complained to President Robert Mugabe that magistrates were undermining their authority by overturning their judgments in their local village courts making them a laughing stock among their subjects".[29]

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[22] *Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe],* 22 May 2013, *Article 282*
[23] UN Women, *Zimbabweans say yes to new Constitution strong on gender equality and women's rights*, 19 April 2013
[24] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 3, Elections and Political Participation*
[25] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[26] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.4 RESTRICTING FREEDOM OF EXPRESSION, ASSOCIATIONS AND ASSEMBLY*
[27] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *VI. Security Sector Political Interference*
[28] Daily News, *Chiefs need law training: Makarau*, 28 August 2014
[29] New Zimbabwe, *Chiefs appeal to Mugabe for more powers*, 14 September 2014

1.2.2. Zimbabwe African National Union – Patriotic Front (ZANU–PF)

Bertelsmann Foundationexplains that in 1980, at the time of independence from the UK there were two major parties: the Zimbabwe African National Union (ZANU) and the Patriotic Front-Zimbabwe African Peoples Union (PF-ZAPU) which merged in 1987 to the Zimbabwe African National Union-Patriotic Front (ZANUPF).[30] The CIA World Factbook notes that Robert Mugabe of ZANU-PF, "the nation's first prime minister, has been the country's only ruler (as president since 1987) and has dominated the country's political system since independence".[31] Amnesty International reports that "Before 2000, ZANU-PF had a monopoly on the political space in Zimbabwe. From 1987 when the Unity Accord was signed between Joshua Nkomo's PF-ZAPU and Mugabe's ZANU-PF, Zimbabwe became a de facto one party state, with the exception of a few seats held by Rev Ndabaningi Sithole's ZANU-Ndonga, Edgar Tekere's short-lived Zimbabwe's Unity Movement and some independent MPs".[32]

The African Union explains that "ZANU-PF enjoyed a parliamentary majority until the 2008 elections, which produced a hung Parliament. In the presidential election of the same year, Morgan Tsvangirai from MDC obtained 46% and President Robert Mugabe 43% in the first round. Following widespread political violence, Tsvangirai withdrew from the second round and President Mugabe was declared the winner. The resulting political crisis was mediated by SADC and ended in a Global Political Agreement (GPA), a power-sharing arrangement between the three dominant parties, ZANU-PF and the two MDC factions (MDC-Tsvangirai and MDC-Mutambara)".[33] Amnesty International notes that "In the run-up to the June 2008 election at least 200 people were killed, while thousands were tortured and beaten in a wave of political violence that engulfed the country from April to June 2008 with the acquiescence and in some cases with active involvement of the state security services".[34]

The Research and Advocacy Unit explains that there are three main components of ZANU PF – the "Main Wing", the Women's League, and the Youth League.[35] It further notes that with regards to the structure of ZANU-PF that:

> The basic unit of ZANU PF is "the Cell" (urban areas) or Village (rural areas). Ten of the seven member cell or village committees constitute a "Branch", thus constituting some 70 members. The Branches are grouped into "Districts" under a District Executive Committee. There are currently as many as 384 such Districts in a single Province. These "Districts" should not be confused with the 60 Districts formed in terms of the Rural District Councils Act, referred to in ZANU PF's Constitution as "Administrative Districts." The composition of the Cell or Village Committee is different from that of the other elected bodies.
>
> The Committee is elected by the Cell or Village every year, and is composed of only a Chairperson,Secretary, Treasurer, Political Commissar, Secretary for Security, and two other Committee members. The number of times each Cell or Village convenes in each year is not stated.

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[30] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Party System*

[31] CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Background*

[32] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *2. HISTORICAL CONTEXT IN WHICH HUMAN RIGHTS VIOLATIONS AREOCCURRING*

[33] African Union Commission, *Report of African Union Election Observation Mission to the 31 July 2013 Harmonised Elections in the Republic of Zimbabwe*, 2013, *paragraph 19*

[34] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *1. Introduction*

[35] Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *The Structure of ZANU PF, a) Elected Bodies*

> The Branch, District, and Provincial Executive Committees are elected and structured in a similarfashion to each other. The Central Committee determines the number of delegates from the nextlowest tier to a Branch, District, or Provincial Conference convened for the purpose of electing the executive committee of each. The ability of the Central Committee to determine the delegates who will elect the respective Executive Committees of the three tiers adulterates the democratic nature ofthe process and allows for the possibility of manipulation by the Central Committee. The outcomecould be determined by carefully selecting delegates.[…]
> The Executive Committees are elected every two years in the case of a Branch, every three years in the case of a District, and every four years in the case of the Province. At these specially convened electoral conferences, the delegates will appoint 15 members of a 44 member executive. [36]

The Research and Advocacy Unit also explains that "In addition to the elected components, a hierarchy of three bodies exists with administrative and coordinating functions. These bodies comprise partly elected and partly ex officio members, who may themselves be drawn from elected bodies".[37]In ascending order these are: the District Coordinating Committees (now disbanded), the Provincial Coordinating Committee for each Province and the Central Committee.[38]It further reports that in theory, the principal body of ZANU PF is the National People's Congress which according to the ZANU-PF Constitution is composed of:

> • all members of the Central Committee;
> • all members of the National Consultative Assembly;
> • all members of the Women's League;
> • all members of the National Council of Youth League;
> • all members of the Provincial Coordinating Committees;
> • (all members of the District Coordinating Committees);
> • the Chairman, Vice Chairman, Secretary, Political Commissar and Treasurer, and two members each from the Women's and Youth League from every District Executive Council of the Party.[39]

The 2014 Bertelsmann Foundationreport which covers the period from 31 January 2011 to 31 January 2013notes that:

> ZANU-PF, the ruling party since independence, has a developed structure and is represented with offices and officials in all parts of the country. Nevertheless, the party became more and more fragmented as the succession debate – who will follow President Robert Mugabe, who turns 89 in February 2013 – was still not solved at the time of writing. In the period under review, ZANU-PF seems to have recovered from its 2008 crisis, but the dissolution of district coordination committees shed further light on the succession battle, particularly between the vice president, Joyce Mujuru, and the defense minister, Emmerson Mnangagwa, who both want to control the party. There are fears that the party might be torn apart by the struggle. Mugabe, who has always fuelled infighting, has so far profiteered as he presented himself to be the only guarantee for party unity.[40]

According to Human Rights Watch's annual report covering 2013 "The security forces have a long history of partisanship on behalf of President Mugabe and the ruling ZANU-PF party. The partisanship of the security forces' leadership has translated into abuses by these forces against

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[36]Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *The Structure of ZANU PF, a) Elected Bodies*
[37]Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *The Structure of ZANU PF, b) Administrative and Coordinating Bodies*
[38]Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *The Structure of ZANU PF, b) Administrative and Coordinating Bodies*
[39]Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *The Structure of ZANU PF, c) Consultative Fora*
[40] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Political and Social Integration*

MDC members and supporters, and civil society organizations".[41]The International Crisis Group reports in May 2013 that "The military has always been considered the vanguard of unity between party and state. […] As Zimbabwe approaches the election, evidence of the military's involvement in the political arena has grown, and the close political-military relations in ZANU-PF will likely remain intact. […]Throughout the GPA period, the MDC formations have complained about security sector partisanship".[42] It further notes "Elements within the security sector have pushed for greater representation in ZANU-PF structures and a role in selecting candidates for the elections. This does not necessarily reflect a militarisation of Zimbabwe, but rather the politicisation of the security establishment".[43]The 2014 Bertelsmann Foundation report notes with regards to politicisation of the security forces that:

> The police and army are highly politicized and act on behalf of only one of the three coalition partners of the Government of National Unity (GNU), the ruling party Zimbabwe African National Union-Patriotic Front (ZANUPF). In coalition negotiations, Robert Mugabe's ZANU-PF insisted on controlling the defense ministry and on a shared but de facto control of the home affairs ministry. In addition, Mugabe and ZANU-PF rely heavily on parastatal groups, like war veterans and youth militias, to resolve conflicts over power; these groups have been ideologically indoctrinated and were trained by former military personnel to use violence to achieve their aims.[44]

For further information see *3.1. Security and law enforcement*.

The 2013 U.S. Department of State report notes that "While the law obliges traditional chiefs to be impartial, in rural areas ZANU-PF used traditional leaders to mobilize voters and canvass support. In return, traditional leaders continued to receive farms, vehicles, houses, and other benefits".[45]

In a September 2014 report the International Crisis Group reports that with regards to ZANU-PF that:

> ZANU-PF's return to power has been complicated by the succession struggle. Mugabe is pivotal to retaining stability, but his influence may be waning. It took him over a month to put his new cabinet together, reflecting the challenge of balancing respective party interests. […]
> The cabinet is a combination of the old and new guard, including a greater technocratic capacity, which has been applauded as a possible sign of intent to implement some reforms. Senior party officials insist Mugabe is still in charge.[46]

The Zimbabwe Independent notes that in 2009 Joice Mujuru "crushed Oppah Muchinguri, who was sponsored by the Mnangagwa faction in the race for the vice-presidency, initially by nine provinces to one, before Masvingo which had nominated Muchinguri changed its stance and supported Mujuru, handing her a clean sweep".[47]The International Crisis Group reports that "An elective congress is planned for December 2014 to fill vacancies in the central committee, politburo and presidium, where one vice president position remainsvacant".[48]

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[41] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*
[42]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[43]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[44] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Monopoly on the use of force*
[45]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 3, Elections and Political Participation*
[46]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, A. ZANU-PF*
[47]The Zimbabwe Independent, *Mugabe in dilemma over heir*, 10 October 2014
[48]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, III. A. ZANU-PF*

1.2.2.1. Internal power struggles

A May 2013 International Crisis Group report categorises the ZANU-PF power struggle as between 'hardliners' and 'reformists':

> Anti-reform elements are often associated with Emmerson Mnangagwa and security chiefs, while party leaders more open to reforms are assumed to be associated with Joice Mujuru. Hardliners are accused of fomenting resistance to full GPA implementation, pushing back on SADC facilitation efforts, delaying the adoption of the draft constitution, and blocking security sector reform. They are seen as willing to pursue extreme, high-risk tactics to deliver an election victory. They are reportedly driven by fear of prosecution for suspected human rights violations and concerns of economic losses should the MDC-T win. Economic interests have mushroomed in the mining sector, especially around gold and diamonds.
>
> ZANU-PF reformers focus on the need for political stability and party renewal, which they recognise is necessary to regain their legitimacy (within the party, in the country and internationally) and provide for economic recovery. They also have economic interests to protect, but many operate in parts of the economy, like finance or hospitality, that are compromised by current economic policies, and their businesses are "haemorrhaging". This group reportedly understands political stability underwrites longer-term economic opportunities, and may require further accommodation.[49]

The Research and Advocacy Unit addresses the 'ZANU-PF succession process in practice' in detail and explains that "Both the "Mujuru" and "Mnangagwa" factions have advanced differing and expedient perspectives on the manner in which the Presidium of ZANU PF is to be constituted to advance the cause of favoured candidates to the posts".[50] It identifies "A second fault line dividing the Mujuru and Mnangagwa camps is a result of the Unity Accord which absorbed Joshua Nkomo's PF ZAPU Party into ZANU PF in December 1987".[51] That is, "One section of ZANU PF claims an unwritten term of the Unity Accord is that the four posts in the Presidium will be divided between ZANU PF and PF ZAPU, with ZANU PF holding the presidency and a vicepresidential post, and PF ZAPU holding the other vice-presidential position and the post of National Chairman"[52] It further notes that "The ethnic analysis of ZANU PF's succession battle views the contest as between the Zezuru (represented by the Mujuru faction) and the Karanga (represented by the Mnangagwa faction)".[53] Also see the report for a discussion of factionalism by province.[54]

Reporting in the run up to the 2013 elections the Zimbabwe Peace Project reported that "On 29 March 2013 intraparty conflict turned nasty as violence erupted at Mubaira Township when two Zanu PF factions reportedly clashed. Two factions have emerged since January when a candidate only known as Shamuyarira made known his intentions to challenge sitting MP Sylvester Nguni. Zanu PF youths campaigning for Shamuyarira were allegedly attacked by Zanu PF provincial youth chairperson known as Dommy and other supporters of Nguni. Two people were seriously injured in

[49] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. A. 2 "Hardliners" and "reformists"*
[50] Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *ZANU PF Succession Process in Practice*
[51] Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *ZANU PF Succession Process in Practice*
[52] Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *ZANU PF Succession Process in Practice*
[53] Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014, *ZANU PF Succession Process in Practice*
[54] Research and Advocacy Unit, *The Mortal Remains: Succession and ZANU-PF Body Politic*, 14 July 2014 *p.35 ff.*

the attack and were taken to hospital and released the following day. Property at some shops was damaged during the attack but no one was arrested in connection with the violence".[55]

Following the July 2013 elections the Institute for Security Studies (ISS) asked Gwinyayi Dzinesa, Senior Researcher with the Conflict Prevention and Risk Analysis Division at the ISS,with regards to Mugabe's successor:

> *There is a lot of speculation about who will succeed Mugabe. According to reports, Vice-President Joice Mujuru has now been charged with selecting new ministers and taking charge of government issues. What are her chances of becoming Zimbabwe's next president?*
> If these reports are anything to go by, this will place Mujuru in pole position to succeed Mugabe
> Within ZANU-PF there is a clear hierarchy and a policy that in the event that Mugabe decides to leave politics, the party's vice-president, who is automatically the country's vice-president, will succeed Mugabe. But it is ultimately only Mugabe who knows who among the ZANU-PF members is his preferred lieutenant.
> There is concern that [the job of] nominating ministers could be a poisoned chalice given to Mujuru so that Mugabe can see where her allegiances lie within Zanu-PF.
> We should also not rule out the other heavyweights like Emmerson Mnangagwa, the powerful outgoing defence minister who reportedly heads one of the ZANU-PF factions.
> There is also Sidney Sekeremayi, another senior figure, who has been keeping a low profile since independence, but Mugabe has given him several powerful and strategic cabinet positions. He is the most recent Minister of State Security, which means he was probably monitoring political bigwigs, including Mujuru and Mnangagwa. Therefore some also see him as a potential successor to Mugabe.
> Mugabe would want someone he trusts and whom he feels will be able to hold ZANU-PF and the country together. There is some concern that Mujuru, who is seen by some as the gentle face of ZANU-PF, might not be able to do that.[56]

In a September 2014 report the International Crisis Group notes that "Mugabe has deliberately not publicly endorsed a successor, claiming the party will decide. The main contenders are the only serving vice president (there are provisions for two), Joice Mujuru, and the justice minister, Emmerson Mnangagwa".[57] Further reporting on these two potential successors the same source notes that:

> For over a decade their respective fortunes have ebbed and flowed, and most developments are now assessed by the effect they have on either camp. Manoeuvrings have gathered pace in the wake of the 2013 elections, exacerbating tensions and uncertainty. Unprecedented public altercations have seen mutual accusations of voter intimidation and fraud during party elections, manipulating the media, instigating anti-corruption investigations for sectarian interests, and even kidnapping. For example, on the eve of the August 2014 SADC summit, and on the back of Mugabe's criticism of senior cadres he claimed were responsible for chaotic administration of the youth league conference the week before, the state media carried a vitriolic interview with Chris Mutsvangwa, often described as a Mnangagwa loyalist, savaging ZANUPF's secretary for administration and senior Mujuru loyalist, Didymus Mutasa.
> Mujuru, who is officially the number two in ZANU-PF, is regarded by many as the primary candidate; she reportedly has the most support in the politburo, central committee and the presidium, and now among the provincial party chairs. She also appears to have stronger grassroots support, recently demonstrated by the election of her loyalists in the youth league. However, all of this does not make her a shoein to succeed Mugabe. She appeared to consolidate her position in the party ahead of the December 2013 national conference, when her supporters secured nine of ten provincial chair positions, but Mugabe deferred the expected reshuffle until the December 2014 congress. In the

[55]Zimbabwe Peace Project, *ZPP Monthly Monitor March 2013*, 14 May 2013, *Executive Summary*
[56]Institute for Security Studies, *After the elections: What will Mugabe do now?* 20 August 2013
[57]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, A. ZANU-PF*

> wake of Mugabe's recent call for all politburo and central committee cadres to seek re-election in December, reports are now suggesting Mujuru's position in the party will be challenged.
> Mnangagwa reportedly draws support from the senior ranks of the security establishment,a section of ZANU-PF's parliamentary caucus, younger party office bearers and certain influential sections of the business community. His position may also be strengthened by Grace Mugabe's election as head of the women's league. By Mugabe's side since independence, Mnangagwa is regarded by some as Zimbabwe's *éminence grise*, an ambitious strongman who has proven his ability to keep ZANUPF in the driving seat. He has successfully cultivated an image of someone who can maintain stability and is believed to have developed support within SADC as part of his efforts to position himself as Mugabe's successor. […]
> Information Minister Professor Jonathan Moyo launched a very public anti-corruption drive that exposed senior administrators reaping gargantuan salaries as heads of parastatals and other state-owned enterprises. The campaign allegedly targeted Mujuru's camp and has exacerbated party tensions. However, it is unlikely to go much further. Any serious effort to unravel corruption would undermine ZANU-PF's patronage network. […]
> By mid-2014, those reading the runes argued the pendulum was swinging back in Mnangagwa's favour. The security sector's influence has grown, although direct military intervention is unlikely. Compared to Mujuru, Mnangagwa is seen as having a closer relationship with especially the military and intelligence community.[58]

In November 2014 Al Jazeera reports that Vice President Joice Mujuru was ousted from ZANU-PF's Central Committee, "after a provincial executive committee rejected her nomination papers, the first time in Zimbabwean history that a vice president had ever been elbowed out of a party election while holding that position".[59] The same source further notes that "Mugabe's wife, first lady Grace Mugabe, has been accused of launching a purge of Mujuru's closest supporters within the ruling Zanu PF in a bid to stymie the VP's challenge to President Mugabe. […] Mujuru was widely regarded as a potential successor within the party, but analysts see the crusade against her as meant to neutralise her as a threat. Grace Mugabe is rising to the top ranks of Zanu PF, amid suspicion that Mugabe could be grooming his wife to eventually succeed him".[60] The BBC notes that "The notion of a "President Grace" first gained currency in August [2014] when Mrs Mugabe - a political novice - was unexpectedly endorsed as the next leader of the governing Zanu-PF's Women's League - a powerful role - to be confirmed at the party's congress in December [2014]".[61]

In December 2014[62] Mugabe replacedMujuru as Vice President with hardliner Emmerson Mnangagwa.[63] Agence France Presse notes that "The appointment caps a mass purge of rivals by the 90-year-old Mugabe in a bid to end fierce feuding within the ruling ZANU-PF party over who will eventually succeed him".[64]

Also see *4.1.2.Treatment of Elected government officials and political activists: 4.1.2.1.3. ZANU-PF officials by the security forces/ ZANU-PF aligned actors* and *4.1.2.2.3. ZANU-PF party members by ZANU-PF/ ZANU-PF aligned security forces*

1.2.3. Movement for Democratic Change (MDC) –T

[58] International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, A. ZANU-PF*
[59] Al Jazeera, *Purging Mugabe challengers in Zimbabwe*, 27 November 2014
[60] Al Jazeera, *Purging Mugabe challengers in Zimbabwe*, 27 November 2014
[61] BBC, *Birth of a Mugabe dynasty in Zimbabwe?* 29 September 2014
[62] For accuracy, this source has been included which post-dates the cut-off point for research for this report
[63] Agence France-Presse, *Mugabe appoints Mnangagwa as new VP*, 10 December 2014
[64] Agence France-Presse, *Mugabe appoints Mnangagwa as new VP*, 10 December 2014

The Solidarity Peace Trust explains that "When the MDC was formed in 1999 it grew from a broad-based social movement that had emerged from a combination of trade union, constitutional reform and human rights based activism".[65]

The MDC website explains with regards to its structure that:

> The Congress is the supreme organ of the Party and is composed of all members of the National Council, National Executive of Women, National Executive of Youth, Provincial Executive Committees, the Chairperson, Secretary, Organising Secretary and Treasurer from each District Executive Committee and Provincial and District levels of the National Assemblies of Women and Youth and external assemblies, the Chairperson of each Ward Executive Committee and all the party's elected members of the house of Assembly, Mayors and chairpersons of local Authorities.
> The congress meets once every five years, provided that an Extra-Ordinary Congress can be convened, at any time, in accordance with the provisions of the Party's Constitution.[66]

Free & Fair Zimbabwe Election reports that "The party split over whether to contest the 2005 senate election into the MDC-Tsvangirai and the MDC-Mutambara (now MDC-Ncube)".[67]Bertelsmann Foundation reports that "The 2005 split of the party was certainly a major setback to further consolidation, but perhaps a necessary step in the formation of the Zimbabwean party system as it formalized the division between the more leftist, trade-unionists' wing and the more liberal-conservative, business-oriented wing".[68]

Free & Fair Zimbabwe Election further notes that:

> Tsvangirai won 47.9% of the vote in the 2008 Presidential election, according to the Zimbabwe Electoral Commission, ahead of Mugabe's 43.2%, which necessitated a run-off. Tsvangirai pulled out before the poll, saying that the vote would be neither free nor fair, due to violence and intimidation of his party members and supporters. He eventually signed a power-sharing agreement with Mugabe and became his Prime Minister. In the parliamentary election both MDC factions opposed the ZANU-PF, which gave them a clear parliamentary majority.[69]

Amnesty International notes that "In the run-up to the June 2008 election at least 200 people were killed, while thousands were tortured and beaten in a wave of political violence that engulfed the country from April to June 2008 with the acquiescence and in some cases with active involvement of the state security services".[70]

The presidential runoff election resulted in a mediated solution outlined in the 2008 Global Political Agreement (GPA); the unity government in which Mugabe retained the presidency, Tsvangirai became prime minister, and Mutambara became deputy prime minister.[71] Tsvangirai held the post of prime minister from February 2009 until the post was officially abolished in September 2013

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[65]Solidarity Peace Trust , *The End of A Road: The 2013 Elections in Zimbabwe*, October 2013, *The Limitations of the MDCs*
[66]MDC, *Party Structure*, undated (accessed 9 December 2014)
[67]Free & Fair Zimbabwe Election, *MDC Profile*, undated (accessed 8 December 2014)
[68] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Party System*
[69]Free & Fair Zimbabwe Election, *MDC Profile*, undated (accessed 8 December 2014)
[70]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *1. Introduction*
[71]U.S. Department of State, *Country Report on Human Rights Practices 2012 - Zimbabwe*, 19 April 2013, *Executive summary*

under the terms of the new constitution.[72]In the 2013 elections Tsvangirai lost to Mugabe and his ZANU-PF party, which won a two-thirds majority in the House of Assembly.[73]

According to a May 2013 International Crisis Group report "Many MDC-T members still question the benefits of entering the GPA. It has delivered mixed results for the party. Most MDC-T leaders joined the government and this has distracted from the task of rebuilding the party. Disorganisation and weak structures have hurt MDC-T in its competition with the more effective ZANU-PF. However, the GPA has enhanced the party's stature and acceptance as a key political player in Zimbabwe by SADC and its member state".[74] With regards to the party's popularity the source notes that:

> In August 2012, the U.S. non-governmental organisation Freedom House released an opinion poll report indicating the MDC-T had lost overt popular support, declining from 38 to 20 per cent between 2010 and 2012.91 Several factors may have influenced this, including allegations of corruption in MDC-T-run urban councils, perceived enrichment by the party's leaders in government, lack of clear party policies, failure to promote reform within government and limited time for party business.[75]

Prior to the 2013 elections the International Crisis Group further reported that "A possible MDC-T/MDC alliance is predicated on the relationship of Tsvangirai and Ncube, who continue to trade accusations of incompetence and irrelevance".[76]A September 2014 International Crisis Group report notes that "The MDC-T and other opposition parties are sidelined. Their cachet with international players has been severely dented. Prospects for a common opposition agenda are remote, as is any chance of inclusive national dialogue to map the way forward. For the first time since 2007, the MDC-T is suggesting mass protest is a real option, but if past performance is any indicator,ZANU-PF will redeploy security forces when required".[77]

1.2.3.1. Internal power struggles

A May 2013 International Crisis Group report notes with regards to MDC factionalism and infighting that:

> The 2011 MDC-T congress exposed deep internal divisions and resulted in violence over leadership positions. Factional fighting in Bulawayo in late April 2011 triggered internal investigations, including incidents of violence at its head office and in the provinces of Bulawayo, Chitungwiza, Mashonaland East, Mashonaland West, Masvingo and Midlands North. A report was handed to Tsvangirai, and though the National Executive Council (NEC) decided to act against those implicated in the incidents in June 2012, divisions within the council about the report's findings have prevented any action being taken. It is a worrying sign and suggests the party will not stamp out a culture of violence – especially among youth elements – that has taken hold since the internal strife that led to the 2005 split.
> The party also has been accused of inconsistency and "multiple messaging", both in its approach to negotiations and reform, suggesting internal struggles over policy. Speculation is rife that despite imminent national elections, certain members are already looking to the party leadership vote in 2016. […]

[72]BBC, *Zimbabwe profile*, last updated 26 November 2014
[73]Free & Fair Zimbabwe Election, *MDC Profile*, undated (accessed 8 December 2014)
[74]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. B. MDC-T: Challenges of Capacity and Cohesion*
[75]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. B. MDC-T: Challenges of Capacity and Cohesion*
[76]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. D Inter-party Alliances: The Unclear Narratives*
[77]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *I. Overview*

> Competition in the party has intensified, exacerbating existing rifts and contributing to new internal fault lines. MDC-T leaders, including parliamentarians, have been accused of "ring fencing" their positions by resisting party leadership elections, which are critical to functional internal democracy.[78]

Reporting in March 2013 in the run up to the 2013 elections the Zimbabwe Peace Project reported that "Political factions have emerged within the MDC-T party and Zanu PF parties related to the selection of candidates. For example the MDC-T intra-party conflict between Morgan Komichi and Xavier Edziwa was evidenced after Morgan Komichi allegedly declared that other party members should not contest against him as he should be respected as a national leader. However, Edziwa argues that the MDC-T is for democracy and therefore no one was immune. The MDC-T Sanyati District which is reported to be against Komichi allegedly signed a petition sent to the national executive challenging Komichi's decisions".[79]

Following MDC-T's defeat in the 2013 elections, Free & Fair Zimbabwe Election reports that:

> The party descended into in-fighting after this failure. Tsvangirai initially defied calls to stand down but in April 2014, members of the MDC suspended him on the grounds of 'remarkable failure of leadership', and deriving from the party's democratic principles. The party accused him of dominating it, as well as sponsoring a culture of violence against detractors within the party.
> The party has now split into factions. The MDC Secretary General, Tendai Biti is backed by those who ousted Tsvangirai, and has now left the party. He has recently signed an agreement with another MDC splinter group led by Welshman Ncube. The new party is labelled the Democratic Union.
> Tsvangirai remains the leader of the MDC-T party.[80]

Reporting on physical violence perpetrated by suspected MDC supporters against other MDC members the UK Foreign and Commonwealth Office notes that:

> On 15 February [2014], the Deputy Treasurer of the Movement for Democratic Change-Tsvangirai (MDC-T), Elton Mangoma, Secretary General, Tendai Biti, and other officials accused of seeking to oust MDC-T party leader Morgan Tsvangirai, were attacked outside the party headquarters by youths believed to be aligned to Tsvangirai. Injuries were minor and those affected did not require hospital treatment. Tsvangirai issued a statement condemning the violence.[81]

A September 2014 International Crisis Group report notes that MDC-T's defeat in the 2013 election "exacerbated tensions within the party, but few expected the rapid unravelling of the main opposition grouping in the year that followed".[82] It further notes that:

> Its defeat catalysed and consolidated sentiment against Tsvangirai who had now lost three presidential elections. A push for an expedited elective congress and public calls for his resignation led to allegations, counter-allegations and violence that echoed the dark days of 2005, when Welshman Ncube and others split from MDC, accusing Tsvangirai of anti-democratic tendencies. A series of suspensions, expulsions and counter-measures followed, resulting in a major leadership rift as both Treasurer General Elton Mangoma and Secretary General Tendai Biti parted ways acrimoniously with Tsvangirai.
> The pace of the current self-destruction staggered many observers and erstwhile supporters, and efforts to reunite the factions have failed. Driven by personality rather than policy differences, both

[78] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. B. 1. Factionalism and infighting*and *2. Fractured internal democracy*
[79] Zimbabwe Peace Project, *ZPP Monthly Monitor March 2013*, 14 May 2013, *Executive Summary*
[80] Free & Fair Zimbabwe Election, *MDC Profile*, undated (accessed 8 December 2014)
[81] UK Foreign and Commonwealth Office, *Zimbabwe - Country of Concern update: 31 March 2014*, 31 March 2014
[82] International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, B. The Opposition*

> Tsvangirai and Biti continue with their respective programs, although senior opposition figures believe the MDC-T is now rudderless and falling apart. Legal battles over the constitutionality of decisions and control over party assets continue. Tsvangirai's supporters will hold their own elective congress in October 2014, where all positions can be contested. Efforts by other opposition groups to form a United Democratic Front (UDF) have floundered.[83]

The Zimbabwe Peace Project reports that in October 2014 Masvingo province "continued to experience intra-party conflicts both in the Zanu PF and MDC-T as those vying for influential positions in their respective parties exchangedinsults and threats openly. Hate speeches characterised most of their meetings. TheMDC-T provincial congress held ahead of the national congress showed clear divisionand conflict between party members supporting Nelson Chinamasa and those forDouglas Mwanzora. Insults and hate speeches were traded openly as party membersjostled to gain support for the post of Secretary General".[84]

Also see, *4.1.1.Treatment of Elected government officials and political activists,4.1.2.1.2. MDC officials by the MDC* and *4.1.2.2.2.MDC party members by the MDC*.

1.2.4. Movement for Democratic Change (MDC) – N

Free & Fair Zimbabwe Election explains that "The Movement for Democratic Change party was formed by Morgan Tsvangirai in 1999 as an opposition party to the ZANU-PF. The party split over whether to contest the 2005 senate election into the MDC-Tsvangirai and the MDC-Mutambara (now MDC-Ncube)".[85] The same report further notes that:

> Tsvangirai won 47.9% of the vote in the 2008 Presidential election, according to the Zimbabwe Electoral Commission, ahead of Mugabe's 43.2%, which necessitated a run-off. Tsvangirai pulled out before the poll, saying that the vote would be neither free nor fair, due to violence and intimidation of his party members and supporters. He eventually signed a power-sharing agreement with Mugabe and became his Prime Minister. In the parliamentary election both MDC factions opposed the ZANU-PF, which gave them a clear parliamentary majority.[86]

The 2008 presidential runoff election resulted in a mediated solution outlined in the 2008 Global Political Agreement (GPA); in the unity government, Mugabe retained the presidency, Tsvangirai became prime minister, and Mutambara became deputy prime minister.[87]The International Crisis Group explains that "At its 2011 congress, the party replaced Arthur Mutambara (deputy prime minister) with Welshman Ncube (industry and commerce minister) as president. Mutambara challenged the congress's constitutionality in court but lost the case in early 2012. The matter is currently awaiting appeal before the Supreme Court. He has, however, continued as deputy prime minister without a political party, complicating matters both within the government and more broadly in the GPA. Mutambara is a GPA signatory, which Mugabe (ostensibly with the support of Tsvangirai) has used as justification for not replacing him with Ncube, in defiance of SADC's endorsement of Ncube at its August 2012 heads of state summit in Maputo".[88]

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[83]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, B. The Opposition*
[84]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[85]Free & Fair Zimbabwe Election, *MDC Profile*, undated (accessed 8 December 2014)
[86]Free & Fair Zimbabwe Election, *MDC Profile*, undated (accessed 8 December 2014)
[87]U.S. Department of State, *Country Report on Human Rights Practices 2012 - Zimbabwe*, 19 April 2013, *Executive summary*
[88]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *Footnote 106*

The Herald newspaper reports that "The MDC-99 was formed in 2010 by Mr Sikhala after he fell out with the MDC led by Professor Welshman Ncube".[89]

A May 2013 International Crisis Group report notes that the MDC faction led by Welshman Ncube has "mainly focused on establishing its presence in Matabeleland and parts of Midlands region where it is expected to challenge MDC-T dominance. This has reinforced perceptions in some quarters that the party does not have a national footprint".[90] The U.S. Department of State report covering 2013 notes that "During the elections Welshman Ncube of the MDC-N was often accused of campaigning on a tribal platform by the mainstream MDC-T. In turn, the smaller MDC-N complained of continued victimization and neglect of the minority Ndebele by the Shona dominated MDC-T and ZANU-PF".[91]

1.2.4.1. Internal power struggles

The Herald newspaper reports that "The MDC-99 was formed in 2010 by Mr Sikhala after he fell out with the MDC led by Professor Welshman Ncube".[92]

On 26 November 2014 it was reported that "two MDC breakaway formations led by Welshman Ncube and Tendai Biti will from today operate under a new name — Democratic Union (UD) — until they hold their inaugural joint elective congress next year".[93]

1.2.5. Other recognized political parties

The Central Intelligence Agency (CIA) lists the following political parties and leaders in Zimbabwe as of June 2014:

- African National Party or ANP [Egypt DZINEMUNHENZVA]
- Movement for Democratic Change - Tsvangirai or MDC-T [Morgan TSVANGIRAI]
- Movement for Democratic Change - Ncube or MDC-N [Welshman NCUBE]
- 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 [Dumiso DABENGWA]
- Zimbabwe Youth in Alliance or ZIYA.[94]

The following additional political parties were detailed in the sources consulted:

The Zimbabwean reports that in September 2013 the National Constitutional Assembly (NCA) unanimously agreed to transform into a political party, chaired by Lovemore Madhuku.[95] The NCA

[89]The Herald, *MDC-99, NCA merge*, 7 November 2013
[90]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. C. Other Political Formations: The Plague of Fragmentation*
[91]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, National/Racial/Ethnic Minorities*
[92]The Herald, *MDC-99, NCA merge*, 7 November 2013
[93]Newsday, *New name for MDC breakaways*, 26 November 2014
[94]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[95]The Zimbabwean, *NCA transforms into a political party*, 28 September 2013

also merged with MDC-99 which was formed by Job Sikhala "after he fell out with the MDC led by Professor Welshman Ncube".[96]

Nehanda Radio reports the Transform Zimbabwe party was formed in December 2013 at a convention of the 12,000 member Christian network group, Prayer Network Zimbabwe, led by Jacob Chengedzeni Satiya Ngarivhume.[97]

1.3. Overview of socio-economic situation

1.3.1. Overview

The following account by the Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report' which covers the period from 31 January 2011 to 31 January 2013provides an overview of the level of socio-economic development in Zimbabwe:

> In the 2011 Human Development Index, Zimbabwe ranks just below Afghanistan. The country has not yet recovered from a decade of economic decline, which left 80% of the population unemployed, and 90% living below the poverty line. Nevertheless, Zimbabwe has begun a recovery, as it no longer holds the last place on the index but is ranked 173 (of a total of 187). The inheritance of a once well-functioning schooling system supports literacy rates above 90%, though this figure is disputed (75% is held as more realistic) as data generally is still lacking and new information is expected from the census conducted in 2012. Generally, it is known that the dropout rate of pupils, especially of girls, be it in primary or secondary school, is higher than that of boys, as many parents can no longer afford school fees or materials. That women have struggled more than men as part of the country's slow economic recovery is reflected in the country's Gini Index, which fell to 0.583 (2011). Here the persistent low-life expectancy of women (34 years in 2006) still seems to be leaving its mark, though this statistic has changed, rising and now equal to men in 2012 at 47 years, according to the World Health Organization. This improvement is owed to better nutrition and easier access to antiretroviral drugs for those infected with HIV. Nevertheless, the country continues to struggle with the outbreak of diseases, as the water supplies are insufficient and the health sector lacks sufficient medicine and trained personnel, due to the mass exodus of health personnel during the crisis. A major problem especially for people in the rural areas is still the high price of food, though food at least is now available, in contrast to the crisis years of 2007 – 2008 (Afrobarometer 2012). According to that same survey, some 80% of respondents in rural areas said that in the past year, they have often or always gone without a cash income, and a fifth of respondents said that they have many times or always gone without food to eat. In urban as well as in rural areas, people see unemployment as the biggest problem the government needs to address .[98]

The 2014 CIA 'World Factbook: Zimbabwe' provided the following summary:

> Zimbabwe's economy is growing despite continuing political uncertainty. Following a decade of contraction from 1998 to 2008, Zimbabwe's economy recorded real growth of roughly 10% per year in 2010-11, before slowing in 2012-13 due poor harvests and low diamond revenues. The government of Zimbabwe faces a number of difficult economic problems, including infrastructure and regulatory deficiencies, ongoing indigenization pressure, policy uncertainty, a large external debt burden, and insufficient formal employment. Until early 2009, the Reserve Bank of Zimbabwe routinely printed money to fund the budget deficit, causing hyperinflation. Dollarization in early 2009 - which allowed currencies such as the Botswana pula, the South Africa rand, and the US dollar to be used locally -

[96]The Herald, *MDC-99, NCA merge*, 7 November 2013
[97]Nehanda Radio, *Zimbabwe Prayer Network group launches political party*, 11 December 2013
[98] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *II. Economic Transformation, 6/ Level of Socioeconomic Development*

ended hyperinflation and reduced inflation below 10% per year, but exposed structural weaknesses that continue to inhibit broad-based growth.[99]

In August 2013 the Executive Director, Jakkie Cilliers, of the Institute for Security Studies stated that three decades of President Mugabe's rule have "reduced the income per person in Zimbabwe to levels equivalent to that in Somalia, slightly better than in the Democratic Republic of Congo (DRC) and roughly comparable to that in Burundi. On a per capita basis, Zimbabweans have a purchasing power income half that of their Mozambican compatriots".[100] The same article also noted that "in economic terms Zimbabwe in 2013 is a significantly worse-off place than Zimbabwe in 2000, or Zimbabwe in 1980 for that matter".[101]

The International Crisis Group described the Zimbabwean economy in its September 2014 briefing as "once vibrant" but now "moribund".[102] The same report further noted that "the economy remains in dire straits with growth forecasts revised downward several times since the elections. The government has failed to implement its economic recovery policy, ZimAsset, handicapped by revenue constraints, disagreement and policy incoherence. The GPA government and its decision to make a few foreign currencies legal tender secured some economic stability, but the post-election period experienced economic decline, as ZANU-PF struggles to fulfil its promises".[103]

In October 2014 IRIN stated that "The country is currently experiencing a severe economic crisis which has seen wide-scale company closures and downsizings, forcing many Zimbabweans to rely on the informal sector to make a living".[104]

The Inter Press Service (IPS) reported in November 2014 that "With the ruling Zimbabwe Africa National Union Patriotic Front party in Zimbabwe seized with internal conflicts, attention to key development areas here have shifted despite the imminent end of December 2015 deadline for global attainment of the U.N. Millennium Development Goals (MDGs)".[105] An independent development expert, Agrippa Chiwawa, told IPS that "Every development area is at a standstill here as Zanu-PF politicians are scrambling to succeed the aged Mugabe here and they have apparently forgotten about all the MDGs that the country also needs to attain before the 2015 deadline".[106] Elmond Bandauko, an independent political analyst, agrees with Chiwawa: "Internal fights within the ZANU-PF party are stumbling blocks to national, social and economic prosperity; the ZANU-PF government is concentrating on its party succession battles as the economy is on its knees and there is no projected solution to the economic woes the country faces at the moment," he told IPS.[107] See *1.2.2. Zimbabwe African National Union –Patriotic Front (ZANU–PF), 1.2.2.1. Internal power struggles.*

1.3.2. Unemployment and poverty

[99] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *Economy, Economy-overview*
[100] Institute for Security Studies, *What do elections I Zimbabwe really mean?*, 2 August 2013
[101] Institute for Security Studies, *What do elections I Zimbabwe really mean?*, 2 August 2013
[102] International Crisis Group, *Update Briefing: Zimbabwe: Waiting for the Future*, 29 September 2014, *I. Overview*
[103] International Crisis Group, *Update Briefing: Zimbabwe: Waiting for the Future*, 29 September 2014, *IV. Economic Decline and Slim Prospects for Recovery*
[104] IRIN, *Uproar over Harare demolitions*, 13 October 2014
[105] Inter Press Service (IPS), *Internal Ruling Party Wrangles Stall Development in Zimbabwe*, 26 November 2014
[106] Inter Press Service (IPS), *Internal Ruling Party Wrangles Stall Development in Zimbabwe*, 26 November 2014
[107] Inter Press Service (IPS), *Internal Ruling Party Wrangles Stall Development in Zimbabwe*, 26 November 2014

According to the CIA 'World Factbook: Zimbabwe', Zimbabwe has an unemployment rate of "95% (2009 est.)", which includes "unemployment and underemployment; true unemployment is unknown and, under current economic conditions, unknowable".[108]

The UN Development Programme (UNDP) 'Human Development Report 2014' positioned Zimbabwe at "156 out of 187 countries and territories" with a human development indicator value for 2013 of 0.492, "which is in the low human development category".[109] The report further recorded Zimbabwean's population at 14,5 million of which 39.58% were described as "urban".[110] According to the same report the population in multidimensional poverty was at 41.04% and the "share of working poor, below $2 a day was 87.1%.[111] With regards to employment in Zimbabwe, UNDP's 'Human Development Report 2014' provided the following statistics:

> Employment to population ratio: 88.6 […]
> Unemployment rate (% aged 15 years and older): 5.4[112]

The Gender Inequality Index value for Zimbabwe was 0.516, which ranked it at "110 out of 149 countries in the 2013 index".[113] According to UNDP's explanatory notes "In Zimbabwe, 35.1 percent of parliamentary seats are held by women, and 48.8 percent of adult women have reached at least a secondary level of education compared to 62.0 percent of their male counterparts. For every 100,000 live births, 570.0 women die from pregnancy related causes; and the adolescent birth rate is 60.3 births per 1000 live births. Female participation in the labour market is 83.2 percent compared to 89.7 for men".[114]

In April 2013 IRIN reported that "five years after Zimbabwe's political and economic crisis peaked in 2008, the economy continues to perform poorly, with the manufacturing sector still shedding jobs and unemployment estimated at 75 percent. But the real level of unemployment is almost impossible to gauge because countless Zimbabweans are making a living in the informal sector".[115]

IRIN news reported further in March 2014 that "A deepening economic crisis in Zimbabwe is worsening already high levels of unemployment and driving a fresh wave of labour migrations into neighbouring countries, say economists. 'People are desperate because of the job losses, and it is becoming increasingly difficult to penetrate the informal sector because it has become oversubscribed,' independent economist Eric Bloch told IRIN. 'The option, therefore, is to go outside the country and try to get a job there'".[116] The same article further noted that

> Bloch put current levels of unemployment at over 80 percent, although real unemployment levels in Zimbabwe are almost impossible to gauge because countless Zimbabweans make a living in the informal sector. The textile, farming, mining, construction, printing and retail sectors have been particularly hard hit by company closures and downsizings, which were precipitated by poor power supplies, dwindling markets, and lack of capital to invest in new technologies and machinery. Most

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[108] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *Economy, Unemployment rate*
[109] UNDP, Human *Development Report 2014: Explanatory note on the 2014 Human Development report composite indices: Zimbabwe*, Undated, *Zimbabwe's HDI value and rank*
[110] UNDP, *Human Development Report 2014: Zimbabwe*, Undated, *Demography*
[111] UNDP, *Human Development Report 2014: Zimbabwe*, Undated, *Poverty*
[112] UNDP, *Human Development Report 2014: Zimbabwe*, Undated, *Employment and Vulnerability*
[113] UNDP, Human *Development Report 2014: Explanatory note on the 2014 Human Development report composite indices: Zimbabwe*, Undated, *Gender Inequality Index (GII)*
[114] UNDP, Human *Development Report 2014: Explanatory note on the 2014 Human Development report composite indices: Zimbabwe*, Undated, *Gender Inequality Index (GII)*
[115] IRIN, *Informal employment sustains Zimbabweans*, 11 April 2013
[116] IRIN, *Fresh waves of Zimbabwean migrants flee worsening economy*, 21 March 2014

> municipalities owe their employees several months of salaries and are struggling to operate adequately. They are likely to undertake even more retrenchments. The cash-strapped Harare City Council, for example, which has an estimated workforce of more than 10,000, intends to lay off 2,000 of its employees, according to recent minutes of a councillors' meeting.[117]

In June 2014 the same source, IRIN, reported that the Zimbabwean government had stated that "around 11 percent of its employable population is without work, though independent economists put the unemployment rate at more than 80 percent".[118]

1.3.3. Food insecurity

The UN World Food Programme provided the following overview on Zimbabwe's food security in 2013/4:

> Zimbabwe is a low-income, food-deficit country, ranked 156 out of 187 countries according to the 2013 UNDP Human Development Index. […]
> Zimbabwe's 2013/14 agricultural production is estimated to be 1,456,000 metric tonnes (mt)—an increase from the 798,500 mt produced in the previous agricultural season. Consequently, the food security situation has improved compared to previous years. The Zimbabwe Vulnerability Assessment Committee (ZimVAC), led by the Government with support various partners and WFP, recently published the 2014 Rural Livelihoods Assessment report. The ZimVAC report identified approximately 6 percent of the rural population—equivalent to 565,000 people—will be in need of food assistance at the height of lean season between January and March 2015. This estimate is down from the 2.2 million food insecure people during last year's lean season.
> Despite this decrease, food and nutrition security remains fragile and subject to natural and economic shocks in Zimbabwe, with chronic and persistent rates of undernourishment. One third of Zimbabwe's children are stunted, or short for their age. Additionally, the country continues to face economic stress with implications on food security, especially for vulnerable groups in rural areas. Due to deflation, household incomes are likely to remain low and liquidity challenges affect aggregate demand for goods and services, especially for poor households. Barter will be a common form of exchange. In the case that grain is used for such transactions, household food stocks are likely to get exhausted at a faster rate.
> Meanwhile, rural poverty has increased from 63 percent in 2003 to 76 percent in 2014. Most households in the rural areas are net food buyers: they do not (for a number of reasons) produce enough food to meet their needs through to the next harvest season. Consequently, they rely on markets and other non-farm sources such as casual labour to bridge the food gap to the next season. As such, a number of people in rural areas will struggle to meet their daily food needs.[119]

IRIN news reported in December 2013 that "the drying-up of credit lines to the Zimbabwe government, apparent donor fatigue and a determined stand against GM foods are pushing up the price of the staple grain, maize, by nearly a third in some drought-hit areas compared to a year ago, according to humanitarian organizations and economists. The September 2013 Vulnerability Assessment Committee (VAC) estimated that 2.2 million people would require food assistance before the March 2014 harvest. Zimbabwe food shortages are attributed to several factors by the US-based Famine Early Warning System (FEWSNET), including the late arrival of the rains, flooding, poor rainfall distribution and an army worm infestation".[120]

[117] IRIN, *Fresh waves of Zimbabwean migrants flee worsening economy*, 21 March 2014
[118] IRIN, *Stemming Zimbabwe's urban influx,* 24 June 2014
[119] UN World Food Programme, *Zimbabwe: Overview*, Undated
[120] IRIN, *Bad credit adds to Zimbabwe's food insecurity*, 11 December 2013

Also reporting in December 2013, the UN Office for the Coordination of Humanitarian Affairs stated: "Zimbabwe is facing its worst food insecurity since 2009. Between October and December 2013, about 1.5 million people were food insecure, a figure expected to increase to 2.2 million – a quarter of the rural population – between January and March 2014, the peak of the hunger season".[121]

In an article published in February 2014 the Canadian Red Cross reported on the food crisis in Zimbabwe: "This African nation recently saw a 32 per cent increase in the number of individuals who do not have enough to eat, and 2.2 million Zimbabweans - which represents 25 per cent of the rural population - are predicted to need help between January and March 2014 to avoid hunger. This problem is a result of drought, which has led to a poor harvest and high food prices".[122]

Also in February 2014, the UN World Food Programme (WFP) reported that "as many as 2.2 million people – one quarter of the rural population – are now in need of food assistance. This follows last year's poor harvest caused by factors including erratic weather patterns and high seed and fertilizer prices. WFP had planned to be assisting 1.8 million people at this stage of the 'lean season' (the period before next month's harvest when most rural families have exhausted their own-produced food stocks) but can only reach 1.2 million people owing to funding challenges".[123]

In June 2014 the UN World Food Programme stated on its website that "The number of people estimated to be food insecure for the 2014/15 consumption year is estimated to be 565,000 representing 6% of rural population and a steep decrease from last year's figures".[124]

The same source, the UN World Food Programme, reported in an article published in September 2014 that:

> Sekai [mother of four living in a village in Buhera] is one of more than half a million people in Zimbabwe (six percent of the population) identified by a recent vulnerability assessment as likely to experience food insecurity during the height of the lean season in January 2015. While the figure is down from the 2.2 million food insecure people of last year's lean season, life can still be a real struggle for those without enough to eat […] Sekai could only harvest enough maize to last three months and is already struggling to meet her family's needs. The country's 'hunger season' starts in October. Two of Sekai's children stopped attending school to help earn money for their household. "Most households in rural areas are net food buyers," says WFP Country Director Sory Ouane. "They don't produce enough food to meet their needs through to the next harvest season. Consequently, people like Sekai rely on informal labour to bridge the food gap until the next harvest in April.[125]

In a blog, Ian Scoones, research fellow at the Institute of Development Studies provides summaries of the Zimbabwe Vulnerability Assessment Committee's '2014 Rural Livelihoods Assessment', which is an annual assessment based on a national sample survey of over 10,000 households carried out in May.[126] According to the Zimbabwe Vulnerability Assessment Committee's 2014 report summary "estimates that for the 2014/15 consumption year at peak (January to March next year) is projected to have 6% of rural households food insecure. This is a 76% decrease compared to the (disputed) estimate the previous consumption year. This proportion represents about 564,599 people at peak (which may of course be people suffering deficits for only a few days), not being able to meet their

[121] UN Office for the Coordination of Humanitarian Affairs, *Zimbabwe: Food relief after a bad harvest*, 5 December 2013
[122] Canadian Red Cross, *Food shortage in Zimbabwe requires immediate humanitarian assistance*, 11 February 2014
[123] UN World Food Programme, *WFP Reaches 1.2 Million People Amidst Funding Shortages*, 17 February 2014
[124] UN World Food Programme, *Zimbabwe: Food security: Overview*, June 2014
[125] UN World Food Programme, *Food Security Improves But Gaps Remain In Zimbabwe*, 26 September 2014
[126] Ian Scoones, *Zimbabwe is food secure this season, but more questions raised*, 29 September 2014

annual food requirements. Their total energy deficit is estimated at an equivalent of 20,890MT of maize; actually a very small amount, and not suggesting any urgent need for food aid, given the margins of error in the estimates. Matabeleland North (9.0%), Matabeleland South (8.3%) and Mashonaland West (7.7%) were projected to have the highest proportions of food insecure households. By contrast, Manicaland (2.7%) and unusually Masvingo (3.4%) provinces were projected to have the least proportions of food insecure households".[127]

In comparison in November 2014 the Inter Press Service (IPS) reported that "Zimbabwe's 2012 National Census showed that more than two-thirds of Zimbabwe's 13 million people live in rural areas and, according to the World Food Programme (WFP), this year about 25 percent of them need food aid or they will starve, and between now and 2015, 2.2 million Zimbabweans will need food support".[128]

- Monthly 'Food Security Outlook Updates' produced by the Famine Early Warning System Network can be found here.[129]

- The Zimbabwe Peace Project's 'Monthly Monitor' includes a section on the 'food situation' for all provinces, which can be found here.[130]

1.3.4. The welfare system

The following account by the Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report' which covers the period from 31 January 2011 to 31 January 2013stated with regards to Zimbabwe's welfare regime:

> Zimbabwe has a compulsory national social security welfare system. In 1994, the National Social Security Authority (NSSA) started its operations with a National Pension Scheme (NPS) and a Workers Compensation Insurance Fund (WICF) for employees and workers. All workers are required to pay into a pension fund (50% by the worker, with the other half provided by the employer), from which they receive payments once they have reached retirement age, become disabled or suffer an accident. Household employees, agricultural laborers and those employed in the information sector, a group that together makes up the vast majority of workers, are excluded from the fund. A health care program is available for low-paid workers, and free health care is available to those under a certain income level. During the crisis, payments and claims were neglected as their value in Zimbabwe dollars was minimal. Though NSSA collections have substantially increased in 2011 and 2012, not all employers are paying their contributions because of their own capital constraints. As the country's unemployment rate is estimated at 70%, only a minority benefits from the little money which is handed out by the NSSA. There is no unemployment insurance. The weak economy cannot support a strong welfare system. The effects of high unemployment, a limited tax base and low productivity limit resources available for a viable social security system. In 2011, retired individuals received a monthly pension of $40, which was raised to $50 in 2012. When NSSA wanted to shift the limit of insurable income from $200 to $1,000, it hit strong resistance from employers and the government, the wage bill of which already takes up the biggest amount of the budget. A major problem is that pension payments and pension funds were devalued by a high inflation rate. There is still a lot of disgruntlement with the way pension funds were converted into U.S. dollars. The UNDP states that more than half of the population (12.3 million) lives on less than $1 per day and 72% live below the

[127] Ian Scoones, *Zimbabwe is food secure this season, but more questions raised*, 29 September 2014
[128] Inter Press Service (IPS), *Internal Ruling Party Wrangles Stall Development in Zimbabwe*, 26 November 2014
[129] Famine Early Warning System Network, *Zimbabwe Food Security Outlook Update*
[130] Zimbabwe Peace Project, *Monthly Monitor*

national poverty line. Large segments of the population must rely upon the support of their family members if they become unable to work, due to age or illness.[131]

In October 2014 the New Zimbabwe newspaper reported that "the National Social Security Authority (NSSA) said Wednesday that only 50 percent of companies were paying the compulsory employee contributions to the pension fund as the economy continues to struggle, but revenue had doubled in the last three years. Contributions to the state-run pension fund are compulsory and are supposed to be made monthly, but many companies are struggling, with compliance increasing by four percent between 2011 and 2013, NSSA compliance manager James Chiwera told a labour workshop".[132]

1.3.5. Life expectancy and mortality rate

Life expectancy at birth was reported to be 55.4 years for men and 55.97 for women (2014 est.) according to the CIA 'World Factbook: Zimbabwe'.[133]

The UNDP 'Human Development Report 2014' reported that the life expectancy at birth in Zimbabwe was 59.87 years.[134]

The CIA 'World Factbook: Zimbabwe' noted that Zimbabwe had a population of 13,771,721 million (July 2013 est.) taking into account the "effects of excess mortality due to AIDS" and that the death rate is at "10.62 deaths/1,000 population (2014 est.)".[135] The maternal mortality rate was reported to be "570 deaths/100,000 live births (2010 est.)".[136] The infant mortality rate is "26.55 deaths/1,000 live births (2014 est.)".[137]

The World Health Organisation (WHO) puts the under-five mortality rate at 90 per 1,000 live births (2012 est.).[138]

The UNDP 'Human Development Report 2014' provided the following statistics on infant and adult mortality rates:

> Infant mortality rate (per 1000 live births): 56
> Under five mortality rate (per 1000 under five children): 90 […]
> Adult mortality rate (per 1000), female: 473
> Adult mortality rate (per 1000), male: 501 […][139]
> Maternal mortality ratio (deaths per 100,000 live births): 570[140]

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[131] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *II. Economic Transformation, 10/ Welfare Regime*
[132] New Zimbabwe, *Only 50pct of companies paying NSSA contributions*, 3 September 2014
[133] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Life expectancy at birth* and *Maternal mortality rate*
[134] UNDP, *Human Development Report 2014: Zimbabwe*, Undated, *Health*
[135] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Population* and *Death rate*
[136] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Life expectancy at birth* and *Maternal mortality rate*
[137] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Infant mortality rate*
[138] World Health Organisation (WHO), *Zimbabwe: health profile, Last update: May 2014*, *Selected indicators (2012)*
[139] UNDP, *Human Development Report 2014: Zimbabwe*, Undated, *Health*
[140] UNDP, *Human Development Report 2014: Zimbabwe*, Undated, *Gender*

The United Nations in Zimbabwe reported in October 2013 that "In Zimbabwe, the maternal mortality rate stands at close to 10 maternal deaths per 1000 live births. Furthermore, for every woman who dies giving life, roughly 20 women suffer serious injury or disability during delivery".[141]

In September 2014 the New Zimbabwe reported that Zimbabwe's maternal mortality ratio had "declined to 614 per 100,000 live births in 2014 from 960 per 100,000 live births in 2010 due to an improvement in the country's health delivery system, according to a 2014 government survey. However, while hailing the decline, officials said the country will not be able to meet the Millennium Development Goal of reducing maternal mortality ratio to 112 per 100,000 live births by 2015".[142]

1.3.6. Access to health providers and medication

According to the CIA 'World Factbook: Zimbabwe' there are "0.06 physicians/1,000 population (2009 est.)" and "1.7 beds/1,000 population (2011 est.)".[143]

PlusNews reported in January 2013 that "Chronic shortages of generic and antiretroviral drugs, stock-outs, high medication costs, and long distances to clinics are some of the hurdles people face in their quest to access essential medicines in Zimbabwe. At any given time, public health facilities in much of Zimbabwe have in stock only half of a core set of critical medicines, according to findings from civil society groups working to improve access to medicines in Southern Africa".[144]

IRIN news reported in August 2014 that "Zimbabwe's deepening economic crisis is severely affecting the government's ability to fund public health delivery and restricting poor people's access to health care, economists, government officials and health experts agree".[145] Ruth Labode, a medical doctor who heads the parliamentary committee on health and is a member of parliament for the MDC, said in a press statement in May 2014 that:

> the government's inability to adequately fund public health had forced hospitals to deny the poor access to health care: "Patients are left to die because they cannot afford tertiary care services. The service providers have withdrawn their services or are demanding cash up front." She said health service delivery had also been crippled by corruption such as theft of drugs and equipment from hospitals, and the flouting of tender processes by hospital officials for personal gain. In addition, she said, "the migration of trained labour has hit this sector more than any other" […] Regina Smith, president of the Zimbabwe Nurses Association, told IRIN that public hospitals were severely understaffed. "Hundreds of nurses that have been trained locally have found it difficult to be employed because government had frozen vacancies in the public sector," she said. President Mugabe recently ordered the unfreezing of medical staff recruitment, a move that Smith welcomed. However, she questioned where the money would be found to pay newly employed nurses' salaries "when [government] is already struggling to pay the existing civil service workforce". Deputy Health Minister Paul Chimedza […] acknowledged that essential drugs were still in short supply at public hospitals and clinics in urban and rural areas. He recently told parliament that urban public health centres were operating below 40 percent of their capacity because government could not afford to buy drugs and fund other essential operations. He said rural facilities were faring slightly better but lacked 50 percent of needed medicines.[146]

[141] UN in Zimbabwe, *For Safer Motherhood in Zimbabwe*, 30 October 2013
[142] New Zimbabwe, *Zim registers education, health improvements*, 7 September 2014
[143] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Physicians density* and *Hospital bed density*
[144] PlusNews, *Still struggling with drug shortages*, 11 January 2013
[145] IRIN, *Zimbabwe's health system in crisis*, 11 August 2014
[146] IRIN, *Zimbabwe's health system in crisis*, 11 August 2014

An independent development expert, Agrippa Chiwawa, told Inter Press Service (IPS)in November 2014 that "despite the government having contained recent strikes by medical doctors here through appeasing them by reviewing their salaries, the public health sector is in a state of decay amid acute shortages of treatment drugs".[147]

2. Main Political Developments

2.1. New constitution adopted in May 2013

The U.S. Department of State notes that "The GPA [Global Political Agreement] mandated the writing of a new constitution. The outreach process to solicit public input was completed in 2010, despite reported intimidation, disruption, harassment, arrest of MDC-T parliamentarians and supporters, and coaching conducted by ZANU-PF supporters. In July 2012 the Constitutional Parliamentary Committee produced a draft constitution signed by all GPA parties".[148] Human Rights Watch reports that:

> As prescribed by the GPA the unity government established a Constitution Select Committee of Parliament (COPAC) to lead a constitution-making process with explicit steps including: public consultation hearings; writing a draft constitution; debating the draft constitution in parliament; holding a referendum; and then, if approved, submitting it to parliament for ratification. The entire process was set to be completed within 18 months, but has dragged on for more than 36 months. The process of public consultations on the draft constitution was marred by intimidation and violence leading to the disruption and cancellation of at least 23 constitutional outreach meetings in Manicaland and Harare. On September 19, 2010, ZANU-PF supporters and uniformed police assaulted MDC supporters in Mbare, Harare, and prevented them from attending a constitution outreach meeting. One resident, Chrispen Mandizvidza, died from his injuries on September 22.[149]

Bertelsmann Foundation explains that "After the Zimbabwe African National Union Patriotic Front (ZANU-PF), led by Robert Mugabe, in September 2012 tacked on a new 266 amendments to the constitution, after a "final" draft had been signed in July, many believed agreement between the three coalition partners impossible. But in January 2013, under pressure from the South African Development Community mediation team and with regard to paving a way for elections in 2013, an agreement was reached; the new constitution was scheduled to be presented to parliament in February 2013".[150]

In the run-up to the referendum the Office of the High Commissioner for Human Rights (OHCHR) reported in February 2013 that:

> As Zimbabwe is entering a critical electoral period, the three international human rights experts have received increasing numbers of reports about acts of intimidation and harassment, physical violence and arrests against civil society actors, mostly working on human rights issues.
> "In the context of proposed constitutional reforms and the elections, it is disturbing and shocking to learn that civil society organizations that have been operating for years, including election monitoring groups which aim to promote free and fair elections, have been searched by police," said the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai.

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[147] Inter Press Service (IPS), *Internal Ruling Party Wrangles Stall Development in Zimbabwe*, 26 November 2014

[148] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 3, Elections and Political Participation*

[149] Human Rights Watch, *Race Against Time The Need for Legal and Institutional Reforms Ahead of Zimbabwe's Elections*, 10 January 2013, *The Constitution Making Process*

[150] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Executive summary*

> "Search procedures must not be applied selectively, and the right to privacy needs to be respected. Otherwise, the independence of associations and the safety of their members will be seriously at risk," he emphasized.
> For several months, a number of civil society organizations have been subjected to searches by police. During these searches, several items, including files with donor information, annual reports and human rights documents, have been seized.[151]

Just ahead of the referendum Amnesty International reported in March 2013 that "Recent months have seen a clampdown on dissent as a number of civil society organisations have been raided by police and charged with spurious offences ranging from 'causing malicious damage to property' and 'smuggling' radios into the country".[152] Also see *4.1.4.Treatment of Civil society and human rights activists.*

The constitutional referendum was held on 16 March 2013.[153] According to figures released by the Zimbabwe Electoral Commission (ZEC), 95 percent of Zimbabweans voted in favour of the charter with 3,079,966 voters backing the new constitution and 179,489 against.[154] According to Freedom House, "The March 2013 constitutional referendum was deemed credible by a range of domestic and outside observers, although the vote was preceded by a widespread crackdown on prodemocracy civil society".[155] The Zimbabwe Peace Project reports that in March 2013 "citizens were force marched to attend rallies in support of the constitutional draft. Several reports of traditional leaders reportedly gathering their subjects and ordering them to vote yes were received from Manicaland and Masvingo provinces".[156] The Zimbabwe Election Support Network reported with regards to 'critical incidents' on referendum day that:

> The ZESN Information Centre, located at the Holiday Inn, received a total of 178 voting incidents – primarily from its mobile observer teams – of which 142 were confirmed. The largest number of incidents – 38 reports – relate to violations of the voting procedures, followed by 22 reports of unauthorized persons inside polling stations. There were also isolated reports of ZEC polling officials lacking identification badges and an incident of a ZANU-PF supporter in Mataga, Midlands Province, positioned within a five-metre radius of the polling station taking down names of the people who were voting.
> The largest number of incident reports was received from Bulawayo (27),and from Harare and Masvingo, which each reported 22 incidents.[157]

The International Crisis Group notes with regards to the referendum process that:

> The ZEC claims that the way in which it conducted the referendum process is testimony of its capacity to deliver a credible election process. However, Tendai Biti, finance minister and MDC-T secretary general, alleges that the voter figures presented by the ZEC in the referendum reflect an inflation of between 10 and 15 per cent compared to his party's parallel vote tabulation. The Election Resource Centre (ERC) also questioned the high voter turnout, considered the highest in any election since independence in 1980. Its report suggests that this could have been due to coercion of voters,

[151]OHCHR, *"Zimbabwe must respect fundamental freedoms in run-up to constitutional referendum," warn UN rights experts*, 27 February 2013
[152]Amnesty International, *Zimbabwe must stop clampdown and protect fundamental rights during referendum*, 14 March 2013
[153]OHCHR, *"Zimbabwe must respect fundamental freedoms in run-up to constitutional referendum," warn UN rights experts*, 27 February 2013
[154]Agence France-Presse, *Zimbabweans approve new constitution by landslide*, 19 March 2013
[155]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[156]Zimbabwe Peace Project, *ZPP Monthly Monitor March 2013*, 14 May 2013, *Executive Summary*
[157]Zimbabwe Election Support Network, *Referendum Report*, 16 March 2013, *Referendum Day, d. Critical Incidents*

> especially by ZANU-PF. Those who campaigned for the "no" vote also allege rigging. Verification of referendum data in these circumstances is critical and will require access to polling station specific data, which has not yet been released, despite a provision for this in the recently passed Electoral Amendment Act.[158]

The Constitution of Zimbabwe was approved by referendum 16 March 2013 and approved by Parliament on 9 May 2013.[159]For the full text of the Constitution see: *Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe],* 22 May 2013.

In its annual report covering 2013, the UK Foreign and Commonwealth Office noted that the Constitution "creates five new independent commissions, including a Human Rights Commission and a National Peace and Reconciliation Commission, which are designed to uphold and protect citizens' rights. To date, these have not been made operational, due to lack of political will and funding".[160]

In May 2014, 12 months after the Constitution was signed into law Amnesty International reported that "A year ago the people of Zimbabwe were celebrating a new Constitution which promised a much improved Declaration of Rights. Unfortunately, the government has since failed to amend or repeal all the laws rendered unconstitutional and continues to use these laws to repress people exercising their rights in Zimbabwe".[161] See *4.1. Freedom of expression, association, and assembly*.

The UK Foreign and Commonwealth Office similarly reports in September 2014 that:

> Aligning legislation with the constitution remains a critical step in reforming Zimbabwe's legal framework. However, progress remains disappointingly slow and limited to less sensitive areas, while key issues have not been addressed. For example, the General Alignment Bill, which would align nearly 214 laws with the new constitution, is still to be passed by Parliament. The newly passed Electoral Amendment Act remains contradictory to the constitution, with no signs of further amendments to be made. This does not bode well for meaningful constitutional reforms around the electoral process in Zimbabwe, especially concerning voter registration or access to the voters' roll.[162]

2.2. National election in July 2013

2.2.1. Results

Presidential and parliamentary elections were held on 31 July 2013.[163]The U.S. Department of State explains that "the pro-ZANU-PF Constitutional Court set the July 31 date for elections. Participating political parties, including the two MDCs that were part of the coalition government, contested the date in court".[164]

The African Union Commission explains with regards to the voting process that:

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[158]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *II. D. 1. The Zimbabwe Electoral Commission (ZEC)*
[159]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[160]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[161]Amnesty International, *Zimbabwe: Anniversary of new Constitution no cause for celebration*, 22 May 2014
[162] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update, 30 September 2014*, Updated 16 October 2014
[163]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[164] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *3. Elections and Political Participation*

> The new Constitution provides for a hybrid system of First Past the Post (FPTP) and Proportional Representation (PR) systems. The FPTP is used for the 210-member National Assembly, while the PR is used for the 80-member Senate, the women's quota of 60 seats in the National Assembly, and the Provincial Councils based on the outcome of National Assembly elections. The President and Vice Presidents are elected directly by voters through the first past the post system. Each voter receives 3 ballot papers: one each for the Presidential, National Assembly and Local Government elections. The proportion of votes each party receives in the National Assembly election in each province will determine the number of seats that party receives in the Senate, in the women's lists for the National Assembly and in the Provincial Council elections.[165]

According to Zimbabwe Electoral Commission(ZEC) figures, Robert Mugabe (ZANU-PF) won the Presidential elections with 60.6% of the votes, Morgan Tsvangirai (MDC-T) received 33.7%, Ncube Welshman (MDC-N) received 2.7%, Dumiso Dabengwa (ZAPU) received 0.7%, Kisinoti Munodei Mukwazhe (ZDP) received 0.3 and 2% of votes were rejected.[166] The ZEC also provides a breakdown of results by province.[167]

The International Crisis Group reports that "The scale of ZANU-PF's victory shocked many Zimbabwe watchers. Mugabe secured 61 per cent of the vote, compared with 44 in 2008, while Tsvangirai's support plummeted from 48 to 33 per cent. ZANU-PF went from a parliamentary minority to a resounding majority".[168]

The 270 House of Assembly seats by party:

ZANU-PF: 197
MDC-T: 70
MDC-N: 2
Independent: 1.[169]

The 80 Senate seats by party:

ZANU-PF: 37
MD-T: 21
MDC-N: 2
Chiefs: 18
People with disabilities:2.[170]

Sokwanele reports that "We do not have accurate figures for registered voters: the Zimbabwe Electoral Commission violated electoral law and did not release the final figures for registered voters. The figures on our table are the best we have: these are for registered voters as of the end of May 2013. However ZEC continued to register voters after this date. We do not have these final figures".[171]The International Crisis Group reports that ZANU-PF gains included retaking Masvingo,

[165]African Union Commission, *Report of African Union Election Observation Mission to the 31 July 2013 Harmonised Elections in the Republic of Zimbabwe*, 2013, *paragraph 23*
[166]Zimbabwe Electoral Commission,*2013 Final Presidential Results Formatted*, 13 August 2013
[167]See Zimbabwe Electoral Commission, *Presidential Results by Provinces*, 2013
[168]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *II. Faulty Foundations*
[169]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[170]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[171]Sokwanele, *Election Results Table: 2013 and 2008*, undated (accessed 5 December 2014)

Manicaland and a majority of seats in the usually hostile Matabeleland provinces.[172] See a Sokwanele*infographic comparingthe 2013 parliamentary election results with 2008*.[173]

For a full breakdown of the election results including results and turnout by constituency see *Sokwanele, Zimbabwe Election 2013*.

UN Women explains that Zimbabwe used an electoral quota system to increase women's representation in Parliament; reserving "60 seats for women to be elected through a system of Proportional Representation, based on the votes cast for political party candidates in the lower house (National Assembly). For the 60 elected Senate seats, women and men candidates are listed alternately, with every list headed by a woman candidate. As a result, women now comprise 124 of the 350 MPs in Zimbabwe's new Parliament, including 86 women in the National Assembly – 60 in the reserved seats and 26 elected directly to the 210 constituency seats".[174]

The next elections are to be held in 2018.[175]

2.2.2. Violence in the run-up to and during the election

The International Crisis Group reports preceding the elections in May 2013 that:

> Throughout the GPA period, the MDC formations have complained about security sector partisanship. In November 2012, the army deployed along the Mozambican border, with reinforcements in April 2013, in response to instability in that country, but civil society groups and the MDC-T suspect the increased military presence in Manicaland, a key swing province, will help ZANU-PF win back ground it lost to the MDC-T in the last election. The same month, the army launched a history project deploying military personnel and war veterans across the country, reportedly to gather oral, archaeological and recorded histories of the liberation struggle, but it has prompted suspicions the project is a smokescreen for growing intimidation campaigns ahead of the elections.[176]

According to Freedom House, "Pro-ZANU-PF security forces and militias were deployed to intimidate voters in swing provinces such as Masvingo and Manicaland and to "encourage" turnout in provincial strongholds like Mashonaland and Midlands".[177]In July 2013 in Mashonaland province it was reported that hundreds of villagers allegedly had their I.D. cards seized by suspected Zanu-PF officials.[178] Reportedly "local traditional leaders were busy cautioning villagers against voting for one of the Movement for Democratic Change (MDC) parties to avoid post-election violence by Zanu-PF".[179] Tawanda Chimhini, director of the Elections Resource Centre (ERC), a local independent election organisation, said they were aware of villagers being coerced to vote for specific parties.[180] Human Rights Watch reports that in the run up to the elections:

> Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in

[172]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 September 2013
[173]BBC, *Supporters of Zimbabwe opposition MDC allege attacks*, 5 August 2013
[174] UN Women, *UN Entity for Gender Equality and the Empowerment of Women (replaces UNIFEM, DAW, INSTRAW, OSAGI): Women make up more than one-third of Zimbabwe's new Parliament*, 04 September 2013
[175]CIA World Factbook, *Zimbabwe*, last updated 20 June 2014, *Government*
[176]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[177]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[178]Inter Press Service, *Zimbabweans Wary of Another Stolen Election*, 24 July 2013
[179]Inter Press Service, *Zimbabweans Wary of Another Stolen Election*, 24 July 2013
[180]Inter Press Service, *Zimbabweans Wary of Another Stolen Election*, 24 July 2013

> advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity.[181]

In April 2013 the International Crisis Group noted that:

> Tensions continued to rise ahead of upcoming elections with reports of ZANU-PF intimidation of civilians, police raids on civil society organizations. Police 17 March [2013] raided PM Tsvangirai's communications office, seized computers, arrested 4 staff and charged them with breaching official secrets code, impersonating police and illegal possession of documents. Human rights lawyer Beatrice Mtetra, who intervened during raid, arrested for obstructing justice; released on bail 25 March [2013].[182]

Amnesty International similarly notes that "While the levels of violence over the past year leading to these elections have remained low, Amnesty International has documented systematic clampdown on the rights to freedom of expression, association and peaceful assembly. Civil Society Organizations (CSOs) carrying out election related activities including voter education, domestic election observation and those perceived to be critical of government policies have had their offices raided by police and equipment including computers seized whilst human rights defenders have been unlawfully detained. Many are appearing before the courts facing charges that are widely considered to be politically motivated".[183] Also see *4.1.4.Treatment of Civil society and human rights activists*. Amnesty International further notes in July 2013 that "In recent months prominent members of the security services have issued statements indicating their allegiance to ZANU-PF which, given the country's history of state-sponsored violence during elections, is generating fear in those communities affected by the 2008 violence".[184]

Also reporting on the build up to the elections, the UK Foreign and Commonwealth Office reports that:

> The elections environment was closely monitored by domestic and international observers, including the international community. During the first half of the year, there was an increase in incidents of politically motivated intimidation, harassment, and threats of violence against NGOs and civil society organisations (CSOs) throughout the country. There were attacks on the media, judges and lawyers, HRDs and CSOs, targeting those working on election-related issues. The police and judiciary were used as a mechanism to disempower HRDs by bringing weak cases to court and prolonging final judgments.
>
> The severity of pre-election harassment varied, but was targeted at opposition party members to instil fear. For example, in early July, the British Embassy in Harare received reports that Gift Chimanikire, an MDC-T minister in the previous government, and MDC-T supporters in his community, were attacked by a group of ZANU-PF youths for election campaigning.[185]

Just before voting day the International Crisis Group reported with regards to political violence that:

> The sporadic, relatively low levels of localised violence to date – similar to the run-ups to earlier elections – is often presented as an unfortunate "natural" consequence of Zimbabwe politics. Emerging narratives, including from the state media, suggest ZANU-PF and MDC-T are equally

[181] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Conduct of Security Forces*
[182] International Crisis Group, *Crisis Watch: Zimbabwe*, 1 April 2013
[183] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *1. Introduction*
[184] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *1. Introduction*
[185] UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

> responsible. However, they ignore the involvement of state actors in both formal and informal repression, as well as ZANU-PF's extensive use of proxies. While there have been fewer incidents, the pattern is remarkably similar to 2008. Because of systemic impunity, perpetrators continue to live within the communities they victimised. This has enabled ZANU-PF to reap what MDC-T Secretary General Tendai Biti has described as "the harvest of fear". The organisations and groups employed in the 2008 violence are largely in place and can easily be reactivated.Military deployments across the country are a further reminder of where hard power lies, and President Mugabe has ignored SADC's request to publicly draw security force commanders' attention to Section 208 of the constitution, prohibiting political partisanship. The police are a broken, largely corrupt force in which most people have little faith. Violence and resulting tensions are increasing as election day approaches.[186]

According to Gwinyayi A. Dzinesa of the Institute for Security Studies reporting in August 2013 "although coercion was not overtly used by the political parties and the electoral process was peaceful, the violence of past elections still lingered in the minds of many Zimbabweans, making them susceptible to 'psychological warfare premised on manipulating the fear inculcated in communities' over the year".[187] The Solidarity Peace Trust similarly reports that "In 2013, while actual physical violence was seldom reported, there were many reports of threats of violence. Bearing in mind ZANU PF's propensity to act on threats, the election outcome needs to be understood first and foremost in the context of three decades of violence against the opposition. In the wake of the 2013 election, there has in fact been retribution against known MDC-T supporters in some parts of the country with loss of property and displacement, meaning that those who are too afraid to stand up against threats have good reasons for not doing so".[188]

According to Human Rights Watch, "A generally peaceful environment characterized the build-up to the holding of presidential, parliamentary, and local government elections on July 31".[189]However it notes that there were "reports of voter intimidation by Zimbabwe's security forces, traditional leaders coercing villagers to vote for ZANU-PF, a high number of "ghost" or duplicate voters present on the voters' roll, and credible reports that large numbers of people were unfairly turned away from polling stations".[190] The Inter Press Service noted in August 2013 that that "There are also reports of intimidation by alleged members of Mugabe's Zimbabwe Africa National Union-Patriotic Front (Zanu–PF). However, there were no reports of violence during the election".[191]

The UK Foreign and Commonwealth Office reports that "The elections were largely peaceful and levels of overt violence were lower than in previous election periods".[192] The Committee to Protect Journalists reports that "Though general elections in July took place in a significantly more peaceful atmosphere than the 2008 vote, the news media remained dominated by state-owned outlets. Journalists and human rights defenders were frequent targets of physical attacks and brief detentions in the months leading up to the election".[193] Amnesty International reports that women were forced to relocate during the election:

> Women political activists in rural Zimbabwe told Amnesty International they have been threatened with violence and forced to flee with their children for refusing to reveal their vote to supporters of Robert Mugabe's party during harmonized elections.

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[186]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013
[187]Institute for Security Studies, *Zimbabwe elections: Past, present and future challenges*, 29 August 2013
[188]Solidarity Peace Trust ,*The End of A Road: The 2013 Elections in Zimbabwe*, October 2013, *Part 2. A I Fear and coercion*
[189] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*
[190] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*
[191]Inter Press Service, *Zimbabwe's Electoral Commission Shaken by Vote*, 8 August 2013
[192]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[193]Committee to Protect Journalists, *Attacks on the Press 2013: Zimbabwe*, 12 February 2014

> The women said they resisted instructions from Zanu-PF supporters to feign illiteracy, blindness or physical injury, which would have meant someone else marking the ballot on their behalf,
> At least six women said they left home with their 12 young children after facing intimidation from village heads in Mukumbura district, Mashonaland Central Province soon after the 31 July poll. […]
> The families say they were targeted due to their support - real or perceived - for the Movement for Democratic Change (MDC) party led by Morgan Tsvangirai.[194]

It further notes in a November 2013 report that "Following the general elections on 31 July, human rights monitors recorded at least 150 people who became internally displaced following threats by village heads after they refused to be assisted to vote, which would have compromised the secrecy of their vote. Cases of politically motivated internal displacements were recorded in Mashonaland East, Mashonaland West, Mashonaland Central and Midlands provinces as well as in Harare".[195] Also see *5. People internally displaced by violence and human rights violations, 5.1.Election-related violence*.

Reporting on attacks on education in 2013 the Global Coalition to Protect Education from Attack notes that:

> The PTUZ reported that teachers were intimidated with threats of physical harm into supporting a particular political party during the parliamentary and presidential elections in July. The union said that in Mashonaland Central province teachers were drafted into ZANU-PF structures and forced to campaign for the party against their will. On voting day, they were told that they should plead illiteracy so that they could be 'assisted' to vote by ZANU-PF supporters.[196]

The BBC reported that "Eleven people in Harare and 20 from Mashonaland Central province say they were attacked by known Zanu-PF supporters after the results were announced".[197] It further notes that "The 11 people who claimed they were attacked in a township in the capital Harare sought refuge at the MDC party headquarters. […] Both they and those from Mashonaland Central province, north of the capital, allege that they were attacked by Zanu-PF supporters who went door-to-door ordering MDC supporters and their families to pack their bags and leave".[198]

2.2.3. Voting irregularities

Bertelsmann Foundationexplains that the Electoral Amendment Act passed in September 2012 set out that election results must be provided after five days, in an attempt to limit any scope for manipulation of the results, and for the new registration of voters, as in the 2008 elections almost 30% of voters on the rolls were deceased and 40% did not reside at the address registered.[199] The same source further reports that "Nevertheless, the responsibility for the voting rolls is split between the ZEC [Zimbabwe Electoral Commission] and the Registrar General's Office, the latter being nominated by the president. ZEC lacks professional personnel and resources; the ZEC chairman, for example, is a highly reputed judge to the High Court of Namibia and relocated to this neighboring country possibly out of frustration. The ZEC chairperson is appointed by the president

[194] Amnesty International, *Zimbabwe: Women forced to flee their homes for refusing to reveal their vote*, 6 August 2013
[195] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.2 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY*
[196] Global Coalition to Protect Education from Attack, *Education Under Attack 2014*, 2014, *Zimbabwe*
[197] BBC, *Supporters of Zimbabwe opposition MDC allege attacks*, 5 August 2013
[198] BBC, *Supporters of Zimbabwe opposition MDC allege attacks*, 5 August 2013
[199] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Free and fair elections*

after consultation with the Judicial Service Commission and the parliamentary committee on standing rules and orders".[200]The U.S. Department of State similarly reports with regards to the ZEC that:

> The credibility and independence of the Zimbabwe Electoral Commission (ZEC) was called into question for allegedly being composed largely of personnel from the pro-ZANU-PF security sector. The ZEC failed to provide an electronic copy of the voter register, as required by law, to any of the opposition political parties but managed to supply one hard copy of the voters roll to MDC-T late on election day. The ZEC also failed to respond, as required by law, to legal and formal complaints by opposition parties with respect to its role in monitoring the media, postal voting procedures, and the number of ballot papers printed and distributed. Mid-June versions of the voters roll contained anomalous numbers of people in certain age groups and larger numbers of registered voters than population size reflected in the 2012 national census. […]
> In the weeks preceding the July elections, the registrar general and the ZEC did not ensure an open inspection of voter rolls. The courts failed to settle electoral matters brought before them except for those brought on the election date. Most were settled after the election outcome was announced. According to a local NGO that examined voter rolls, there were numerous discrepancies with the voter register. These included disproportionate voter registration patterns between urban and rural areas, questionably large numbers of voters older than 100, and very low numbers of youths.[201]

Preceding the elections, the International Crisis Group reported in May 2013 that "SADC [Southern African Development Community] places particular emphasis on democracy supporting institutions, but the Zimbabwe Electoral Commission (ZEC) faces significant challenges. Limited government funding threatens its capacity building, public outreach and ability to ensure the integrity of the voters' roll".[202] It further notes that "Both MDC formations question the composition of the ZEC secretariat and accuse it of partisanship".[203]

The International Crisis Group reported in July 2013 that "Though both are aware Zimbabwe is not ready for elections, SADC and the AU have deployed observers, after weakly urging postponement, but thus far not to the swing constituencies [34 swing constituencies in Masvingo and Manicaland provinces] or to many rural areas, though the major threat to security and proper tabulation of results comes from the very security forces legally bound to protect the elections".[204]SADC reported that it had deployed 170 teams of observers in all the ten Provinces of the Republic of Zimbabwe.[205]

The August 2013 SADC Election Observation Mission to the Republic of Zimbabwe preliminary statement listed the following key issues of concern that had been raised by stakeholders:

- The timing of the election date;
- Concerns regarding ZEC readiness to conduct the harmonised elections;
- Timeframe for voter registration;
- Challenges relating to the special vote;
- Media conduct;
- Accreditation of JOMIC [Joint Monitoring and Implementation Committee] observers;

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[200] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Free and fair elections*

[201] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *3. Elections and Political Participation*

[202]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *Executive Summary*

[203]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *II. D. 1. The Zimbabwe Electoral Commission (ZEC)*

[204]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *I. Overview*

[205]SADC, *Election Observation Mission to the Republic of Zimbabwe, Preliminary Statement*, 2 August 2013*, 4.1 DEPLOYMENT OF SEOM OBSERVERS*

- Timeous availability of an updated Voters roll;
- Printing of more ballot papers versus registered voters;
- Political intolerance;
- Hate speech; and
- Funding. [206]

The African Union Election Observation Mission similarly expressed concern over a number of shortcomings: the voters' roll being unavailable to all parties;the printing of ballot papers 35% above the number of registered voters; a high incidence of voters who were turned away at polling stations; the late publication of final list of polling stations; a high number of assisted voters; and that the media remained highly polarised along party lines and generally biased in their reporting.[207] According to the Zimbabwe Election Support Network, "reports from observers during the election and throughout the entire process demonstrated that the credibility of the 2013 harmonised elections was compromised by a systematic effort to disenfranchise many voters".[208] For further information, see the full report: Zimbabwe Election Support Network, *Report on the 31 July 2013 Harmonised Elections Zimbabwe*, 2013.[209] For a detailed discussion of the reasons behind "massive increase" in voting figures for ZANU-PF (over a million more votes than 2008) also see: Research and Advocacy Unit, *"Numbers out of Tune? An examination of the vote in Hamonised July 2013 Election" Full Report*, 10 April 2014.

The International Crisis Group notes with regards to the voter registration process that:

> The 30-day process was hampered by resource restrictions, showed bias against registration in cities – especially Harare – and ended on 10 July amid protests. Civil society organisations assert that as many as two million youths have not been registered; there are more registered voters than adults in almost a third of the 210 constituencies; since 2008 the number of registered urban (traditionally MDC) voters has decreased, while registrations in rural resettlement areas (traditionally ZANU-PF) have increased; and the roll has almost 900,000 duplicate entries. There is no time to fix this situation before 31 July.[210]

Human Rights Watch reports that the ZEC also failed to make the voters' roll available to political parties in advance of elections as required by law.[211] The International Crisis Group also noted that "The MDC-T claims its supporters are being prevented from registering by officials due to unclear procedures".[212] The U.S. Department of State notes that "Ahead of the July election, the media reported several cases of names of teachers being removed from the ZEC lists for being MDC-T supporters and replaced by persons perceived as either politically neutral or as known ZANU-PF supporters".[213]

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[206]SADC, *Election Observation Mission to the Republic of Zimbabwe, Preliminary Statement*, 2 August 2013, *4.3 MAJOR ISSUES RAISED BY STAKEHOLDERS*

[207]African Union Commission, *Report of African Union Election Observation Mission to the 31 July 2013 Harmonised Elections in the Republic of Zimbabwe*, 2013, *VI. ELECTION PHASE OBSERVATIONS paragraph 50 ff.*

[208]Zimbabwe Election Support Network, *Report on the 31 July 2013 Harmonised Elections Zimbabwe*, 2013, *Executive Summary*

[209] Due to formatting incompatibilities it was not possible to reproduce excerpts of the report here.

[210]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *II. Unprepared for a Free and Fair Vote*

[211] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*

[212]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *II. D. 1. The Zimbabwe Electoral Commission (ZEC)*

[213]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*

The Guardian also noted that [MDC] "Party members have complained about the printing of surplus ballot papers, irregularities in the voters' roll, traditional leaders "frogmarching" villagers to the polls, people feigning illiteracy to be "assisted", voters being bussed to faraway constituencies, and the malign influence of the military".[214] The Zimbabwean reports that "Married women failed to vote after realising their names had been changed to their husbands' surnames without their knowledge. Women voters whose identity documents did not match their husbands' names were turned away, despite providing identity documents with their maiden surnames".[215]

Reporting on the political and media climate in the run up to the elections Human Rights Watch reports that:

> State-owned media openly aligned with, and campaigned for ZANU-PF, while vilifying the MDC. State media also failed to offer equal and impartial coverage to all political parties participating in the elections. These irregularities call into question the credibility and fairness of the election. The build-up to the elections was also marked by the failure of the former coalition government, made up of ZANU-PF and the two MDC factions, to implement needed human rights reforms.[216]

Freedom House similarly notes that:

> Although less violent than the 2008 elections, the July 2013 presidential and parliamentary elections were marred by serious irregularities, especially an outdated and incomplete voter roll riddled with hundreds of thousands of "ghost voters." According to the ZEC, over 300,000 voters were rejected at the polls over registration issues, and the Zimbabwe Election Support Network (ZESN)—a domestic observer group—claims that up to 1 million voters were omitted from the roll and/or turned away at the polls. The Electoral Amendment Act in September 2012 had reconstituted the ZEC with new, more independent commissioners, but the president and much of the staff remained partisan, and two of the new commissioners resigned after the July vote, casting doubt on the integrity of the ZEC and its handling of the 2013 election. According to a number of independent political analysts, electoral irregularities ultimately had a greater impact on parliamentary results than on the presidential election, although both were affected. Voting by Zimbabwe's substantial expatriate community was not allowed.[217]

According to the 2013 U.S. Department of State report"A unilateral declaration of the election date by the hastily convened and politically compromised Constitutional Court, formed after the country adopted a new constitution in March; a heavily biased state media; limitations on international observers; failure to provide a publicly useful voters' register; and a chaotic separate voting process for the security sector contributed to a deeply flawed process".[218]

The MDC-T called the 31 July elections a "monumental fraud".[219]The International Crisis Group further notes that on 9 August 2013 the MDC-T lodged a challenge of the results with the Constitutional Court and made an application to the High Court to release evidence to back their case, but on 17 August withdrew the Constitutional Court case citing unfavourable treatment and the partisan nature of the judiciary after the High Court reserved judgment indefinitely.[220]On 20

[214]Guardian, *Morgan Tsvangirai loses hope following election defeat*, 4 August 2013
[215]The Zimbabwean, *Married women miss out*, 7 August 2013
[216] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*
[217]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[218]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Executive Summary*
[219]Institute for Security Studies, *After the elections: What will Mugabe do now?* 20 August 2013
[220]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 September 2013

August the Constitutional Court nonetheless ruled against MDC-T, finding the elections credible, free and fair.[221] The Institute for Security Studies notes with regards to whether there was any chance that the courts would have reversed the results that:

> The chances ranged from slim to none, considering the precedence of the Constitutional Court's judgements regarding the elections. There is definitely concern that the Constitutional Court members, who are appointed by Mugabe, are partisan and biased in favour of ZANU-PF. Some of the judges also benefited from ZANU-PF's controversial land reform programme. The MDC-T also withdrew their petition because of lack of evidence in support of their case after last week's High Court indefinite reservation of judgment on pushing the release of information to the party by the Zimbabwe Electoral Commission.[222]

A September 2014 International Crisis Group report notes that "Many questioned the outcome, but unable to muster and marshal adequate proof to successfully challenge the results, the MDCs' legal attempts withered on the vine. Numerous concerns about the election process, related legalities and the role of the Zimbabwe Electoral Commission (ZEC) remain unaddressed".[223]

In August 2013 two commissioners from the Zimbabwe Electoral Commission, Geoff Feltoe and Mkhululi Nyathi resigned.[224] Reportedly Nyathi resigned on the day of the vote (31 July 2013), over the way the elections had been conducted.[225]The Inter Press Service reports that Director of the Elections Resource Centre (ERC), Tawanda Chimhini, said Mugabe's victory raised more questions than answers: "As ERC, we remain extremely worried about the irregularities cited in the elections. Zimbabwe's elections did not meet international standards".[226]

2.2.4. Verdict of election monitors

Prior to the election the International Crisis Group reported in July 2013 that "Western observers have not been allowed, and the European Union (EU) has declared it will follow SADC's [Southern African Development Community]lead in responding to the elections. […]SADC intends to have over 400 observers, the first of whom arrived in mid-July. The AU has 60 short-term observers in place, complementing a smaller team of longer term observers that is mandated to make a detailed assessment of conditions".[227]

The U.S. Department of State, reports that "While the country did not allow citizens of most Western countries to observe the July elections, it allowed election observer missions from regional groups, including the SADC and the African Union. Each group subsequently issued statements supportive of the elections, as did the leaders of a number of neighboring countries, including South

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For a detailed summary see African Union Commission, *Report of African Union Election Observation Mission to the 31 July 2013 Harmonised Elections in the Republic of Zimbabwe*, 2013, *Post-Election Disputes and Complaints paragraph 77 ff*

[221]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 September 2013

[222]Institute for Security Studies, *After the elections: What will Mugabe do now?* 20 August 2013

[223]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *II. Faulty Foundations*

[224]Inter Press Service, *Zimbabwe's Electoral Commission Shaken by Vote*, 8 August 2013

[225]Inter Press Service, *Zimbabwe's Electoral Commission Shaken by Vote*, 8 August 2013

[226]Inter Press Service, *Zimbabwe's Electoral Commission Shaken by Vote*, 8 August 2013

[227]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *V. Electoral Observers' Credibility*

Africa and Zambia".[228] The UK Foreign and Commonwealth Office and Human Rights Watch provide the following overview of official statements on the election results:

> The Southern African Development Community (SADC) and African Union (AU) endorsed the elections and said they were "free, peaceful and generally credible", though their initial reports highlighted a number of irregularities and flaws. The UK believes the conduct of the elections was seriously flawed, with clear evidence of voting irregularities raising serious doubts about their credibility. The US and Canada said the Zimbabwe election was deeply flawed, while Australia called for a re-run. Botswana, alone among regional states, publicly raised concerns about the credibility of the election. The AU final election observation report also captured several election shortcomings. The biggest domestic observer, Zimbabwe Election Support Network (ZESN), said, "the credibility of the 2013 Harmonised Elections is seriously compromised by a systematic effort to disenfranchise urban voters of up to a million votes.[229]
>
> Through its facilitation team, South Africa, appointed by SADC as mediator in Zimbabwe's political negotiations, strongly pushed for key reforms ahead of elections. However, South Africa eventually succumbed to pressure from Mugabe and ZANU-PF to stop raising concerns about electoral and human rights conditions ahead of the elections. ZANU-PF directed particularly venomous attacks at Ambassador Lindiwe Zulu, a vocal member of the Facilitation Team. Initially, South Africa did not comment on the elections, but eventually made an about-turn and congratulated Zimbabwe on holding "successful elections," while refraining from commenting on the credibility or fairness of the elections and the lack of the key reforms it had been pushing for.
> SADC also failed to press Mugabe and ZANU-PF to implement key human rights and institutional reforms ahead of the elections, as its recommendations were repeatedly ignored by ZANU-PF. Subsequently, SADC and the AU endorsed the July elections, describing them as "free, peaceful, and generally credible," ignoring widespread electoral flaws that violated SADC's elections standards. Regional endorsement has emboldened the government of Zimbabwe to ignore pressing human rights and governance concerns.
> The European Union welcomed the generally peaceful and orderly manner in which the elections were conducted but raised concerns about "alleged irregularities and reports of incomplete participation, as well as the identified weaknesses in the electoral process and a lack of transparency." Similarly the UK commended Zimbabwe on holding peaceful elections while expressing "grave concerns over the conduct of the election." The US said the Zimbabwe election was deeply flawed, while Australia called for a rerun of the election.
> The ability of key international actors to apply pressure on Zimbabwe for a resolution of the election dispute, and for improvements in human rights and governance, was largely nullified by SADC and the AU's endorsement of the July elections. On Zimbabwe, the EU, the UK, and the US had previously deferred to SADC and the AU, whose response to the flawed July elections weakened international efforts to ensure restoration of the rule of law and respect for human rights. [230]

A September 2014 International Crisis Group report notes that "A final SADC report completed within weeks of the election remains withheld without explanation".[231] At the time of writing it appears to still be unavailable.[232]

For the detailed African Union position, see: African Union Commission, *Report of African Union Election Observation Mission to the 31 July 2013 Harmonised Elections in the Republic of Zimbabwe*, 2013.

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[228] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *3. Elections and Political Participation*

[229] UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

[230] Human Rights Watch, *World Report 2014 - Zimbabwe*, 21 January 2014, *Key international actors*

[231] International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *Footnote 6*

[232] See http://www.sadc.int/news-events/elections/2013-zimbabwe-harmonised-elections/

For western governments'statementson the election results see: South African Foreign Policy Initiative, *Statements from western governments on the Zimbabwe election*, 5 August 2013.

According to the Research and Advocacy Unit "the overwhelming majority secured by ZANU PF - has led to two diametrically opposed interpretations of the poll. One, advanced by SADC and the AU, is that the margin of victory is so great that, even if there were some electoral improprieties, they could not have significantly affected the final result. The result must thus be held to be "generally credible". The other, advanced by the United States and other "western" countries, is that the margin of victory is so great as to be completely implausible and that the result must be held to be "not credible".[233]

The International Crisis Group reports in September 2014 that "Post-elections international positions are not aligned. SADC [Southern African Development Community] again called for the removal of sanctions. On the one hand, having supported SADC's facilitation, some Western countries felt hard pressed to reject SADC's endorsement of the election, but on the other they could not fully support the flawed process. Yet ZANU-PF's victory left few options and despite reservations of some member states, the EU has pursued closer engagement. It suspended and removed most restrictive measures and continued the process, started during the GPA [Global Political Agreement] period, toward lifting "appropriate measures" (its term for suspending government-to-government development cooperation) and resuming assistance, now expected in November 2014".[234]The same source further notes that "Meanwhile, the U.S. has rejected calls for removing sanctions, pointing to seriously flawed elections and GPA reform deficits".[235]

3. Rule of Law and the Administration of Justice

3.1. Security and law enforcement

According to Human Rights Watch's annual report covering 2013 "The security forces have a long history of partisanship on behalf of President Mugabe and the ruling ZANU-PF party. The partisanship of the security forces' leadership has translated into abuses by these forces against MDC members and supporters, and civil society organizations".[236] It further notes with regards to partisanship that:

> Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity.[237]

Human Rights Watch further notes in a June 2013 report that:

> Zimbabwe's security forces, notably the military, have, for several years, interfered in the nation's political and electoral affairs in ways that have adversely affected the ability of Zimbabwean citizens to vote freely. This was particularly evident during the 2008 elections where the army played a major

[233] Research and Advocacy Unit, *"Numbers out of Tune? An examination of the vote in Hamonised July 2013 Election" Full Report*, 10 April 2014, *Introduction- the context*

[234]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *V. Constructive Engagement and Prospects for Change*

[235]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *V. Constructive Engagement and Prospects for Change*

[236] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Conduct of Security Forces*

[237] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Conduct of Security Forces*

> role in supporting widespread and systematic abuses that led to the killing of up to 200 people, the beating and torture of 5,000 more, and the displacement of about 36,000 people. Since then the leadership of the military, police and CIO, all appointed by President Mugabe, remain unchanged, as have their clear, public and vocal support for President Mugabe and ZANU-PF.[238]

According to Freedom House, "The new constitution failed to introduce greater civilian control over or require the professionalization of the highly partisan security forces. As such, both the Joint Operations Command, composed of the heads of the security services, and the Central Intelligence Organization (CIO) remain closely tied presidency and free of any concrete or enforceable regulation by the legislature or bureaucracy. The JOC continues to play a central role in government decision-making".[239] Amnesty International similarly reports in July 2013 that:

> Partisan law enforcement remains a major obstacle to the countries [*sic*] ability to hold elections free from human rights violations. Since the beginning of the current political crisis in Zimbabwe state institutions have been increasingly politicised to maintain ZANU-PF's hold on power. President Mugabe and his ZANU-PF party effectively control the security agencies in Zimbabwe. Security chiefs have openly expressed their allegiance to the party and its ideology while castigating Prime Minister Tsvangirai and his party. The security chiefs' allegiance to ZANU-PF is historical dating back to the liberation struggle against white minority rule in the 1970s. The current heads of police, army, air force, prison service and intelligence service are all "war veterans" as they took part in the 1970s struggle for independence under the Zimbabwe National Liberation Army (ZANLA) and the Zimbabwe People's Revolutionary Army (ZIPRA), the military wings of ZANU-PF and PF-ZAPU respectively.[240]

Human Rights Watch also notes that "In addition to the close political alliance between the leadership of ZANU-PF and the security forces, another driving force for political interference by the security forces has been the need to protect ill-gotten wealth and other vested economic interests. This has included control of revenue from Marange diamond fields where sections of the army directly own and run mining companies.The leadership of the security forces has also supported Mugabe and ZANU-PF's continued dominance in government to protect them from prosecution for their role in rights abuses – as they have protected the security forces in past".[241] It further reports with regards to partisanship that:

> To ensure that ZANUPF partisanship is entrenched within the lower ranks of the security forces, the leadership of the security forces in May 2012 scrapped all recruitment requirements, opting instead for recruitment on the basis of subscription to vague national values which in practice are largely subscription to ZANU-PF policies. There has been widespread concern expressed in the media and by civil society activists that this was designed to facilitate direct recruitment of unqualified ZANU-PF youths into the security forces. Human Rights Watch investigations also indicate that recruitment into the army, CIO, and prisons services clandestinely takes place through ZANU-PF aligned provincial governors across the country, all of whom are appointed by President Mugabe on the ZANU-PF platform.[242]

Human Rights Watch reports in June 2013 that "The bulk of current leaders of Zimbabwe's security forces, including defense forces commander, Gen. Constantine Chiwenga, air force commander Air

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[238] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

[239] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

[240] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.2 ROLE OF THE SECURITY SERVICES IN RESTRICTING FUNDAMENTAL FREEDOMS*

[241] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

[242] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

Marshall Perence Shiri, the police commissioner, Gen. Augustine Chihuri, and central intelligence organization director, Retired Maj. Gen. Happyton Bonyongwe, are former ZANLA combatants who fought in Zimbabwe's liberation struggle".[243]

For information on political violence committed by state perpetrators, see *4.1.1.1. Incidents of politically motivated violence*.

3.1.1. Zimbabwe Republic Police (ZRP)

In March 2014 the Zimbabwe Lawyers for Human Rightsreported that "The Zimbabwe Republic Police (ZRP) is established under s207 of the Constitution of Zimbabwe. It is mandated to preserve internal security and maintain law and order, protect life and property, preserve peace, prevent and detect crime, apprehend offenders and suppress civil unrest. The ZRP falls under of the Ministry of Home Affairs and is under the command of a Commissioner-General, who is appointed by the President after consultations with the Minister responsible for the police. The force consists of at least 40,000 officers, with its headquarters in Harare. The force is organised by province and comprises a Regular Force, the Police Constabulary and ancillary members, as provided for under Section 4 of the Police Act [Chapter 11:10]".[244]Gen. Augustine Chihuri is the police commissioner.[245] For information on the rank and insignia of the ZRP see the *International Encyclopedia of Uniform Insignia, Zimbabwe Republic Police*.

According to the 2013 U.S. Department of State report "Although the ZRP are officially under the authority of the Ministry of Home Affairs, the Office of the President controlled some roles and missions".[246] A November 2013 Ministry of Women Affairs, Gender and Community Development (MWAGCD) and Gender Links report notes that "Zimbabwe's security service legislation contains no special provisions for gender equality or the use of affirmative action for the recruitment of women, and "in the police service, there are 25% women compared to 75% men".[247]

According to the 2013 U.S. Department of State report "The police were ill equipped, underpaid, and poorly trained, particularly at the lower levels. Police authorities lacked sufficient fuel and resources, which reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal resulted in corruption and high turnover. Implicit assurances of impunity and a culture of disregard for human rights contributed to police use of excessive force in apprehending and detaining criminal suspects".[248]Also see *3.6. Torture, inhuman and degrading treatment, and unlawful use of force, 3.6.1. State security forces*.

With regards to challenges faced by the Zimbabwe Republic Police the March 2014 Zimbabwe Lawyers for Human Rights reportnotes:

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[243] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, VI. Security Sector Political Interference, Zimbabwe Republic Police*

[244]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *1. Background and information*

[245] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, VI. Security Sector Political Interference, Zimbabwe Republic Police*

[246]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *1 D. Role of the Police and Security Apparatus*

[247]MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 1: Background and context of violence*

[248]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *1 D. Role of the Police and Security Apparatus*

Shortage of resources and lack of skills

The study noted a general shortage of resources within the police department, including transportation to ferry witness to the courts. A shortage of human resources and equipment were also reported, with key programmers – such as the Victim Friendly initiatives – suffering as a result. There were also calls tostrengthen the capacity of officers' investigative skills so as to help them to deal with criminal cases more effectively and professionally. It was reported that there was virtually no budgetary allocation to feed accused persons while they are in police custody or witnesses. In addition, there is a shortage of suitable accommodation for witnesses as the infrastructure was reportedly dilapidated.

Poor conditions of service for officers

The study noted challenges related to poor conditions of service among police officers, with the low salaries making officers susceptible to corruption. It was established from interviews that supplementing lowly incomes by soliciting for bribes was a common practice among police officers and were was related to traffic

offences, custom and excise offences, and more complex cases involving more senior officials (e.g. trading in precious minerals). According to a news report quoting a 2012 survey by Transparency International Zimbabwe, 53 percent of Zimbabweans said they had paid a bribe to police officers. It is difficult to see how corruption within the police service could be curbed unless salaries are improved. At the time of the study, salaries of ZRP officials reportedly amounted to an average of US$320, while US$600 was necessary to support a family of six.

Regarding accommodation, a senior officer in the police force interviewed during the study said lack of accommodation for police officers had resulted in officers seeking accommodation within the community and this made it difficult for them to operate when they were called to take action within the communities where they lived.[249]

The Civil Society Monitoring Mechanism reports on "the use of the Intelligence Services to vet aspiring ZANU-PF candidates ahead of the party's primary elections. Uniformed members of the Zimbabwe Republic Police (ZRP) supervised many of the primary elections (for the ZANU-PF candidates), providing logistics and counting ballot papers. ZANU-PF's party Provisional Elections were held under the auspices of the ZRP, with uniformed members acting as election officers".[250] The Zimbabwe Human Rights NGO Forum reports that "On 21 May [2013], the Zimbabwe Republic Police (ZRP) convicted three police officers for allegedly breaching the Police Act after they reportedly attended an MDC-T political rally held in Mashonaland Central Province in April. Courage Manyengavana, Marshal Zindoga and Lovemore Mupedzapasi were tried and convicted for contravening the Police Act for allegedly acting in a manner, which brought disrespect to the ZRP".[251]

Human Rights Watch notes in a June 2013 report on 'Reforming Zimbabwe's Security Sector Ahead of Elections' regarding the politicisation of the ZRP that:

> As with the military leadership, the leadership of the Zimbabwe Republic Police (ZRP), led by Commissioner General Augustine Chihuri, has actively pursued a partisan political agenda on behalf of ZANU-PF. On May 1, 2013, in response to media reports that the security forces had met with Tsvangirai to discuss security sector reforms and the role of the security forces after the elections, Chihuri declared that the security forces would never meet with the prime minister and that anyone who reported on or raised the issue risked arrest. […]
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> While the Police Act explicitly prohibits members of the police from actively participating in politics and from joining or associating with an organization or movement of a political character, it appears

[249]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014 *3.1 Zimbabwe Republic Police (ZRP)*

[250]Civil Society Monitoring Mechanism, *Assessment of State Compliance with Zimbabwe's Constitution*, undated (accessed 7 January 2015)

[251]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Rule of law,Specific violations*

> authorities have turned a blind eye to the involvement of police officers in ZANU-PF party politics, but have been quick to act if the political party involved is MDC.[252]

In May 2013 the International Crisis Group reported that "The Zimbabwe Republic Police (ZRP) has demonstrated some professionalism, but its leaders openly support ZANU-PF and frequently harass Movement for Democratic Change (MDC) formations and civil society, which the MDC-Tsvangirai has been powerless to prevent. The GPA provides no basis for credible investigations of the police (or other security elements), which refuse to answer to the co-ministers of home affairs or JOMIC and expose parliament as largely toothless".[253] The same source further notes that "At the beginning of 2012, the army and police began an unbudgeted national recruitment drive. Army officials justified it as necessary to strengthen national security, but standard recruitment criteria were allegedly ignored and most of those selected were ZANU-PF supporters, including former youth militia".[254]

With regards to partisanship of the police force the 2013 U.S. Department of State report notes that:

> ZRP leadership loyal to ZANU-PF stifled, derailed, or did not authorize the efforts of those police who sought to investigate political violence and corruption.
> Police were reluctant or refused to record reports of politically motivated violence or property destruction perpetrated by ZANU-PF-aligned individuals against political opponents, often blaming the lack of fuel for vehicles for their failure to investigate.
> The continued politicization of the ZRP's upper echelons, mostly composed of war veterans loyal to ZANU-PF, made it difficult for lower-ranking police to remain politically impartial or to show support for non-ZANU-PF parties. There were reports of police and army personnel suspected of being sympathetic to the MDC's or other political parties' being threatened with demotion, suspension, incarceration, or transfer to remote areas. Most low-ranking personnel lived in ZRP-provided housing, which allowed the monitoring of their votes.[255]

Also see *3.2 Corruption*.

The International Crisis Group reports that "The Zimbabwe Human Rights Commission (ZHRC), responsible with the Zimbabwe Republic Police (ZRP) for investigating human rights violations, lacks staff and infrastructure".[256] Also see *3.3.3. Impunity*.

3.1.2. Zimbabwe Defence Forces (ZDF)

The U.S. Department of State explains that "The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces (ZDF), under the Ministry of Defense. They are responsible for external security, but the government sometimes used them for domestic operations".[257] When Mugabe became president in 1987 he was also appointed commander-in-chief of the Zimbabwe Defence Forces.[258]According to the World Bank, as of 2012, the total number of armed forces personnelis 50,800, defined as "active duty military personnel, including paramilitary forces if the

[252] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, VI. Security Sector Political Interference, Zimbabwe Republic Police*
[253]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013,*Executive Summary*
[254]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[255]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[256]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *II. Unprepared for a Free and Fair Vote*
[257]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*
[258]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *Footnote 122*

training, organization, equipment, and control suggest they may be used to support or replace regular military forces".[259]

Gen. Constantine Chiwenga is the Zimbabwe Defence Forces commander and the air force commander is Air Marshall Perence Shiri.[260]

In a May 2013 the International Crisis Group reports that:

> The military has always been considered the vanguard of unity between party and state. In 1980, then-Prime Minister Mugabe was also defence minister, establishing direct oversight and control and limiting the possibility of rebellion within the newly integrated force. As Zimbabwe approaches the election, evidence of the military's involvement in the political arena has grown, and the close political-military relations in ZANU-PF will likely remain intact. The security sector's interest in elections can be traced to statements made by senior officials before the March 2002 presidential polls. They declared allegiance to Mugabe and vowed not to recognise any winner lacking liberation war credentials, a reference to Morgan Tsvangirai. In 2008, the delayed announcement of the presidential results was allegedly orchestrated by the Joint Operations Command (JOC), which had exerted significant influence over the ZEC's responsibilities and ZANUPF's campaign.[261]

The same source further notes that "At the beginning of 2012, the army and police began an unbudgeted national recruitment drive. Army officials justified it as necessary to strengthen national security, but standard recruitment criteria were allegedly ignored and most of those selected were ZANU-PF supporters, including former youth militia".[262] The 2013 U.S. Department of State report notes that "There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military".[263]

Human Rights Watch notes in a June 2013 report on 'Reforming Zimbabwe's Security Sector Ahead of Elections' with regards to the military that:

> Zimbabwe's military leadership played a decisive role in the violent presidential runoff campaign in 2008 on behalf of the ruling party, ZANU-PF. Since then, under the unity government, it has continued to publicly and consistently support President Mugabe and ZANU-PF while denigrating Prime Minister Morgan Tsvangirai and his MDC party. […]
>
> Human Rights Watch investigations found that the Zimbabwe National Army has deployed soldiers across the country, under different guises including running the food distribution project (National Food Security Project), community projects (including helping with building schools) and an "army history research project." Under the so-called army history project, members of the army go into villages asking villagers about the war of liberation and battles fought in their areas, ostensibly for documentation. Human Rights Watch investigations however reveal that, in the communities, the soldiers have been implicated in directly campaigning for Mugabe and ZANU-PF, and of harassing and intimidating villagers. Among areas where such army deployment and subsequent harassment and intimidation of villagers occurred include Buhera, Nyanga, Chipinge and Mutare in Manicaland province, Gokwe, Zhombe, Mberengwa, Silobela in Midlands province, and Chivhu, Marondera and Uzumba in Mashonaland East province.[…]
>
> In each of Zimbabwe's 10 provinces, soldiers are highly visible, including those performing training exercises in public. For instance, hundreds of soldiers based at Third Brigade in Mutare perform their drills and jog through residential areas in the city, singing liberation war songs or songs with a political

[259] World Bank, *Data: Armed forces personnel, total, 2010-2014 (2012),* [accessed 23 December 2014]
[260] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, VI. Security Sector Political Interference, Zimbabwe Republic Police*
[261] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[262] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[263] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 d Role of the Police and Security Apparatus*

> message aimed at undermining the MDC and Tsvangirai. Mutare residents said they have seen soldiers jogging through the community several times in February and March.[264]

3.1.3. Central Intelligence Organisation (CIO)

The U.S. Department of State explains that "The Central Intelligence Organization (CIO), under the minister of state for national security, is responsible for internal and external security".[265] Human Rights Watch notes that "Within Zimbabwe's security forces, it is the CIO alone, the intelligence service, that has no legislative framework guiding its institutional set up and operations. Although it is a department within the President's Office—the Department for State Security—with a minister responsible for it, and a director-general in charge of it, there is little information available on its functions".[266] The director of the CIO is Retired Maj. Gen. Happyton Bonyongwe.[267]

Freedom House report covering 2013 notesthat "The new constitution failed to introduce greater civilian control over or require the professionalization of the highly partisan security forces. As such, both the Joint Operations Command [JOC], composed of the heads of the security services, and the Central Intelligence Organization (CIO) remain closely tied presidency and free of any concrete or enforceable regulation by the legislature or bureaucracy. The JOC continues to play a central role in government decision-making".[268]The 2013 U.S. Department of State report notes that "CIO agents and informers routinely monitored political and other meetings. […]CIO personnel at times assumed faculty and other positions or posed as students at public and some private universities to intimidate and gather intelligence on faculty and students who criticized government policies and actions. CIO officers regularly attended classes in which noted MDC activists were lecturers or students. In response, both faculty and students often practiced self-censorship.[…]Police and the CIO regularly followed and harassed consultants working with international and local human rights organizations".[269] In a June 2013 report on reforming Zimbabwe's security sector Human Rights Watch reports that:

> Zimbabwe's Central Intelligence Organization (CIO), responsible for state security, is a department in the President's Office that is not regulated by any legislation. It lacks accountability and is answerable only to the president.
> The CIO in practice appears to function as an agency of ZANU-PF. In April 2011, Mugabe disclosed the close alliance between ZANU-PF and the CIO while speaking at the funeral of the CIO's deputy director, Menard Muzariri, when he said: "Are all the members who are in ZANU-PF really party members? What do you do in the dark? Some run to our enemies and divulge our secrets. Muzariri and company [CIO] would tell us who was selling out."

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[264] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, VI. Security Sector Political Interference, The Military*

[265]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 d Role of the Police and Security Apparatus*

[266] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *V. Zimbabwe's Security Sector Legal Framework*

[267] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, VI. Security Sector Political Interference, Zimbabwe Republic Police*

[268]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

[269] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2.a. Freedom of Speech and Press*and *Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

> Civil society leaders and the media have reported on the CIO conducting surveillance and intelligence gathering on their work and on other people and groups within civil society and political parties, perceived as hostile to ZANU-PF.
> The CIO, together with sections of the police and army, have been implicated in the abductions, torture, beatings and harassment of perceived ZANU-PF opponents. For instance, Zimbabwe's Supreme Court established that CIO agents abducted and tortured Zimbabwe Peace Project Director Jestina Mukoko, a prominent human rights campaigner, in December 2008 in an attempt to induce a false confession. Human Rights Watch has in the past documented numerous incidents in which CIO agents have been implicated in abductions, beatings and torture of civil society activists and perceived MDC supporters.
> Local groups, including Zimbabwe Human Rights NGO Forum and Zimbabwe Peace Project, have since 0ctober 2012 documented an increase in the number of politically motivated human rights violations involving CIO agents. Often this involved torture that took place in police detention. In most cases, victims identified the perpetrators as CIO agents as they often introduced themselves as members of the CIO, and the fact that only state agents, or the police, have access to detainees in police custody, for purposes of interrogation.
> In some cases, CIO members have participated directly in ZANU-PF politics through occupying senior positions in the party. For instance, questions have been raised by MPs in parliament on why three CIO members maintain political party positions as ZANU-PF central committee members while still in full-time employment of the state. Despite two formal requests in parliament by MDC MPs in 2011 and 2012, the minister responsible for state security, a ZANU-PF member, has not responded.[270]

3.1.4. War veterans

A November 2014 Newsday Zimbabwe article cites University of Zimbabwe political scientist Professor Eldred Masunungure as noting that war veterans have traditionally been used as "weapons in power struggles".[271] The same source further notes that:

> The ex-combatants who fought in the country's 1970s liberation war successfully forced Mugabe to concede to their demands for compensation in 1997, after which they were transformed into a key player on the country's political scene.
> They have since been transformed into a vital cog of the ruling party's machinery particularly during the election years 2005, 2008 and 2013 during which they intimidated, beat up and in some cases even killed opposition party supporters they accused of "seeking to sell out the country to the West".[272]

The 2014 Bertelsmann Foundationreport which covers the period from 31 January 2011 to 31 January 2013notes that "Mugabe and ZANU-PF rely heavily on parastatal groups, like war veterans and youth militias, to resolve conflicts over power; these groups have been ideologically indoctrinated and were trained by former military personnel to use violence to achieve their aims".[273] It further explains that:

> The Zimbabwe African National Union-Patriotic Front's (ZANU-PF) rhetorical support for democracy is put into practice only as long as its hold on power is not endangered by elections. Market economy reforms have not been not driven by a governmental sense of conviction but rather by the twin pressures of national debt and reluctant international lenders. ZANU-PF's main goal is to maintain power. When the patronage system required more resources, the government turned in 2000 to its

[270] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *Central Intelligence Organization*
[271] News Day Zimbabwe, *War veterans used as 'runner dogs' in Zanu PF politics*, 19 November 2014
[272] News Day Zimbabwe, *War veterans used as 'runner dogs' in Zanu PF politics*, 19 November 2014
[273] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Basic administration*

> only resource available in abundance: land. ZANU-PF supporters, especiallywar veterans, were allowed to occupy and loot the vast properties of white owners.With this step, ZANU-PF created a useful and dependent group of war veterans andyouth militia beholden to the vicissitudes of the ruling elite; this docile manpowerwas instrumentalized in various situations in following years.[274]

Note that as Amnesty International reports, "the current heads of police, army, air force, prison service and intelligence service are all 'war veterans' as they took part in the 1970s struggle for independence under the Zimbabwe National Liberation Army (ZANLA) and the Zimbabwe People's Revolutionary Army (ZIPRA), the military wings of ZANU-PF and PF-ZAPU respectively".[275]

Also see *3.6.Torture, inhuman and degrading treatment, and unlawful use of force, 3.6.2. Parastatal actors*.

3.1.5. ZANU-PF Youth Service/Youth Militia/Green Bombers/Border Gezi Youths

Daily News Live explains that "The national youth service programme, whose graduates were derogatorily dubbed the 'Green Bombers' because of the colour of their uniforms, was launched by the late Youth minister Border Gezi in 2001 to "transform and empower youths for nation building through life skills training and leadership development".[276] They are also commonly known as "Border Gezi" youths.[277]

According to an August 2014 Jane's Sentinel Security Assessment "As presently construed, national service ostensibly serves as a political introduction for employment in government service, be it the civil service or a military career. However, there is a heavy paramilitary element to the service and critics say that it aims to produce a political-military reserve force to back up or replace the war veterans as they die out. Training is certainly paramilitary in style, with uniforms and weapons handling. An estimated 6,000 young Zimbabweans undergo training in the residential youth camps every year. However, the dire economic circumstances currently facing the government make it unlikely that the youth service is adequately funded or operating at full capacity".[278]

In October 2013 Youth Development, Indigenisation and Empowerment Minister, retired army Major Mathius Tongofa, stated that the compulsory training of the youth militia would be compulsory and revised soon.[279] He further noted that "We had only stopped recruitment, but the centres are there and soon we will start recruitment for the program".[280] Radio Vop notes that "The recruitment was stopped after MDC party formations that partnered Zanu PF in the coalition government complained about the program, saying it was propping Zanu PF in elections. The youth militias were accused of raping and maiming suspected MDC party supporters while trainers were accused of sexually assaulting trainee girls".[281]

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[274] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Basic administration*

[275] Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.2 ROLE OF THE SECURITY SERVICES IN RESTRICTING FUNDAMENTAL FREEDOMS*

[276] Daily News Live, *Reinstate Green Bombers: Zanu PF youths*, 11 August 2014

[277] News Day Zimbabwe, *'Border Gezi youths bussed as students for Grace rally'*, 19 November 2014

[278] Jane's Sentinel Security Assessment: Southern Africa, Zimbabwe Armed Forces, updated 19 August 2014, cited in: UK Home Office, *Country Information and Guidance Zimbabwe: Political Opposition to ZANU-PF,* October 2014

[279] Radio Vop, *Zim Govt Revises Infamous Youth Militia Training*, 19 October 2013

[280] Radio Vop, *Zim Govt Revises Infamous Youth Militia Training*, 19 October 2013

[281] Radio Vop, *Zim Govt Revises Infamous Youth Militia Training*, 19 October 2013

Daily News Live also reporting in August 2014 notes that the national youth service programme was "discontinued due to lack of funding and after recruits had been widely accused by opposition parties of inciting political violence especially during election time. The government was accused of conscripting desperate and unemployed youths into its controversial national youth service and brainwashing them to become blind and violent zealots of the ruling Zanu PF party. The government denied the charge, saying national youth service was vital to instil discipline and patriotism among youths".[282]

At the August 2014 Zanu PF Youth Conference it was proposed that the government "enact legislation making it mandatory for all school-leavers to undergo the programme before being enrolled in colleges and universities or being employed by State institutions".[283]

In November 2014 Border Gezi youths were reportedly broughtin to make up the numbers at a Grace Mugabe meeting with college students ahead of her endorsement to lead the Zanu PF Women's League at the party's congress, after genuine college students boycotted the event.[284]

Also see *3.6.Torture, inhuman and degrading treatment, and unlawful use of force, 3.6.2. Parastatal actors*.

3.2. Corruption

The 2014 Bertelsmann Foundationreport which covers the period from 31 January 2011 to 31 January 2013notes that "The judiciary and the police are highly controlled by the Zimbabwe African National Union-Patriotic Front (ZANU-PF) party, and corruption is widespread".[285] It further notes with regards to corruption that:

> Corruption has become endemic and affects all sectors of society, including health, education and sports. In the perception of the population, cases of corruption can be seen especially in the police, within political parties, in parliament, in the courts and with regard to public services. On a positive note, some accused of corruption, such as traffic police officers, or members of parliament (of both parties) over the abuse of funds allocated by the Constituency Development Fund, have finally been charged during the review period. But most officials, such as bureaucrats in the Registrar's Generals Office who demand bribes for the service of providing official documents, are not taken to court. Furthermore, many senior officials have still avoided prosecution over corrupt practices, such as Obert Mpofu, the minister of mines who enriched himself through the illegal extraction of diamonds; or Ignatius Chombo, the local government minister who owns some 75 residential and commercial stands.
>
> Diamonds are also a large source of corruption and are often plundered through a complex network of army, police, Central Intelligence Organisation (CIO) and senior Zimbabwe African National Union-Patriotic Front (ZANU-PF) officials (among them the late Solomon Mujuru, the husband of the vice president). According to Partnership Africa Canada (PAC), some $2 billion of revenues from the diamond sector has been lost in the last three years.[286]

[282] Daily News Live, *Reinstate Green Bombers: Zanu PF youths*, 11 August 2014
[283] Daily News Live, *Reinstate Green Bombers: Zanu PF youths*, 11 August 2014
[284] News Day, *'Border Gezi youths bussed as students for Grace rally'*, 19 November 2014
[285] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Basic administration*
[286] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Prosecution of office abuse*

In its annual report 'Freedom in the World' covering events in 2013 Freedom House reports that:

> Historically, Zimbabwe had a much more professional and less corrupt civil service than most other countries in sub-Saharan Africa. Since 2000, however, corruption has become endemic, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid has made the problem ubiquitous at the local level. In November 2013, Comptroller and Auditor General Mildred Chiri reported widespread abuse of state resources across a range of government ministries in 2011, including hundreds of thousands of dollars of unaccounted-for expenditures by both the presidency and the office of then prime minister Tsvangirai. The Zimbabwe Revenue Authority in October 2013 said the country lost about $2 billion to corruption in 2012. The Zimbabwe Anti-Corruption Commission was enshrined in the new constitution, although its enforcement powers remain unclear. Zimbabwe was ranked 157 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.[287]

International Crisis Group reports in July 2013 that "The police are a broken, largely corrupt force in which most people have little faith".[288]According to the 2013 U.S. Department of State report, "Corruption occurred at every level of the police force but took different forms, depending on position, rank, or location. At the lower levels, corrupt officers extorted nominal to exorbitant fines from the public for varying claimed offenses to augment their low salaries. Armed police routinely erected roadblocks, claiming to be looking for criminals or smuggled goods. In many cases, police arbitrarily seized goods for their own consumption or extracted bribes from commuters. Municipal police in urban areas often raided vendors and confiscated their wares for personal use. No records of the confiscated goods were generally kept, despite this being required by law".[289]

The UK Foreign and Commonwealth Officenotes that "In December [2013], Anti-Corruption Commission official Emmanuel Chimwanda, who was charged in April with criminal abuse of office and contravening the Official Secrets Act, was acquitted. The court dismissed the charges as trivial. The magistrate added that the case had not followed correct procedure".[290] The International Crisis Group further explains that "An unprecedented investigation of senior ZANU-PF ministers and parastatals by the Zimbabwe Anti-Corruption Commission (ZACC) appears to be linked to the arrest of several staff members from Prime Minister Tsvangirai's office, as well as the arrest of the ZACC chairperson on corruption charges. The probes have been halted, but speculation has been rife that ZACC's energetic focus reflected high-level endorsement for the investigation within ZANU-PF that was most likely related to ongoing succession battles".[291]

In a September 2014 report International Crisis Group notes with regards to official corruption that:

> Information Minister Professor Jonathan Moyo launched a very public anti-corruption drive that exposed senior administrators reaping gargantuan salaries as heads of parastatals and other state-owned enterprises. The campaign allegedly targeted Mujuru's camp and has exacerbated party tensions. However, it is unlikely to go much further. Any serious effort to unravel corruption would undermine ZANU-PF's patronage network. […]
>
> By mid-2014, those reading the runes argued the pendulum was swinging back in Mnangagwa's favour. The security sector's influence has grown, although direct military intervention is unlikely.

[287]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[288]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *III. Another Violent Election?*
[289]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*
[290]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014
[291]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. D. Inter-party Alliances: The Unclear Narratives*

> Compared to Mujuru, Mnangagwa is seen as having a closer relationship with especially the military and intelligence community.[292]

With regards to corruption in local government the 2013 U.S. Department of State report notes that:

> Corruption was especially pervasive in local government, where officials abused their positions and government resources openly and with impunity. Local councilors' control of the designation and allocation of new land lots for residential and commercial use led to numerous allegations of bribe attempts and rent-seeking opportunities. Government officials also demanded bribes or excessive fees for "expediting" paperwork, including birth certificates, passports, and licenses. Councilors practiced nepotism in hiring general council workers and in land allocation. Allegations of corruption continued regarding both ZANU-PF and MDC-T councilors. Most new council employees were members of the political party dominating that council.[293]

In an August 2014 report IRIN notes that "Zimbabwe's deepening economic crisis is severely affecting the government's ability to fund public health delivery and restricting poor people's access to health care, economists, government officials and health experts agree".[294] It cites Ruth Labode, a medical doctor who heads the parliamentary committee on health and is a member of parliament for the MDC as stating "health service delivery had also been crippled by corruption such as theft of drugs and equipment from hospitals, and the flouting of tender processes by hospital officials for personal gain".[295]IRIN notes in a February 2013 report that bribes were demanded in hospitals in order to "jump the queue" to receive blood tests.[296] One patient told IRIN "I learned that the nurse demanded money from many other desperate and poor patients who could not immediately get the services they wanted".[297] The IRIN report also cited Transparency International Zimbabwe as noting that "corruption was particularly rampant within the education, health, mining, sports, judicial and agriculture sectors and was becoming ingrained within the society".[298]Willus Madzimure, a member of parliament and chairperson of the Zimbabwe chapter of the African Parliamentarians Network Against Corruption, told IRIN poverty also meant powerlessness; "They are the last in the queue and thus always miss out on life-changing opportunities. In rural areas, traditional leaders are demanding about $300 or cattle for one to be given land, but where do these vulnerable people get the money or livestock from when they can't even build a shelter?"[299]

In a November 2013 report on 'Burst Pipes, Contaminated Wells, and Open Defecation' in Harare Human Rights Watch reports that "Although old infrastructure and a mushrooming population are major factors in the breakdown of the water and sanitation system inHarare, in almost every interview we had, donor agencies, journalists, NGO workers and even government officials raised three other fundamental issues causing the service delivery crisis: a lack of political will, mismanagement and pervasive corruption".[300] It further notes with regards to corruption that:

> Corruption is endemic in Zimbabwe. Transparency International data shows that corruption in Zimbabwe appears to be getting worse. A 2012 study showed Zimbabwe to be the 13th most corrupt

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[292]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *III. Political Dysfunction and the Politics of Succession, A. ZANU-PF*

[293]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*

[294] IRIN, *Zimbabwe's health system in crisis*, 11 August 2014

[295] IRIN, *Zimbabwe's health system in crisis*, 11 August 2014

[296]IRIN, *Corruption feeds on Zimbabwe's poor*, 1 February 2013

[297]IRIN, *Corruption feeds on Zimbabwe's poor*, 1 February 2013

[298]IRIN, *Corruption feeds on Zimbabwe's poor*, 1 February 2013

[299]IRIN, *Corruption feeds on Zimbabwe's poor*, 1 February 2013

[300]Human Rights Watch, *Troubled Water Burst Pipes, Contaminated Wells, and Open Defecation in Zimbabwe's Capital*, 19 November 2013,*IV. Political Will, Mismanagement and Government Corruption*

country in the world, after ranking 24th in 2008. In October 2013, Zimbabwe's Revenue Authority (ZIMRA) estimated that in the previous year $2 billion was lost to corruption. According to the press accounts, following this announcement the head of ZIMRA said that corruption in Zimbabwe has reached unprecedented levels.

Public sector corruption permeates the government. News reports indicate that local-level officials often engage in corrupt behavior that directly impacts local residents.

A study done on local officials in Zimbabwe found:

> Local governance in Zimbabwe is characterized by high levels of patronage and clientelism, local officials report that they receive various types of individual requests-for jobs , favors and money—and are expected to help resolve them. Answering these personal petitions is the currency of local politics; in an environment of scarcity, it fills the void.[301]

The Guardian reports in August 2013 that "the anti-corruption watchdog Global Witness has alleged that state diamond revenues were spent on securing Mugabe's re-election".[302]According to the International Crisis Group, "Diamond pricing structure and trading channels remain obscure, exacerbating perceptions of corruption".[303]During the 2013 elections, the BBC notes that "Village leaders were reportedly given food and kitchenware to persuade people to vote for Zanu-PF".[304] Also see *2.2.2. Violence in the run-up to and during the election* and *5. People internally displaced by violence and human rights violations, 5.32013 Election-related displacement*.

The 2014 U.S. Department of State report on trafficking notes with regards to corruption that:

> Corruption in law enforcement and the judiciary remained a serious and unaddressed problem that impairs the effectiveness of anti-trafficking efforts. Media report that parastatal organizations were complicit in trafficking; the government failed to investigate or otherwise address such allegations during the reporting period. For example, in a high profile case, a government-affiliated company failed to pay 366 workers for three months of work and subjected them to various forms of abuse—indicators of forced labor. In January 2014, a Zimbabwean court ordered the company owners to provide the workers with back pay. A separate government-owned company failed to pay wages to coal workers for several months in 2013, and the workers did not receive their back pay. The government did not initiate any prosecutions in that case. Victims reportedly refused to report or pursue cases of trafficking out of fear that their traffickers could bribe police or judges. Anecdotal evidence indicated a limited government involvement in, and tolerance of, trafficking on a local level and at border crossings. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The government did not provide anti-trafficking training to law enforcement officials. The Ministry of Labor and Social Security had a taskforce that was charged with investigating Chinese construction companies suspected of abusive employment practices—possibly including forced labor—and ensuring overall compliance with Zimbabwean labor law. This taskforce failed to take concrete action during the year.[305]

Transparency International Zimbabwe reports in July 2014 that it "notes with great concern, the state of corruption in the private sector where most transactions require a bribe. Bribe is payment in money or kind, given or taken by the state or firm in a corrupt relationship. The bribe can be in the form of a sweetener or grease money".[306]

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[301]Human Rights Watch, *Troubled Water Burst Pipes, Contaminated Wells, and Open Defecation in Zimbabwe's Capital*, 19 November 2013,*IV. Political Will, Mismanagement and Government Corruption*

[302]Guardian, *Morgan Tsvangirai loses hope following election defeat*, 4 August 2013

[303]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. C. Economic Interests*

[304]BBC, *Zimbabwe's Robert Mugabe sworn in as president*, 22 August 2013

[305]U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014

[306]Transparency International Zimbabwe, *Parliamentary Corruption Factsheet*, 2 July 2014, *The need for parliamentary oversight: Bribes as new currency in business*

The International Crisis Group notes that there have also been allegations of corruption in MDC-T-run urban councils.[307] It further reports "In April 2011, the party launched the National Evaluation and Inspection of Local Authorities Committee to investigate reported cases of corruption in MDC-T-run urban councils, leading over a year later to the expulsion of the Harare deputy mayor and twelve other councillors from the party".[308]

For information on corruption in the judiciary, see *3.3.2. Political interference in court decisions*.

For information on whistle-blower protection, see *3.3.4. Legal aid and witness protection*.

For information on the treatment of journalists who cover cases of alleged corruption, see *4.2.2.Treatment of critical journalists, bloggers, etc.*

3.3. Judicial system

A March 2014 Zimbabwe Lawyers for Human Rightsreport explains that the legal system in Zimbabwe is based on Roman-Dutch law as modified by customary law and as provided for in the constitution with the judiciary consisting of:

- The Chief Justice, the Deputy Chief Justice and the other judges of the Constitutional Court;
- The Judges of the Supreme Court;
- The Judge President of the High Court and the other Judges of that court;
- The Judge President of the Labour Court and the other Judges of that court;
- The Judge President of the Administrative Court and the other Judges of the court; and
- Persons presiding over magistrate's courts, customary law courts and other courts established by an Act of Parliament.[309]

Free & Fair Zimbabwe Electionexplains that "The Chief Justice [Godfrey Chidyausiku[310]]is the Head of the Judiciary. Judges are appointed by the President in consultation with the Judicial Service Commission, which is chaired by the Chief Justice".[311]

3.3.1. Unfair trial of political activists

The 2013 U.S. Department of State report notes with regards to the denial of a fair public trial that:

> Magistrates heard the vast majority of cases. Legal experts claimed that defendants in politically sensitive cases were more likely to receive a fair hearing in magistrates' courts than in higher courts, where justices were more likely to make politicized decisions. ZANU-PF sympathizers used threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government's favor. Other judicial officers not covered by the 2010 Judicial Services Act, such as prosecutors and private attorneys, also faced pressure in politically charged cases, including harassment and intimidation.

[307] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. B. MDC-T: Challenges of Capacity and Cohesion*
[308] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. B. MDC-T: Challenges of Capacity and Cohesion, Footnote 92*
[309] Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *3.6 Judiciary*
[310] Al Jazeera, *Zimbabwe court rules disputed election 'fair'*, 20 August 2013
[311] Free & Fair Zimbabwe Election, *Zimbabwe Profile,* undated (accessed 8 December 2014)

> Some urban-based junior magistrates, however, demonstrated a greater degree of independence and granted MDC and civil society activists bail against the government's wishes.[312]

The UK Foreign and Commonwealth Office annual report for 2013 reports that "Court cases in Zimbabwe take a long time to proceed and are regularly postponed. Selective application and interpretation by law enforcement officials and the Attorney General's Office limit access to justice and the freedoms of political actors opposed to ZANU-PF. Several high-profile court cases highlighted these problems during 2013. Officials from the British Embassy in Harare attended many political court hearings, and followed such cases closely".[313] The same source reports with regards to the 'Glenview 29' case that:

> 9 MDC-T activists were charged in May 2011 with murdering a police officer, Inspector Petros Mutedza in Glenview. Their lawyers argued that the state had failed to prove its case against them, and hence the case should be dismissed. After nearly three years in detention, 21 of the activists were acquitted with all charges against them dropped. On 19 September, the High Court ruled that none of the evidence put forward by the state implicated them on the murder charge. Sadly, one of the accused, Rebecca Mafukeni, died in custody in August whilst awaiting the High Court judge's decision. Having been incarcerated since her arrest in May 2011, Rebecca was hospitalised two weeks before her death, reportedly suffering from meningitis. At the time, CSOsmade statements on the condition of those accused in prisons, and the British Ambassador raised concerns with the government. Seven of the MDC-T activists remain charged for the murder of the policeman, with three still in detention. Their case will be heard at a later date in 2014.[314]

Reporting on an increased targeting of human rights defenders and civil society organizations (CSOs) since the end of 2012, Amnesty International notes in July 2013 that:

> Zimbabwe's civil society has been caught in the middle of a political tug of war and their legitimacy is repeatedly undermined through disinformation about their work by the state media alleging that the CSOs are part of an "illegal regime change agenda" by western countries opposed to President Mugabe's policies. Such allegations are often followed by police raids, arrests, prolonged detention and long trials. The prosecutions of HRDs [human rights defenders]do not necessarily result in convictions, but effectively paralyse the organizations through regular court appearances of the leaders; they draw a lot of financial resources through high legal fees; and generate fear of long term imprisonment among HRDs.[315]

With regards to trial procedures the 2013 U.S. Department of State report notes that:

> The constitution provides for the right to a fair trial, but this right frequently was compromised due to political pressure. Defendants enjoy a presumption of innocence under the law, although this right was not always respected. Trials were held by magistrates or judges without juries and were open to the public except in cases involving minors or state security matters. Assessors, in lieu of juries, could be appointed in cases in which the offense could result in a death penalty or lengthy prison sentence. Every defendant has the right to a lawyer of his or her choosing, but most defendants in magistrates' courts did not have legal representation. […]

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[312]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. e. Denial of Fair Public Trial*

[313]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014

[314]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014

[315]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.1 HUMAN RIGHTS VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS*

> Authorities sometimes denied attorneys access to their clients, especially in cases involving MDC members or civil society activists. Defendants have the right to present witnesses and evidence on their own behalf and to confront adverse witnesses, but these rights were not always observed. Defendants and their attorneys have the right to access all government-held evidence relevant to their cases, although this right often was not respected. Conviction requires proof beyond a reasonable doubt, and the prosecution bears the burden of proof. The right to appeal against both conviction and sentence exists in all cases, and it is automatic in cases in which the death penalty is imposed. Although these rights apply to all citizens, they often were not respected in politically sensitive cases.
> Unlike in normal criminal proceedings, which proceed from investigation to trial within months, in cases of members of political parties or civil society critical of ZANU-PF, prosecuting agents regularly took abnormally long to bring accused persons to trial. As with many other cases in which government opponents were granted bail (see section 1.d.), the state did not conclude investigations and set a trial date, but instead chose to "proceed by way of summons." This left the threat of impending prosecution remaining over the accused person, with the accused person eventually being called to court, only to be informed of further delays. The prosecutors and police routinely retained material confiscated from the accused as evidence. In most cases the state was unable to present credible evidence at trial, and an accused person's freedom was limited by the continuing threat of prosecution.[316]

3.3.2. Political interference in court decisions

The 2014 Bertelsmann Foundation report which covers the period from 31 January 2011 to 31 January 2013notes that "The judiciary and the police are highly controlled by the Zimbabwe African National Union-Patriotic Front (ZANU-PF) party, and corruption is widespread".[317] It further notes that:

> For many years, Zimbabwe was renowned as one of the few African states which maintained a truly independent judiciary. The Supreme Court and High Court frequently passed verdicts that ran against the government line or even forced the government to withdraw a certain measure. This independence has, however, been consistently eroded since 2000, when the ZANU-PF-led government first expanded the membership of the Supreme Court and then replaced its independent members with government cronies. Since the inception of the Government of National Unity (GNU), the situation has hardly changed. Judges have been appointed by President Mugabe without any involvement of Prime Minister Tsvangirai and the Movement for Democratic Change (MDC). In the review period, few if any judges in the Supreme Court or High Court can be considered independent. They are closely tied to the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and to Mugabe, receiving rewards such as farmland, houses and cars. Even worse, a majority of appointees are perceived as being insufficiently qualified. Judges who rule against ZANU-PF policies risk being subjected to immense pressure or intimidation.[318]

The 2013 U.S. Department of State report notes that "As with the previous constitution, the new constitution provides for an independent judiciary, but executive influence and interference remained a problem, especially in key election timing decisions during the year".[319] It further notes that:

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[316] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. e. Denial of Fair Public Trial*

[317] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Basic administration*

[318] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Independent judiciary*

[319] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. e. Denial of Fair Public Trial*

> In May the newly formed Constitutional Court (composed of all the members of the Supreme Court) ordered the government and President Mugabe to call for general elections no later than June 30. The government appealed for an additional month and the court granted it. The government did not comply with the 2012 Supreme Court ruling to hold by-elections by March, nor was the court able to compel compliance.
> The government often refused to abide by judicial decisions and routinely delayed payment of court costs or judgments awarded against it in civil cases. Judicial corruption was widespread, extending beyond magistrates and judges. NGOs reported that senior government officials continued to undermine judicial independence, including by giving farms and homes to judges.[320]

In its 'Freedom in the World' report covering 2013 Freedom House reports that:

> Pressure from the executive branch has substantially eroded judicial independence. The Constitutional Court's May 2013 ruling that elections had to be held by July 31 was largely considered to be a product of political interference by Mugabe and ZANU-PF, which favored an earlier election date. The Constitutional Court also ruled the elections were free and fair in the face of evidence to the contrary. Although the new constitution creates an independent prosecutorial authority and includes a range of criminal rights, the accused are often denied access to counsel and a fair, timely trial, and the government has repeatedly refused to enforce court orders. It has also replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. Vacancies for scores of magistrate posts have caused a backlog of tens of thousands of cases.[321]

Reporting on the Constitutional Court's decision on when to hold the elections, the International Crisis Group reports that:

> The 31 May decision of the Constitutional Court (an expanded version of the Supreme Court) for a July date renewed concerns about ZANU-PF's continued influence over important elements of the judiciary. The MDC factions expressed surprise at the ruling, which essentially ended debate on whether the elections could or should be pushed back to September or October. SADC endorsed South African President Jacob Zuma's call for more reform before elections and recommended that the political parties ask the court for "more time beyond 31 July 2013 deadline for holding the harmonised elections". While the MDCs were pleased by the statement, it in effect repeated an approach – asking the opposing camps in Zimbabwe to reach a mutual accommodation – that has failed repeatedly. ZANU-PF rejected a joint submission, instead submitting a weak unilateral brief to the court, which upheld its initial decision without providing reasons.[322]

The International Crisis Group reports that following the July 2013 election result which the MDC-T dismissed as a 'farce', MDC-T lodged challenge of results with Constitutional Court and an application to High Court to release evidence to back up its case.[323] However on 17th August 2013 it withdrew its Constitutional Court case citing unfavourable treatment and partisan nature of judiciary after the High Court reserved judgment indefinitely.[324]

A March 2014 Zimbabwe Lawyers for Human Rightsreport notes with regards to corruption in the justice delivery system that:

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[320]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. e. Denial of Fair Public Trial*
[321]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[322]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *I. Overview*
[323]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 September 2013
[324]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 September 2013

The existence of corruption within the justice delivery system is cause for real concern and is related primarily to the government's inability to adequately address working conditions within the system.
As Chief Justice Chidyausiku remarked on the opening of the 2013 judicial year:

> "There is serious corruption within the justice delivery system. You will find there is corruption in the police, the judiciary, the prosecution department and the prison department and all this is attributable to poor remuneration."

Reports suggested that some prison officers were advising prisoners to engage the services of corrupt lawyers, who they knew had links with corrupt court officials so that their cases could be favourably dealt with. Other reports highlighted the 'disappearance' of court records and the 'loss' of key pieces of evidence along with other misdemeanours, which could be attributed to corrupt malpracticesby officers in the judicial system.
The situation was not helped by a weak system of record-keeping in the Registry Department, which was characterised by the manual recording of cases – exposing records to physical damage as well as to tampering by unscrupulous elements in the judiciary system. However, it was noted with relief that the Judicial Service Commission has now introduced an electronic system, where all pleadings are scanned and files are electronically maintained.[325]

The UK Foreign and Commonwealth Office annual report for 2013 reports that "During 2013, HRDs [human rights defenders] were continually harassed by the state, often beaten and arrested on false charges. This includes the harassment of prominent human rights lawyer Beatrice Mtetwa who, in March, was charged with obstructing the course of justice, whilst defending a client. She was detained for eight days, despite a High Court order for her release. High Court judge, Justice Charles Hungwe, who initially ordered the release, was professionally and personally attacked by state media for his actions. The state appointed a new judge to preside over the case, amid allegations of misconduct. This attack by state media could have long-term implications for other judges presiding over politically sensitive cases. The political interference is indicative of the problems in the justice system in Zimbabwe".[326]

3.3.3. Impunity

In a June 2013 report on reforming Zimbabwe's security sector, Human Rights Watchreports that "Since independence in 1980, the army, police and CIO [Central Intelligence Organisation] have operated within a system that has allowed elements within their ranks to arrest, torture and kill perceived opponents with impunity".[327] It further notes that "Existing national laws and regulations, if complied with, seem sufficient to ensure nonpartisanship, independence and professionalism within the security forces. However, as indicated, and demonstrated elsewhere in this report, these laws and regulations are ignored with impunity at the highest level within the security forces".[328]

The UK Foreign and Commonwealth Office annual report for 2013 notes that "A culture of impunity is widespread in Zimbabwe. Victims of political violence are rarely able to rely on the police to pursue justice on their behalf".[329] The 2013 U.S. Department of State report considers that "Police units sometimes organized or participated in political violence. Security sector impunity stemming

[325]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *3.6 Judiciary*
[326]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[327] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*
[328] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *V. Zimbabwe's Security Sector Legal Framework*
[329]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

from politically motivated abuses remained a problem".[330] Furthermore it notes that "Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF".[331]

In May 2013 the International Crisis Group reported that:

> The fears and interests of the security sector are often assumed and remain largely undefined. This is predicated on a widespread belief that certain security chiefs' hardened positions are motivated by concerns of possible prosecution, the desire to preserve businesses and newly-gained wealth, and in some instances ideological zeal. Civil society initially called for transitional justice provisions, but failed to identify strategies specific to Zimbabwe's complex transition. Discussions over prosecution may close down options for exploring a conditional amnesty, which could potentially have been used to unblock security sector obstruction to a sustainable democratic transition. The GPA provisions for holding perpetrators of political violence accountable have not been executed, and the new draft constitution makes no explicit commitment to investigate such crimes.[332]

In its 'Freedom in the World' report covering 2013 Freedom House reports 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 incidence of torture and mistreatment of suspects in custody. Formed in 2009 as part of the agreement that created the GNU, the Joint Monitoring and Implementation Committee helped expose abuses of power by security forces, but the body had almost no enforcement powers and was formally disbanded after the swearing in of the new government in September 2013.[333]

In its annual report on the situation in 2013 Human Rights Watch reports that:

> Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity. […]
> While the establishment of an independent and credible human rights commission is set out in the new constitution, there are significant concerns with the commission. The law establishing the commission states that it can only investigate alleged human rights abuses since February 2009. This prevents the commission from investigating previous serious crimes, including election-related violence in 2002, 2005, and 2008; the massacre of an estimated 20,000 people in the Matebeleland and Midlands provinces in the 1980s; and the government-led mass demolitions of homes and evictions of 2005. At time of writing, the human rights commission had no substantive chairperson, lacked sufficient resources, and had no support staff.[334]

According to the 2013 U.S. Department of State report "Security forces were infrequently held accountable for abuses. Senior government officials often dismissed allegations of excessive force and torture, claiming that such actions were necessary to maintain public order. Authorities routinely ignored court orders for investigations into allegations of abuse. ZRP leadership loyal to ZANU-PF stifled, derailed, or did not authorize the efforts of those police who sought to investigate

[330] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. a. Arbitrary or Unlawful Deprivation of Life*
[331] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*
[332] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV.B. GPA and Security Sector Reform*
[333] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[334] Human Rights Watch, *World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*

political violence and corruption. Police were reluctant or refused to record reports of politically motivated violence or property destruction perpetrated by ZANU-PF-aligned individuals against political opponents, often blaming the lack of fuel for vehicles for their failure to investigate".[335]

It further notes that "There were no internal or external entities to investigate security force abuse. […] The national Human Rights Commission (HRC) remained severely underfunded and was largely a symbolic institution. Its continued lack of resources and the necessary legal enforcement mechanisms rendered it unable to fulfill its mandate to investigate and resolve reports of human rights violations".[336]In June 2014 the UK Foreign and Commonwealth Office reported that "The Zimbabwe Human Rights Commission (ZHRC) continues to be dogged by administrative challenges and limited fiscal support, though a $2 million allocation by the Treasury in April led to the establishment of the commission's secretariat in May. Its budgets are tightly controlled by the Ministry of Justice. In April, the ZHRC begin outreach into the community and conducted a national survey on human rights concerns to help establish a baseline and guide for future activities".[337] However the U.S. Department of State report for 2013 notes that "There were reports that authorities investigated and arrested corrupt police officials for criminal activity during the year, as well as reports of police officers who were punished or arrested on arbitrary charges for failing to obtain or share illicitly gained funds".[338]

In September 2014 the International Crisis Group reported that "The overall human rights situation has improved marginally, with fewer overt violations, but progress is undermined by widespread impunity and fear, with limited options for remedy. Organisations monitoring implementation of the new constitution have also flagged concerns. There has been little support and insufficient funding for constitutionally mandated human rights and democracy-supporting institutions, such as the Human Rights Commission (HRC), the National Prosecuting Authority (NPA) and the Legal Aid Directorate (LAD)".[339]

3.3.4. Legal aid and witness protection

The 2013 U.S. Department of State report notes that "In criminal cases an indigent defendant may apply to have the government provide an attorney, but this request was rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request free legal assistance from the Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR)".[340]
UNICEF reports in its annual report for 2013 that "Zimbabwe has a severe shortage of legal aid and probation officers while there is only one social worker for every 49,000 children. As there is no free legal assistance for children, only 7 per cent of alleged child offenders have legal representation.

[335]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. D Role of the Police and Security Apparatus*
[336]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. dRole of the Police and Security Apparatus*and *Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*
[337]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014
[338]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. D Role of the Police and Security Apparatus*
[339]International Crisis Group, *Zimbabwe: Waiting for the Future*, 29 September 2014, *II. Faulty Foundations*
[340]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. e. Denial of Fair Public Trial*

UNICEF's advocacy has led to the adoption of 'lawyers for children' as a national priority while the Legal Aid Directorate is being put into place".[341]
The Ministry of Women Affairs, Gender and Community Development (MWAGCD) and Gender Links baseline study notes with regards to legal aid provision for victims of gender and sexual based violence that:

> The provision of free legal aid to survivors of VAW [violence against women] is crucial to reduce case withdrawals and to ensure the protection of the rights of VAW survivors. Legal services are expensive making them inaccessible to many VAW survivors, which forces many of them to stay in abusive relationships and to withdraw cases. Access to legal aid in Zimbabwe is offered through the help of either the government or through private organisations such as non-governmental organisations. […]
> Challenges
> Currently the LAD [Legal Aid Directorate] is not receiving any grants from the government. As a result, no new offices have been opened in other provinces to enable the LAD to have a nationwide reach. The amount of money generated by the contributions to the Legal Aid Fund is not enough to buy office stationery and furniture. In addition, there are no special rooms designed for legal counselling and the LAD does not have vehicles for lawyers to use in executing their duties.[342]

A March 2014 Zimbabwe Lawyers for Human Rights report notes that "The economically depressed situation also had the effect of impoverishing many Zimbabweans, depriving them of access not only to their basic daily needs but also to essential legal representation since legal fees were unaffordable and there was limited provision of legal aid. Juvenile offenders seem to have been the most affected by this situation. In many cases they had to go through the court process alone since their impoverished families were usually unable to attend to court hearings, which were often held far away from their homes".[343] The same source further reports with regards to the challenges faced by Legal Aid Directorate:

> While it is commendable that the government has created a Legal Aid Directorate to provide legal advice to the poor, indigent and marginalised, it is regrettably manned by just 15 lawyers, who mostly work in the capital and who primarily take civil cases. These limitations mean that in reality a lot of accused persons fail to secure any legal representation upon arrest. This is particularly pronounced in areas outside Harare, where there are no provisions for free legal services for those who cannot afford legal representation.
> According to the Legal Aid Act, Part III, Section 7.2 (a) (ii), the Director of the Legal Aid Directorate will only grant legal aid to the applicant if he is satisfied that the resources of the directorate and legal aid fund will be sufficient to provide the legal aid required. Due to the fact that government institutions are financially constrained, legal aid cannot, unfortunately, be made available to all that require it.
> Indeed this study established the existence of serious challenges pertaining to the lack of legal aid assistance in the country, with the majority of accused persons not being able to afford private legal representation. As argued by some interviewees, local prisons often end up being populated with inmates who might not have committed the crimes they were accused of or who received custodial sentences longer than necessary because they had no legal representative to support them in arguing their cases. Consequently, this added to the population pressure in detention facilities in the country.[344]

The same source cited an organisation that works to improve conditions for prison inmates as noting that the majority of Zimbabwean prisoners were "very poor" and could not afford legal

[341]UNICEF, *2013 Annual Report Zimbabwe*, 2014, *Child Protection*
[342]MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 7 Protection*
[343]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *1. Background and information*
[344]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *3.5 Legal Aid Directorate*

representation, meaning that they had to wait their turn for legal aid, "which could result in them having to stay in jail for close to two years as the need for legal representation is overwhelming".[345]

With regards to whistle-blower protection the U.S. Department of State notes that "The law does not specifically provide for whistleblower protection except in the banking sector. There are weak safeguards in the anticorruption laws that permit investigators to withhold the identities of their informants. The institutions involved in criminal and civil investigations did not guarantee the confidentiality of their information or the safety of informants".[346] Transparency International Zimbabwe reports in a June 2014 report with regards to whistle-blowers:

> More so the absence of corruption prevention in the risk management strategy of most companies makes it highly unlikely for these companies to have measures in place to protect whistle-blowers. As highlighted by the table below a majority of companies (46.9%) that were assessed in this study, indicated that they do not have measures in place to protect whistle blowers. Lack of protection measures to protect whistle blowers discourages individuals from reporting corruption as a result of fear of victimization and intimidation. While the country has the Whistle-blower Protection fund, that was established by the then RBZ Governor in 2003, its a few people who are aware of this facility. The study established that most individuals who resort to whistle blowing, they do so through the Tip Off Anonymous facility that is offered by Deloitte and Touche. It should be understood that TOA facility is not in every company as participation is voluntary. A few companies (34.4%) in particular the big companies indicated that they measures in place to protect whistle blowers.[347]

3.4. Extra-judicial killings and abductions

- Extra-judicial killings

According to the 2013 U.S. Department of State report "Unlike previous years, there were no confirmed new cases of death in police custody. Progress in cases that occurred in previous years was slow, and most cases remained open. Police units sometimes organized or participated in political violence. Security sector impunity stemming from politically motivated abuses remained a problem".[348]In September 2014, President of the Law Society of Zimbabwe Lloyd Mhishi appeared before the Parliamentary Thematic Committee on Human Rights to speak on the justice delivery system in Zimbabwe. He stated "There have been disturbing reports of deaths of some people in police custody and some of our members have reported that their clients had been assaulted, and all that is breach of human rights".[349]For information on nutrition or illness related deaths in custody see*3.8.1 Deaths in detention*.

Human Rights Watch reports in June 2013 that "Since independence in 1980, the army, police and CIO have operated within a system that has allowed elements within their ranks to arrest, torture and kill perceived opponents with impunity".[350] It further notes that during the 2008 elections, "the

[345]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *6. Research on conditions of detention in Zimbabwe's prisons*
[346]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*
[347]Transparency International Zimbabwe,*National Bribe Payers Index Report 2013*, 16 June 2014, *Executive summary*
[348]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1a. Arbitrary or Unlawful Deprivation of Life*
[349]Newsday Zimbabwe, *Deaths in police custody raise concern*, 19 September 2014
[350] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

army played a major role in supporting widespread and systematic abuses that led to the killing of up to 200 people, the beating and torture of 5,000 more, and the displacement of about 36,000 people".[351]

The 2013 U.S. Department of State report notes that "Supporters of ZANU-PF were believed responsible for at least one killing during the year. On February 23, 12-year-old Christpower Maisiri, the son of a well-known local Movement for Democratic Change-Tsvangirai (MDC-T) activist in Makoni, was killed when the family hut was firebombed. Police made no arrests in the case, but ZANU-PF supporters had previously targeted the Maisiri family on multiple occasions. Police and the attorney general failed to arrest or prosecute senior or well-known ZANU-PF supporters for violence in previous years".[352]The Zimbabwe Human Rights NGO Forum reports that in June 2013 in Nyanga South "a 25 year old MDC-T activist from Muwi-Dzenbe village died after he was assaulted by his brother who accused him of attending MDC-T meetings while refusing to join Zanu PF, his choice of party".[353]

The Zimbabwe Human Rights NGO Forum reports that in August 2013:

> An MDC-T activist was found dead on the 9 August [2013] near Two Boys Shopping Centre in a suspected case of political violence. The incident happened in Marondera East Constituency, Masemela village, ward 20. Before his death, just a week before the harmonized elections, the deceased had reportedly told his parents that his life was in danger after being threatened by a named Zanu PF activist with death if Zanu PF won the elections since no one will be arrested for the act as he will enjoy protection and impunity..[354]

- Abductions

In a June 2013 report Human Rights Watch notes that "The CIO [Central Intelligence Organization], together with sections of the police and army, have been implicated in the abductions, torture, beatings and harassment of perceived ZANU-PF opponents. For instance, Zimbabwe's Supreme Court established that CIO agents abducted and tortured Zimbabwe Peace Project Director Jestina Mukoko, a prominent human rights campaigner, in December 2008 in an attempt to induce a false confession. Human Rights Watch has in the past documented numerous incidents in which CIO agents have been implicated in abductions, beatings and torture of civil society activists and perceived MDC supporters".[355]

The 2013 U.S. Department of State report notes that "There were credible reports of politically motivated abductions and attempted abductions during the year. Leaders of both the Movement for Democratic Change parties reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and Movement for Democratic Change-Ncube (MDC-N) members,

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[351] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

[352]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1a. Arbitrary or Unlawful Deprivation of Life*

[353]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture,Specific violations*

[354]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture,Specific violations*

[355] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *Central Intelligence Organization*

civil society members, and student leaders as part of an effort to intimidate them. Authorities rarely punished perpetrators".[356] The same source further notes that:

> On February 18 [2013], Steward Utaunashe, the MDC-T district organizing secretary for Tafara, was abducted by three men and one woman alleged to be plainclothes police officers from outside his home, held in a vehicle, interrogated and tortured, and released in Rusape six days later. The alleged officers initially visited Utaunashe at his home, where they told him that they were going to take him to a police station to be questioned about ZANU-PF t-shirts destroyed the previous week in Tafara district. Utaunashe pleaded ignorance about the incident but was forced into the officers' vehicle and later transferred to a windowless van. The perpetrators bound the victim and deprived him of food and water for the first two days. During that time and thereafter, the perpetrators alternated beating the victim with open palms. They also poured sand in his ears and applied electric shocks to his genitals and armpits. The female assailant urinated on the victim on multiple occasions. An investigation was ongoing at year's end.
> Police took no action against Masvingo security agents who in 2010 abducted and tortured Alec Tabe and Godfrey Kuraune, two leaders of the Zimbabwe National Students Union. […]
> On June 14, three assailants abducted and beat Mashonaland-based freelance journalist Paul Pindani. Police had not arrested any suspects in the case by year's end.[357]

The Inter Press Service noted in July 2013 that "ahead of the election there have been reports of violence, abductions and intimidation".[358] IRIN also notes in July 2013 that the NGO Heal Zimbabwe Trust, "has reported cases of soldiers assaulting MDC supporters, death threats being issued against teachers, villagers being forced to attend Zanu-PF rallies and even abductions of political opponents".[359]

The UK Foreign and Commonwealth Officereport covering the situation in 2013 notes that:

> After the election, local CSOs [civil society organisations] and HRDs [human rights defenders], which were targeted by ZANU-PF and state security forces pre-election, continued to be fearful of retribution and a clamp-down on democratic space. In July and August, local CSOs received over a dozen reports of politically motivated cases of retribution, intimidation (e.g. threats of violence, death and abduction) and displacement. This included the attack on Mashonaland East official, Silent Dube, who was abducted from his farm.[360]

Transform Zimbabwe reported that in June 2014 "President Jacob Chengedzeni Satiya Ngarivhume has been detained by state security agents at Chimanimani police station, after he was abducted from his hotel room around 8.30am on charges that are still not clear".[361] In August 2014 the Zimbabwean reported that police "reportedly abducted and assaulted Angela Jimu, a photographer with the Zimbabwe Mail, as she covered a demonstration by MDC youths in Harare".[362] The paper's deputy editor stated that the "police had taken Jimu to a yet undisclosed place. Jimu was reportedly bundled into a police vehicle and had her camera and mobile phone confiscated".[363]

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[356] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance*
[357] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance* and *2. a. Freedom of Speech and Press*
[358] Inter Press Service, *Zimbabwe Votes in Critical Test of Freedom*, 31 July 2013
[359] Integrated Regional Information Network, *Zimbabwe's elections maybe peaceful, but fair?,* 30 July 2013
[360] UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014
[361] Transform Zimbabwe, *Transform Zim President abducted*, 11 June 2014
[362] The Zimbabwean, *Police abduct photojournalist*, 18 August 2014
[363] The Zimbabwean, *Police abduct photojournalist*, 18 August 2014

The Zimbabwe Peace Project reports that in August 2014, "The two Zanu PF conferences were held amid reports of alleged abduction and kidnapping whichwere dispelled by some members of the party, massive vote buying and violence. The youth andwomen's league congresses endorsed President Robert Mugabe as the sole party candidate for the2018 while his wife who has made a surprising leap into the political fray was also endorsed as the secretary for the Women's League".[364] Also see *1.2.2. Zimbabwe African National Union – Patriotic Front (ZANU–PF), 1.2.2.1. Internal power struggles*.

The Herald reported that on 13 November 2014 "Unknown assailants yesterday morning allegedly abducted and assaulted former Zanu-PF Harare provincial youth chairperson Cde Jim Kunaka in Mbare before dumping him at a secluded place near Seke Road".[365]

3.5. Arbitrary arrest and detention

In its 'Freedom in the World' report covering 2013 Freedom House reports that:

> The new constitution gives those arrested the rights to contact relatives and advisors; visitors; to be informed of their rights; and released after 48 hours unless court ordered to remain detained, although these rights are rarely respected in practice.[366]

The 2014 Bertelsmann Foundation report which covers the period from 31 January 2011 to 31 January 2013notes that "Even after the formation of the GNU, state forces have acted as protectors of ZANUPF, while unlawfully arresting ministers of the Movement for Democratic Change (MDC), parliamentarians, party supporters, journalists, civil society activists and ordinary citizens".[367] It further notes that "Although arbitrary and politically motivated detentions and arrests have declined in the period under review, they have not ceased entirely and the laws are applied quite selectively to MDC supporters and civil society organizations opposed to ZANU-PF".[368]

The 2013 U.S. Department of State report notes that "The government continued to use arbitrary arrest and detention as tools of intimidation and harassment, especially against non-ZANU-PF government officials, political activists, civil society members, student activists, and journalists".[369] It also notes that "There were reports of individuals arrested for political reasons throughout the year, including MDC officials, their supporters, NGO workers, and civil society activists. Authorities held many such individuals for one or two days and released them, while they held others for weeks or months".[370]

It further reports with regards to arrest procedures that:

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[364]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[365]The Herald, *Kunaka abducted, assaulted*, 13 November 2014
[366]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[367] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014,*Freedom of Expression*
[368] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014,*Freedom of Expression*
[369]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 d. Arbitrary Arrest or Detention*
[370]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 d. Political Prisoners and Detainees*

> The law stipulates that arrests require a warrant issued either by a court or senior police officer and that police inform an arrested person of the charges before taking the individual into custody, but these rights were not respected. The law requires a preliminary hearing before a magistrate within 48 hours of an arrest. According to the new constitution, only a competent court can extend the period of detention. Before the new constitution's enactment, police chiefs could, and typically did, extend detention for 96 hours, often arresting individuals on a Friday and holding them through Monday morning. There were numerous reports that security forces arbitrarily arrested political and civil society activists, interrogated and beat them, and then released them the next day without charge.
>
> The law provides for bail for most accused persons. High court judges at times granted bail independently. The law allows police to hold persons suspected of committing financial crimes for up to four weeks without bail. In some cases persons who were arrested and denied bail were detained for weeks, months, or years. In April the media reported the case of Johnathan Mutsinze, a convicted criminal awaiting sentencing who had spent 10 years in remand prison because a judge lost his case file.
>
> 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 unavailable, especially in cases involving MDC members and civil society activists. Often authorities moved detainees overnight or on weekends from one police station or prison to another, and police refused to disclose the new location to families or lawyers. Authorities sometimes denied family members access unless accompanied by an attorney; at times, family members were denied access in politically sensitive cases. Detainees, particularly high-profile detainees, were often held incommunicado.[371]

According to the same source "Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces reportedly assaulted and tortured citizens in custody, particularly perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged them with inciting public violence".[372]

The UK Foreign and Commonwealth Office notes in its annual report covering 2013 that "During 2013, HRDs [human rights defenders] were continually harassed by the state, often beaten and arrested on false charges".[373] Amnesty International reports in November 2013 that "Arbitrary arrests, unlawful detentions and spurious charges have been used systematically as tools to silence individuals and groups working to promote human rights".[374]A year after the new Constitution had been passed into law,Amnesty International reported in May 2014 that "Independent journalism is under threat with journalists regularly arrested and charged".[375] See *4.1.4. Treatment of Civil society and human rights activists*and *4.2.2.Treatment of critical journalists, bloggers, etc.*

The Zimbabwean reports that 'in 2013, a total of 425 people were arrested, and or detained and later released without charge.[376] The Zimbabwe Human Rights NGO Forum records a total of 315 cases of arbitrary arrests and detention between July-September 2014.[377] It lists the following as examples of the cases documented during the period:

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[371]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 d. Arbitrary Arrest or Detention*

[372]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[373]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014

[374]Amnesty International, *Zimbabwe: Lawyer acquitted but state oppression prevails*, 27 November 2013

[375]Amnesty International, *Zimbabwe: Anniversary of new Constitution no cause for celebration*, 22 May 2014

[376]The Zimbabwean, *Cops continue to torture citizens*, 31 July 2014

[377]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014

- On 12 July, the leader of a newly formed political party, Transform Zimbabwe (TZ) Jacob Chengedzeni Satiya Ngarivhume and 13 party supporters were arrested and detained at the Gweru Central Police Station on charges of contravening Section 37(1) (a) of the Criminal Law (Codification and Reform) Act for holding a political meeting at Vashandiri Centre in Mkoba Gweru. The 13 members were however acquitted on 17 September.
- On 3 August [2014], violence erupted in Chingwizi Camp following the government's attempts to relocate clinic facilities from the camp that had a carrying capacity of about 3 000 families, to the site earmarked for resettlement. Following repeated attempts by the police to move the clinic facilities on 1 August, villagers burnt two police vehicles and disarmed anti-riot police. This resulted in acts of retributive violence by the police and army who moved into the camp and indiscriminately assaulted and arrested 300 villagers who included the elderly, children and ill people. The crackdown culminated in the burning of the villagers' tents, which had become their homes after the floods destroyed their homes and livelihoods in February. Of the 300 villagers who were rounded up, 29 were charged with arson and assault and 26 of them were released on 8 August on US$30 bail while the remaining three are still in police custody.
- On 15 August MDC-T MP Sessill Zvidzai was arrested and formally charged for illegally importing 800 wind-up radios in 2010. He however was discharged and the police would proceed by way of summons.
- On 27 August, two MDC-T legislators, James Maridadi (MabvukuTafara) and Eric Murayi (Highfield East) and Andrison Manyere a freelance journalist were briefly detained, but later released during the MDC-T jobs demonstration. The courts did not sustain charges against the MPs.[378]

Human Rights Watch reportingonthe 300 people at Chingwizi camp in Masvingo province arrested in August 2014 notes that "Lawyers representing those arrested alleged that the people arrested were assaulted and tortured by the police during the arrests and in custody".[379]

For further information on the use of force against protestors see *4.1.3.4. Protestors*.

For further information on the violence that erupted at Chingwizi camp in July/August 2014, see *5.7 Persons displaced by government-backed dam project in Masvingo province*.

3.6. Torture, inhuman and degrading treatment, and unlawful use of force

3.6.1. State security forces

The UK Foreign and Commonwealth Office notes in its annual report covering 2013 that "There is currently no specific crime of torture defined in Zimbabwean law. In 2012, we welcomed the announcement by the Minister for Justice, Patrick Chinamasa, that the government will ratify the UN Convention against Torture. However, despite this commitment, the UN Special Rapporteur on Torture has not been extended an invitation since being refused entry to Zimbabwe in 2009".[380]Amnesty International notes that "Although Zimbabwe has not ratified the UN International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Section 53 of the country's Constitution provides for the right to 'freedom from torture or cruel, inhuman or degrading treatment or punishment'. This right is also provided for in the ACHPR".[381]

[378]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[379]Human Rights Watch, *Zimbabwe: Protesters Beaten, Arrested*, 9 August 2014
[380]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[381] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *3. INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS*

Reporting on historical patterns of human rights violations, Amnesty International notes that "In the run up to the second round of the presidential election on 27 June 2008, the wave of violence that spread across the country resulted in at least 200 deaths, mostly of people perceived to have voted for the then opposition parties. Police were either unwilling or unable to act against the perpetrators who were operating from make shift bases set up across the country by ZANU-PF supporters and war veterans with the acquiescence of the security services. At least 12,000 people were tortured at these bases, while over 28,000 were internally displaced".[382] Bertelsmann Foundation notes that "schools were used as militia bases – also known also as torture centers – with nearly a quarter of all schools, especially during election periods, being politicized and militarized. Teachers were attacked, school girls raped and students forced to attend political meetings".[383] The Institute for Security Studies (ISS) reports that in October 2014 the South African Constitutional Court – the highest court in the land – ruled that South African Police Service (SAPS) must investigate complaints of torture in Zimbabwe and that "failure to do so would violate South Africa's obligations under both domestic and international law".[384] ISS analysts reported that "What remains to be seen is whether the SAPS will indeed follow through with an investigation; whether evidence will be gathered speedily and expertly; and whether arrest warrants will be issued for and executed against alleged perpetrators. It is hoped that positive action will make up for the lost time already occasioned by the state's varied but unsuccessful efforts to appeal the High Court's decision".[385]

According to the 2013 U.S. Department of State report "Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF. Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces reportedly assaulted and tortured citizens in custody, particularly perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged them with inciting public violence."[386]It further notes that "Senior government officials often dismissed allegations of excessive force and torture, claiming that such actions were necessary to maintain public order".[387]Human Rights Watch reports in June 2013 that "Since independence in 1980, the army, police and CIO have operated within a system that has allowed elements within their ranks to arrest, torture and kill perceived opponents with impunity".[388]

The 2013 U.S. Department of State further notes with regards to torture that:

> Human rights groups reported that physical and psychological torture perpetrated by security agents and ZANU-PF supporters continued. In the pre-election climate, especially in the first quarter of the year, politically motivated violence was widespread, particularly by ZANU-PF youth supporters. Torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); burning; falanga (beating the soles of the feet); solitary confinement; and sleep deprivation.

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[382]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July *2013, 4. PATTERNS OF HUMAN RIGHTS VIOLATIONS*

[383] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Executive summary*

[384]Institute for Security Studies, *THINK AGAIN: The real value of the Zimbabwe torture ruling*, 18 November 2014

[385]Institute for Security Studies, *THINK AGAIN: The real value of the Zimbabwe torture ruling*, 18 November 2014

[386]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[387]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1d. Role of the Police and Security Apparatus*

[388] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

> From January through September [2013], according to one NGO, 334 persons sought treatment for injuries and trauma sustained from security force abuse, compared with 289 persons in 2012. Observers attributed the increase to the constitutional referendum in March and the July 31 elections. Nearly 50 percent of the cases took place in Harare, and the vast majority of the victims were affiliated with MDC-T.
> On February 18 [2013], uniformed soldiers of the army's Third Brigade assaulted an MDC-T official in rural Mutare. The soldiers abducted the victim at the Zimunya Business Center and took him to their barracks. Once there, the soldiers accused the victim of supporting MDC-T and assaulted him with booted feet, fists, and baton sticks; they released him later that day with severe injuries.
> ZANU-PF supporters--often with tacit support from police--continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns. Violent confrontations between various youth groups aligned with ZANU-PF (known as "Chipangano"), MDC-T, or MDC-N continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence. Police sometimes arrested the victims of the violence rather than the perpetrators.[389]

For further incidents of torture committed in 2013, see Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture.*

The U.S. Department of State further notes that "Officials held many detainees in severely overcrowded police facilities. Police used cruel, inhuman, or degrading treatment or punishment against those in custody. Those detained for politically motivated reasons were kept at police stations for days, weeks, or months while their court dates or bail hearings were pending" and that "During the year police beat and tortured numerous political and civil society activists while they were in detention".[390]

Human Rights Watch reports that in the run up to the July 2013 elections:

> Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity.[391]

For further information see *2.2.2. Violence in the run-up to and during the election*.

In a March 2014 report on 'Pre-Trial Detention in Zimbabwe' the Zimbabwe Lawyers for Human Rights reports that "Unfortunately Zimbabwe's primary law enforcement institution – the Zimbabwe Republic Police – has often been accused of, and found liable for, disregarding the rights of accused persons, including engaging in acts of torture, disregard for the rule of law, partisan application of the law, and failing to investigate cases in preparation for trial, leading to extended periods of pre-trial incarceration".[392]According to Zimbabwe Human Rights Commissioner, Joseph Kurebwa reporting in June 2014 following a prison visit to Harare Central Prison in May 2013 "During the visit, we got the chance of parading the inmates who freely told us their concerns. Believe you me, no one

[389]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*
[390]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*and *section 1. e Political Prisoners and Detainees*
[391] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Conduct of Security Forces*
[392]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *1. Background and introduction*

of the prisoners raised a torture related complaint".[393] However the same source notes that the prisoners "claimed the worst in the hands of the police during investigations into their crimes. Police were said to be resorting to inflicting physical pain to try and force suspects to admit to alleged offences".[394] Also see *3.8.1 Deaths in detention*.

The UK Foreign and Commonwealth Office report covering 2013 notes that "HRDs [human rights defenders] continue to raise allegations of torture against police for their interrogation practices".[395] Freedom House reports 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 incidence of torture and mistreatment of suspects in custody".[396]

In July 2014 the Zimbabwean reported that "The police have in recent months admitted to torturing accused persons, resulting in the payment of compensation to victims. Just last week, the Civil Division of the Attorney General agreed to settle with Mercedes Sibanda, who was tortured at Harare Central Police Station. There have been more such cases in areas such as Nyanga, where action by human rights lawyers has forced the authorities to settle torture victims. But Zimbabwe Lawyers for Human Rights (ZLHR) says there is need to move towards professionalism in the police force to completely eradicate rights abuses".[397]The UK Foreign and Commonwealth Office notes that on 25 March 2013 "the African Commission on Human and Peoples' Rights (ACHPR) ruled that Zimbabwe must compensate Gabriel Shumba, a human rights lawyer, for the torture and trauma they inflicted on him in 2003".[398]

In June 2014 twenty-four members of the Johanne Masowe weChishanu apostolic sect who were arrested on allegations of being part of a group involved in violent skirmishes with the police in Budiriro, Harare, claimed they were tortured and detained for over two days without food before they being brought to court.[399]

Human Rights Watch reported that "Anti-riot police on August 3, 2014, beat and arrested hundreds of people at a camp housing approximately 20,000 displaced people in southern Zimbabwe. […]The government has been trying to get residents of the Chingwizi camp, on a ranch called Nuanetsi in Mwenezi district, Masvingo province, to move to a new location. Protests started on August 1, 2014, after the government closed the camp's only health clinic. Lawyers representing those arrested alleged that the people arrested were assaulted and tortured by the police during the arrests and in custody. Those arrested include the chairperson of the Chingwizi camp committee, Mike Mudyanembwa".[400]For further information on the use of force against protestors see *4.1.3.4. Protestors*.

The Zimbabwe Human Rights NGO Forum documented 15 cases of torture involving police officers between January-March 2014 in which"torture was used to obtain informationunder duress from suspects and also as a form of punishment".[401]The same source notes that between April 2014- July

[393]New Zimbabwe, *No torture in prison, but at police cells*, 29 June 2014
[394]New Zimbabwe, *No torture in prison, but at police cells*, 29 June 2014
[395]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014
[396]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 22 August 2014
[397]The Zimbabwean, *Cops continue to torture citizens*, 31 July 2014
[398]UK Foreign and Commonwealth Office,*Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Zimbabwe*, 31 December 2013
[399]Zimbabwe Situation, *Police tortured, starved us, allege Vapostori*, 4 June 2014
[400] Human Rights Watch,*Zimbabwe: Protesters Beaten, Arrested*, 9 August 2014
[401]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014

2014 “a total of 27 cases of torture were recorded”.[402]The most recent Zimbabwe Human Rights NGO Forum quarterly report covering July-September 2014 documented a total of 44 cases of torture involving police officers detailingsome of the cases:

- On 29 July, soldiers from 42nd infantry Battalion went on a rampage indiscriminately assaulting people at Mupandawana Growth Point in a revenge attack following the assault on one of their colleagues.
- The 29 Chingwizi villagers’ comprising nineteen (19) men and eight (8) women who were arrested on 3 August on assault charges following violent clashes in Chingwizi camp were allegedly severely assaulted and denied access to medication, food and sanitation while in police custody.
- On 6 August, the manager of Ingwe Safari in Bulawayo was assaulted by soldiers on allegations of inciting fellow workers to demand their outstanding salaries.
- On 18 August and 27, police violently quelled a demonstration organized by MDC-T youths demanding the promised 2.2 million jobs by ZANU-PF during the run up to the 2013 elections. The Forum through its Public Interest Unit documented 12 cases of individuals who were assaulted and injured during the job march. Seven youths were arrested and detained. The seven are being charged with obstructing or endangering free movement of people and traffic.
- On 26 September, the Epworth Local Board with the assistance of riot police demolished houses during the night. Several occupants were injured and the police randomly assaulted residents. A total of 10 residents were arrested and released on 27 September. One of the arrested 10 sustained injuries.[403]

3.6.2. Parastatal actors

The 2014 Bertelsmann Foundation report which covers the period from 31 January 2011 to 31 January 2013notes with regards to parastatal actors that:

> Mugabe and ZANU-PF rely heavily on parastatal groups, like war veterans and youth militias, to resolve conflicts over power; these groups have been ideologically indoctrinated and were trained by former military personnel to use violence to achieve their aims. Rural areas are under de facto control of these forces. Since 2000, militia bases have been established throughout the country, where army, police, war veterans, youth militia, traditional leaders and ZANU-PF members of parliament and party officials work hand in hand to establish a network of terror. Even after the formation of the GNU, state forces have acted as protectors of ZANUPF, while unlawfully arresting ministers of the Movement for Democratic Change (MDC), parliamentarians, party supporters, journalists, civil society activists and ordinary citizens. Throughout the review period, parastatal and state forces stepped up their presence and activities in Harare as well as in rural areas whenever Mugabe unilaterally pronounced vague intentions for elections, a reduction of executive powers (as discussed during the formation of the new constitution) or during the census in August 2012.[404]

Reporting on potential election violence in July 2013 the International Crisis Group notes that:

> As in 2008, it would be orchestrated by parallel networks within the security services working outside regular command chains and in conjunction with surrogates. The situation is complicated by divisions within ZANU-PF, fragmentation of its associated youth, militia and veteran forces, and its reported

[402]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[403]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[404] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Monopoly on the use of force*

> growing links with criminal groups, such as the Chipangano gang in Mbare, outside Harare. There is no visible deterrent to violence; most incidents are not even reported to the police.[405]

The U.S. Department of State report notes that "In the pre-election climate, especially in the first quarter of the year, politically motivated violence was widespread, particularly by ZANU-PF youth supporters".[406]The International Crisis Group reports that in April 2013 "the army launched a history project deploying military personnel and war veterans across the country, reportedly to gather oral, archaeological and recorded histories of the liberation struggle, but it has prompted suspicions the project is a smokescreen for growing intimidation campaigns ahead of the elections".[407] According to Freedom House, "Pro-ZANU-PF security forces and militias were deployed to intimidate voters in swing provinces such as Masvingo and Manicaland and to "encourage" turnout in provincial strongholds like Mashonaland and Midlands".[408] The Inter Press Service reported in May 2013 that "Officials from Marondera, the capital of Mashonaland East Province, situated some 72 km east of Harare, said villagers were forced by suspected Zanu-PF-linked militias to participate in the voter registration process.[409] It cited a local district official as stating that "People were being abused by Zanu-PF militias, who were singing liberation war songs and chanting party slogans, and forced into (going to) register to vote".[410]

The Zimbabwe Peace Project reports that "On Election Day, incidences of voters being shepherded to polling stations by Zanu PF activists such as traditional leaders, war veterans and youths were reported throughout the country".[411] It further notes that on 22 July 2013 "in Zoma area ward 1 (Gutu west- Masvingo), a Zimbabwe National Army serving member who is a colonel and war veteran reportedly shocked the community when in his address to the community he warned them against voting for the MDC-T lest the ghost of June 2008 returns to haunt them. He reportedly mentioned some names of people from ward 1 and 2 who were killed during that dark era and told the people that Zanu PF was prepared to kill".[412]

For further information see*2.2.2. Violence in the run-up to and during the election*.

The U.S. Department of State 2013 report further notes that "Violent confrontations between various youth groups aligned with ZANU-PF (known as "Chipangano"), MDC-T, or MDC-N continued, particularly in urban areas".[413] The same source reports:

> According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the MDCs. ZANU-PF youths reportedly evicted owners and occupants and placed their party's supporters in properties controlled by local councils, without paying rent, and leased market stalls to ZANU-PF cardholders only. As a result, ZANU-PF youth controlled almost all markets in Harare. In addition to markets, ZANU-PF youth expanded into the "kombi" (minibuses used for public transport) market, where they extorted both drivers and passengers. In 2012 members of the police and army launched a violent crackdown on the

[405]International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *III. Another Violent Election?*
[406]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*
[407]International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *IV. A. Politics and the Elections*
[408]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[409]Inter Press Service, *Zimbabwe's Ruling Party Militias Spread Fear of Voting*, 21 May 2013
[410]Inter Press Service, *Zimbabwe's Ruling Party Militias Spread Fear of Voting*, 21 May 2013
[411]Zimbabwe Peace Project, *ZPP Monthly Monitor, July 2013*, 14 August 2013
[412]Zimbabwe Peace Project, *ZPP Monthly Monitor, July 2013*, 14 August 2013
[413]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

> ZANU-PF youth at bus stops across Harare in retaliation for the youths' beating a soldier. After the crackdown, soldiers and members of the police force reportedly replaced the youths and extorted money from drivers themselves.[414]

Reporting on those identifying themselves as 'war veterans' the U.S. Department of State report for 2013 further notes that:

> There continued to be no progress in holding legally accountable those responsible for the killings of at least 19 citizens who died of injuries sustained during the political violence of 2008 that targeted opposition party members, in addition to the more than 270 others who were killed that year. Members of ZANU-PF, including the party's youth militia, and individuals identifying themselves as war veterans were believed to be the primary perpetrators of the violence. […]
> The continued politicization of the ZRP's upper echelons, mostly composed of war veterans loyal to ZANU-PF, made it difficult for lower-ranking police to remain politically impartial or to show support for non-ZANU-PF parties. There were reports of police and army personnel suspected of being sympathetic to the MDC's or other political parties' being threatened with demotion, suspension, incarceration, or transfer to remote areas. Most low-ranking personnel lived in ZRP-provided housing, which allowed the monitoring of their votes. […]
> Prior to the 2013 election, several "war veterans" within the police force were promoted and deployed to campaign for ZANU-PF, and several active-duty senior police officers ran for election as ZANU-PF candidates, all in contravention of the law. […]
> ZANU-PF trained and deployed youths and war veterans to harass and disrupt the activities of MDC members, labor groups, student movements, civic groups, and journalists considered critical of ZANU-PF.[415]

The Zimbabwe Peace Project monitor for September 2014 notes that "Property rights violations in terms of farm invasions, business grabbing by Zanu PF youths and war veterans continued to take place with high levels of impunity. Where authorities try to intervene, other political leaders condemn such actions by law enforcing agents alleging the grabs were in order citing that the grabbers were in need of jobs and decent livelihoods. War veterans' leader Jabulani Sibanda moved in to defend youths from Bulawayo who had invaded farms on the outskirts of the city arguing that they were victims of the current poor economic situation".[416]

For further information on farm invasions, see *5.4 Farm workers and others displaced by land reform or facing other human rights violations*.

3.7. Death penalty

Amnesty International reports that in 2013 although the Minister of Justice spoke out in favour of abolition, the death penalty was retained in the Constitution adopted in Zimbabwe.[417] It further notes:

> A new Constitution was adopted in May containing restrictions on the death penalty but not full abolition. Section 48 of the new Constitution allows – but does not prescribe – the death penalty for "murder committed in aggravating circumstances" but prohibits its imposition on women, and on

[414]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1f. Arbitrary Interference with Privacy, Family, Home, or Correspondence*
[415]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 a. Arbitrary or Unlawful Deprivation of Life*; *1 c. Prison and Detention Center Conditions;* and *1. d. Role of the Police and Security Apparatus*
[416]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[417]Amnesty International, *Death sentences and executions in 2013*, 27 March 2014

men under 21 years at the time of the commission of the crime, or aged over 70. It also stipulates that the death penalty may not be imposed as a mandatory punishment, and that convicted persons have a right to seek clemency from the President. The new Constitution reduces the number of capital crimes from three to one by excluding mutiny and treason. In November a man convicted of a murder committed when he was aged 20 was sentenced to imprisonment rather than death, with the High Court judge reportedly referring to the rules of the new Constitution.[418]

The UK Foreign and Commonwealth Office annual report for 2013 explains that "Zimbabwe still has the death penalty but, despite recruiting a new executioner at the end of 2012, has observed a moratorium since 2005, when the last execution was carried out. On 7 June, two convicted armed robbers, Wilson Mavhuto and Charles Rusiko, were sentenced to death. There are currently 89 people on death row".[419] According to Amnesty International, there were 16 reported death sentences awarded in Zimbabwe in 2013.[420] It further notes "Earlier in the year, a new hangman had been appointed, filling a post that had been vacant since 2005 when the last execution took place. However, prison service officials stated that there were no plans to carry out executions".[421] In October 2014 it was reported that there were 97 people on death row.[422] In September 2014 the UK Foreign and Commonwealth Office reported that "Zimbabwe's High Court has passed three death sentences and upheld a further ten in recent months. However, Justice Minister, Emmerson Mnangagwa, announced in August that he would not sign any death warrants for the 97 murder convicts on death row. Many in civil society are calling for the government to take the next step and introduce an official moratorium on the death penalty, which is already not applicable to women or to those aged below 21 or over 70".[423]

In July 2014 Daily News reported on the death, reportedly of natural causes, of a detainee who had been held on death row for 15 years.[424] Beatrice Mtetwa a lawyer and Zimbabwe Lawyers for Human Rights board chairperson said "it was inhuman and degrading to have someone on death row for 15 years".[425] In July 2014 News Day reported on the case of Maxwell Bowa whose death sentence imposed for shooting and killing a poacher was quashed after spending 10 months on death row.[426] He reported that he was held in solitary confinement for 23 hours a day and stated that "There is gross neglect of prisoners especially those on death row. It is like they are saying you will die anyway so why bother".[427]

3.8. Prison conditions

For information on torture committed in detention facilities see *3.6. Torture, inhuman and degrading treatment, and unlawful use of force.*

According to the 2013 U.S. Department of State report, "Prison conditions remained harsh, partly due to overcrowding in older urban remand facilities, although the newly renamed Zimbabwe Prison

[418]Amnesty International, *Death sentences and executions in 2013*, 27 March 2014
[419]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[420]Amnesty International, *Death sentences and executions in 2013*, 27 March 2014
[421]Amnesty International, *Death sentences and executions in 2013*, 27 March 2014
[422]Kubatana, *Civil society in Zimbabwe calls for total abolition of the death penalty*, 15 October 2014
[423] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update, 30 September 2014*, Updated 16 October 2014
[424]Daily News, *15 years of agony on death row*, 20 July 2014
[425]Daily News, *15 years of agony on death row*, 20 July 2014
[426]Newsday Zimbabwe, *10 months on death row: Man gives chilling account*, 9 July 2014
[427]Newsday Zimbabwe, *10 months on death row: Man gives chilling account*, 9 July 2014

and Correctional Services (ZPCS) made some improvements during the year. The country's new constitution changed the name of the former Zimbabwe Prison Service and shifted its focus to include rehabilitative as well as punitive measures".[428] With regards to detention conditions the same source notes that:

> Poor sanitary conditions contributed to disease, including diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Lighting and ventilation were inadequate. There were insufficient mattresses, warm clothing, sanitary supplies, and hygiene products. Prisoners had no access to clean water. The harvest of prison farm products provided meals for prisoners, while the sale of some high-value crops such as tobacco allowed authorities to address some supply shortages, and authorities provided each prisoner with at least one new uniform during the year. Prisoners had access to very basic medical care, with a clinic and doctor at every facility. The ZPCS offered peer education on HIV/AIDS and tested prisoners for HIV only when requested by prisoners or prison doctors. Due to outdated regulations and a lack of specialized medical personnel and medications, prisoners suffered from routine but treatable medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. There were some cases of prisoners with HIV/AIDS denied access to antiretroviral drugs, and a court case was pending on the issue at year's end. NGOs also reported isolated cases of meningitis and pellagra.[429]

In a March 2014 report the Zimbabwe Lawyers for Human Rights reports with regards to detention conditions in Zimbabwe that:

> There are 72 prisons in Zimbabwe, of which 46 are fully fledged and 26 are satellites. Khami is the most modern prison in terms of infrastructure, followed by Chikurubi and then Chipinge. Kadoma has also been improved as well as Mazoe. But the rest are reportedly in bad shape. […]
> The infrastructure in most of the jails is poor and lice can be found in large quantities in the prisons. Although cells should be fumigated, this was reportedly not a priority in the prisons. As it is a challenge to access toiletries within most of the prisons, inmates were reportedly resorting to using pieces of blankets as toilet paper or sanitary pads, which they would then throw into the toilets, thus causing blockages. The kitchens were reportedly dilapidated. At first, steam pots were used for cooking in prisons. Due to maintenance problems and underfunding, this could not be maintained and cooking using firewood then took over. Although there was apparent overcrowding, prisons could not refuse to take new inmates, leaving most cells crammed. Without doubt the current state of most prisons in the country does not meet the UN Standard Minimum Rules in terms of human rights. However, it was noted that the ZPS was in the process of re-designing cells and improving ablution facilities. […]
> Due to delayed justice and prolonged periods in detention centres in the country, inmates often ended up scrambling for the limited resources available, such as space to relax or sleep at night. One former inmate recalled the conditions he was subjected to when he was remanded in custody. "Bed time yakapenga [is the most difficult period]…we were so many that we slept facing one side and had to turn on the other side at once during the night."
> This competition among inmates for resources often escalated the risk of aggression and violence. There were also concerns regarding inmates suffering from acute respiratory problems due to the overcrowding. Cases of TB-related morbidity and mortality were also reported, with the spread of the disease being worsened without doubt by the overcrowding. There have also been allegations of sexual abuse of prisoners in the cramped spaces inmates occupy. […]
> However, overcrowding has made prisons a health hazard as the increase in the number of the prisoners created conditions favourable to the spread of communicable diseases. Indeed, more than 100 prisoners died in Zimbabwe's prisons in 2013 due to nutrition-related illnesses and natural causes. There are no modern facilities or adequate medical equipment in most prisons so initial health screening is difficult as most of the work has to be done physically by nurses. Challenges were

[428]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*
[429]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*

> also noted in some prisons whereby medical examinations of newly admitted were not being administered. Due to prolonged detention without trial, inmates were predisposed to the risk of developing hypertension and stress. There were also reports of prisoners developing skin rashes, which were being contracted from shared clothing and blankets as a consequence of overcrowding.
> […] It was reported that inmates often had to resort to buckets due to the absence of adequate toilet facilities in most cells. In cells that had toilets, the facilities were overburdened and also considered dehumanizing as they were not secluded so there was no privacy. Furthermore, the flushing system for most of the toilets would regularly break down (but the toilets would continue to be used nevertheless) thereby exposing inmates to disease […] Concerns were raised about the poor diet, particularly in relation to sick and pregnant prisoners. At one point the situation was reported to have been so bad that visitation rights were relaxed so that the relatives and friends who could afford to bring food to the prisoners could do so on a daily basis.[430]

According to Freedom House reporting on the situation in 2013:

> Lengthy pretrial detention remains a problem, and despite some improvements in recent years, prison conditions remain harsh and sometimes life-threatening. Zimbabwe's 72 prison facilities house more than 17,500 prisoners, and overcrowding, poor sanitation, and food shortages have contributed to HIV and tuberculosis infections and other illnesses among inmates.
> The Declaration of Rights contained in the new constitution is considered an improvement because it guarantees equal treatment of citizens under the law. The new constitution gives those arrested the rights to contact relatives and advisors; visitors; to be informed of their rights; and released after 48 hours unless court ordered to remain detained, although these rights are rarely respected in practice.[431]

The UK Foreign and Commonwealth Office reports that "On 17 February [2014], President Mugabe pardoned 2,000 prisoners. While this will help ease the overcrowding in prisons, it does not address the poor living and medical conditions. The state of prisons remains a concern, with a report in December 2013 highlighting the lack of adequate food, sanitation and clean water".[432]

IRIN reports in October 2013 that "Every couple of weeks, inmates at Harare Central and Chikurubi prisons in Zimbabwe greet the arrival of bakery trucks with roars of approval, whistles and dancing. The trucks' arrival signals a rare few days of bread to relieve a prison diet that is sparse and monotonous". [433] It further notes that "Humanitarian organizations and human rights activists blame the paucity and poor quality of prison food on the general underfunding of correctional facilities, an absence of political will and government interference with NGOs attempting to support prisoners".[434]The same source further notes:

> Zhuwarara, a human rights activist and senior litigation lawyer at the Zimbabwe Lawyers for Human Rights, blamed poor conditions in prisons on government's attitude towards inmates.
> "Prisons are grossly underfunded and neglected because there is a widespread view among authorities that inmates are supposed to be punished rather than rehabilitated. That is why, since independence in 1980, hardly any more prisons have been built. The manner in which the prisoners are being treated is unconstitutional; the constitution stipulates that they are supposed to be treated with dignity, yet this is not the case," Zhuwarara told IRIN.
> The acute lack of food in prisons has spawned corruption and sexual abuse among inmates and prison wardens, according to John Moyo*, another former MDC inmate.

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[430]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *6. Research on conditions of detention in Zimbabwe's prisons*
[431]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[432]UK Foreign and Commonwealth Office, *Zimbabwe - Country of Concern update: 31 March 2014*, 31 March 2014
[433] Integrated Regional Information Networks, *Zimbabwe inmates cheer for rotten bread*, 11 October 2013
[434] Integrated Regional Information Networks, *Zimbabwe inmates cheer for rotten bread*, 11 October 2013

> "Prisoners trade whatever they would have brought to jail with the wardens, who then bring them food to the cells. In some cases, the wardens are given money to smuggle in food from relatives of the inmates, but all this is not allowed by prison regulations," he told IRIN.
> Moyo, who was incarcerated at both Harare Central and Chikurubi prisons, said prison authorities barred visitors from giving inmates cooked food, saying they feared it might lead to the spread of diseases such as typhoid and cholera.
> He added that some prisoners, particularly those who have already been tried and sentenced, resorted to having sex with fellow inmates in exchange for food and cigarettes smuggled in by the wardens or relatives.
> "The victims were mostly young men who were abused because of the hunger in prisons. My worry is that many of them might have contracted HIV," he said.[435]

In May 2014 Aggrey Machingauta, Zimbabwe Prison and Correctional Services (ZPCS)Deputy Commissioner in charge of administration, stated that "The socio-economic challenges of the past years that bedeviled the nation did not spare ZPCS and this resulted in our inability to provide the right type and quantity of food. This situation however slightly improved since the introduction of the multi-currency system. Unfortunately, the funds from treasury are not enough to provide all the basic food for inmates".[436] Radio Vop further reports that "Machingauta, who was giving oral evidence on the state of prisons before the Senate thematic committee on human rights disclosed that ZPCS was failing to supply inmates with uniforms, protective clothing, blankets and sleeping mats. […] The ZPCS boss also disclosed that the country's 69 prisons were currently overcrowded as they were detaining 17 318 inmates against a holding capacity of 17 000".[437]The Herald newspaper reported in August 2014 that "inmates in Zimbabwe's Prison and Correctional Services facilities are forced to stay naked owing to an inadequate supply of uniforms".[438]

With regards to the situation for women prisoners Zimbabwe Lawyers for Human Rights reports that:

> Mlondolozi, Shurugwi and Chikurubi are the only fully fledged female prisons in Zimbabwe. All the other prisons have a section that has been set aside for women and the conditions are not favourable to female inmates. In particular, pregnant inmates are treated like any other female prisoner, without due recognition of their needs. After giving birth at public health facilities, they are returned to jail with their newly born babies – sometimes as young as a day or two old. Unfortunately, prison facilities are not designed to support the post-natal care of either the mothers or the babies. The plight of older children incarcerated alongside their mothers is also serious since there are no proper facilities to cater for their early childhood development needs because the ZPS does not have a budget line for such support. […]
> The study noted significant shortages of sanitary ware among female inmates. This resulted in some female prisoners making use of pieces of cloth or blankets as sanitary pads – unconventional methods that resulted in blocked sewers as the used materials were disposed of in the toilets.[439]

The Zimbabwe Human Rights NGO Forumsimilarly reports in September 2014 that "According to the Female Prisoners' Support Trust (FEMPRIST) Sanitary wear is out of reach for women in prisons, forcing them to resort to unhealthy alternatives thereby jeopardising their health. These problems emanate from funding shortfalls".[440]

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[435] Integrated Regional Information Networks, *Zimbabwe inmates cheer for rotten bread*, 11 October 2013
[436]Radio Vop, *Zimbabwe Prisons Boss Opens Up On Worsening Prison Horror*, 28 May 2014
[437]Radio Vop, *Zimbabwe Prisons Boss Opens Up On Worsening Prison Horror*, 28 May 2014
[438]Herald, '*Scarce resources force prisoners to go naked'*, 7 August 2014
[439]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[440]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014

Zimbabwe Lawyers for Human Rights reported in May 2014 that "29 babies are sharing prison cells in some of Zimbabwe's 46 prisons with their mothers who are awaiting trial or are serving sentences for committing various offences".[441]The 2013 U.S. Department of State report notes with regards to women prisoners that:

> NGOs reported that female prisoners generally fared better than men. They were held in separate prison wings and were guarded by female officers. Prison officials also appeared to have prioritized food distribution to women; moreover, women generally received more food from their families than male prisoners. The several dozen children under the age of three living with their incarcerated mothers, however, were required to share their mothers' food allocation. NGOs were unaware of women inmates reporting rapes or physical abuse, which were more common among the male inmate population. NGOs suggested that female guards may have been more diligent about protecting female prisoners from abuse or that female prisoners may not have reported abuse. Prisons, with support from NGOs, provided sanitary supplies for women. Officials did not provide pregnant and nursing mothers with additional care or food rations, but the ZPCS solicited donations from NGOs and donors for additional provisions.[442]

With regards to the situation for juvenile prisoners Zimbabwe Lawyers for Human Rights reports that:

> There is only one prison for young offenders in Zimbabwe – Hwahwa in Midlands Province – where the vast majority (an estimated 90% of the 400 young offenders) are incarcerated for rape. Unfortunately, not all young offenders can be accommodated there so some have to be imprisoned with adults, which increases the risk of them experiencing both physical and sexual abuse. […]
> However, the ZPS continued to make concrete efforts to ensure that juvenile detainees were kept separate from adults by establishing juvenile sections in the respective prison facilities. But notwithstanding the efforts that the prison authorities were putting into providing humane conditions for juvenile offenders, challenges such as poor basic services, poor access to water and sanitation facilities, and poor nutrition that were prevalent in adult facilities were also prevalent in juvenile facilities. […]
> The study also found that there were challenges regarding legal representation in many of the juvenile cases. Indeed, the legal system usually did not provide free legal services to those juveniles whose parents or guardians could not afford a lawyer, which put them at a severe disadvantage. Young offenders were also reportedly appearing in court for minor offences, often in the absence of probation officers. [443]

According to the 2013 U.S. Department of State report "There was one juvenile prison. Juveniles also were held in adult prisons throughout the country while in remand, or when older juveniles would benefit from remaining closer to their families. Officials generally tried to place younger juvenile inmates in separate cells. Juveniles generally were sent to prison instead of to reformatory homes, as stipulated in the Children's Act. Juveniles were particularly vulnerable to abuse by prison officials and other prisoners".[444]

According to the 2013 U.S. Department of State report "Officials held many detainees in severely overcrowded police facilities. Police used cruel, inhuman, or degrading treatment or punishment against those in custody. Those detained for politically motivated reasons were kept at police

[441]Zimbabwe Lawyers for Human Rights, *Incarcerated with their mothers: The case of Zimbabwe child prisoners*, 29 May 2014
[442]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*
[443]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *6. Research on conditions of detention in Zimbabwe's prisons*
[444]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*

stations for days, weeks, or months while their court dates or bail hearings were pending".[445] For information on torture committed in detention, see *3.6. Torture, inhuman and degrading treatment, and unlawful use of force.*

Reporting on the other forms of abuse of prisoners Zimbabwe Lawyers for Human Rights notes that:

> This study established that prisoners were experiencing a variety of other abuses. There were instances where prisoners were being abused by working on private farms of senior officials outside their official obligatory labour hours. The time allocated for visits to see prisoners was another area of concern as it is not clear in the Prisons Act and the time allowed often does not take into consideration visitors from far away. The study found that prison officers, like the majority of the country's civil servants, were earning low salaries, thus making it difficult for them to carry out their duties efficiently and earnestly. It was reported that when donations were made by organisations intended to benefit inmates, prison officers would often take some of the goods home – a phenomenon commonly known as the appropriation of zviwanikwa (donated gifts).[446]

3.8.1. Deaths in detention

According to the 2013 U.S. Department of State report, "Between January and late November [2013], over 100 prisoners died in custody due to nutrition-related illnesses induced by food shortages and other natural causes".[447]The UK Foreign and Commonwealth Office reports that "On 10 December [2013], the Zimbabwe Association of Doctors for Human Rights demanded an independent investigation into the deaths of over 100 people in the country's prisons since the beginning of the year. They have called on government to urgently address the issue of disease outbreaks and food shortages in prisons".[448]

Three MDC activists who had spent 33 months in detention, as part of the 29 MDC-T Glen View activists arrested on charges of killing a policeman in May 2011 stated that "People are dying every day of hunger in custody and in our section we were allowed to go outside only for 30 minutes each day".[449] Newsday further notes that "The three said their lowest point during their incarceration was when their colleague Rebecca Mafukeni died in custody and they had no opportunity to attend her funeral after being in prison together for over a year".[450]In December 2013 SW Radio Africa reported that "Matthew Mwale died in police custody on Sunday, two hours after his arrest and detention at a local police station. His father Shadreck Mwale told the NewsDay newspaper this week that he suspects foul play, after being told his son drank poison while behind bars".[451]

Reporting in September 2014 on the suspicious suicide of Blessing Matanda in detention whose family argued was killed by police officers, "the Zimbabwe Lawyers for Human Rights (ZLHR) say Matanda's case is not isolated as many accused persons have died while in police custody, a place that should ordinarily be safe and secure. Tawanda Zhuwarara of ZLHR who was representing the

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[445]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*

[446]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *6. Research on conditions of detention in Zimbabwe's prisons*

[447]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*

[448]UK Foreign and Commonwealth Office,*Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Zimbabwe*, 31 December 2013

[449] News Day, *One meal a day for prisoners*, 1 February 2014

[450] News Day, *One meal a day for prisoners*, 1 February 2014

[451]SW Radio Africa, *Govt urged to rein in 'untouchable' police*, 4 December 2013

Matanda family said police cells were fast becoming unsafe for suspects, some of whom have suffered mysterious deaths in cells".[452] News Day reports in September 2014 that President of the Law Society of Zimbabwe Lloyd Mhishi stated before the Parliamentary Thematic Committee on Human Rights that "There have been disturbing reports of deaths of some people in police custody and some of our members have reported that their clients had been assaulted, and all that is breach of human rights. […]Sometimes lawyers are prevented from seeing their clients under the pretext that the investigating officer is not available, but the Constitution says the accused must access legal representation".[453]

3.8.2. Pre-trial detention

According to Freedom House reporting on the situation in 2013, "Lengthy pretrial detention remains a problem".[454] The 2013 U.S. Department of State report notes that "According to the ZPCS [Zimbabwe Prison and Correctional Services], remand prisons were overcrowded, and conditions were, by design, harsher than in newer facilities. Authorities often held pretrial detainees with convicted prisoners until their bail hearings".[455]It also notes that "According to the ZPCS, remand prisons were overcrowded, and conditions were, by design, harsher than in newer facilities. Authorities often held pretrial detainees with convicted prisoners until their bail hearings".[456]The same source further notes that:

> Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several months before trial or sentencing due to a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and political reasons. For example, as of October, four of 29 MDC-T activists arrested in May 2011 (Glenview 29) were denied bail on six occasions and had remained in custody for 29 months. Rebecca Mafikeni, MDC-T Youth Assembly deputy organizing secretary, died of illness in August while in detention.
> Other prisoners remained in prison because they could not afford to pay bail, which remained exorbitant given economic conditions in the country. Magistrates rarely exercised the "free bail option" in which they have discretion to waive bail for destitute prisoners. Lawyers reported that juveniles usually spent more time in pretrial detention than adults because they could not attend court unless a parent or guardian accompanied them. Authorities occasionally did not notify parents of a juvenile's arrest or the closest kin of an adult detainee's arrest.[457]

In a March 2014 report on 'Pre-Trial Detention in Zimbabwe' the Zimbabwe Lawyers for Human Rightsreports that "the operations of key institutions – such as the Attorney-General'soffice, the police, the prisons services and themagistrates courts among others – have been hampered by poor conditions of service for employees and generally inadequate funding. These challenges have all contributed directly or indirectly to the delayed determination of criminal cases and the prolonged incarceration of pretrial detainees, which have violated the rights ofaccused persons".[458] The same source further notes that:

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[452]News Day, *Police cells are fast becoming unsafe for suspects*, 11 September 2014
[453]News Day, *Deaths in police custody raise concern*, 19 September 2014
[454]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[455] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. c.Prison and Detention Center Conditions*
[456]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Prison and Detention Center Conditions*
[457] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. c. Prison and Detention Center Conditions*
[458]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *1. Background and introduction*

> Many pre-trial detainees have faced prolonged pre-trial incarceration due to the failure of the criminal justice system. The lack of respect for the rule of law in Zimbabwe has remained a serious challenge to the administration of the criminal justice system since laws are applied in a partisan manner and court decisions protecting the rights of pretrial detainees are sometimes ignored at the expense of the liberty and rights of accused persons. The malicious application of certain provisions, such as Section 121 of the CPEA, has extended the detention of pre-trial detainees, as they are incarcerated for a further seven days before a final determination of their application for bail. Overarching some of these travesties has been the political crisis in the country that has seen 'political' pre-trial detainees, including human rights activists, being treated inhumanely in detention centres. The lack of adequate resources within the judiciary and prison services has also contributed to the problems faced by pre-trial detainees.[459]

With regards to remand prisoners the same report notes:

> Remand prisons were reportedly experiencing overcrowding as a result of delays in the finalisation of cases by courts. Some of the inmates had been detained for more than a year on remand due to delays in the completion of their cases. Indeed, there were some cases of prisoners remaining in prison for more than twelve months without appearing before a magistrate or the High Court because of the lack of any transport to ferry them to the courts. […]
> The study found that 30 percent of the estimated 17,000 prison inmates were awaiting trial, including juveniles. An organisation that works to improve conditions for prison inmates also pointed out during an interview that the majority of Zimbabwean prisoners were very poor and could not afford legal representation. This meant that they had to wait their turn for legal aid, which can result in them having to stay in jail for close to two years as the need for legal representation is overwhelming. The population of inmates awaiting trial in most prisons was rising at alarming speed.[460]

In May 2014 Aggrey Machingauta, Zimbabwe Prison and Correctional Services (ZPCS)Deputy Commissioner in charge of administration, stated that fuel shortages had resulted in the ZPCS failing to transport prisoners to attend court sessions while a depleted vehicle fleet had worsened the situation; "Unfortunately, we have at times failed to honour this obligation which is tantamount to violating inmates' right to be heard in courts of law on time".[461]

UNICEF reports in its annual report for 2013 that "As part of a national effort to create specialized judicial services for children, UNICEF supported the Judicial Services Commission to expand the victim friendly courts to the whole country. Statistics show that about 263 children are arrested monthly in the three main cities of Harare, Bulawayo, and Mutare yet only 8 to 15 referrals are made per month and around 57 per cent of detained children remain in remand for up to two years. Through the pre-trial diversion program launched in 2013 for children in conflict with the law, 77 per cent of referred children had their cases diverted from the criminal justice system".[462]

In the run up to the 2013 elections Amnesty International reports that "Members of several CSOs [civil society organizations] were arbitrarily arrested, unlawfully detained, faced trumped-up criminal charges, and unreasonably denied bail. Some spent long periods in remand prison awaiting trial".[463]

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[459]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *5. Case studies of pre-trial detention conditions in Zimbabwe facilities*
[460]Zimbabwe Lawyers for Human Rights, *Pre-Trial Detention in Zimbabwe*, 1 March 2014, *6. Research on conditions of detention in Zimbabwe's prisons*
[461]Radio Vop, *Zimbabwe Prisons Boss Opens Up On Worsening Prison Horror*, 28 May 2014
[462]UNICEF, *2013 Annual Report Zimbabwe*, 2014, *Child Protection*
[463] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.3 IMPROVE THE ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS AND NGOS*

4. Civil and Political Rights

4.1. Freedom of expression, association, and assembly

The International Center for Not-for-Profit Law explains that "Zimbabwean law – and the selective application of that law – places severe restrictions on speech and advocacy activity, especially where the speech or advocacy is critical of government policy or focused on politically unpopular causes".[464] It further notes that:

> The Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act (Criminal Code), for example, criminalize the insulting of the office or person of the President [Criminal Code Section 33], uttering words which are likely to undermine policing authority [Criminal Code Section 177], and communicating falsehoods prejudicial to the state [Section 31 Criminal Code]. In practice, many individuals have been arrested and prosecuted under these laws. Such laws cause individuals and organisations to censor themselves or engage in selective and thorough reviews before placing any information in the public domain.[465]

Reporting with regards to these legal provisionsHuman Rights Watch notes in its annual report covering 2013 that:

> Both the power-sharing government prior to August 2013 and the new administration have failed to amend repressive laws, such as the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), and the Criminal Law Codification and Reform Act, which severely curtail basic rights through vague defamation clauses and draconian penalties. Failure to amend or repeal these laws and to address the partisan conduct of the police severely limits the rights to freedom of association and assembly.[466]

The Zimbabwe Human Rights NGO Forum reports in its annual report for 2013 that "The new constitution guarantees civil liberties including freedom of speech, press and media andassembly and association. However, there were ongoing serious human rights abuses, including thetight control of electronic media and further controls on mobile telephone communications. Suchmass surveillance affected the ability of opposition political parties to organize, and the lack ofprivacy afforded to them had a huge bearing on democratic progress".[467]Amnesty International similarly reports in May 2014 that "Public order, security and criminal laws are being used to deny people their rights to freedom of expression, association and peaceful assembly, despite guarantees under the new Constitution".[468]The Zimbabwe Human Rights NGO Forum further reports that "Just like in 2012, 2013 witnessed a rise in the abuse of police powers and court procedures clamping down on civil liberties. Since 2010, there has been a dramatic increase in the arbitrary application of Section 33 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] (the Criminal Law Code), where individuals have been charged with allegedly "insulting or undermining the authority of the President" with ZLHR [Zimbabwe Lawyers for Human Rights] attending to 65 cases where clients have fallen foul of this law".[469]

The UK Foreign and Commonwealth Office reports that "On 13 June [2014], the government repealed the Statutory Instrument on Postal and Telecommunications Regulations following an

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[464]The International Center for Not-for-Profit Law, *NGO Law Monitor: Zimbabwe*, 18 May 2014
[465]The International Center for Not-for-Profit Law, *NGO Law Monitor: Zimbabwe*, 18 May 2014
[466] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *National elections*
[467]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *2a. Freedom of Speech and of the Press*
[468]Amnesty International, *Zimbabwe: Anniversary of new Constitution no cause for celebration*, 22 May 2014
[469]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Insult and defamation laws*

adverse report by the Parliamentary Legal Committee, which found the regulations were unconstitutional, as they allowed third parties to access personal data without a court search warrant".[470]The same source notes that between July and September 2014:

> During this quarter, there have been positive judgements by the Constitutional Court to uphold and protect citizens' rights. In July, the court made a landmark ruling on defamation. It invalidated section 31 (a) (iii) of the Criminal Law Codification Reform Act, which had criminalised the publication of false statements that could undermine public confidence in the uniformed forces. The striking out of this law, which has been used to prosecute many journalists in the past, is a positive step forward for the freedom of the press. Separately, the Parliamentary Legal Portfolio Committee withdrew its report to the National Assembly on 10 July 2014, following the government's repeal of the Statutory Instrument on Postal and Telecommunications Regulations. The court judged the instrument was unconstitutional, as it allowed third parties to access personal data without a court search warrant.[471]

4.1.1. Incidents of politically motivated violence

The Zimbabwe Peace Project (ZPP) explains that its monthly monitor reports are "based on reports from ZPP long-term community based human rights monitors who observe, monitor and record cases of human rights violations in the constituencies they reside. ZPP deploys a total of 420 community-based primary peace monitors (two per each of the 210 electoral constituencies of Zimbabwe). These community community-based monitors reside in the constituencies they monitor. They compile reports that are handed over to ZPP provincial coordinators who man the different ZPP offices in the ten administrative provinces of Zimbabwe. Upon receipt and verifications of the reports from the monitors, the provincial coordinators compile provincial monthly monitoring reports, which are then consolidated at national office into the ZPP monthly monitoring reports published in retrospect".[472]

Summarising Zimbabwe Peace Project recorded incidents of politically motivated violence in 2013 the UK Foreign and Commonwealth Office report notes that:

> The human rights situation in Zimbabwe remained relatively stable throughout 2013, with a slight improvement on previous years. Zimbabwe Peace Project reported fewer than 5,000 cases of politically motivated human rights violations between January to November 2013. This compares to 5,096 in 2012, and 10,188 in 2011, 10,703 in 2010, 14,725 in 2009, and a peak of 23,755 cases recorded for 2008. Levels of politically motivated human rights violations have continued on a downward trajectory throughout the country.
> However, serious concerns remain, including political violence, and harassment of political opposition, journalists, judges and human rights defenders (HRDs). Many international human rights indicators still rank Zimbabwe amongst the worst countries in the world in terms of civil liberties, political rights and press freedoms.[473]

The Zimbabwe Peace Project documents the following incidents of political violence in 2014:

> January 2014:**286** cases.[474]
> February 2014:**209** cases.[475]

[470]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014
[471] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: update, 30 September 2014*, 16 October 2014
[472]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[473]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[474]Zimbabwe Peace Project, *ZPP Monthly Monitor January 2014*, 31 January 2014

March 2014:**224** cases.[476]
April 2014:**181** cases.[477]
May 2014:**204** cases.[478]
June 2014:**188**cases.[479]
July 2014:**229** cases.[480]
August 2014: **196** cases.[481]
September 2014: **193** violations.[482]
October 2014:**195** violations.[483]
Jan-Oct 2014: **2015** violations.

By comparison, the Zimbabwe Human Rights NGO Forum puts the figure of human rights violations between July-September 2014 slightly higher than those of the Zimbabwe Peace Project at 690.[484] It further notes that "The Zimbabwe Republic Police (ZRP) and ZANU-PF were the main perpetrators of violence. ZRP constituted 30% of the perpetrators (as they arbitrarily arrested and assaulted citizens). ZANU PF constituted 22% of the perpetrators, war veterans 12%, MDC-T 8%, Zimbabwe National Army 7%, CIO 5%, MDC- Renewal Team 5% and unknown perpetrators 11%".[485]

The Zimbabwe Peace Project monthly monitor reports documentthat the breakdown of politically motivated incidents by perpetrator for 2014 was[486]:

2014	ZANU-PF	MDC-T	MDC-N	MDC 99	PU MA	ZRP	ZAPU 1000	ZAPU	ZNA	Militia	CIO	War Vets	Unknown	Total
Jan	291	28				3							4	326
Feb	217	36	1			3					8	5		270[487]
March	253	17				3	1		2		3	3		282
April[488]	-	-	-	-	-	-	-		-	-	-	-	-	-
May	261	36	1				2	2	3		2		3	310[489]
June	219	42	4			22					1		3	291
July	236	35	2			9	1		3			1	1	288
Aug	194	34	2	1	1	11			1		3		6	253[490]
Sept	194	34	2			5			2	2	5		7	236[491]
Oct	133	31	1						1				1	167[492]
Total	1998	293	13	1	1	56	4	2	12	2	22	9	12	2438

[475]Zimbabwe Peace Project, *ZPP Monthly Monitor February 2014*, 28 February 2014
[476]Zimbabwe Peace Project, *ZPP Monthly Monitor March 2014*, 31 March 2014
[477]Zimbabwe Peace Project, *ZPP Monthly Monitor April 2014*, 30 April 2014
[478]Zimbabwe Peace Project, *ZPP Monthly Monitor May 2014*, 31 May 2014
[479]Zimbabwe Peace Project, *ZPP Monthly Monitor June 2014*, 16 July 2014
[480]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[481]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[482]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[483]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[484] Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[485]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[486]Same references as for the monthly cases of politically motivated violence provided above
[487]Note this does not correspond to the total number of perpetrators analysed by gender which is 271
[488]Percentages, not incidences were provided, hence no figures have been included
[489]Note this does not correspond to the total number of perpetrators analysed by gender which is 318
[490]Note this does not correspond to the total number of perpetrators analysed by gender which is 251
[491]Note this does not correspond to the total number of perpetrators analysed by gender which is 236
[492]Note this does not correspond to the total number of perpetrators analysed by gender which is 221

4.1.2. Treatment of Elected government officials and political activists

4.1.2.1. Elected government officials

4.1.2.1.1. MDC officials by the security forces/ ZANU-PF aligned actors

According to Freedom House during 2013 "State-sponsored political violence against the political opposition is a serious and chronic problem, although violence was much less severe in 2013 than in previous election years, especially in the post-election period. In general, MDC politicians, activists, and supporters were still subject to harassment, assault, and occasional arbitrary detention by security forces, militias, and supporters of ZANU-PF. Some attacks were also perpetrated by affiliates of the MDC".[493] The UK Foreign and Commonwealth Office reports that in 2013 "Freedom of association and assembly was frequently constrained by partisan police action, such as the use of repressive legislation, including the Public Order and Security Act and the Criminal Procedure and Evidence Act, to prevent and break up protests and rallies organised by the MDC political parties and civil society groups".[494] The same source further notes that:

> In one of the worst incidents of the year, 12-year-old Christpowers Maisiri was killed when the hut of his father, a local MDC-T party official, was set on fire on 23 February [2013]. The police investigation concluded that the fire was a result of the explosion of tobacco chemicals and ammonium nitrate fertiliser in the thatched hut the boy was sleeping in. It is widely believed within the MDC-T and by human rights commentators that this was politically motivated arson.[495]

The Institute for Security Studies reports in April 2013 that "The run-up to the [constitutional] referendum was marred by intimidation and the harassment of political activists and civil society representatives. A day after the referendum, police raided MDC-T offices and detained four party officials and prominent human rights lawyer Beatrice Mtetwa after she allegedly tried to stop the arrests. With the security sector's partisan involvement in the country's politics and threats by the security chiefs to veto the forthcoming election there is a danger that the police and other security agents may abuse the rule of law during the polls instead of securing the vote".[496]

The 2013 U.S. Department of State report notes that "Authorities imposed numerous restrictions on non-ZANU-PF party candidates. Although Tsvangirai was allowed to campaign, police did not permit the MDC-T to hold all of its planned rallies, and some MDC-T activists were intimidated and beaten in the weeks before the July 31 election".[497]Also see *2.2.2. Violence in the run-up to and during the election*.

The 2013 U.S. Department of State report notes that "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".[498]The same source documents the following incidents involving MDC officials in 2013:

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[493]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

[494]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

[495]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

[496]Institute for Security Studies, *The battle for credible polls in Zimbabwe intensifies*, 17 April 2013

[497] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *3. Elections and Political Participation*

[498]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*

> On February 18 [2013], Steward Utaunashe, the MDC-T district organizing secretary for Tafara, was abducted by three men and one woman alleged to be plainclothes police officers from outside his home, held in a vehicle, interrogated and tortured, and released in Rusape six days later. The alleged officers initially visited Utaunashe at his home, where they told him that they were going to take him to a police station to be questioned about ZANU-PF t-shirts destroyed the previous week in Tafara district. Utaunashe pleaded ignorance about the incident but was forced into the officers' vehicle and later transferred to a windowless van. The perpetrators bound the victim and deprived him of food and water for the first two days. During that time and thereafter, the perpetrators alternated beating the victim with open palms. They also poured sand in his ears and applied electric shocks to his genitals and armpits. The female assailant urinated on the victim on multiple occasions. An investigation was ongoing at year's end.[499]
>
> On May 28 [2013], a busload of approximately 40 ZANU-PF youth members dressed in party regalia and from the informal settlement of Ushehwekunze Housing Scheme, assaulted three MDC-T ward officials in Harare South. The youth supporters conducted a house-to-house search for MDC-T officials who had observed MDC-T primary elections the previous weekend and assaulted the three officials they found. As the day progressed, in three additional instances, the same group of perpetrators interrogated and then assaulted men suspected of being MDC-T supporters.[500]
>
> In July [2013] police arrested Morgen Komichi, MDC-T deputy national chair, after he reported irregularities during the special voting process to the Zimbabwe Electoral Commission (ZEC). Komichi's observations--that ineligible persons were able to vote and that ZEC officials had recorded some police officers as having voted when they had not done so--as well as his delivery of an envelope containing the voting papers of a specific officer who had not voted, resulted in his arrest. Through October, Komichi applied for and was denied his constitutional right to bail on five separate occasions by magistrates and the high courts. His trial was in progress at year's end. Observers believed that Komichi's continued detention stemmed from his senior position in MDC-T as well as his allegations of election irregularities.[501]

Amnesty International reports that in August 2013 "Wellington Sandi, who was the chief election agent for the MDC-T in Maramba-Pfungwe constituency, Mashonaland East province, was forced to flee his home with his family following repeated threats of violence. The threats increased after he had given an interview to the media alleging election irregularities on the day of the ballot. He was quoted in an article that appeared in Newsday newspaper on 1 August [2013]. On 9 August [2013] his house was set on fire by suspected political opponents. All seven members of his family were displaced following these threats and some had to find temporary shelter in Harare".[502]

The Zimbabwe Human Rights NGO Forum reports "On 2 April [2014] at Zororo centre in Harare, soldiers assaulted four MDC-T activists and a Pastor who were putting up MDC-T posters. They suffered injuries and were taken by police to hospital while the soldiers were not arrested. […]On 18 June [2014] MDC councilor for Lupane West was harassed and unlawfully detained by police after he opposed the Council Chairman's motion during a full council meeting. Police detectives quizzed him on why he opposed the motion and detained him overnight at Lupane police camp. He was released the following day after his lawyers intervened".[503] The same source reports that "On 3 June [2014] an MDC-T youth chairperson in Marondera was assaulted by a police officer at Dombotombo police station, after he had visited a party member who had been arrested for public drinking. The officer

[499] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance*

[500] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[501] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 d. Political Prisoners and Detainees*

[502] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.2 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY*

[503] Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014

accused him of boasting about his party and broke his arm. A report was lodged at Marondera police headquarters but no arrests were made".[504]

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of MDC officials by the security forces/ ZANU-PF aligned actors as documented in the four most recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com/):

The Zimbabwe Peace Project reports that in July 2014 in Mashonaland East "An MDC-T supporter was denied food aid because of her political affiliation. Maize from Young Men Christian Association (YMCA) was distributed in Rimuka, Kadoma on 6 July 2014 and she was the only MDC-T supporter denied because she holds a senior post in the party".[505]

The Zimbabwe Peace Project reports that in July 2014 in Manicaland "In Mutare Central at Moffat Hall [ZANU-PF] MP Joseph Chinotimba and members of his Zimbabwe Federation of Trade Unions (ZFTU) had a meeting with a group of about sixty workers of the Mutare City Council. In his address MP Chinotimba told workers that the council was failing to pay them because of the MDC-T councillors and the Town Clerk. He then promised to physically deal with Municipal official and MP (names supplied). This was direct incitement to violence".[506]

The same source notes that in August 2014 in "In Harare Central ZRP disrupted the demonstration by more than fifty MDC-T youths who were demonstrating, demanding two million jobs promised by Zanu PF government during the 2013 election campaign. Similar demonstrations were repeated on the 18th and 27th of August 2014 and the riot police assaulted and arrested some of the demonstrators".[507]The BBC reporting on the same incident noted that "About 20 people were injured and two opposition MPs were among a dozen people briefly detained".[508] Also see *4.1.3.4. Protestors*.

The Zimbabwe Human Rights NGO Forum notes that:

- On 15 August [2014] MDC-T MP Sessill Zvidzai was arrested and formally charged for illegally importing 800 wind-up radios in 2010. He however was discharged and the police would proceed by way of summons.
- On 27 August [2014], two MDC-T legislators, James Maridadi (MabvukuTafara) and Eric Murayi (Highfield East) and Andrison Manyere a freelance journalist were briefly detained, but later released during the MDC-T jobs demonstration. The courts did not sustain charges against the MPs.[509]

4.1.2.1.2. MDC officials by the MDC

With regards to violence perpetrated against MDCofficials by other MDC members the Foreign and Commonwealth Office reports that:

[504]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[505]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[506]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[507]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[508]BBC, *Zimbabwe police beat opposition marchers demanding jobs*, 27 August 2014
[509]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014

> On 15 February [2014], the Deputy Treasurer of the Movement for Democratic Change-Tsvangirai (MDC-T), Elton Mangoma, Secretary General, Tendai Biti, and other officials accused of seeking to oust MDC-T party leader Morgan Tsvangirai, were attacked outside the party headquarters by youths believed to be aligned to Tsvangirai. Injuries were minor and those affected did not require hospital treatment. Tsvangirai issued a statement condemning the violence.[510]

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of MDC officials by the MDC as documented in the four most recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com/):

The Zimbabwe Peace Project reports that in September 2014 "The MDC-T had 36 cases of intra-party violence as the party moved to restructure its district and provincial leadership and nomination of candidates ahead of the party's congress".[511] The same source further notes that:

> Violence marred most of the MDC-T congress preparations as party officials from Chitungwiza, Harare and Bulawayo provincial congresses openly exchanging blows. The MDC-T activists reportedly fought at a Harare provincial congress during the weekend of 20-21 September [2013] as two distinct camps jostled to nominate either current organising secretary Nelson Chamisa or spokesperson Douglas Mwonzora for the post of secretary-general. In another related matter, violence erupted at the party's Bulawayo provincial offices on September 14, 2014 resulting in members laying assault charges against each other. MDC-T Bulawayo deputy organising secretary Tsepiso Helen Mpofu was allegedly beaten up by Artwell Sibanda during the skirmishes that left the provincial offices with broken windows. […]
> 27 September 2014 – in Glenview North MDC-T Member of Parliament for the constituency, was harassed and almost beaten by four MDC-T youths led by Talent Chimhini who accused the MP of rigging the elections during a grass-roots party restructuring exercise during preparations of the coming congress at the end of October 2014.[512]

4.1.2.1.3. ZANU-PF officials by the security forces/ ZANU-PF aligned actors

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of ZANU-PF officials by the security forces/ ZANU-PF aligned actors as documented in the four most recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com/):

The Zimbabwe Peace Project reports that in July 2014 in Midlands Province "As the internal power struggles raged on within the ruling party, Zanu PF MPs Masango Matambanadzo (Kwekwe Central) and Owen Ncube (Gokwe-Kana), allegedly exchanged blows in public in Kwekwe in July over allegations of instructing youths to perform acts of arson".[513]

The Zimbabwe Human Rights NGO Forumreports that:

- On 23 August [2014], Edison Takataka, the ZANU PF Harare province Youth League vice chairperson was allegedly severely assaulted by party youths in Mbare for supporting Grace Mugabe's endorsement for the post of Secretary for Women's Affairs for the women's league. Takataka was

[510]UK Foreign and Commonwealth Office, *Zimbabwe - Country of Concern update: 31 March 2014*, 31 March 2014
[511]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[512]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[513]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014

allegedly assaulted in the presence of politburo member Honourable Tendai Savanhu at a constituency meeting in Mbare. A police report was made and no arrests were made.

- On 29 September [2014], Temba Mliswa the ZANU PF Mashonaland West provincial chairperson was assaulted by Beauty Zhuwawo a provincial executive member following disagreements at a meeting in Chinhoyi. […]
- On 14 September [2014], the house of Penelop Makomeya, a ZANU PF youth leader was allegedly petrol bombed in alleged factional fighting following reports that Harare Province was opposed to the ascendency of Grace Mugabe. Makomeya was also assaulted on 24 August by people who were allegedly send by the ZANU PF Provincial Youth Chairperson, Godfrey Gomwe.[514]

4.1.2.2. Members of political parties

4.1.2.2.1. MDC party membersby the security forces/ ZANU-PF aligned actors

The 2014 Bertelsmann Foundationreport which covers the period from 31 January 2011 to 31 January 2013notes that "Despite the power-sharing agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC), civil rights have continuously been restricted in Zimbabwe through repressive laws, the encroachments of security forces and by violent attacks by ZANU-PF supporters, war veterans and youth militias on MDC members, civil society activists and ordinary people. MDC supporters have repeatedly faced harassment by the police and have been jailed, albeit in fewer numbers than were before 2008".[515]

According to Freedom House reporting on 2013:

> State-sponsored political violence against the political opposition is a serious and chronic problem, although violence was much less severe in 2013 than in previous election years, especially in the post-election period. In general, MDC politicians, activists, and supporters were still subject to harassment, assault, and occasional arbitrary detention by security forces, militias, and supporters of ZANU-PF. Some attacks were also perpetrated by affiliates of the MDC. According to the Zimbabwe Human Rights NGO Forum, between July and September 2013, 66 percent of political violence cases targeted MDC-T supporters, the victims of 31 percent of cases had unknown party affiliations, 2 percent targeted other MDC formations, and 1 percent targeted ZANU-PF supporters.[516]

Human Rights Watch notes in a June 2013 report that:

> The partisanship of the security forces' leadership has translated into abuses by these forces against MDC members and supporters, and civil society organizations. Although the Lancaster House and the new constitutions, as well as various laws, requires neutrality and impartiality from the security forces, no effort has been made to enforce them. Beyond the open endorsement of ZANU-PF, the security forces have been deployed across the country where they have intimidated, beat and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the ZANU-PF officials in government. No members of the security forces are known to have been disciplined or prosecuted for acting in a partisan manner or committing criminal offenses against the MDC and its supporters.[517]

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[514] Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014

[515] Bertelsmann Stiftung, *BTI 2014 — Zimbabwe Country Report. Gütersloh: Bertelsmann Stiftung*, 2014, *Civil Rights*

[516] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

[517] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *I. Summary*

The U.S. Department of State report notes that "ZANU-PF supporters--often with tacit support from police--continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns. Violent confrontations between various youth groups aligned with ZANU-PF (known as "Chipangano"), MDC-T, or MDC-N continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence. Police sometimes arrested the victims of the violence rather than the perpetrator".[518] It further notes that:

> There were credible reports of politically motivated abductions and attempted abductions during the year. Leaders of both the Movement for Democratic Change parties reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and Movement for Democratic Change-Ncube (MDC-N) members, civil society members, and student leaders as part of an effort to intimidate them. Authorities rarely punished perpetrators. […]
> There were reports of individuals arrested for political reasons throughout the year, including MDC officials, their supporters, NGO workers, and civil society activists. Authorities held many such individuals for one or two days and released them, while they held others for weeks or months. Political prisoners and detainees did not receive the same standard of treatment as other prisoners or detainees, and prison authorities arbitrarily denied access to political prisoners. During the year police beat and tortured numerous political and civil society activists while they were in detention.[519]

The Zimbabwe Human Rights NGO Forumreports that in March 2013 "In Mashonaland West province, four MDC-T members including Nomatter Makwasha, Vincent Mpofu, and William Zvavahera were arrested in Kariba and detained at Mahombekombe police station on allegations of pasting "Vote YES" campaign posters close to a polling station. The police reportedly searched for George Masendu who was in connection with the same offence. […]in Mbare six members of the MDC were assaulted and injured by a mob of ZANU PF supporters when they were putting up posters calling for a 'Yes' referendum vote".[520]

The Institute for Security Studies reports just before the July 2013 elections that "The run-up to elections has been relatively peaceful compared to 2008. There have been isolated incidents where security forces have targeted certain human rights and political activists and incidents where police have called off certain MDC rallies on the basis that they don't have sufficient personnel to ensure the security of these meetings".[521]Reporting on the build up to the elections, the UK Foreign and Commonwealth Office reports that:

> The severity of pre-election harassment varied, but was targeted at opposition party members to instil fear. For example, in early July, the British Embassy in Harare received reports that Gift Chimanikire, an MDC-T minister in the previous government, and MDC-T supporters in his community, were attacked by a group of ZANU-PF youths for election campaigning.[522]

In May 2013 the Inter Press Service reported that Gibson Severe and his wife, Merjury Severe, known opposition supporters from Hurungwe district in Zimbabwe's Mashonaland West Province "were forced to flee their rural home in Hurungwe district after Zimbabwe African National Union – Patriotic Front (Zanu-PF) militias threatened them for encouraging people to participate in the

[518]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*
[519]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 b. Disappearance*and *1 e. Political Prisoners and Detainees*
[520]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Rule of law,Specific violations*
[521]Institute for Security Studies, *Zimbabwe elections: a recipe for disaster?* 26 July 2013
[522]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

recently-ended mobile voter registration. […] Since last year, the Jochomondo militia has allegedly terrorised residents in Zimbabwe's northern Hurungwe district, a Zanu-PF-stronghold, making it almost impossible for opposition parties to campaign in the region".[523]The Zimbabwe Human Rights NGO Forum reports that in June 2013 in Nyanga South "a 25 year old MDC-T activist from Muwi-Dzenbe village died after he was assaulted by his brother who accused him of attending MDC-T meetings while refusing to join Zanu PF, his choice of party".[524]

Also in May 2013 the BBC noted that "Mr Madzore, the leader of the MDC's youth wing, was arrested last week for allegedly calling Mr Mugabe 89, a "limping donkey" who should be put out to pasture".[525] According to his lawyer, a court had granted him bail but he had not been released "because prosecutors were citing a contentious appeal law to hold him for another seven days".[526]

The Zimbabwe Human Rights NGO Forum reports that in July 2013 "More than thirty Zimbabweans, mostly MDC supporters were arrested, detained and charged for pulling down President Robert Mugabe's Zanu PF party's political campaign posters in contravention of the country's electoral laws".[527] It further reports that "On 8 July [2013], Nqobani Ngwenya and Charles Ncube, MDC-T party activists were arrested in Victoria Falls, Matabeleland North Province for wearing MDC T T-shirts. However, they were released without a formal charge being levelled against them. The police indicated that they were conducting furtherinvestigations and would summon the two activists if need be. On 16 July [2013], Memory Nyambuya, MDC-N member stood trial after she was arrested and charged with contravening Section 152 (1) of the Electoral Act in that she allegedly removed a Zanu PF campaign poster bearing the picture of Innocent Benza, an aspiring parliamentary candidate representing the former ruling party in Mutasa Central constituency on 16 July at Mutasa District Community grounds".[528] The same source further reports that "In Karoi, Mashonaland West province, six MDC-T party supporters including Ophias Chiputire were arrested and charged with criminal insult after they were accused of insulting Zanu PF member Frank Ndambakuhwa while they were pasting their party campaign posters. […]On 19 July [2013], police arrested human rights lawyer Arnold Tsunga, the MDC-T aspiring parliamentary candidate for Dangamvura-Chikanga constituency together with his campaign team after accusing them of embarking on an unlawful procession in the high density suburb. They were detained at Dangamvura Police Station and the police indicated their intention to transfer them to Mutare Central Police Station".[529]

Also see *2.2.2. Violence in the run-up to and during the election*.

The Zimbabwe Human Rights NGO Forum reports that in August 2013:

> An MDC-T activist was found dead on the 9 August [2013] near Two Boys Shopping Centre in a suspected case of political violence. The incident happened in Marondera East Constituency, Masemela village, ward 20. Before his death, just a week before the harmonized elections, the deceased had reportedly told his parents that his life was in danger after being threatened by a

[523]Inter Press Service, *Zimbabwe's Ruling Party Militias Spread Fear of Voting*, 21 May 2013
[524]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture,Specific violations*
[525]BBC, *Robert Mugabe 'donkey' jibe - Solomon Madzore detained*, 7 May 2013
[526]BBC, *Robert Mugabe 'donkey' jibe - Solomon Madzore detained*, 7 May 2013
[527]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[528]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[529]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Rule of law,Specific violations*

> named Zanu PF activist with death if Zanu PF won the elections since no one will be arrested for the act as he will enjoy protection and impunity.
> All the Mashonaland Provinces, Manicaland, Masvingo and Midlands witnessed cases of displacements targeting MDC-T candidates and their election agents. Harare, being the most affected with thirty five incidents, followed by Mashonaland Central with eighteen cases. Cases of malicious damage to property also rose as a number of houses belonging to MDC-T members were set on fire or destroyed by suspected Zanu PF supporters.[530]

Amnesty International reports that "People living in rural areas often do not have any form of protection against politically motivated discrimination, harassment and intimidation. The land tenure system in rural areas renders people perceived to hold views different to those of the ruling party susceptible to internal displacement, eviction and violence. Police are often unwilling or unable to protect those targeted. Perpetrators of these violations enjoy total impunity as police are unable or unwilling to bring them to justice".[531]

Also see *5. People internally displaced by violence and human rights violations, 5.3. 2013 Election-related displacement.*

In a November 2013 report Amnesty International further reports that it "has documented numerous cases involving hundreds of human rights defenders and political activists who have been arbitrarily arrested and unlawfully detained for exercising their rights to freedom of expression, association and assembly".[532] It documents the following cases involving MDC members:

> On 19 September [2013], the High Court in Harare acquitted 21 people following two years of trial in relation to the death of a police officer in Glen View suburb of Harare. The 21 activists were acquitted at the close of the state's case because the prosecution had failed to present a prima facie case against them. Most of the activists had spent at least one year in remand prison. Amnesty International had raised concern in the past with Zimbabwean authorities over arbitrary arrests and police conduct that is not consistent with international standards on policing. Specifically, Amnesty International raised concerns about the politicization of police investigations and arbitrary arrests. […]
> In August [2013], soon after the election, Amnesty International delegates interviewed nine MDC-T activists from Harare West constituency who had to seek temporary shelter after receiving reports that unidentified people in two vehicles without registration plates were asking about their whereabouts. […]
> During the first week after the harmonized elections on 31 July, Amnesty International delegates interviewed six women and their children who had been forced to leave their homes in Mukumbura district, Mashonaland Central province, following repeated threats by their village heads. The six women and their children, some of school age, sought temporary shelter in Harare fearing for their safety. They told Amnesty International that they were targeted because they had campaigned for the Movement for Democratic Change-Tsvangarai (MDCT) during the elections. On election day, the women defied orders from their village heads to request assistance when casting their vote. The women told Amnesty International delegates that their husbands had temporarily fled their homes and were sleeping in nearby hills, fearing attacks on their homesteads at night.[533]

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[530] Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture,Specific violations*

[531] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.2 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY*

[532] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.2 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY*

[533] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.2 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY*

The Zimbabwe Human Rights NGO Forum reports that in November 2013 "Tonderai Nemaungwe, an MDC member from Nyahava in Rusape was severely attacked by over 20 armed Zanu PF youth militia for receiving maize seed distributed under the government loan scheme".[534]

Reporting on cases of assault involving MDC members the Zimbabwe Human Rights NGO Forum reports that "On 11 April [2014] at Dabula West village, Bubi Constituency, David Mkandla of Zanu PF reportedly assaulted an MDC-T activist with an axe handle for being an MDC-T member. The matter was reported to the police and the perpetrator was fined $20. […]On April 18 [2014] at Mbuya Nehanda Primary School in ward 20 of Goromonzi South Constituency, Zanu PF members assaulted three MDC-T members for refusing to chant ZANU PF slogans. On 18 April [2014] at Tombo (Nyanga South), a Zanu PF activist Juliet Mukura physically attacked an MDC-T activist who was attending the independence commemorations, on the grounds that independence commemorations were for Zanu PF members only".[535] Its quarterly report covering April-June 2014 also provides details of cases of harassment and intimidation. For example, "on 4 and 5 May [2014] in Domboramwari District, Epworth after an MDC-T rally in the area, 13 MDC-T supporters were assaulted, some seriously injured, by unidentified assailants with political motives. One of the victims lost property from violence".[536]

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of MDC party members by the security forces/ ZANU-PF aligned actors as documented in the four most recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com/):

The Zimbabwe Peace Project reports that in July 2014 in Midlands "In Chiwundura at Chenhunguru Village ward 11, an MDC-T supporter had his plot left untilled by the District Development Fund tractor which was being used by a member of Zanu PF Denny Moyo. The victim was being accused of being a member of the opposition and Denny indicated that the tractor had come to till land for Zanu PF members only although the programme was meant for all plot holders".[537] In Mashonaland Central in July 2014 the source notes that "A group of the senior citizens who were waiting to receive their payouts from the Department of Social Welfare at Muonwe Clinic in Bindura South were approached by the Zanu PF chairperson Abram Mhembere who announced that anyone who supports MDC-T party would have their names cancelled from benefiting from the social security scheme. He further informed the senior citizens that Social Welfare was a Zanu F department by virtue of it being in the Zanu PF led government therefore, all who should benefit from social welfare financially or materially should be pro Zanu PF. […]In Bangira village in Seke Constituency Ishmael and William Chikambi of Zanu PF called villagers to a meeting to mobilize for the eviction of a 60 year old victim because of his affiliation to MDC-T party. Most of the villagers disagreed with the idea. The two went on to campaign for support from the councillor, District Administrator and senior party members. A threat of eviction still hangs over the victim and his family. He is living in fear and is failing to plan for the future although he has support from the MDC-T supporters".[538]

In Mashonaland West in July 2014 the Zimbabwe Peace Project notes that "an MDC-T supporter was beaten up with a knobkerrie and a bicycle chain by Jowett Matambo and Bibie Zaburoni of Zanu PF because he had an MDCT card and regalia. He was forcibly undressed and had the card and regalia

[534]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture,Specific violations*

[535]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014

[536]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014

[537]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014

[538]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014

burnt".[539]The same source notes that in Matabeleland North in July 2014 in "Nkayi North constituency, Zanu PF ward chairperson Sikhulu Witness Ndlovu and other Zanu PF members are reported to have harassed and intimidated villagers particularly those supporting the MDC-T and MDC. It is alleged that the perpetrators were forcing the rival political supporters to contribute a gallon of maize grain plus $2-00 per homestead for the Heroes Day celebrations. It is alleged that the villagers were threatened with being sidelined from benefiting from other programmes such as grain allocation and farming input distribution. […] In ward 29, Nkayi Growth point, Nkayi South constituency, an MDCT supporter was harassed, intimidated and forced to join Zanu PF by Perpertua Bhidi of Zanu PF. The perpetrator is reported to have further harassed and intimidated the victim by telling her that she was not going to benefit from any development programmes in the area if she did not join Zanu PF. The perpetrator is alleged to have further threatened the victim by telling her that if her name was not in the Zanu PF data base her life would be in danger".[540]

The Zimbabwe Peace Project reports that in August 2014 in Manicaland "At Rusape General Hospital Albert Mashava, a Zanu PF supporter from the Ministry of Labour denied a female MDC-T activist employment as a general worker on allegation that she belonged to the opposition party and therefore was not eligible to be employed in a government institution. […]At Sakubva in Mutare Central, Mable Mutemanyama threatened to beat up a male MDC-T Renewal Team activist. Mable allegedly chased the victim away from the Sakubva Hall where the MDC-T party was holding a meeting".[541]In Mashonaland East in August 2014 it notes that "A group of Zanu PF supporters led by Taka Choto forced an MDC-T supporter to pay money for Heroes Day celebrations he had not paid prior to celebrations. This occurred at Uzumba at Patsika Business Centre. While another MDC-T supporter was harassed by Victor Mtezo of Zanu PF and forced to buy a party card at Magacha village in Hwedza".[542]The same source notes that in August 2014 in "In Harare Central ZRP disrupted the demonstration by more than fifty MDC-T youths who were demonstrating, demanding two million jobs promised by Zanu PF government during the 2013 election campaign. Similar demonstrations were repeated on the 18th and 27th of August 2014 and the riot police assaulted and arrested some of the demonstrators".[543]

The Zimbabwe Peace Project report covering September 2014 notes that in Mashonaland West "Food and any form of aid from the government is often used to punish members of the opposition party by Zanu PF by denying them access. On 8 of September [2014] an MDC-T supporter was denied agricultural inputs by a Zanu PF youth chairperson at Kabidza township in Hurungwe. […]On 7 September [2014] an MDC-T activist was denied food aid distributed in Rimuka ward by the Young Men Christian Association (YMCA). Mike Muvula of Zanu PF who works at Kadoma Municipal denied him because he supports MDC-T. The victim is unemployed and has 3 children".[544] Similarly the same source notes in Mashonaland Central that "In Gumbochuma village Muzarabani North, several MDC-T activists were denied access to subsidized Grain Marketing Board (GMB) maize during September [2014]. They were told that they should wait until their party wins elections to access food".[545] In Mashonaland Central in September 2014 "MDC activist of Mudoka Village ward 7 Muzarabani North was denied access to GMB maize loan by Ezekiel Mudoka and ChavhundukaVheremu of Zanu PF claiming that the food loan was meant for sons and daughters of the soil which are Zanu PF party members".[546] In Manicaland, "War veteran Pedzisai Ndorwe denied an MDC-T supporter the right to

[539]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[540]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[541]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[542]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[543]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[544]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[545]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[546]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014

sell her garden produce at Woodlands market in Makoni Central based on her political affiliation. Her rights to work, adequate food and freedom of association were violated".[547]In September 2014 in Masvingo "in Gutu Central at Mupandawana Township a widow who is a member of the MDC-T party was evicted from the Hwiru Tavern premises by the Mupandawana Housing Officer Mr Paradzai Muguyo Jaison accusing her of being an MDC-T supporter. The victim who worked as a food vendor had her braai stands removed and her other utensils thrown away by council officials".[548]

In Mashonaland East in October 2014 the same source notes that "An MDC-T party supporter was denied access to seed and fertilizer from the Grain Marketing Board (GMB) by Accurate Rushizha and Amon Sengwe of Zanu PF as punishment for not attending a Zanu PF meeting".[549]

4.1.2.2.2. MDC party members by the MDC

In June 2014 the UK Foreign and Commonwealth Office reported that "The civil society organisation, the Zimbabwe Peace Project (ZPP), continues to record incidents of inter- and intra-party political violence. Of particular concern is the inter-party violence which broke out after a Movement for Democratic Change-Tsvangirai (MDC-T) political rally in Epworth on 4 May [2014]. The violence followed an incident where a house belonging to a Zimbabwe African National Union-Patriotic Front (ZANU-PF) supporter was petrol-bombed. Reports indicate victims from both main political parties were assaulted and had property damaged".[550]

The Zimbabwe Human Rights NGO Forum reports that "On 14 September [2014], youths from MDC-Renewal Team allegedly disrupted a meeting convened by the MDC-T in Masvingo. The drunken youths from the Renewal Team were singing and shouting obscenities resulting in the adjourning of the meeting".[551]

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of MDC party members by the MDC as documented in the four most recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com/):

The Zimbabwe Peace Project reports that in Bulawayo in July 2014 "Suspected MDC-T members were embroiled in a fight over a fund which the group used to contribute toward as a club before the break-away group led by Tendai Biti. The rift in the party was the major cause of conflict within the club. Two of the victims were assaulted by suspected MDC-T members identified as Victor Ncube, Carlos Mabhena and Chenai Gumbi all of Entumbane / Emakhandeni Constituency when they demanded their contributions back. […] An MDC-T member was assaulted by some suspected members of the same party accused of leaking valuable and sensitive information to members of Zanu PF. The incident happened after the victim had attended a party meeting which was held at Lobengula West suburb. Linda Ndlovu and Amanda Ntini both of Lobengula West suburb slapped the victim all over her face but she did not sustain any injuries".[552]

The Zimbabwe Peace Project noted that in September 2014 in Masvingo "In a case of intra-party conflict within the MDC-T party a group of MDC-T youths waylaid and beat up one supporter from

[547]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[548]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[549]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[550]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014
[551]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[552]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014

Hippo Valley, Chiredzi West. They accused the victim of having defected to the MDC Renewal party".[553] In Bulawayo in September 2014 "There was intra-party violence at the MDC-T provincial offices triggered by alleged rigging at the grassroots election. Abenigo Bhebhe was allegedly accused of pushing interest of the faction linked to the deputy party president Thokozani Khupe".[554]

The Zimbabwe Peace Project reports that in October 2014 in Matabeleland South "An MDC -T member who resides at Mtshabezi village ward 6 in Gwanda was nearly beaten by another MDC-T Obed Nyoni also from the same village. The victim was accused of supporting the Tendai Biti's Renewal Team and was misleading people".[555] It further notes that in Harare in October 2014 "At the Dzivarasekwa 3 bus terminus about seven MDC-T supporters were harassed and labelled sell-outs and political prostitutes by another group of five MDC-T supporters aligned to Nelson Chamisa. The perpetrators accused the victims of supporting Douglas Mwonzora in the party congress election for the post of Secretary General which was being contested by Chamisa".[556]

The same source further notes that:

> MDC-T leader Morgan Tsvangirai's direct involvement in accrediting delegates to attend the party's congress is said to have triggered violence in Manicaland on 12 October 2014 as participants felt he was targeting people perceived to be aligned to the Renewal Team fronted by Tendai Biti. MDC-T members in Ruwa held a meeting to elect the district executive in preparation of the congress that was scheduled for 31 October 2014. Some party members were disgruntled by the outcome of the election as the number of votes did not tally with the registered voters. That conflict led to violent clashes among the party members. The police had to be called in to quell the violence.[557]

4.1.2.2.3. ZANU-PF party members by ZANU-PF/ ZANU-PF aligned security forces

In its report covering April-July 2014 the Zimbabwe Human Rights NGO Forum reports with regards to cases of harassment and intimidation that "on 10 April [2014] a Zanu PF supporter of Chirumanzu Sebagwe Ward 21, accused of voting for the opposition in the July 2013 elections was threatened with eviction by Zanu PF leader Jose Madiro at a developmental meeting held at Chishuku Primary School".[558]

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of ZANU-PF party members by ZANU-PF/ ZANU-PF aligned security forces as documented in the four most recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com):

The Zimbabwe Peace Project notes that in September 2014 Zanu PF had 30 recorded incidents of intra-party violence.[559]The same source further notes that "intra-party fighting within Zanu PF intensified towards the end of the month after statemedia allegedly exposed 12 MPs for having links with Western governments in violation of the party's rules. The MPs were subsequently referred to

[553]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[554]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[555]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[556]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[557]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[558]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[559]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014

as the 'Dirty Dozen'."[560] Furthermore in Mashonaland West on 21 September 2014 "ZANU PF youths clashed at Muriel mining grounds in Mutorashanga. The youths affiliated to Councillor Ida Kamushinda clashed with those affiliated to Councillor Zandara of ward 30.This comes after the move to extend ward 30 to Kildoman siding. Police had to intervene to calm the situation but no arrests were made".[561]The Zimbabwe Peace Project further reports that in September 2014 that "A Zanu PF activist was beaten up by suspected soldiers for allegedly saying Doctor Grace Mugabe had "fake degrees". The incident took place at Magada Night Club Hob-House 2 in Dangamvura/Chikanga constituency. The matter was reported at Chikanga Police Station but no arrests were made".[562]

The Zimbabwe Peace Project monthly monitor for October 2014 noted that "In Zanu PF, conflicts were mainly characterised by hate speech with episodes of verbal and physical clashes stemming from the First Lady Grace Mugabe's '*Meet the People Rallies*'" which it stated had the potential to incite political violence.[563]It further notes in Harare province for example that on 3 October 2014 "In Kambuzuma 3 a Zanu PF supporter Mapiravana who is aligned to the Mnangagwa faction beat up another Zanu PF supporter allegedly belonging to the Mujuru faction. The victim was accused of being aligned to Vice president Joice Mujuru".[564] On 27 October 2014 in Matabeleland North, "Joseph Moyo assaulted another Zanu PF supporter accusing the victim of insulting the First Lady Grace Mugabe for her attacks and insults on the VP Mujuru. The argument ensued and degenerated into a fist fight which left the victim injured. The incident happened at Ntabazinduna ward 4 in Umguza constituency".[565]

4.1.2.2.4. ZANU-PF party members by MDC party members

In relation to incidents in 2014 the Zimbabwe Human Rights NGO Forum reports that "On 1 March [2014] MDC-T supporters reportedly assaulted Rodrick Dzapasi the ZANU PF cell Chairman for Tabudirira District in Budiriro forwearing his party T-shirt".[566]

4.1.2.2.5. Transform Zimbabwe members by the security forces/ ZANU-PF aligned actors

Nehanda Radio explains that "Transform Zimbabwe was formed in December 2013 following a convention of the 12,000 member Christian network group, Prayer Network Zimbabwe".[567] In April 2014 Transform Zimbabwe reported that "Jacob Ngarivhume, the leader of Transform Zimbabwe, reports that members of his party have been detained by the Tsholotsho police on trumped up charges of disturbing the peace by distributing flyers without police permission".[568]Transform Zimbabwefurther reported that in June 2014 "President Jacob Chengedzeni Satiya Ngarivhume has been detained by state security agents at Chimanimani police station, after he was abducted from his hotel room around 8.30am on charges that are still not clear".[569] Also in June 2014 a Transform

[560]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[561]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[562]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[563]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[564]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[565]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[566]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[567]Nehanda Radio, *Transform Zimbabwe president arrested*, 14 July 2014
[568]Zimbabwe Situation, *Press Statement: Leader of Transform Zimbabwe detained 17 April 2014*, 17 April 2014
[569]Transform Zimbabwe, *Transform Zim President abducted*, 11 June 2014

Zimbabwe member was arrested and detained at Binga police station for failure to notify the regulatory authorities of holding a meeting".[570]

The Zimbabwe Human Rights NGO Forum reports that "On 12 July [2014], armed riot police disrupted Transform Zimbabwe's national executive meeting held in Gweru on the pretext of looking for the party's president Jacob Chengedzeni whom they wanted to arrest on charges of holding an unsanctioned meeting in Hatfield Harare".[571] A further Transform Zimbabwe meeting scheduled for 22 November 2014 in "Chitungwiza was violently disrupted by ZANU-PF youths. Mr. Jacob Ngarivhume the leader of the newly formed political party was also attacked. Members of the party who had gathered to be addressed by the party president were sent scurrying for cover as the "Chipangano" aligned youths pulled down tents and smashed the windows of Mr Ngarivhume's car".[572]

4.1.2.2.6. National Constitutional Assembly (NCA) members by ZANU-PF/ ZANU-PF aligned security forces

The Zimbabwe Human Rights NGO Forum reports that "On 6 January [2014], three members of the NCA, Patson Mangwiro, TauraiMaravanyika and Olibeletsi Noko were allegedly harassed bysuspected ZANU PF youths in ward 12 Mbare as they were putting upcampaign posters for their candidate Takura Gadzira ahead of the localgovernment by elections that were on 25 January".[573] SW Radio Africa reports that according to NCA members, the three were hospitalised after they were attacked by ZANU PF supporters.[574]

4.1.2.3. Treatment of suspected MDC supporters/government criticsby the security forces/ ZANU-PF aligned actors

Human Rights Watch notes in a June 2013 report that:

> The partisanship of the security forces' leadership has translated into abuses by these forces against MDC members and supporters, and civil society organizations. Although the Lancaster House and the new constitutions, as well as various laws, requires neutrality and impartiality from the security forces, no effort has been made to enforce them. Beyond the open endorsement of ZANU-PF, the security forces have been deployed across the country where they have intimidated, beat and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the ZANU-PF officials in government. No members of the security forces are known to have been disciplined or prosecuted for acting in a partisan manner or committing criminal offenses against the MDC and its supporters.[575]

The same report documents the following cases in early 2013:

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[570]Transform Zimbabwe, *Transform Zimbabwe Press Statement*, 15 June 2014

[571]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014

[572]Kubatana, *Unjust laws continue to suppress opposition voices in Zimbabwe*, 26 November 2014

[573]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*

[574]SW Radio Africa, *NCA activists hospitalized following an attack from ZANU PF supporters*, 7 January 2014

[575] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013*, I. Summary*

> On March 17 [2013], a day after a referendum on the new constitution, five armed soldiers in uniform approached an MDC supporter at Mataga Growth point, Mberengwa, in Midlands province, and demanded to know if he had voted "yes" in the referendum. The MDC supporter told Human Rights Watch:
>
> > When I said I had voted in favor of the draft constitution they then asked me why I was wearing an MDC t-shirt and before I could respond they began to punch and kick me all over my body. They said I must vote for ZANU-PF in the coming elections without fail or they would come back for me.[…]
>
> Police arrested 19 MDC supporters in Harare on April 25, 2013 who were encouraging residents to register to vote, and charge them with impersonating government officials.[576]

In a July 2013 report Amnesty International notes that:

> Human Rights Watch investigations found that the Zimbabwe National Army has deployed soldiers across the country, under different guises including running the food distribution project (National Food Security Project), community projects (including helping with building schools) and an "army history research project." Under the so-called army history project, members of the army go into villages asking villagers about the war of liberation and battles fought in their areas, ostensibly for documentation. Human Rights Watch investigations however reveal that, in the communities, the soldiers have been implicated in directly campaigning for Mugabe and ZANU-PF, and of harassing and intimidating villagers. Among areas where such army deployment and subsequent harassment and intimidation of villagers occurred include Buhera, Nyanga, Chipinge and Mutare in Manicaland province, Gokwe, Zhombe, Mberengwa, Silobela in Midlands province, and Chivhu, Marondera and Uzumba in Mashonaland East province.[…]
>
> In each of Zimbabwe's 10 provinces, soldiers are highly visible, including those performing training exercises in public. For instance, hundreds of soldiers based at Third Brigade in Mutare perform their drills and jog through residential areas in the city, singing liberation war songs or songs with a political message aimed at undermining the MDC and Tsvangirai. Mutare residents said they have seen soldiers jogging through the community several times in February and March [2013].[577]
>
> Some parts of Zimbabwe including Masvingo and Matabeleland regions have received erratic rains in recent years. In the past Amnesty International has documented the use of food as a political tool whereby those perceived to be supporting the opponents of ZANU-PF are denied access to food distributed by Zimbabwe's Grain Marketing Board. Historically, food distribution has either been disrupted or hijacked by politicians during election campaigns. Organizations insisting on non-partisan food distribution have had their operations severely restricted by traditional leaders and ZANU-PF supporters.[578]

Human Rights Watch reports that in the run up to the July 2013 elections:

> Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity.[579]

Amnesty International reports that women were forced to relocate during the election, reportedly due to their perceived support for the MDC:

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[576] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *VI. Security Sector Political Interference, The Military*and *VIII. A Roadmap to Credible, Free and Fair Elections*

[577] Human Rights Watch, *The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Elections*, 5 June 2013, *VI. Security Sector Political Interference, The Military*

[578] Amnesty International, *"Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.5 CONCERN ABOUT THE USE OF FOOD AS A POLITICAL TOOL*

[579] Human Rights Watch, *World Report 2014 - Zimbabwe*, 21 January 2014, *Conduct of Security Forces*

> Women political activists in rural Zimbabwe told Amnesty International they have been threatened with violence and forced to flee with their children for refusing to reveal their vote to supporters of Robert Mugabe's party during harmonized elections.
> The women said they resisted instructions from Zanu-PF supporters to feign illiteracy, blindness or physical injury, which would have meant someone else marking the ballot on their behalf,
> At least six women said they left home with their 12 young children after facing intimidation from village heads in Mukumbura district, Mashonaland Central Province soon after the 31 July poll. […]
> The families say they were targeted due to their support - real or perceived - for the Movement for Democratic Change (MDC) party led by Morgan Tsvangirai.[580]

The Zimbabwe Human Rights NGO Forum reports that in July 2013 "Ordinary residents whose political affiliations were not known were also targeted as can be testified by Thembelisi Ndhlovu, who was arrested on suspicion of removing posters. However, police did not have any evidence against her and proceeded to release her after being profiled indicating that they would summon her after conducting further investigations. Another ordinary resident Johnson Mlambo of Bulawayo was assaulted by some Zanu PF youths after he refused to take some flyers that they were handing out to people during a campaign programme".[581] Also in July 2013 "up for disorderly behaviour in a public place as defined in Section 41 (a) (b) of the Criminal Law (Codification and Reform) Act are Ronald Mapfumo and Fanuel Tangi who were arrested at a shopping centre for allegedly wearing MDC-T T/shirts with the portrait of their party leader Morgan Tsvangirai".[582]

Also see *2.2.2. Violence in the run-up to and during the election*.

According to the 2013 U.S. Department of State report "Security authorities continued to restrict freedom of speech and arrest individuals, particularly those who made or publicized comments critical of President Mugabe or made political statements opposing ZANU-PF or the government's agenda".[583]Moreover, "Authorities targeted persons deemed to be critical of the government for harassment, abduction, interrogation, and sometimes torture.The ZLHR [Zimbabwe Lawyers for Human Rights] stated that by September it had assisted more than 70 individuals who had been arrested by police for violating Section 33 of the Criminal Law (Codification and Reform) Act, which authorities routinely invoked against political and human rights activists as well as ordinary citizens for allegedly making seemingly innocuous jokes about the president".[584] It documents the following cases:

> On May 14 [2013], a Masvingo magistrate sentenced Chenjerai Pamhiri, a lecturer at Great Zimbabwe University, to three months' imprisonment for reportedly calling President Mugabe a "dirty old rotten donkey" at a local supermarket on May 10.
> On September 21 [2013], a magistrate in Chiredzi convicted an unemployed citizen, Regis Kandawasvika, after he allegedly blamed his unemployment on President Mugabe's mismanagement

[580]Amnesty International, *Zimbabwe: Women forced to flee their homes for refusing to reveal their vote*, 6 August 2013
[581]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[582]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[583]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. a. Freedom of Speech and Press*
[584]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. a. Freedom of Speech and Press*

> of the country's economy. Kandawasvika was fined $150 for committing his offense; a failure to pay the fine would have resulted in his confinement in jail for 60 days.[585]

It further notes that "Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces reportedly assaulted and tortured citizens in custody, particularly perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged them with inciting public violence".[586] It further notes with regards to the treatment of suspected MDC supporters that:

> ZANU-PF supporters--often with tacit support from police--continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns. Violent confrontations between various youth groups aligned with ZANU-PF (known as "Chipangano"), MDC-T, or MDC-N continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence. Police sometimes arrested the victims of the violence rather than the perpetrators.[587]
>
> Security forces searched homes and offices without warrants or with warrants obtained under false pretenses; senior government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF; and the government forcibly displaced persons from their homes. Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to other government assistance programs to exclude suspected MDC supporters.[…]
>
> According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the MDCs. ZANU-PF youths reportedly evicted owners and occupants and placed their party's supporters in properties controlled by local councils, without paying rent, and leased market stalls to ZANU-PF cardholders only. As a result, ZANU-PF youth controlled almost all markets in Harare. In addition to markets, ZANU-PF youth expanded into the "kombi" (minibuses used for public transport) market, where they extorted both drivers and passengers.[588]
>
> There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military.[589]

According to Freedom House during 2013 "Journalists covering both ZANU-PF and MDC were occasionally threatened and beaten during the election campaign (including at least four in the month of June, according to the Committee to Protect Journalists)".[590]For information on the treatment of journalists who are perceived to be critical of ZANU-PF see *4.2.2.Treatment of critical journalists, bloggers, etc.*

The 2013 U.S. Department of State report notes that "Moreover, "ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with other political parties".[591] Also see *4.1.4. Treatment of Civil society and human rights activists*.

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[585]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. a. Freedom of Speech and Press*

[586]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[587]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[588]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. f .Arbitrary Interference with Privacy, Family, Home, or Correspondence*

[589]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*

[590]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

[591]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. D Freedom of Association*

The Zimbabwe Human Rights NGO Forum reported that "On 4 June [2014] a fruit and vegetable vendor at Tanganda Halt in Chipinge West, had her trade stock vandalized by a group of soldiers because she was wearing her MDC-T t-shirt".[592] It further notes that "On 30 June [2014] in parts of Zaka and Gutu Districts, Zanu PF MPs and village heads are alleged to have forced villagers to meetings where they forced them to complete data forms with personal details such as personal history, party affiliation, identity number, voter registration status and employment history. Villagers were also coerced to pay R2 for each form issued and non-compliant villagers were threatened with eviction from the villages".[593]Moreover, "On 2 August [2014] the ZANU PF branch Chairperson and the district youth Chairperson for Glenview South, Harare moved door to door forcing residents to buy the party's electronic cards. […] On 26 September [2014] Melusi Sibanda a known Central Intelligent Organisation operative and others in Chimanimani West were moving around in a vehicle intimidating people from attending an MDC-T rally scheduled for the following day".[594]

The following are non-exhaustive, illustrative examples of incidents of ill-treatment of suspected MDC supporters by the security forces/ ZANU-PF aligned actors as documented in the fourmost recently available Zimbabwe Peace Project monthly monitor reports covering July-October 2014 (for further examples, see the earlier monthly reports available at http://www.zimpeaceproject.com/):

The Zimbabwe Peace Project reports that in July 2014in Mashonaland East "Social workers in Chikomba East giving out $50 vouchers to vulnerable people in ward 27 left out a senior citizen. There was no clear explanation for the omission. It was later discovered that councillor Mhondiwa of ZANU PF had influenced the cancellation of the senior citizen's name because her son was a strong supporter of MDC-T who had contested during last year's elections".[595] The same source further notes that in Manicaland in July 2014 "Incidents of harassment, threats of physical violence and intimidation of people perceived to belong to the opposition parties topped the list of violations for the month of July and major perpetrators are Zanu PF activists".[596] The same source further notes that in Harare in July 2014 "In Unit K, Chitungwiza South vendors were harassed and intimidated by Zanu PF youths who were moving around mobilizing people to go and register as Zanu PF members through their new electronic registration after paying two dollars to register. Those who failed to register were threatened with eviction and heavy beatings".[597]

The Zimbabwe Peace Project reports that in August 2014 in Mashonaland East Province"George Katsande the son of the Mudzi West MP Aquiline Katsande addressed villagers at Chimanga Primary school in ward 4. He declared that in his mother's constituency people should stop wearing red clothes as they were doing during election campaign in 2013.George indicated that names would be written of those who show that they don't like Zanu PF. The red colour is an MDC-T party colour".[598]

In Bulawayo in August 2014 "Some suspected members of Zanu PF who were in company of Nickson Magarinya assaulted the victim (name supplied) by kicking him all over his body after he declined to

[592]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[593]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[594]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[595]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[596]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[597]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[598]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014

chant Zanu PF slogans as they were marching towards Methodist village near Dr Dumiso Dabengwa's farm. The perpetrators were wearing their party regalia when the incident occurred".[599]

The Zimbabwe Peace Project monthly monitor reports also document the denial of food aid to persons not affiliated with ZANU-PF. For example it reports that in October 2014 "There are reports that people in Mashonaland West are being forced to pay for Zanu PF electronic cards regardless of their political affiliation. Party leaders in Mhangura, Makonde and Hurungwe West were using these cards as a means to access agricultural inputs. Some villagers are buying the cards out of fear as those without are viewed as members of the opposition".[600]In Mashonaland West in October 2014 it reports that "Villagers in Makonde in Laighaims, Maware and Manyamba who were registering for inputs donated by the First Lady Grace Mugabe were required to purchase Zanu PF electronic cards worth $2. Those who did not purchase the cards were considered as opposition members. Shupikai Dube and Musha Marapira of Zanu PF spearheaded the process. One of the headmen Tongai Musona told people that those with no cards would not get seed and fertilizer".[601]

In November 2014 New Zimbabwe cited "a whistle-blower at the Harare International Airport" as stating that:

> l WORK at Harare International Airport but I cannot disclose my identity as this would put my family in danger. I would like to tell you of a story that has, surprisingly, not been covered for a long time possibly because most of the staff were warned to keep quiet on the day-to-day activities at the Airport.
> However, the security of the Airport has been handed over to the Central Intelligence Organisation (CIO) and all passengers coming in and going out of the country are being watched and a database has been complied. There is a database of photos of individuals who are thought to have left the country in protest against the unsettled events who have be labelled as traitors of the country.
> Pictures taken from parties, social events and other social gatherings of Zimbabweans are kept in files for the purpose of identifying individuals perceived to have been traitors. The use of the internet has also helped to identify individuals perceived as traitors to the current government, especially those in United States of America, Australia, the United Kingdom and other European countries. Flight manifests play a vital role in this regard as they give the security operatives enough time to carry out their checks beforehand.
> Most of the information relating to individual pictures are collected by government agents based in London. There is emphasis on anyone who is viewed as a traitor to be stopped and interrogated on arrival at Harare International Airport as they are considered traitors of the state and government. The new policy came into force on the 1st of September 2013 with the aim of identifying traitors of the state but only the security personnel are privy to the development.
> During the struggle for independence in Zimbabwe, individuals identified as traitors had their eyes or lips cut as a chilling warning to all the people against treachery. In recent years people can either be branded with red-hot iron bars as sign that they are a traitor or they spend a long time in detention cells being interrogated and forced to join the country's ruling party.
> Exiles returning home and suspected to be traitors are taken to detention cells based at the Manyame Airbase which is a short distance from the Harare International Airport. Detained individuals can be subjected to beatings, food denial, psychological torture and brainwashing. They are only released when they agree to join the Zanu PF and on condition that they relocate to rural areas and never to leave in the city.
> I have witnessed many individuals being stopped at the airport and taken away for further questioning with the main target being those returning from the United Kingdom and United States of America. There is also a lot of harsh treatment of individuals at the Airport itself. However, it's a different story when they arrive at Manyame Airbase. Since l work on the periphery of the whole

[599]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[600]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014
[601]Zimbabwe Peace Project, *ZPP Monthly Monitor October 2014*, 19 November 2014

> operation, I am not sure what kind of questions they ask but everyone at the Airport is aware of this ongoing operation although many will not speak out for fear of victimisation.[602]

4.1.3. Treatment of other perceived political activists

4.1.3.1. Election monitors

The U.S. Department of State explains that "While the country did not allow citizens of most Western countries to observe the July elections, it allowed election observer missions from regional groups, including the SADC [Southern African Development Community]and the African Union".[603] Prior to the elections, International Crisis Group reported in July 2013 that "SADC intends to have over 400 observers, the first of whom arrived in mid-July. The AU has 60 short-term observers in place, complementing a smaller team of longer term observers that is mandated to make a detailed assessment of conditions".[604] The Zimbabwe Election Support Network (ZESN) deployed 7,099 observers to every province and constituency in the country on 31 July 2013.[605]

The 2013 U.S. Department of State report notes with regards to the treatment of election observers that:

> The government limited the number of international observers and subjected foreign journalists to vetting and licensing before applying to observe the election. The government permitted foreign diplomatic missions based in Harare a maximum of five observers each, while it permitted local observer groups to apply for any number of observers they wished. There were no widespread reports of observer abuse.[606]

According to the Zimbabwe Election Support Network (ZESN), among the 'critical incidents on election day' were 41 ZESN observers reporting that they were denied access to observe at polling stations by the presiding officer.[607] It further notes that there were 14 incidents of observers' security being threatened.[608]

4.1.3.2. Teachers

According to Freedom House, "In 2013, the Progressive Teachers Union of Zimbabwe accused ZANU-PF supporters of intimidating teachers in rural areas to pledge their support to the party and claimed that teachers from the rival, ZANU-PF–linked Zimbabwe Teacher's Association were complicit in political indoctrination. Education aid has often been based on parents' political loyalties".[609] The 2013 U.S. Department of State report notes that "Ahead of the July election, the media reported several cases of names of teachers being removed from the ZEC lists for being MDC-T supporters and

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[602] New Zimbabwe, *Airport whistle-blower's warning to returning exiles*,13 November 2014

[603] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

[604] International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*, 29 July 2013, *V. Electoral Observers' Credibility*

[605] Nehanda Radio, *ZESN 2013 Advance Harmonised Election Report*, 17 September 2013

[606] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

[607] Zimbabwe Election Support Network, *Report on the 31 July 2013 Harmonised Elections Zimbabwe*, 2013, *Critical Incidents on Election Day, Table 13*

[608] Zimbabwe Election Support Network, *Report on the 31 July 2013 Harmonised Elections Zimbabwe*, 2013, *Critical Incidents on Election Day, Table 13*

[609] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

replaced by persons perceived as either politically neutral or as known ZANU-PF supporters".[610] In May 2013 the Inter Press Service cited a local councilor from Midlands Province as stating that "The mobile voter registration exercise here irked Zanu-PF stooges who have directed their anger towards teachers in rural communities, fiercely warning them against voting for the (two) MDC formations".[611] In July 2013 IRIN noted that the NGO Heal Zimbabwe Trust "has reported cases of soldiers assaulting MDC supporters, death threats being issued against teachers, villagers being forced to attend Zanu-PF rallies and even abductions of political opponents".[612] The Zimbabwe Peace Project reported that "On Election Day, incidences of voters being shepherded to polling stations by Zanu PF activists such as traditional leaders, war veterans and youths were reported throughout the country. Very articulate and educated people like teachers were forced to vote as assisted voters".[613]

Reporting on attacks on education in 2013 the Global Coalition to Protect Education from Attack notes that:

> The PTUZ [the Progressive Teachers Union of Zimbabwe] reported that teachers were intimidated with threats of physical harm into supporting a particular political party during the parliamentary and presidential elections in July [2013]. The union said that in Mashonaland Central province teachers were drafted into ZANU-PF structures and forced to campaign for the party against their will. On voting day, they were told that they should plead illiteracy so that they could be 'assisted' to vote by ZANU-PF supporters. In Mashonaland West, the teachers were forced to withdraw their membership from the PTUZ as the organization complained about the harassment of teachers. The Zimbabwe Election Support Network reported as an illustrative critical incident during the voting process the fact that some known teachers in Chimanimani East, Manicaland, asked for assistance to vote on election day. The African Union Election Observation Commission noted that levels of voter assistance were high, with more than one in four voters 'assisted' in some polling stations at schools.[614]

In an interview with the Progressive Teachers Union of Zimbabwe published in its January 2014 newsletter, the Global Coalition to Protect Education from Attack reports that:

> According to PTUZ, political violence in Zimbabwe has extensive impacts on all levels of education. The group claims that the country's teachers, lecturers, and students teach and learn under threat of arrest, abduction, torture, or assassination by police and state-sanctioned youth militias. Schools and colleges have become militarized environments. Youth militias coerce secondary school students to join military drills. Militia bases have been established in schools and near school premises. PTUZ states that militias, war veterans, and political party members tend to intervene on campus at schools and universities with some regularity, harassing students, particularly student leaders, forcing them to join political parties, and engaging them in spying on their professors. Such events tend to intensify during election periods. For example, according to PTUZ, the period leading up to the most recent elections in July 2013 saw the establishment of militia bases in or near schools throughout the country, and youth militia leaders invaded two schools following the elections, accusing them of having voted for the opposition party. The schools have since been closed indefinitely.
>
> These conditions reportedly severely affect educational access and quality, and the psychological wellbeing of students and teachers. They disrupt lessons temporarily during political rallies or military drills, as well as permanently, particularly for university student leaders, who are arrested, expelled and may have trouble re-enrolling. Quality of teaching suffers under self-censorship, and rather than being safe and protective environments, schools and universities become sources of psychological

[610] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*
[611] Inter Press Service, *Zimbabwe's Ruling Party Militias Spread Fear of Voting*, 21 May 2013
[612] Integrated Regional Information Network, *Zimbabwe's elections maybe peaceful, but fair?,* 30 July 2013
[613] Zimbabwe Peace Project, *ZPP Monthly Monitor July 2013*, 31 July 2013
[614] Global Coalition to Protect Education from Attack, *Education Under Attack 2014*, 2014, *Zimbabwe*

distress and insecurity. PTUZ reports that the percent of secondary students who pass their exams has declined from 87% in the late 1980s to less than 17% today.[615]

In October 2013 the president of the PTUZ, Takavafira Zhou, stated that PTUZ offices were daily inundated by calls from teachers from all provinces who have been dismissed by the Civil Service Commission (CSC) for contesting the July 31st polls on an MDC ticket.[616] Also in October 2013 the Zimbabwe Standard reported that "Two months after President Robert Mugabe's landslide win, Zanu PF youths and war veterans here have started a witch-hunt, haunting teachers perceived to be sympathetic to the MDC-T and ordering their transfer from Masvingo West constituency. Last week, a petition that was set to be handed to the Ministry of Education was circulated in and around Masvingo town, where people were urged to sign, denouncing about 13 teachers at different schools".[617]

The Zimbabwe Peace Project reports that in December 2013 "In a clear violation of the constitution, headman Madzonga from Makoni West in Manicaland allegedly denied teachers for Dewedzo Primary and secondary schools farming inputs on 13 December 2013 accusing them of belonging to the MDC-T. The farming inputs were from the Presidential Inputs Scheme".[618]

The Zimbabwe Peace Project reports that "On 25 February [2014], Zanu PF activists led by the Member of Parliament for Chipinge South Enock Porusingazi together with Zanu PF leaders Rusangawanye and Shumba reportedly went to Checheche Primary school where they mobilized all the teachers at the school to a meeting. During the meeting convened by the MP, the teachers were told to join Zanu PF or be forced out of employment. To further their point, the teachers were told to form a Zanu PF branch at the school where every teacher will get a post".[619] It also notes that during the February 2014 preparations for Mugabe's 90th birthday in Mashonaland East "people including school teachers were subjected to various forms of harassment such as being forced to contribute money ranging from $1 up to $5 towards the celebrations bash. Some were forced to attend. People from Marondera district were forced to walk all the way from their villages about 6km or more to the venue".[620]

The Zimbabwe Peace Project reports that in March 2014 "A serious incident of discrimination happened at Mutata Primary School in Maramba Pfungwe Constituency where a victim had been offered a temporary teaching post and posted to the station. Unfortunately the acting Headmaster Mr Madakuenda was aware that the victim was an MDC-T activist in the local area of Mutata community. It is alleged that he openly told the victim that he could afford to work with him as that would jeopardize his relations with the Zanu PF local leadership. The victim lives in Mutata Village under Chief Chitsungo".[621] The Zimbabwe Human Rights NGO Forum notes that "On 7 March [2014], a teacher at St Simon Zhara Mission School in Masvingowas assaulted by ZANU-PF youths for failing to attend two ZANU-PF organised meetings".[622] Furthermore, between January-March 2014 the same source notes that:

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[615] Global Coalition to Protect Education from Attack, *Newsletter: January 13, 2014*, 13 January 2014
[616] SW Radio Africa, *Teachers fired in ongoing ZANU PF retributive campaign*, 8 October 2013
[617] The Standard, *Zimbabwe: Zanu-PF After Teachers With Links to MDC-T*, 6 October 2013
[618] Zimbabwe Peace Project, *ZPP Monthly Monitor December 2013*, 31 December 2013
[619] Zimbabwe Peace Project, *ZPP Monthly Monitor February 2014*, 28 February 2014
[620] Zimbabwe Peace Project, *ZPP Monthly Monitor February 2014*, 28 February 2014
[621] Zimbabwe Peace Project, *ZPP Monthly Monitor March 2014*, 31 March 2014
[622] Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*

> •Two (2) teachers from Seke communal lands reported that they were being threatened and forced to contribute to the victory celebration of the Ward 6 councilor. The teachers were forced to pay $15 each and also to attend the celebrations.
> • Teachers in Mashonaland West, the province that hosted the 21st February movement were forced to contribute towards the celebrations while some people were forced to attend.[…]
> On 25 February [2014] ZANU PF activists led by the Chipinge South Memberof Parliament threatened teachers at Checheche primary school withloss of employment if they do not become members of ZANU PF.[623]

The Zimbabwe Peace Project reports that in April 2014 reports of harassment and intimidation "became prevalent towards the Independence Day celebrations when Zanu PF activists forced community members and teachers to contribute towards the celebrations. These incidents were quite prevalent in Manicaland, Masvingo, Mashonaland Central, Mashonaland East and Mashonaland West".[624]It further notes that "In Masvingo between the 15th and 16th April 2014 a Mwenezi public service Inspector one Gondo a known Zanu PF sympathiser coerced civil servants to pay $5 each towards the Independence Day celebrations. He reportedly ordered school heads and other government department heads to urge their subordinates to contribute or face being labelled opposition functionaries rendering them ineligible for promotion".[625]

In July 2014 the Zimbabwe Peace Project noted that in Manicaland "In Buhera West Mukambirwa Village, Ward 3 an MDC-T activist who had been elected Chairperson of Gwebu Primary School Development Committee (SDC) was forced to vacate his post by Zanu PF leaders Claudious Mhike and Joyce Parwaringira. The two perpetrators ordered the headmaster to call for an emergency meeting to choose a chairperson who belongs to Zanu PF as they could not continue to let MDC -T members lead the school".[626] The same source notes that in Mashonaland West in September 2014 "Teachers from Murombedzi in Zvimba West were harassed, intimidated and forced by a group of Zanu PF supporters to leave school opening meetings to attend the installation of Chief Zvimba".[627]

The Global Coalition to Protect Education from Attack further notes in a July 2014 report that "In Zimbabwe, teachers who have been threatened have transferred to safe houses with assistance from the Progressive Teachers Union of Zimbabwe (PTUZ) and the Students Solidarity Trust. […] There is a risk to relocation and transfer in that teachers can be targeted more easily because of their concentration in one place. In Zimbabwe, some educators transferred to safe houses have been subsequently attacked".[628]

4.1.3.3. Students

The 2013 U.S. Department of State report notes that "Leaders of both the Movement for Democratic Change parties reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and Movement for Democratic Change-Ncube (MDC-N) members, civil society members, and student leaders as part of an effort to intimidate them. Authorities rarely punished perpetrators. […] Police took no action against Masvingo security agents who in 2010 abducted and

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[623]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[624]Zimbabwe Peace Project, *ZPP Monthly Monitor April 2014*, 30 April 2014
[625]Zimbabwe Peace Project, *ZPP Monthly Monitor April 2014*, 30 April 2014
[626]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[627]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[628] Global Coalition to Protect Education from Attack, *Protecting Education Personnel from Targeted Attack in Conflict-Affected Countries*, 14 July 2014, *Relocation and Transfer of Teachers and Provision of Teacher Housing p.20*

tortured Alec Tabe and Godfrey Kuraune, two leaders of the Zimbabwe National Students Union".[629] It further notes that "ZANU-PF supporters--often with tacit support from police--continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns".[630] Furthermore, "The government continued to use arbitrary arrest and detention as tools of intimidation and harassment, especially against non-ZANU-PF government officials, political activists, civil society members, student activists, and journalists".[631] Reporting on academic freedom the same source further notes that:

> CIO personnel at times assumed faculty and other positions or posed as students at public and some private universities to intimidate and gather intelligence on faculty and students who criticized government policies and actions. CIO officers regularly attended classes in which noted MDC activists were lecturers or students. In response, both faculty and students often practiced self-censorship.[632]

It also reports that "ZANU-PF trained and deployed youths and war veterans to harass and disrupt the activities of MDC members, labor groups, student movements, civic groups, and journalists considered critical of ZANU-PF. Although the government continued to harass university student unions for protesting against increased tuition fees, arrests of student demonstrators declined somewhat during the year".[633]Freedom House reports in its annual report covering 2013 that "Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy".[634]

Reporting on attacks on education in 2013 the Global Coalition to Protect Education from Attack notes that "student leaders were arrested for talking to students on campus. In January 2013, Zimbabwe National Students' Union (Zinasu) secretary-general Tryvine Musokeri and two other Zinasu leaders were arrested at Harare Polytechnic for addressing a crowd of students. They criticized government failure to provide students with grants and loans. In February 2013, a Gweru magistrate acquitted Zinasu president Pride Mkono and his deputy, Musokeri, on charges of violating the Public Order and Security Act after they were arrested for addressing students at Midlands State University the previous year".[635] In May 2013 six Youth Agenda Trust youth were arrested at Glen View primary school for mobilizing other youth to register as voters and detained from 10am until 10PM.[636]The Youth Agenda Trust (YAT) reports that "they were charged for criminal nuisance and were only released after YAT paid $10 each for the youth".[637]

For information on students being sent home from school for not paying fees, see *6.7. Education*.

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[629]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance*
[630]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*
[631]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. d. Arrest Procedures and Treatment of Detainees*
[632]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. a. Academic Freedom and Cultural Events*
[633]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1 c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* and *2. b. Freedom of Peaceful Assembly and Association*
[634]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[635] Global Coalition to Protect Education from Attack, *Education Under Attack 2014*, 2014, *Zimbabwe*
[636]Youth Agenda Trust, *Youth arrested for mobilizing peers*, 13 May 2013
[637]Youth Agenda Trust, *Youth arrested for mobilizing peers*, 13 May 2013

4.1.3.4. Protestors

The UK Foreign and Commonwealth Office reports that in 2013 "Freedom of association and assembly was frequently constrained by partisan police action, such as the use of repressive legislation, including the Public Order and Security Act and the Criminal Procedure and Evidence Act, to prevent and break up protests and rallies organised by the MDC political parties and civil society groups".[638]Amnesty International similarly reports in May 2014 that "Public order, security and criminal laws are being used to deny people their rights to freedom of expression, association and peaceful assembly, despite guarantees under the new Constitution".[639]

The 2013 U.S. Department of State report notes that "Police occasionally used excessive force to disperse demonstrators, resulting in injuries" and that "Although the government continued to harass university student unions for protesting against increased tuition fees, arrests of student demonstrators declined somewhat during the year".[640]The UK Foreign and Commonwealth Office report for 2013 notes that "Political space continued to be tightly controlled by the state either side of the election. The CSO [civil society organisation] Women of Zimbabwe Arise has faced repeated restrictions on its freedom of expression and assembly. In February [2013], approximately 30 members were beaten by ZRP officers while taking part in a peaceful demonstration. Five members were detained at Bulawayo Central Police Station and 13 members required medical treatment. This continued throughout the year and on 19 and 20 September [2013], members were arrested twice in one week for peaceful demonstrations to mark International Day of Peace".[641] Furthermore "On 29 November, several members of Women of Zimbabwe Arise (WOZA) were beaten in Bulawayo as they peacefully protested under their new 'right to petition' in the constitution".[642] Also see *4.1.4.Treatment of Civil society and human rights activists*.

The 2014 International Trade Union Confederation Global Rights Index reports:

> Police brutality towards the striking Hwange Mine Workers wives: On 7 October 2013, the Zimbabwe Republic Police fired teargas and beat up over 100 women, accompanied by their children, who were protesting against the Hwange Colliery Company Limited. The women walked for 20 km to the General Managers' office demanding their husbands' salaries owed over five months. Two women sustained serious injuries and were admitted to hospital. In April 2013, the company suspended 520 workers over salary disputes and alleged breach of the company's code of conduct. The workers had gone on strike over outstanding employee share option schemes which Hwange Colliery Company failed to provide.[643]

The Zimbabwe Human Rights NGO Forum reports that "On 19 November 2013, police in Nyanga, Manicaland province arrested and detained six villagers after they protested against the partisan distribution of some farming inputs sourced under a government-run scheme. The five villagers Lovemore Kenende, Gumisai Kenende, Norman Madakwenda, Chrispen Tabwa, Lawrence Madakwenda and Charity Katerere, who was breastfeeding her toddler were arrested and charged with theft in contravention of Section 113 of Criminal Law Code. The police claimed that the six

[638]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[639]Amnesty International, *Zimbabwe: Anniversary of new Constitution no cause for celebration*, 22 May 2014
[640]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. b. Freedom of Peaceful Assembly and Association*
[641]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[642]UK Foreign and Commonwealth Office,*Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Zimbabwe*, 31 December 2013
[643]International Trade Union Confederation, *Global Rights Index 2014 - Zimbabwe*, 19 May 2014

villagers stole 10kg bags of maize seed, which were meant to be given to some villagers under the government-run agricultural inputs assistance scheme. However the six villagers, who denied the charges, argued that they were denied access to the maize seed after they were accused of supporting the MDC-T party instead of President Robert Mugabe's Zanu PF party".[644]

The Zimbabwe Human Rights NGO Forum reports in its quarterly report covering January – March 2014:

> • On 18 January [2014], police dispersed congregates gathered at BaptistChurch for a prayer meeting organised by Ibhetshu Likazulu inBulawayo to commemorate victims of Gukurahundi. The police arguedthat the meeting was instead a demonstration. Again on 29 Februarypolice blocked another prayer meeting of the same victims byoccupying Stanley Square the proposed venue for the meeting. Againpolice argued that the event would stir emotions and end in violence.
> • On 13 February [2014], police banned a protest march organised by the Zimbabwe Human Rights Association (ZimRights) and 60 other civilsociety organisations to demonstrate against the abuse and misuse ofpublic resources by local authorities and some parastatals. The banwas effected in spite of ZimRights having notified Police of its intentionto stage the demonstration in Harare. Police argued among otherreasons that ZimRights did not furnish the police with information onthe regalia the protesters would be putting on.[645]

Amnesty International reports that "In April [2014] alone nearly a dozen demonstrators and community activists were arrested for organizing and taking part in peaceful protests in Masvingo".[646]The UK Foreign and Commonwealth Office reports that between July and September 2014, "we have also observed cases of public unrest and anti-government protests, though these have been handled peacefully by the government's riot police. On 31 July, approximately 150 Movement for Democratic Change-Tsvangirai youth members staged anti-government protests in Harare. They were angry at the government for failing to provide jobs and improve the economy. Further protests took place in August in Harare and Bulawayo".[647]

The same source reports that on 4 August 2014, "Zimbabwe Lawyers for Human Rights (ZLHR) reported that approximately 300 people were arrested in Chingwizi, accused of torching a police vehicle and assaulting police during a protest against the government. Police, along with reinforcement from the Zimbabwe National Army, arrested the villagers after they resisted the relocation of a medical clinic from Chingwizi transit camp, in a bid to force them to move to a new site before the government compensated them. The villagers were reportedly denied food while in police custody".[648] Also see *5.7. Persons displaced by government-backed dam project in Masvingo province.*

On 18 August 2014 "Harare riot police used batons to break up a demonstration by youth from the opposition Movement for Democratic Change (MDC) demanding that veteran President Robert Mugabe deliver on his pre-election promise to create two million jobs".[649] The BBC reported that on 27 August 2014 "Zimbabwean riot police have beaten opposition protesters who were trying to

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[644]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[645]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014
[646]Amnesty International, *Zimbabwe: Anniversary of new Constitution no cause for celebration*, 22 May 2014
[647] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update, 30 September 2014*, Updated 16 October 2014
[648] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update, 30 September 2014*, Updated 16 October 2014
[649]Agence France Presse, *Zimbabwe police beat opposition protesters: witnesses*, 18 August 2014

march to parliament to demand jobs. About 20 people were injured and two opposition MPs were among a dozen people briefly detained. The 100-strong crowd demanded measures to help reduce the unemployment rate, which stands at about 80%".[650] In November 2014 Heal Zimbabwe reported that it strongly condemned "the assault of Itai Dzamara, a journalist and human rights activist yesterday who has been leading the "Occupy Africa Unity Square" protests for several weeks. Dzamara sustained serious injuries from brutal assaults by more than 20 police officers. He together with fellow demonstrators have been holding the peaceful demonstrations calling on the Government to improve the lives of Zimbabweans".[651] The same source further notes that "Heal Zimbabwe notes that in the past weeks, the Zimbabwe Republic Police allowed violent ZANU PF demonstrations in Marondera, Masvingo, Mutare and Harare South respectively, but no assaults or arrests were reported. This selective application of the law is a cause of concern".[652]

Journalists covering protests have also been targeted.See *4.2.2.Treatment of critical journalists, bloggers, etc.*

4.1.3.5. Lawyers

In a May 2013 report Amnesty International notes that "Despite the formation of the GNU and the creation of the National Security Council, 18 the security services continued to operate in a partisan manner targeting supporters of the MDCs, human rights activists, lawyers, journalists and other government critics".[653]

Freedom House reports that during 2013 "In addition to legal harassment, NGOs, human rights lawyers, and civil society workers face extralegal harassment and arbitrary arrest by security services".[654]Also reporting on the situation in 2013 the UK Foreign and Commonwealth Office reports that "There were attacks on the media, judges and lawyers, HRDs [human rights defenders] and CSOs [civil society organisations, targeting those working on election-related issues".[655] The same source reports on the "the harassment of prominent human rights lawyer Beatrice Mtetwa who, in March [2013], was charged with obstructing the course of justice, whilst defending a client. She was detained for eight days, despite a High Court order for her release. High Court judge, Justice Charles Hungwe, who initially ordered the release, was professionally and personally attacked by state media for his actions. The state appointed a new judge to preside over the case, amid allegations of misconduct. This attack by state media could have long-term implications for other judges presiding over politically sensitive cases. The political interference is indicative of the problems in the justice system in Zimbabwe".[656]

The Zimbabwe Human Rights NGO Forum annual report covering 2013 notes that "The year also saw an increase in the attack on lawyers and judges. State-controlled and other partisan media attacked the personal and professional judge of the High Court of Zimbabwe (Justice Charles Hungwe), and

[650]BBC, *Zimbabwe police beat opposition marchers demanding jobs*, 27 August 2014
[651]Heal Zimbabwe, *Heal Zimbabwe condemns assault on peaceful demonstrators*, 7 November 2014
[652]Heal Zimbabwe, *Heal Zimbabwe condemns assault on peaceful demonstrators*, 7 November 2014
[653]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.2 ROLE OF THE SECURITY SERVICES IN RESTRICTING FUNDAMENTAL FREEDOMS*
[654]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[655]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014
[656]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014

the integrity of the judiciary and legal profession. Hate speech and false reporting was not only tolerated, but was in fact encouraged to continue with complete impunity".[657]The 2013 U.S. Department of State report notes that "The government also continued to harass and intimidate human rights lawyers when they attempted to gain access to their clients".[658]

On 9 May 2014 Radio Vop reported that "Prominent lawyer Trust Maanda was on Thursday arrested and charged with defeating the course of justice, in what appears to be a new campaign against rights defenders. Police allege that Maanda scuttled their investigations when he represented six ex-Mbada Diamond Mining firm workers who are suing the police for implicating them in a $3 million diamond theft case".[659] The same source further notes that "Andrew Makoni, who is part of Maanda's legal team, told this station that his client denies the charges which he views as 'an affront to the independence and integrity of the legal profession'. 'We also view these allegations against Maanda as an attempt by the police to deny the six litigants their constitutional right to representation by a legal practitioner of their choice' he said".[660]

The Zimbabwe Lawyers for Human Rights (ZLHR) submitted in July 2014 to the Parliamentary Thematic Committee on Human Rights that "Lack of security of members of the legal profession has been a challenge and in some instances, members of the legal profession have not been afforded the protection they deserve when carrying out their work, thus negatively impacting on their independence".[661]The 2013 U.S. Department of State report further notes that "Police confiscated, permanently or temporarily, the mobile phones of several human rights lawyers in order to obtain the details of their clients as well as case information from texts and e-mail exchanges".[662] The same source reports that during 2013 "A number of persons, including former government officials, prominent businessmen, human rights activists, MDC-T/N members, and human rights lawyers, left the country and remained in self-imposed exile due to fear of persecution".[663]

In November 2014 Heal Zimbabwe notes that Zimbabwe Lawyers for Human Rights Project Lawyer, Kennedy Masiye was assaulted while attempting to represent his clients, Itai Dzamara and other protesters at the "Occupy Africa Unity Square" demonstration.[664]Further reporting on the incident, Zimbabwe Lawyers for Human Rights notes that:

> Masiye produced his practising certificate issued by the Law Society of Zimbabwe in order to identify himself to the police. Instead of stopping the assault of his clients, the police officers knocked off his spectacles and threw away his practising certificate, stating: "We do not care about such things". Instead, they turned their baton-sticks on the lawyer. After being thoroughly assaulted, he managed to retreat and was forced to leave his clients at the mercy of the police.
> On attending at Harare Central police station in an attempt to file a report despite his serious condition, Masiye was arbitrarily detained, and his fellow lawyers (Andrew Makoni, Tonderai

[657]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Attacks on the legal profession*
[658]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* and *1 d. Arbitrary Arrest or Detention*
[659]Radio Vop, *Lawyer charged in new onslaught on rights defenders*, 9 May 2014
[660]Radio Vop, *Lawyer charged in new onslaught on rights defenders*, 9 May 2014
[661]NewsDay, *Rights Lawyers body demands resources, protection for lawyers*, 24 July 2014
[662]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. f. Arbitrary Interference with Privacy, Family, Home, or Correspondence*
[663]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*
[664]Heal Zimbabwe, *Heal Zimbabwe condemns assault on peaceful demonstrators*, 7 November 2014

> Bhatasara, and Irene Petras) had to search high and low for him, as police were attempting to hide his presence at the police station. […]
> Eventually Masiye was found and released into the custody of his colleagues. Police thereafter refused to assist in providing a medical examination form, making him and his lawyers wait until such time as the pain from the injuries was so severe that the lawyer collapsed and had to be rushed to a private hospital. Masiye sustained several injuries all over his body, and is expected to undergo surgery tomorrow to repair broken bones in his arm.[665]

Also see *4.1.3.4.Protestors*

4.1.4. Treatment of Civil society and human rights activists

The International Center for Not-for-Profit Law notes that "Zimbabwean law – and the selective application of that law – places severe restrictions on speech and advocacy activity, especially where the speech or advocacy is critical of government policy or focused on politically unpopular causes. Organizations that engage in advocacy find themselves operating within a landmine of laws which hinder free expression. The potential state response to CSO [Civil Society Organisation] advocacy can include arrests, raids, threats and malicious prosecution. Advocacy materials, publications and opinions are all prepared and published with due regard to these laws and potential sanctions".[666]

According to Freedom House's 'Freedom in the World' report covering 2013in Zimbabwe "Freedom of assembly is limited".[667] It provides the following overview of the legal restrictions on civil society and human rights activists:

> The 2002 POSA [Public Order and Security Act] requires police permission for public meetings and demonstrations and allows police to impose arbitrary curfews and forbids criticism of the president. The nongovernmental sector is active and professional, but NGOs are regularly subject to legal restrictions under POSA, the Criminal Law (Codification and Reform) Act, and the Private Voluntary Organisations Act. This legislation is often implemented in a partisan manner. In addition to legal harassment, NGOs, human rights lawyers, and civil society workers face extralegal harassment and arbitrary arrest by security services.[668]

Amnesty International has expressed concern over the use of the "Public Order and Security Act, the Miscellaneous Offences Act, the Criminal (Codification and Reform) Act, the Private Voluntary Organizations Act and the Electoral Act, to undermine the ability of human rights defenders to promote and protect human rights".[669]The International Center for Not-for-Profit Law provides a list of the relevant national-level laws and regulations affecting civil society.[670]

Amnesty International further reports in July 2013 that "At the close of 2012 amid speculation that Zimbabwe would hold elections as early as March 2013, Amnesty International documented increased targeting of human rights defenders and civil society organizations (CSOs). Human rights defenders (HRDs) and CSOs that could have played a critical role in contributing to national healing, ending impunity and conducting civic education were subjected to harassment and intimidation.

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[665]Zimbabwe Lawyers for Human Rights, *Police must answer for their continued impunity*, 6 November 2014
[666]The International Center for Not-for-Profit Law, *NGO Law Monitor: Zimbabwe*, 18 May 2014
[667]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[668]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[669] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.3 IMPROVE THE ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS AND NGOS*
[670]The International Center for Not-for-Profit Law, *NGO Law Monitor: Zimbabwe*, 18 May 2014

Some key activists were arrested and prosecuted in an effort to silence them".[671] Amnesty International further describes that ZANU-PF has been "suspicious and hostile especially to human rights groups and other critics of its policies and record in government" and claimed that "CSOs were part of a Western conspiracy to effect "illegal regime change" in Zimbabwe".[672] It further notes that "This discourse has also fuelled impunity for human rights violations against human rights defenders, media workers, NGOs and supporters of other political parties creating a narrative in which targeting of perceived critics of ZANU-PF is legitimised".[673]The International Crisis Group similarly reports in March 2013 on increased raids on NGOs, confiscation of documents and equipment, and allegations by police that "99% of NGOs engaged in regime change".[674]

In February 2013 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai reported that "In the context of proposed constitutional reforms and the elections, it is disturbing and shocking to learn that civil society organizations that have been operating for years, including election monitoring groups which aim to promote free and fair elections, have been searched by police".[675]Zimbabwe Lawyers for Human Rights reports that in the run up to the March 2013 constitutional referendum, "The ongoing and intensifying clampdown on CSOs and HRDs ahead of the referendum remains a matter of the greatest concern and has impacted negatively on the pre-referendum environment. The assault on CSOs has been strategic, intentional, well-planned, well-resourced and implemented. It has targeted organisations carrying out lawful activities that, for unknown reasons, appear to be a threat to certain institutions and actors. These include mobilisers, civic educators, human rights monitors, and service providers".[676] Freedom House reports that:

> The lead-up to the March [2013] referendum saw significant crackdowns on civil society organizations, including raids on over a dozen of Zimbabwe's most prominent NGOs in which files and equipment were confiscated and leaders arrested. In January [2013], Saviour Kasukuwere, then minster for youth and indigenization, declared that all youth organizations must be registered with the government's Zimbabwe Youth Council or be banned; that same month, over 40 members of the National Youths for Democracy Trust were arrested in Bulawayo during a voter registration campaign. Following the referendum, four employees from the prime minister's office and a lawyer for two of them, prominent human rights attorney Beatrice Mtetwa, were detained during a raid, held for a week, and charged with a variety of offenses. Mtetwa was acquitted in November [2013] of "defeating or obstructing the course of justice.[677]

The International Center for Not-for-Profit Law reports that "between October [2012] and July 2013, CSOs and their staff members were repeatedly targeted. A number of directors have since been charged with operating "illegally," which means not registered. In some cases the staff and other members implementing activities were arrested and charged with violating provisions of electoral, criminal, and public order laws. Before the July 2013 elections, instances of violence against CSOs

[671]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.1 HUMAN RIGHTS VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS*
[672]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.1 HUMAN RIGHTS VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS*
[673]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *4.1 HUMAN RIGHTS VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS*
[674]International Crisis Group, *Crisis Watch: Zimbabwe*, 1 March 2013
[675]OHCHR, *"Zimbabwe must respect fundamental freedoms in run-up to constitutional referendum," warn UN rights experts*, 27 February 2013
[676] Zimbabwe Lawyers for Human Rights (ZLHR), *Pre-Referendum statement*, 15 March 2013
[677]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

and other non-state continued, although it was not as overt as in 2008. Sophisticated tactics of intimidation were used".[678]Amnesty International reports that "In the run-up to the 31 July elections Amnesty International documented a systematic clampdown on the rights to freedom of expression, association and peaceful assembly directed at civil society organizations (CSOs). Police raided the offices and seized equipment of CSOs carrying out election-related activities, including voter education and domestic election observation, as well as those perceived to be critical of government policies. Members of several CSOs were arbitrarily arrested, unlawfully detained, faced trumped-up criminal charges, and unreasonably denied bail. Some spent long periods in remand prison awaiting trial. In all the cases documented, the activists were acquitted or the state abandoned the cases, or the cases are pending".[679] It further notes that "The organizations targeted by police in the run-up to the elections include the Zimbabwe Peace Project, Zimbabwe Human Rights Association, Counselling Services Unit, Zimbabwe Election Support Network, Election Resource Centre and Radio Dialogue".[680]

Also reporting on the build up to the elections, the UK Foreign and Commonwealth Office reports that:

> During the first half of the year, there was an increase in incidents of politically motivated intimidation, harassment, and threats of violence against NGOs and civil society organisations (CSOs) throughout the country. There were attacks on the media, judges and lawyers, HRDs and CSOs, targeting those working on election-related issues. The police and judiciary were used as a mechanism to disempower HRDs by bringing weak cases to court and prolonging final judgments. […]
> After the election, local CSOs and HRDs, which were targeted by ZANU-PF and state security forces pre-election, continued to be fearful of retribution and a clamp-down on democratic space. In July and August [2013], local CSOs received over a dozen reports of politically motivated cases of retribution, intimidation (e.g. threats of violence, death and abduction) and displacement. This included the attack on Mashonaland East official, Silent Dube, who was abducted from his farm.[681]

Human Rights Watch reports in its annual report covering 2013 that:

> A campaign of politically motivated abuses against civil society by the police began in December 2012 under the coalition government, and continues under the new administration.
> Police repeatedly arrested members of Women of Zimbabwe Arise as they peacefully protested human rights violations and the economic situation.
> Other attacks included the arbitrary arrest on March 17 [2013] and eight-day detention of human rights lawyer Beatrice Mtetwa, on charges of obstructing justice despite a High Court order for her release. In the lead-up to the July elections, police charged a number of civil society leaders, including Jestina Mukoko, director of the Zimbabwe Peace Project, Okay Machisa, director of Zimbabwe Human Rights Association, and Abel Chikomo, director of Zimbabwe Human Rights NGO Forum, with alleged violations of various laws under what appeared to be politically motivated attempts to curtail the human rights work of civil society organizations.
> Chikomo was required to report to the Harare police station on numerous occasions throughout the year and was eventually summoned to stand trial on August 1 [2013].[682]

Abel Chikomo was acquitted in November 2013 after the judge found he "had no case to answer".[683]Amnesty International reported that "the fact that it comes after three years of

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[678]The International Center for Not-for-Profit Law, *NGO Law Monitor: Zimbabwe*, 18 May 2014

[679] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.3 IMPROVE THE ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS AND NGOS*

[680] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.3 IMPROVE THE ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS AND NGOS*

[681]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014

[682] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Human Rights Defenders*

harassment is further confirmation that the police continue to abuse the law to hamper the work of human rights defenders".[684]The UK Foreign and Commonwealth Office report for 2013 notes with regards to Women of Zimbabwe Arise (WOZA) that it "has faced repeated restrictions on its freedom of expression and assembly. In February [2013], approximately 30 members were beaten by ZRP officers while taking part in a peaceful demonstration. Five members were detained at Bulawayo Central Police Station and 13 members required medical treatment. This continued throughout the year and on 19 and 20 September [2013], members were arrested twice in one week for peaceful demonstrations to mark International Day of Peace".[685] Furthermore "On 29 November [2013], several members of Women of Zimbabwe Arise (WOZA) were beaten in Bulawayo as they peacefully protested under their new 'right to petition' in the constitution".[686] Also see *4.1.3.4. Protestors*.

For further incidents of ill-treatment and restrictions on civil society in 2013, see Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *2b. Freedom of Association and Assembly, Specific violations.*

The U.S. Department of State reports that during 2013 domestic and international human rights groups were "subject to government restrictions, interference, monitoring, confiscation of materials and documentation, and other forms of harassment".[687] The same source further notes that:

> The government harassed NGOs it believed would expose abuses by government personnel or which opposed government policies, and it continued to use government-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that criticized the government and charged that their real agenda was regime change.
> Police arrested or detained local NGO members and harassed their leaders, often in connection with NGO meetings or demonstrations.
> Police and the CIO regularly followed and harassed consultants working with international and local human rights organizations. There were multiple reports of authorities turning around Western development and human rights experts at Harare airport without explanation and forcing them to depart on the earliest flight out of the country. The government, through the Reserve Bank of Zimbabwe, reviewed and occasionally closed the local bank accounts of NGOs suspected of receiving funding from Western countries. The local banks, under unknown direction, questioned account holders closely about foreign funding sources and, in most known cases, eventually allowed the organizations to reopen or unfreeze their accounts. There were extensive reports of police seizing radios distributed by NGOs and other civil society organizations, a move that observers assessed as intended to maintain the state-run media's dominance and limit the rural population's access to information.[688]

The Zimbabwe Human Rights NGO Forum report covering January to March 2014 reported that "During the period under review, law enforcement agencies continued to bringunfounded criminal

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[683] Amnesty International, *Zimbabwe's acquittal of activist a small step against climate of intimidation*, 22 November 2013

[684] Amnesty International, *Zimbabwe's acquittal of activist a small step against climate of intimidation*, 22 November 2013

[685]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014

[686]UK Foreign and Commonwealth Office,*Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Zimbabwe*, 31 December 2013

[687]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

[688]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

charges against human rights defenders. This appearsto be a systematic disregard of the right to free association and therebyrestricting the operating space for HRDs".[689] It documents the following incidents in the reporting period:

> • On 24 February [2014] Martha Tholanah, the Chairperson of Gays and Lesbians Association of Zimbabwe (GALZ) was summoned to appear at the Harare Magistrate Court on allegations of running an unregistered organisation in contradiction of the PVO Act. Charges of running an unregistered organisation arose in August 2012 after police raided and conducted a search at the GALZ offices in Harare. However, on 27 February 2014 Martha was acquitted of the charges. The acquittal was the second legal victory for GALZ in two consecutive months. Earlier, on 14 January 2014, High Court Judge, Justice Priscilla Chigumba ordered the return of GALZ property confiscatedduring a raid in August 2012 and further stated that GALZ is not obliged to register in terms of the Private Voluntary Organisation [Chapter 17:05] as it is not a private voluntary organisation and is specifically exempted by the Act.
> • On 13 February[2014], police assaulted members of Women of Zimbabwe Arise (WOZA) following their traditional Valentine Day protest march in Harare. WOZA members marched to parliament demanding an end to corruption and an improvement in the deteriorating standard of living.[…]
> On 13 February[2014], police banned a protest march organised by theZimbabwe Human Rights Association (ZimRights) and 60 other civilsociety organisations to demonstrate against the abuse and misuse ofpublic resources by local authorities and some parastatals. The banwas effected in spite of ZimRights having notified Police of its intentionto stage the demonstration in Harare. Police argued among otherreasons that ZimRights did not furnish the police with information onthe regalia the protesters would be putting on. […]
> •On 15 February [2014] armed riot police forced members of the Gimbok Southhousing society in Mutare to prematurely end their annual generalmeeting; and
> • In January [2014], five members of GALZ were arrested at a party in Bulawayo for wearing T-shirts inscribed with the message "same love".[690]

The Zimbabwe Human Rights NGO Forum report coveringApril to June 2014 reported that "During the period under review, violations against human rights defenders have largely been structural, emanating from the government's failure to align current legislation with the 2013 Constitution. Offending laws such as Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) remained in place and were applied selectively by state institutions at the expense of citizens' enjoyment of constitutional freedoms. Law enforcement agencies in particular continued to bring unfounded criminal charges against human rights defenders".[691] It provides the following examples:

> •On 8 May 2014, Trust Maanda, a human rights lawyer representing six ex-Mbada Diamond Mining firm workers who were suing the police, for implicating them in a $3 million diamond theft case, was arrested and charged with defeating the course of justice. The arrest of Maanda was described by Zimbabwe Lawyers for Human Rights as "a fresh assault on the legal profession" following a similar arrest of Beatrice Mtetwa in 2013.
> • In May [2014] Prosecutor-General of the National Prosecuting Authority (NPA) appealed against the acquittal of human rights lawyer Beatrice Mtetwa. Mtetwa was acquitted on charges of contravening the Criminal Law Act after an altercation with police in November 2013. The NPA application has been perceived by the Zimbabwe Lawyers for Human Rights (ZHLR) as continuing persecution of human rights defenders.[…]

[689]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014
[690]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014
[691]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014

> On 3 June[2014] a Radio and TV repair shop owner at Chawarura Business Centre, Muzarabani South, was barred by Zanu PF youths led by Rasy Chapata from accessing his shop because he had attended a meeting organised by ZimRights. The man was ordered to leave the premises.[692]

Zimbabwe Human Rights NGO Forum notes in its quarterly report covering July to September 2014 that "It is also important to note that during the period there were no cases of violations involving human rights defenders who in the past have been victims of unfounded criminal charges in a bid to curtail their operating space".[693] However the Zimbabwe Peace Project reports that in September 2014 in Mashonaland North "In Hwange Central, Transparency International Zimbabwe had its meeting disrupted by members of the CIO. The meeting had been cleared by the police and it was designed to discuss environmental issues. Hwange Central Member of Parliament Brian Tshuma, a Colliery mine official and an Environmental Management Agency official were supposed to make presentations at the meeting".[694]

4.1.5. Treatment of Civil servants

Amnesty International reports in July 2013 that "The public service in Zimbabwe is controlled by the Public Service Commission which is run bysomeone who is perceived to be a ZANU-PF loyalist. Civil servants who are seen to be aligned to theMDCs are at risk of losing their jobs".[695] The 2013 U.S. Department of State report similarly notes that:

> There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military. In September the government forcibly retired more than 100 civil servants who had previously served in the Office of the Prime Minister from public service. Those affected received letters terminating their employment, departing from the practice of redeploying staff to other ministries. The only criteria for their dismissal was the perception of allegiance to the former prime minister's MDC-T party. […]
> It remained common for ZANU-PF minister of local government Ignatius Chombo to appoint ZANU-PF supporters to bureaucratic positions in MDC-T-led local governments. City public administrators reportedly earned hugely inflated salaries. In most rural areas, the government appointed ZANU-PF activists as "special interest" councilors. After elections and through October, Chombo permitted some MDC-T local councilors to retain their seats even after they were dismissed from their party. Unqualified persons employed by the Public Service Commission remained on the state payroll. The majority served as Youth and Gender Officers in various ministries and other public entities. According to the most recent audit, approximately 75,000 of the 188,000 civil servants in the Public Service Commission did not have the requisite minimum qualifications, and only 86,000 civil servants possessed the requisite qualifications for their designated positions. Almost 14,000 names on the payroll were those of persons who were retired, deceased, absconded, transferred, or otherwise absent from their place of employment. The audit also uncovered duplicate personally identifiable information and files missing required documentation.[696]

The Zimbabwe Peace Project reports that in August 2014 in Manicaland "At Rusape General Hospital Albert Mashava, a Zanu PF supporter from the Ministry of Labour denied a female MDC-T activist

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[692]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[693]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014
[694]Zimbabwe Peace Project, *ZPP Monthly Monitor September 2014*, 17 October 2014
[695]Amnesty International, *Walk the Talk": Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections*, 12 July 2013, *Footnote 8*
[696]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 4. Corruption and Lack of Transparency in Government*

employment as a general worker on allegation that she belonged to the opposition party and therefore was not eligible to be employed in a government institution".[697]

4.1.6. Treatment of Trade unionists

Freedom House's 'Freedom in the World' report covering 2013 notes that:

> The Labor Relations Act allows the government to veto collective-bargaining agreements that it deems harmful to the economy. Strikes are allowed except in "essential" industries. Because the Zimbabwe Congress of Trade Unions (ZCTU) has led resistance to Mugabe's rule, it has become a particular target for repression. In recent years, Gertrude Hambira, secretary general of the General Agriculture and Plantation Workers' Union, has also been subject to focused harassment by the authorities. The ZCTU vocally rejected the 2013 elections results, citing pre-election violence and intimidation and flawed voter rolls.[698]

The 2013 U.S. Department of State report notes that "Authorities often denied requests by civil society, trade unions, or political parties other than ZANU-PF to hold public events if the agenda contradicted ZANU-PF positions".[699] It further reports that "Although the government continued to harass university student unions for protesting against increased tuition fees, arrests of student demonstrators declined somewhat during the year".[700] See *4.1.3.3. Students*.

The 2013 U.S. Department of State report notes that "While the law provides private sector workers the right to form or join unions, conduct legal strikes, and bargain collectively, these rights were abrogated by other provisions of law".[701]It further reports with regards to restrictions on trade unions that:

> The Ministry of Labor and Social Welfare did not effectively enforce applicable laws, in part, due to a shortage of personnel. The rights to form or join unions, strike, and bargain collectively were not respected in practice. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. Although the law does not require unions to notify the police of public gatherings, such notification was required in practice. Authorities often denied permission to unions that applied. Police misinterpreted the Public Order and Security Act (POSA). The ministry claimed it was working on educating police because the act does not apply to labor issues. Unions risked suspension of their registration for 12 months for minor infractions, and union members could be fined and imprisoned for participating in union activities. […]
> Police continued to deny application by the Zimbabwe Congress of Trade Unions (ZCTU)--an umbrella group of unions--to hold ZCTU-organized events. In September police banned a ZCTU procession, citing POSA, but a High Court judge overturned the ban and the march continued as planned. Nevertheless, police and state intelligence services regularly attended and monitored trade union activities. On January 18, police demanded to participate in ZCTU meetings.
> An International Labor Organization (ILO) commission of inquiry confirmed in 2010 that the government was responsible for serious violations of fundamental rights, including the freedom to organize trade unions, the right to collective bargaining, the right to strike, and protection of trade unionists from discrimination. The commission found the violations to be both systematic and

[697]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[698]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[699]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. b. Freedom of Assembly*
[700]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 2. b. Freedom of Peaceful Assembly and Association*
[701]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 7 a Freedom of Association and the Right to Collective Bargaining*

> systemic, as evidenced by a clear pattern of acts of intimidation, including arrests, detentions, violence, and torture by the security forces against ZCTU-affiliated trade unionists' events nationwide. Public authorities have withheld the registration certificate for the Zimbabwe Metal, Energy, and Allied Workers' Union for more than seven years.[702]

The 2014 International Trade Union Confederation Global Rights Index gave Zimbabwe a country rating of 5 explaining that "Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights, workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices".[703] It documents the following incidents in 2013:

> Suspension of Farai Katsande: Farai Katsande, President of the Zimbabwe Banks and Allied Workers' Union, who was suspended from his position in the Infrastructure Development Bank of Zimbabwe on 15 October 2013 for allegedly absenting himself from work while he was attending a union activity in Kenya. Previously bank management attempted to prevent Farai Katsande from engaging in trade union activities by promoting him to a supervisory position which would have disqualified him from his union membership.
> 21 union leaders dismissed for leading a strike: 21 labour union leaders were dismissed in January 2013 for allegedly spearheading 12 days of industrial action at Falcon Gold Dalny Mine in Kadoma. Two of them were reinstated in unclear circumstances in a move described by the appellants as a "divide and rule" tactic. On 15 May 2013, 19 of the workers have taken the matter to the Labour Court contesting their dismissal. According to the National Mine Workers' Union of Zimbabwe (NMWUZ), Falcon Gold Dalny Mine threatens the existence of a registered trade union. After the strike in January, the company dismissed the entire branch of the union.
> Police brutality towards the striking Hwange Mine Workers wives: On 7 October 2013, the Zimbabwe Republic Police fired teargas and beat up over 100 women, accompanied by their children, who were protesting against the Hwange Colliery Company Limited. The women walked for 20 km to the General Managers' office demanding their husbands' salaries owed over five months. Two women sustained serious injuries and were admitted to hospital. In April 2013, the company suspended 520 workers over salary disputes and alleged breach of the company's code of conduct. The workers had gone on strike over outstanding employee share option schemes which Hwange Colliery Company failed to provide.[704]

In addition to documenting the above incidents, the 2013 U.S. Department of State report also notes that:

> Police interrupted a May Day commemoration, claiming that the ZCTU did not have permission to march and stating that they would get reinforcements to break up the gathering. By the time police reinforcements arrived three hours later, the event had ended.
> In December 2012 police arrested Cosmas Sunguro and Tawanda Zhou while they were leading a union recruitment drive in Chiadzwa for diamond field workers. The two men were charged with trespassing, despite Sunguro being a resident in the area. Both men were part of an earlier abrupt mass dismissal of an estimated 1,500 workers who participated in a strike over pay and working conditions at the Chinese-owned Anjin Investments diamond mines, where workers were allegedly subjected to physical, verbal, and sexual abuses by the employers. Observers believed the arrests were likely intimidation related to a pending suit in which Sunguro, Zhou, and others were seeking damages for labor and human rights violations from their previous employer. As of October [2013], Sunguro was still fighting charges against him through multiple court hearings, and Zhou had fled to South Africa, citing continued harassment by the government. Simultaneously, a ZANU-PF-aligned mining union successfully blocked the application for official registration of the Zimbabwe Diamond

[702]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 7 a Freedom of Association and the Right to Collective Bargaining*
[703]International Trade Union Confederation, *Global Rights Index 2014 - Zimbabwe*, 19 May 2014
[704]International Trade Union Confederation, *Global Rights Index 2014 - Zimbabwe*, 19 May 2014

> and Allied Workers Union, which Sunguro and his supporters formed late in 2012, and the matter was pending at year's end.[705]

The Zimbabwe Human Rights NGO Forum reports that "On 30 June [2014] Chatfield farm workers in Darwendale were beaten up by their employer, a CIO operative together with his work colleague, in front of their families, for demanding payment for their labour. The farm workers reportedly last received payment in December 2013".[706]

The Zimbabwe Peace Project reports that in July 2014 in Harare "At Chitungwiza Municipality Head Office, Chitungwiza Municipality workers were on strike over non- payment of their salaries for over fourteen months, They were harassed and intimidated by Zanu PF youths who were urging the municipality to fire the striking workers and replace them".[707]

The Zimbabwe Peace Project reports that in August 2014 "the manager at Ingwe Safaris which is part of Kanondo Safaris owned by Minister of Transport Obert Mpofu was assaulted by unknown soldiers, for inciting co-workers to demand their salaries for the past 9 months. The soldiers came at around 1900hrs and called the victim and told him that they were sent by Minister Mpofu to attend to the workers problem, but when he came out of the farm house he was assaulted by the soldiers who used Mopani tree branches. He sustained some bruises and sores. They further accused him of being a sell-out".[708]

4.2. Freedom of the Media

4.2.1. Control of the internet and the media / censorship

According to Freedom House's 2013 'Freedom of the Press' report, "Press freedom in Zimbabwe remained restricted in 2013, although improvements in the media environment as a result of previous reforms, as well as a more relaxed attitude by officials toward year's end, contributed to overall gains during the year. Access to information continued to be tightly controlled".[709] The same source further notes that "Legal harassment and a continued lack of movement to enact regulatory reforms, particularly in the broadcast sector, remained primary concerns".[710]Reporters Without Borders ranks Zimbabwe as 135th out of 180 countries on its 2014 World Press Freedoms Index.[711]

With regards to legal provisions relating to freedom of the media Freedom House reports that:

> The new constitution, signed into law in May 2013, provides for freedom of expression and access to information, subject to some limitations, and was seen as an improvement on its predecessor. However, an otherwise 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, and gives the information minister sweeping powers to decide which publications can operate legally and who is able to work as a journalist. Unlicensed journalists can face criminal charges and a sentence of up to two years in prison. In addition, the Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act severely

[705]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 7 a Freedom of Association and the Right to Collective Bargaining*
[706]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[707]Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014
[708]Zimbabwe Peace Project, *ZPP Monthly Monitor August 2014*, 31 August 2014
[709]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[710]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[711]Reporters Without Borders, *World Press Freedoms Index*, 2014

> limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor their content to prevent a "serious offense" or a "threat to national security."[712]

Human Rights Watch reports in its annual report for 2013 with regards to the implementation of these provisions that:

> Sections of AIPPA and POSA that provide criminal penalties for defamation, or for undermining the authority of, or insulting the president, have routinely been used against journalists and human rights defenders. Police often misuse provisions of POSA to ban lawful public meetings and gatherings. Activists and journalists continue to be wrongly prosecuted and charged under these laws.[713]

The Zimbabwe Human Rights NGO Forum annual report for 2013 notes that "The Broadcasting Services Act [Chapter 12:06], (the Broadcasting Services Act) continued to be used to stifle lawfully operational alternative media and voices. Through it, the police, since the beginningof the year, arbitrarily sought to "ban" alternative sources of media – namely short-wave radiosthereby depriving people in rural communities of alternative sources of information as they could notafford to buy newspapers, and in most cases, there is no frequency for state controlled broadcasting".[714] The U.S. Department of State report notes that in 2013 "The government continued to restrict freedom of the press. The Ministry of Media, Information, and Publicity (MMIP) continued to control the state-run media tightly. High-ranking ZANU-PF officials used the media to threaten violence against critics of the government. MMIP officials routinely threatened independent news organizations with the loss of their licenses for criticizing ZANU-PF and President Mugabe".[715]

The Zimbabwe Human Rights NGO Forum further reports that"The new constitution guarantees civil liberties including freedom of speech, press and media andassembly and association. However, there were ongoing serious human rights abuses, including thetight control of electronic media and further controls on mobile telephone communications. Suchmass surveillance affected the ability of opposition political parties to organize, and the lack ofprivacy afforded to them had a huge bearing on democratic progress".[716]

The UK Foreign and Commonwealth Office reports that "On 12 June [2014], the Constitutional Court ruled against the Criminal Defamation Law, which curtailed the freedom of journalists. As a result, on 20 June [2014], two journalists, editor Stanley Gama and reporter Fungai Kwaramba, were released from remand prison on charges of defaming businessman Kamal Khalfan".[717] The same source reported in June 2014 that:

> The media continues to be heavily state-controlled with the state monopoly on TV station, radios and newspapers. In April [2014], Freedom House's latest annual report retained its 2013 rating of Zimbabwe as "not free" for civil liberties, political rights and press freedom. The political rights rating did improve slightly due to a decline in harassment and violence against political parties and opposition supporters during the 2013 elections.

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[712]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014

[713] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Freedom of Expression, Association, and Assembly*

[714]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Report Summary, Specific findings*

[715]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance* and *2. a. Freedom of Speech and Press*

[716]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *2a. Freedom of Speech and of the Press*

[717]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014

> A more vibrant and more independent media environment is slowly emerging with more newspapers and radio stations emerging and fewer reports of the harassment of journalists. On 20 May [2014], the Broadcasting Authority of Zimbabwe shortlisted 18 applicants for local commercial radio licences, although doubts remain about how genuinely independent any of these will be. On 17 June [2014], police raided the offices of community radio station, Radio Kwelaz in Kwekwe, Midlands, for operating illegally without a broadcasting licence and that the production of CDs is a violation of the Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA).[718]

In September 2014 the same source noted that:

> Media reform continues to be slow, and illegal community radio stations are still targeted by the government. In our last quarterly update, we reported that the government were going to allocate new commercial radio licenses and open up the airwaves. However, community radio stations are still denied licences and suffering harassment. On 17 June [2014], the Zimbabwe Republic Police raided the offices of Radio Kwelaz in Kwekwe on allegations of illegally broadcasting in contravention of the Broadcasting Services Act (BSA). The raid resulted in the confiscation of laptops and 1,223 CDs holding recordings of development information for the community.[719]

With regards to censorship Freedom House notes that:

> Faced with legal restrictions as well as the threat of extralegal intimidation, many journalists practice extensive self-censorship, particularly regarding sensitive issues such as corruption or factional fighting within ZANU-PF. However, during the year, there was relatively more reporting on issues such as official corruption and malfeasance, with coverage ranging from low-level officials to Mugabe and his family. […]
> The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs the vast majority of broadcast media outlets, which are subject to overt political interference and censorship. ZBC coverage overwhelmingly favors ZANU-PF, and this was particularly true during the elections.[720]

- Freedom of the internet

According to Freedom House reporting in January 2014, "Internet content is rarely blocked or filtered, though various ruling party officials publicly expressed a desire and intent to do so as access expands".[721] According to the 2013 U.S. Department of State report "The law permits the government to monitor all communications in the country, including internet transmissions, and the government sometimes restricted access to the internet. For example, the government blocked Blackberry's internet services for Zimbabwean-registered Blackberries, including its messaging service, because these services were encrypted and did not comply with the Interception of Communications Act, which allows the government to intercept and monitor communications".[722]

In its 'Freedom on the net' report covering 1 May 2012 to 31 April 2013 the Freedom House notes that:

> Despite the lack of internet censorship, in the week leading up to the July 31 elections, the telecommunications regulator POTRAZ [Postal and TelecommunicationsRegulatory Authority of

[718]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014
[719] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: update, 30 September 2014*, 16 October 2014
[720]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[721]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[722]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance* and *2. a. Freedom of Speech and Press*

> Zimbabwe] reportedly issued a directive to the private mobile phone provider, Econet, to block the dissemination of bulk SMS messages sent through its international gateway. Meanwhile, the independent community radio station, Radio Dialogue, reported frequent internet disconnections in its office, and internet café owners reported slow internet connectivity. While the government's hand behind the disruptions could not be confirmed, state control over two of the country's five international gateways, as well as the state's ability to issue directives to private telecom providers, increase the likelihood of deliberate government interference.[723]

The UK Foreign and Commonwealth Office reports in its annual report covering 2013 that "Individual civil liberties were further infringed on 1 October [2013], when the government tightened controls on electronic media and enacted new postal and telecommunications regulations, which permit security agencies to intercept telephone calls, text messages and internet communications. Shortwave radios and the sending of bulk text messages were banned".[724]Freedom House reports in January 2014 that:

> Access to the internet is limited by service disruptions caused by frequent power outages, although costs have significantly decreased due to greater competition in the telecommunications sector. Zimbabwe has a relatively high rate of internet penetration for Africa, at nearly 19 percent of the population in 2013. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are increasingly popular among those with internet access, and diaspora media also distribute news and information via mobile-telephone text messaging. Social media have also taken on a more important role in the news and information environment, with politically-focused posts by the "Baba Jukwa" profile on Facebook attracting a significant following during the year.[725]

With regards to internet monitoring Freedom House reports that:

> The Post and Telecommunications Act of 2000 allows the government to monitorcommunications, including e-mail, and requires ISPs [internet serviceProviders] to supply information to government officialsupon request.The act also obligates ISPs to report any e-mail with "offensive" or "threatening"content. Meanwhile, the Interception of Communications Act [ICA] of 2007 established a Monitoring ofInterception of Communications Center with the powers to oversee traffic in alltelecommunications services and to intercept phone calls, e-mails, and faxes under the pretext of national security.[…]
>
> Warrants allowing the monitoring and interception of communications are issued by the minister ofinformation at his discretion; consequently, there is no substantial judicial oversight or otherindependent safeguard against abuse. The extent and frequency of monitoring therefore remainsuncertain. There are also reports that the Central Intelligence Organization monitors all networksconnected to the IP world's routing system through the Interception of Communications Unit,which is administered by a top ZANU-PF politician.[…]
>
> Following the passage of the ICA in 2007, there were unconfirmed reports that Zimbabwe'sgovernment had received surveillance technology and training from China, and suspicions ofChinese technical assistance in controlling ICTs remain strong.62 More recently in March 2013, thenews and internet radio station, Nehanda Radio, reported that it had confirmed a "massive" cybertraining program that had begun in 2007 with assistance from Iranian intelligence organizations. According to the report, personnel from the Zimbabwean armed forces and the CIO have beenundergoing intensive cyber training in "technological warfare techniques, counter-intelligence andmethods of suppressing popular revolts among others, every six months."[726]

[723]Freedom House, *Freedom on the Net 2013- Zimbabwe*, 3 October 2013
[724]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe,* 10 April 2014
[725]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[726]Freedom House, *Freedom on the Net 2013- Zimbabwe*, 3 October 2013

4.2.2. Treatment of critical journalists, bloggers, etc.

Freedom House reports that authorities continued to exploit legal provisions "to harass and punish journalists in 2013, often with the complicity of law enforcement agents".[727] The UK Foreign and Commonwealth Office reports that "The Criminal Law Act, which criminalises defamation and insulting or undermining the authority of the President, was increasingly used by the police throughout the beginning of 2013".[728] The Zimbabwe Human Rights NGO Forum reports that "Just like in 2012, 2013 witnessed a rise in the abuse of police powers and court procedures clamping down on civil liberties. Since 2010, there has been a dramatic increase in the arbitrary application of Section 33 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] (the Criminal Law Code), where individuals have been charged with allegedly "insulting or undermining the authority of the President" with ZLHR [Zimbabwe Lawyers for Human Rights] attending to 65 cases where clients have fallen foul of this law".[729]For further information see *4.1.2.3. Treatment of suspected MDC supporters/government critics by the security forces/ ZANU-PF aligned actors*.

Freedom House reports that in 2013 "Journalists faced verbal intimidation, physical attacks, arbitrary arrest and detention, interception of communications, and financial pressure at the hands of the police, government officials, and supporters of both political parties during the year. Many were harassed while attempting to cover news events or sensitive political issues such as the constitutional reform process, the presidential elections, or abuses at diamond mines".[730]The U.S. Department of State report for 2013 similarly notes that "Security forces arbitrarily harassed and arrested local and foreign journalists who reported unfavorably on government policies or security force operations. Senior ZANU-PF officials also criticized local and foreign independent media outlets for allegedly biased reporting that discredited President Mugabe and misrepresented the country's political and economic conditions".[731]According to the Committee to Protect Journalists, 17 journalists were detained in 2013.[732]

Freedom House reports on the following incident in 2013:

> In February [2013], a NewsDay reporter was arrested on criminal insult charges filed by an ousted ZANU-PF official after the reporter went to a police station seeking protection from death threats made by the same official. In May, two journalists with the private weekly Zimbabwe Independent faced criminal charges of "publishing false statements" after they filed a story on secret discussions between the military and the opposition Movement for Democratic Change (MDC) party to negotiate a post–ZANU-PF transition after the elections. Criminal defamation charges filed in July 2011 against Nevanji Madanhire, editor of the weekly Standard, and two other staff members at the paper remained stalled in the court system in 2013, pending a Supreme Court decision on the case. Politicians and other prominent figures also continued to file civil defamation cases against journalists, demanding exorbitant amounts in damages. Although many of the cases are eventually dismissed by the courts, charges can remain pending for months, leading to financial and logistical hardships for the journalists involved.[733]

[727]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[728]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[729]Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Insult and defamation laws*
[730]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[731]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 1. b. Disappearance* and *2. a. Freedom of Speech and Press*
[732]Committee to Protect Journalists, *Attacks on the Press 2013: Zimbabwe*, February 2014
[733]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014

Freedom House's 'Freedom on the net' report notes that "there are no laws that specifically protect online modes of communication, andbloggers are not recognized as eligible for accreditation as journalists".[734]With regards to violations of user rights the same report notes that in early 2013:

> Two mobile phone users were arrested during the coverage period for sending text messages that allegedly insulted the president. An investigative report in early 2013 uncovered evidence of a "massive" cyber training program for Zimbabwean security agents facilitated by Iranian intelligence organizations.[735]

Freedom House reports that in the run up to the constitutional referendum:

> Ahead of the March [2013] constitutional referendum, police announced a ban on the possession of "specially designed radios," apparently targeted at hand-cranked and solar-powered radios distributed by NGOs and used to access expatriate radio stations like Radio Voice of The People, Studio 7, and Short Wave Radio Africa. Devices were confiscated during a number of raids, including a March raid on the offices of Radio Dialogue in Bulawayo.[736]

It further notes that "journalists faced pressure and a spate of physical attacks in the run-up to national elections held in July [2013]".[737] Reporting on further incidents of arrest and harassment Reporters Without Borders notes in May 2013 that:

> The privately-owned newspaper NewsDay has also been the target of police harassment. Ropafadzo Mapimhidze, a NewsDay reporter based in Masvingo, 300 km south of Harare, was summoned and questioned by the local police in February about one of her articles.
> Daily News editor Stanley Gama was summoned to Masvingo the following month and asked to reveal his sources for an article about a resumption of terrorist activities in the area. Gama is currently accused of libelling a Zanu-PF representative in a report about the alleged rape of an 11-year-old girl.
> Often threatened and interrogated and sometimes prosecuted, independent media personnel are hounded by the national police, the security forces and the Central Intelligence Organization, which follow orders from Mugabe and his aides.[738]

The UK Foreign and Commonwealth Office reports that:

> In May [2013], the editor and chief reporter of The Independent newspaper, Dumisani Muleya and Owen Gagare respectively, were arrested and charged for allegedly publishing falsehoods, in a story claiming the MDC-T was in negotiations with military and police service chiefs aimed at preventing political instability. However, positive steps were taken by the Constitutional Court, when, on 8 November, it declared this law unconstitutional. It also moved to challenge the constitutionality of other sections of the Criminal Law Act, including the arrest of journalists on allegations of publishing falsehoods.[739]

In June 2013 Reporters Without Borders noted that "The ruling Zanu-PF party is not alone in showing hostility to the media and in opposing press freedom. Members of the opposition are also responsible for a climate of intimidation".[740] It further notes that:

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[734]Freedom House, *Freedom on the Net 2013- Zimbabwe*, 3 October 2013
[735]Freedom House, *Freedom on the Net 2013- Zimbabwe*, 3 October 2013
[736]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[737]Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[738] Reporters Sans Frontières,*Journalists still being harassed as elections loom*, 25 May 2013
[739]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[740] Reporters Sans Frontières,*Zimbabwe - Opposition also threatens media*, 21 June 2013

> On 7 June [2013], journalist Herbert Moyo of the weekly Zimbabwe Independent, was attacked by young MDC members while covering a demonstration in the Sunningdale neighbourhood of Harare, the capital. Moyo was taking photos of demonstrators when a group of young men surrounded him and beat him. MDC spokesman Douglas Mwonzora, stepped in to end the attack.
> The day before, Tsvangirai bodyguards roughed up Mashudu Netsianda, a reporter for the daily Chronicle Newspaper in Bulawayo, before seizing his notebook and deleting recordings he had made on his mobile phone.
> In May [2013], the prime minister himself threatened the media. "You cannot have a newspaper with six articles saying Tsvangirai this and Tsvangirai that," he said. "Every day! Ragai vakadaro. But musi umwe gava richadambura musungo (Leave them like that, but one day the tables will be turned). That kind of media has no future in a democratic Zimbabwe. "I want to tell you this, muchadya izvozvo (you will face the music)."[741]

As noted by Freedom House:

> In June 2013, there were a number of reports of threats and harassment against journalists who attempted to cover rallies and events organized by both ZANU-PF and the MDC. Also that month, freelance journalist Paul Pindani was kidnapped and severely beaten by masked assailants in the town of Chinhoyi. It is believed the attack was in connection with an uncredited NewsDay story on the arrest of a ZANU-PF member alleged to have been involved in a fatal attack on a local businessman, though Pindani did not write the story. Professional and media-monitoring organizations such as the Zimbabwe Union of Journalists, the Media Monitoring Project of Zimbabwe (MMPZ), and the local chapter of the Media Institute of Southern Africa (MISA) are also occasionally subject to official harassment. […]
> Vendors and distributors of independent newspapers are occasionally harassed by soldiers or ruling party supporters.[742]

The Zimbabwe Human Rights NGO Forum reports that "On 15 August [2013], police resumed their onslaught against journalists by devoting two days to interrogate Jan Raath, a veteran foreign correspondent for The Times, a British newspaper over the publication of a story alleging that the government had orchestrated a (secret) deal to export uranium raw materials to Iran for the manufacture of nuclear weapons. Detective Chief Inspector Run'anga led the interrogation in which the police expressed concern over what they claimed to be "publication or communication of false statements prejudicial to the State." On Thursday 15 August [2013], the veteran journalist returned to Harare Central Police Station's Law and Order Section, where he appended his signature to an affidavit detailing his contribution to the newspaper article after interrogations, which lasted for an hour".[743]

Freedom House further reports that:

> In a significant development, in October 2013, the Constitutional Court ruled in favor of two journalists—Madanhire and Standard reporter Nqaba Matshazi—who had appealed their convictions under Zimbabwe's criminal defamation law; the court found the law to be unconstitutional. The ruling came just days after the minister of information, media and broadcasting services, Jonathan Moyo, announced that the government was planning to repeal the statutes to align current laws with the new constitution.[744]

[741] Reporters Sans Frontières, *Zimbabwe - Opposition also threatens media*, 21 June 2013
[742] Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014
[743] Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Rule of law,Specific violations*
[744] Freedom House, *Freedom of the Press 2014 - Zimbabwe*, 1 May 2014

For additional examples of ill-treatment and restrictions on journalists in 2013, see Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *2a. Freedom of Speech and of the Press, Specific violations.*

The Committee to Protect Journalists reports that "At least two journalists reported being attacked, threatened, and obstructed in January 2014 in Zimbabwe, while a third was summoned to court a year after being charged, according to news reports".[745] The Zimbabwe Human Rights NGO Forum reports that "between the period January and February [2014] the Media MonitoringProject Zimbabwe (MMPZ) documented 12 cases relating to violation offreedom of expression and of the media. Violation of this right was in somecases a result of law enforcement agencies invoking section 33 and 31 of theCriminal Law Code which criminalises utterances likely to insult the office orperson of the President. Section 31 makes "publishing or communicating falsestatements prejudicial to the state" a crime".[746] It documents the following incidents:

> • In January [2014], Gumisai Manduwa a teenager from Odzi, Manicaland was arrested under section 33 of the Criminal Law Code for reportedly posting a joke on Facebook alleging that President Mugabe had died and was being preserved in a freezer.
> • On 25 January [2014] Godfrey Mtimba, a Daily News reporter, was reportedly assaulted by suspected ZANU PF youths while covering a US embassy youth meeting in Masvingo. The ZANU PF youths, led by Talent Majoni, were apparently provoked by US President Barack Obama's decision to exclude President Mugabe from the US-Africa summit, to be held in August.
> • On 16 February [2014] Kelvin Ufumeli, a journalist was attacked by MDC-T youths while covering a rally addressed by the party's leader Morgan Tsvangirai in Glen Norah.[747]

In its quarterly report covering April to June 2014 the Zimbabwe Human Rights NGO Forum reports that:

> In April and June 2014 respectively, community radio initiatives, Radio Dialogue and Radio Kwelaz were raided by police under suspicions they were in violation of the Broadcasting Services Act when they were not in breach of any legislation.
> On 3 May [2014] police banned the march to mark World Press Freedom Day. Baton wielding riot police blocked the peaceful march by journalists after police had withdrawn authorisation sanctioning the march and road show to continue. The Minister of Information expressed displeasure over the actions of the police in banning the march, which was later re-scheduled to a later date.
> On 28 April [2014] Nevanji Madanhire, the editor of the Newsday and a reporter were charged with contravening the criminal law, after they published a story alleging police partial responsibility for the death of a four-year old who was killed by a minibus fleeing from the police.[748]

A year after the new Constitution had been passed into law, Amnesty International reported in May 2014 that "Independent journalism is under threat with journalists regularly arrested and charged".[749]The UK Foreign and Commonwealth Office reports that:

> On 19 June [2014], the editor of the Sunday Mail, Edmund Kudzayi, was arrested and charged with "attempting to commit an act of insurgency, banditry, sabotage or terrorism" and "subverting the

[745]Committee to Project Journalists, *Zimbabwean journalists report being attacked, threatened*, 25 February 2014
[746]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014
[747]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014
[748]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[749]Amnesty International, *Zimbabwe: Anniversary of new Constitution no cause for celebration*, 22 May 2014

constitutional government". All the charges carry a life sentence upon conviction. He is accused of attempting to subvert a constitutionally elected government and communicating statements that are prejudicial to the state. He is also accused of running a fictional Facebook profile called Baba Jukwa, which is critical of ZANU-PF. Local reporting suggests this is a politically motivated attack, rather than an attack directly on press freedom.

On 12 June [2014], the Constitutional Court ruled against the Criminal Defamation Law, which curtailed the freedom of journalists. As a result, on 20 June, two journalists, editor Stanley Gama and reporter Fungai Kwaramba, were released from remand prison on charges of defaming businessman Kamal Khalfan.[750]

The Committee to Project Journalists reports that in July 2014 police detained Helen Kadirire, a reporter for the independent Daily News for several hours after she started to cover a demonstration by the Mutoko North Development Trust, a local community organization.[751] Reportedly police arrested Kadirire accused her of inciting the local population to protest, detaining her for several hours and then releasing her without charge the next day.[752]

Agence France Presse reports that in August 2014 Zimbabwe police beat and arrested opposition activists and a journalist during a demonstration by youth from the MDC demanding the creation of jobs.[753] It further notes that "A reporter from the privately-owned Zimbabwe Mail said her colleague, photojournalist Angela Jimu, was also beaten by police at the Harare rally and had two of her cameras and a mobile phone confiscated".[754]Also see *4.1.3.4.Protestors*

Zimbabwe Human Rights NGO Forum reports that "The Media Institute of Southern Africa-Zimbabwe (MISA) recorded the following further cases violating freedom of the media:

- On 2 September [2014], the Chairperson of the Broadcasting Authority of Zimbabwe, Dr. Tafataona Mahoso banned recordings and social media postings of proceedings during public hearings for prospective commercial radio station applicants in Bulawayo. As a result, BAZ confisticated recorders belonging to two journalists, Lifaqane Nare and Mvelo Zondo. The two only got their recorders after the hearings.
- On 21 September [2014], the Zimbabwe Mail Online Editor, Privilege Musvanhiri was assaulted and arrested by Harare Municipal Traffic Enforcement Officers while he was taking pictures of clashes between the Municipal police and touts. His phone was confisticated and he was detained and later released.[755]

On 23 October 2014 the Committee to Project Journalists (CPJ) reports that "Tapiwa Zivira, a journalist who produces multimedia content for the privately owned independent paper Newsday, was in downtown Harare on Wednesday and was filming police detaining street vendors allegedly trading without a permit and other individuals, he told CPJ. Police have been photographed previously by Newsday taking heavy-handed action against touts marshaling commuters into taxis. Zivira said that when police saw him recording their actions, they began to beat him with their fists and batons and threw him into the police van. He was held for four hours at the police station before he was released. Zivira said he was badly bruised and had a torn ligament in his foot. He said

[750]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014
[751]Committee to Project Journalists, *In Zimbabwe, journalist detained for covering demonstration*, 9 July 2014
[752]Committee to Project Journalists, *In Zimbabwe, journalist detained for covering demonstration*, 9 July 2014
[753]Agence France Presse, *Zimbabwe police beat opposition protesters: witnesses*, 18 August 2014
[754]Agence France Presse, *Zimbabwe police beat opposition protesters: witnesses*, 18 August 2014
[755]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report, July-September 2014*, September 2014

that police returned his recording device, but deleted the footage, and did not return his press card".[756]

In November 2014 Heal Zimbabwe reported that it strongly condemned "the assault of Itai Dzamara, a journalist and human rights activist yesterday who has been leading the "Occupy Africa Unity Square" protests for several weeks. Dzamara sustained serious injuries from brutal assaults by more than 20 police officers. He together with fellow demonstrators have been holding the peaceful demonstrations calling on the Government to improve the lives of Zimbabweans".[757]

4.3. Freedom of Conscience and Freedom of Religion (including spiritual movements)

4.3.1. Legal framework

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 includes the following provisions of relevance to freedom of conscience and freedom of religion:

> Chapter 1 […]
> Article 3 Founding values and principles
> (1) Zimbabwe is founded on respect for the following values and principles - […]
> (c) fundamental human rights and freedoms;
> (d) the nation's diverse cultural, religious and traditional values;
> (e) recognition of the inherent dignity and worth of each human being;
> (f) recognition of the equality of all human beings; […]
> (2) The principles of good governance, which bind the State and all institutions and agencies of government at every level, include – […]
> (h) the fostering of national unity, peace and stability, with due regard to diversity of languages, customary practices and traditions;
> (i) recognition of the rights of –
> (i) ethnic, racial, cultural, linguistic and religious groups […]
>
> Chapter 4 […]
> Part 2 […]
> 56 Equality and non-discrimination […]
> (3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in our out of wedlock. […]
> 60 Freedom of conscience
> (1) Every person has the right to freedom of conscience, which includes-
> (a) freedom of thought, opinion, religion or belief; and
> (b) freedom to practice and propagate and give expression to their thought opinion, religion or belief, whether in public or in private and whether alone or together with others.
> (2) No person may be compelled to take an oath that is contrary to their religion or belief or to take an oath in a manner that is contrary to their religion or belief.
> (3) Parents and guardians of minor children have the right to determine, in accordance with their beliefs, the moral and religious upbringing of their children, provided they do not prejudice the rights to which their children are entitled under this Constitution, including their rights to education, health, safety and welfare.
> (4) Any religious community may establish institutions where religious instruction may be given, even if the institution receives a subsidy or other financial assistance from the State.[758]

[756] Committee to Protect Journalists, *Journalist attacked, detained for recording police in Zimbabwe*, 23 October 2014
[757] Heal Zimbabwe, *Heal Zimbabwe condemns assault on peaceful demonstrators*, 7 November 2014
[758] *Constitution of Zimbabwe Amendment (No.20) Act.2013*, *Chapter 1 (3) and Chapter 4 (56 and 60)*

4.3.2. Religious demography

The U.S. Department of State report 'International Religious Freedom Report for 2013 – Zimbabwe' contained the following religious demographic information:

> The U.S. government estimates the total population at 13.2 million (July 2013 estimate). According to the Evangelical Fellowship of Zimbabwe (EFZ), 84 percent of the population is Christian. The EFZ's 2004 census estimates the Christian population is 33 percent Catholic; 42 percent evangelical or Pentecostal; 17 percent Anglican, Methodist, or Presbyterian; and 8 percent Apostolic. There are a significant number of independent Pentecostal and syncretic African churches. The majority of the population also adheres to indigenous religions. Religious leaders reported a continued increase in observance of indigenous religious practices, often simultaneously with Christianity. Approximately 14 percent of the population adheres solely to indigenous religious beliefs. Approximately 3 percent of the population is Muslim, primarily immigrants of Mozambican and Malawian descent. The Muslim population is concentrated in rural areas and in some high-density suburbs. Small numbers of Greek Orthodox, Jews, Hindus, Buddhists, and Bahais make up less than 1 percent of the population.[759]

The CIA 'World Factbook: Zimbabwe' noted that 50% were of "syncretic" belief ("part Christian, part indigenous"), 25% Christian, 24% indigenous beliefs, and 1% "Muslim and others".[760]

4.3.3. Treatment by State actors

The Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report' which covers the period from 31 January 2011 to 31 January 2013 noted that "Zimbabwe is a mainly Christian country, with small minorities practicing Islam or following traditional African cults. Nevertheless, Catholics and Protestants are losing more and more ground to African Independent or "white garment churches" and Pentecostal churches that mushroomed during the economic crisis. Belief in the power of spirits, ancestors and witchcraft remain deeply entrenched. Religious dogma plays no significant role in the state's legitimacy and its legal order, though religious authorities are widely respected by the political leadership and the population. They play an active part in politics, and politicians often refer to religious norms and values in public statements. However, there are reports of increasing attempts by the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC) parties to mobilize churches, especially indigenous-led ones, for political support in elections. This tendency has intensified with regard to African Independent churches. Before ZANU-PF sided for more than a decade with the Anglican Church in hope of political support; it took sides with the highly controversial Bishop Kunonga until he was excommunicated and stripped of his properties in 2012".[761]

According to the U.S. Department of State's annual report on religious freedom covering 2013 "the constitution and other laws and policies protect religious freedom and, in practice, there was a positive change in the government's respect for religious freedom. There continued to be restrictions, however, on public gatherings and individuals, including occasionally of religious groups and their members perceived to be critical of the government".[762] The same U.S. report further noted that "Political elites tend to be members of established Christian mainstream or Pentecostal

[759] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 28 July 2014, *Section I. Religious Demography*
[760] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Religions*
[761] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *I. Political Transformation, 1 Stateness*
[762] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 28 July 2014, *Executive Summary*

churches. Some Apostolic groups support the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and are especially prevalent in ZANU-PF political strongholds".[763] It also reported that "The 2002 Public Order and Security Act (POSA) restricts freedom of assembly, expression, and association. While POSA exempts religious activities and events, the government has categorized as political any public gathering, including religious gatherings, critical of ZANU-PF […] The government continued to invoke POSA to prevent or disrupt public gatherings. Compared to previous years, it rarely targeted the public events and prayer rallies of religious groups. There were a few unconfirmed reports that some religious gatherings in rural areas were targeted".[764]

Freedom House reported in its annual report covering 2013:

> While freedom of religion has generally been respected in Zimbabwe, church attendance has become increasingly politicized. In the 2000s, some religious groups and individual pastors faced harassment and arrest. The mainstream Anglican Church was one of the churches most affected by political struggles, culminating in a November 2012 Supreme Court ruling that returned control of Anglican Church properties to Bishop Chad Gandiya of Harare. The ruling ended a six-year campaign by excommunicated pro-Mugabe bishop Nolbert Kunonga to seize the sites. Religious communities were somewhat less affected by political struggles in 2013.[765]

In its 2013 'Human Rights and Democracy Report' the UK Foreign and Commonwealth Office stated in the section on Zimbabwe that:

> In 2012, we reported on the long-running legal battle involving excommunicated former Bishop Dr Nolbert Kunonga, in which the Supreme Court ruled in favour of the Anglican Church in Harare. On 27 February [2013], the Supreme Court issued another judgment in favour of the Anglican Church in Manicaland and, in April, the Anglicans finally regained their properties, including the cathedral. The service to mark reoccupation of the cathedral was well-attended, with the Archbishop of Zambia presiding and bishops from across Zimbabwe, Zambia, Malawi and South Africa participating. The British Ambassador in Harare also attended the service.
> At the ZANU-PF 14th annual conference in December [2013], Local Government Minister, Ignatius Chombo, threatened to ban emerging religious groups and sects deemed to be promoting Satanism and homosexuality. He said all churches should be registered and monitored by the government to avoid religious fundamentalism.[766]

A research paper published in October 2014 by the Konrad-Adenauer Stiftung, focusing on 'The Political and Social Impact of Prophetic Churches in Zimbabwe' reported that "Zimbabwean political leaders' interaction with the churches has been influenced by political expedience and utilitarian motivations. These church leaders command large following and their constituency is tapped into various motivations".[767]

The same research paper noted with regards to President Mugabe and his party, ZANU-PF:

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[763] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 28 July 2014, *Section I. Religious Demography*
[764] U.S. Department of State, *International Religious Freedom Report for 2013 – Zimbabwe*, 28 July 2014, *Section II. Status of Government Respect for Religious Freedom, Legal/Policy Framework and Government Practices*
[765] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014
[766] UK Foreign & Commonwealth Office, *Human Rights and Democracy Report 2013: Zimbabwe – Country of Concern*, 10 April 2014, Last updated 16 October 2014, *Freedom of religion or belief*
[767] Konrad Adenauer Stiftung (Nonimous Hameno), *The Political and Social Impact of Prophetic Churches in Zimbabwe*, October 2014

> President Robert Mugabe enjoys a symbiotic relationship with what is called the Apostolic church (Mapostori) in Zimbabwe. Mapostori are a syncretistic church in Zimbabwe, mixing traditional African beliefs with Christian teachings. This group has pledged loyalty to President Mugabe and ZANU-PF, his party; instructing all adherents to vote for his party in the past election […] and pledging to support and help him and his party win the next election in 2018.[768]

List of non-exhaustive illustrative examples of incidences of state actors violating freedom of conscience/freedom of religion during 2013/2014

In February 2013 Nehanda Radio reported that "ZANU PF on Friday upped their game of winning Apostolic sect members, dishing out residential stands to Johane Masowe worshippers and urging them to vote for the party in this year's watershed polls […] The party pledged to dish out more land under the Zvido Zvemagamba housing co-operative to the church followers, whose membership is estimated to be around five million. Tome [acting governor Alfred Tome] warned the church against applying for land via MDC-T councillors saying they would never get any from them".[769]

In June 2014 SW Radio Africa reported that "The selective application of the law was apparent this week. Members of the Johane Masowe church were being hauled to court for beating police officers, while officers watched as ZANU PF youths destroyed the church's shrine. As three members of the Masowe sect were being remanded in custody Monday about 100 youths raided the church's shrine where they destroyed all the artifacts they found on the site in retaliation of the bashing of the police and state journalists by worshippers last week".[770]

Reporting on human rights violations in the period April – June 2014, the Zimbabwe Human Rights NGO Forum reported:

> On 2 June, ZANU PF youths under police watch raided and burned the shrine of Johane Masowe weChishanu on the outskirts of Budiriro suburb, Harare. They destroyed all fabrics and clay pots they found on the shrine in retaliation for the attacks on police officers and journalists by the sect members on 30 May.[771]

In July 2014 News Day reported that houses "belonging to four leaders of the Johane Masowe yeVadzidzi in Gomo village, Mashonaland Central, were razed down by suspected Zanu PF supporters who accused them of wielding too much political influence in the area. The assailants allegedly belong to a popular apostolic church led by Aaron Mhukuta popularly known as Wimbo. Villagers told NewsDay that last week, the houses belonging to Ishmael Magodi (Stebilon) Edson Mukohwa (Astron), Peter Tabviroona (Akinoji) and Maxwell Kapasura, all part of the church leadership were destroyed by the Zanu PF youths. The youths accused the four of campaigning for one Zacks Pamacheche against Labour minister Nicholas Goche during party primary elections held last year before the July general elections".[772]

In Mashonaland East in July 2014 "In Uzumba Maramba Pfungwe members of Ruponeso Apostolic Faith were told to denounce MDC-T in favour of Zanu PF to remain as church members at Kagonde village".[773]

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[768] Konrad Adenauer Stiftung (Nonimous Hameno), *The Political and Social Impact of Prophetic Churches in Zimbabwe*, October 2014
[769] Nehanda Radio, *Zanu PF bribes Mapostori with stands*, 10 February 2013
[770] SW Radio Africa, *Zimbabwe: Police Watch As Zanu-PF Youths Destroy Masowe Shrine*, 3 June 2014
[771] Zimbabwe Human Rights Forum, *Quarterly Political and Human Rights Violations Report April – June 2014 2014*, July 2014, *Economic Social and Cultural rights, c) Property violations*
[772] News Day, '*Zanu PF afraid of Mapostori'*, 3 July 2014
[773] Zimbabwe Peace Project, *ZPP Monthly Monitor July 2014*, 31 July 2014

4.3.4. Treatment by members of society

With regards to societal abuses or discrimination, the U.S. Department of State report noted that no such reports existed but that "tensions between some Christian churches and indigenous Christian groups on issues of polygamy, modern medicine, education, and political exclusion continued".[774]
For example, in May 2014 the UK Foreign and Commonwealth office reported that "members of the Johanes Masowe eChishanu apostolic church, based in the high-density Harare suburb of Budiriro, attacked several police officers and a ZBC [Zimbabwe Broadcasting Corporation] cameraman. The violence erupted when President Bishop Johannes Ndanga of rival sect, the Apostolic Christian Council of Zimbabwe, called for the Masowe eChishanu church to be banned over alleged human rights abuses towards women and children and visited Budiriro with anti-riot police. Journalist bodies and human rights organisations condemned the violent attack. There has been no formal decision by the state to ban the sect".[775]

4.3.5. Religious practices and human rights violations

- See also the COI contained under sub-sections *6.2 Sexual and Gender-based violence* and *6.6 Child rape and abuse*.

A research report by the Research and Advocacy Unit on societal perceptions on rape in Zimbabwe published in April 2013 found that certain religious practices increased women's chances of getting raped such as "early marriages […] among the Apostolic Sects […], forced marriages, false prophecies, and dreams in the apostolic faith about who should become whose wife or that sex can be used for healing HIV/AIDS, and the religious teaching for women to be submissive".[776]

In February 2014 a Marange villager and volunteer counselor for vulnerable young girls told IRIN that "In Marange, the prevalence of Apostolic religious communities advocating a boy's education ahead of a girl's, has seen some parents encouraging their daughters to enter the commercial sex trade to support the family".[777]

A June 2014 SW Radio Africa article reported that "Among some of the allegations against the church [Johane Masowe church] are forced marriages, virginity testing and a range of other rules which include a ban on seeking medical attention for sick babies".[778]

A written statement submitted by the International Institute for Peace, Justice and Human Rights to the UN Human Rights Council in September 2014 reported that "It is common in Zimbabwe for families to hold traditional practices, and religious attitudes that contribute as a factor to sexual violence. One example is a traditional ritual of prescribing sexual intercourse with a virgin child as treatment to enhance wealth, to treat HIV/Aids and other Sexually Transmitted Infections. Spiritual ritual Chiramu of the Shona culture is one example that encourages brothers-in-law and mothers-in-

[774] U.S. Department of State, *International Religious Freedom Report for 2013 – Zimbabwe*, 28 July 2014, *Section III. Status of Societal Respect for Religious Freedom*
[775] UK Foreign & Commonwealth Office, *Human Rights and Democracy Report 2013: Zimbabwe – Country of Concern Update: 30 June 2014*, Last updated 16 October 2014, *Freedom of religion or belief*
[776] Research and Advocacy Unit (Rau), *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013*, 4.3.2 Religious practices*
[777] IRIN, *Zimbabwe's misery diamonds*, 7 February 2014
[778] SW Radio Africa, *Zimbabwe: Police Watch As Zanu-PF Youths Destroy Masowe Shrine*, 3 June 2014

law to participate in sexual intercourse and activity with a niece/nephew virgin child as a means of curing HIV. The risk of sexual abuse is high and such practices exploit their innocence".[779]

A research paper published in October 2014 by the Konrad-Adenauer Stiftung, focusing on 'The Political and Social Impact of Prophetic Churches in Zimbabwe' reported that "stories of church leaders having sexual relations with several women in the church being in polygamous relationships and even raping women are not unusual […] Zimbabwean political leaders' interaction with the churches has been influenced by political expedience and utilitarian motivations. These church leaders command large following and their constituency is tapped into various motivations".[780]

4.4. Freedom of movement

The Constitution of Zimbabwe as amended in March 2013 and which is to be cited as 'Constitution of Zimbabwe Amendment (No.20) Act.2013' includes the following provision in relation to freedom of movement:

> Chapter 4 […]
> Part 2 […]
> 66 Freedom of movement and residence
> (1) Every Zimbabwean citizen has-
> (a) the right to enter Zimbabwe;
> (b) immunity from expulsion from Zimbabwe; and
> (c) the right to a passport or other travel document.
> (2) Every Zimbabwean citizen and everyone else who is legally in Zimbabwe has the right to-
> (a) move freely within Zimbabwe;
> (b) reside in any part of Zimbabwe; and
> (c) leave Zimbabwe.[781]

Freedom House noted in its annual report covering 2013 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. High passport fees inhibit legal travel. At the same time, badly underfunded immigration and border authorities lack the capacity to effectively enforce travel restrictions […] Aside from a brief period surrounding the election, travel within the country is freer of roadblocks by security forces, and foreign travelers are subject to less harassment upon leaving and entering the country".[782]

The U.S. Department of State reported in its 2013 annual human rights report that "the constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, but the government restricted these rights […] Police made in-country movement difficult by regularly mounting checkpoints nationwide along most major routes. In urban areas a single road could have several roadblocks in the span of a few miles. Despite court injunctions against "on-the-spot" fines, police levied fines for minor offenses ranging from five to several

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[779] International Institute for Peace, Justice and Human Rights (IIPJHR), *Written statement submitted by the International Institute for Peace, Justice and Human Rights (IIPJHR), a non-governmental organization in special consultative status*, 4 September 2014, *Sexual Abuse of Children, The Republic of Zimbabwe*

[780] Konrad Adenauer Stiftung (Nonimous Hameno), *The Political and Social Impact of Prophetic Churches in Zimbabwe*, October 2014

[781] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 1 (3), Chapter 2 (22) and Chapter 4 (56 and 83)*

[782] Freedom House, *Freedom in the World 2014: Zimbabwe*, 23 January 2014, *G. Personal Autonomy and Individual Rights*

hundred dollars and demanded immediate payment".[783] The same report further noted with regards to foreign travel and exile:

> The new constitution provides for specific rights to leave the country and entitlement to travel documentation, such as passports and emergency or temporary travel documents. It further provides for immunity from expulsion from the country for all citizens. Nevertheless, the Office of the Registrar General continued to deny passports to citizens based on its interpretation of the Citizenship Act, which requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain Zimbabwean citizenship.
> A number of persons, including former government officials, prominent businessmen, human rights activists, MDC-T/N members, and human rights lawyers, left the country and remained in self-imposed exile due to fear of persecution.[784]

In October 2014, the Zimbabwe Peace Project reported "there were reports of harassment, intimidation and assault of people in Chiadzwa by private company security guards who have unilaterally imposed restrictions on people's movement in the diamond mining area".[785]

5. People internally displaced by violence and human rights violations

5.1. Scale of internal displacement

According to figures provided by the Internal Displacement Monitoring Centre (IDMC), Zimbabwe had:

- 36,000 conflict-related internally displaced people (IDPs) as of December 2013, as a result of the violence associated with the 2008 elections[786]
- 43,809 disaster-related newly internally displaced people in 2013.[787]

However, the IDMC noted that "This figure [of 36,000 conflict-related IDPs] excludes people displaced by other causes outside conflict and violence, including government policies and actions that have caused internal displacement since 2000. Those affected include former farm workers and their families who were either evicted from their property under a fast-track land reform programme, or who were forced to leave after losing their jobs as agricultural workers. Others were displaced as a result of evictions from informal urban settlements and by a government crackdown against informal mine workers".[788]

The IDMC also reported the following caveat to the figures it published:

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[783] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 2., d. Freedom of Movement, Internally Displaced Persons, protection of Refugees, and Stateless Persons*

[784] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 2., d. Freedom of Movement, Internally Displaced Persons, protection of Refugees, and Stateless Persons*

[785] Zimbabwe Peace Project, *Monthly Monitor: October 2014*,*Executive Summary*

[786] The IDMC however notes that "This is based on the figure made public in 2009 by the United Nations Office for Coordination of Humanitarian Affairs in its Consolidated Appeal document for Zimbabwe (UNOCHA, 29 May 2009), though anecdotal sources placed the number much higher. Most of those displaced have allegedly been able to return home". See Internal Displacement Monitoring Centre, *Zimbabwe IDP Figures Analysis*, Undated

[787] Internal Displacement Monitoring Centre, *Zimbabwe,* Undated

[788] Internal Displacement Monitoring Centre, *Zimbabwe IDP Figures Analysis*, Undated

> Internal displacement in Zimbabwe has been to a large extent an unrecognised phenomenon, but the government acknowledged it in 2008 and conducted a preliminary IDP assessment, albeit limited in scope, with the United Nations in August 2009 (Government of Zimbabwe and UN, February 2010). The government has not yet released publicly the results of the assessment, but it was highlighted at the time that the joint assessment called for a joint quantitative survey of all IDPs in the country, to establish their number and locations. Such a survey would be an important step towards establishing the extent of the displacement crisis in Zimbabwe and it is still strongly supported by civil society organisations.
> In the absence of a comprehensive survey, estimating the total number of IDPs is difficult because a significant number have been displaced more than once, and many have returned to their places of origin or have settled either locally or elsewhere in the country.[789]

According to UNHCR there are just over 60,000 IDPs in Zimbabwe.[790]

5.2. General conditions of internal displacement

The U.S. Department of State annual human rights report covering 2013 noted that:

> The overall rate of displacement decreased, but IDPs from previous years remained in near emergency conditions, with an overwhelming majority living without basic sanitation. […]
> Government-led humanitarian assistance programs were insufficient to meet the needs of targeted populations and were subject to increased politicization during the year, with farm inputs and food aid sometimes being channeled through patronage networks or denied to those perceived as supporting ZANU-PF's opponents. Despite this discrimination, the government generally cooperated with international agencies and NGOs providing humanitarian assistance. During the year restrictions sometimes occurred at the local level, especially in periods preceding the referendum and elections. In the month before elections, local authorities in Manicaland ordered NGOs operating in that province to cease activities. Local officials charged that some NGOs advocated regime change (see section 5). Contractors and NGOs independent of the government that carried out food security and other assessments faced challenges in accessing certain rural districts. In isolated cases local authorities advised organizations against traveling to farms involved in ownership disputes, where workers might be at risk.[791]

According to the Internal Displacement Monitoring Centre (IDMC) as of December 2013 "IDPs' conditions varied widely during 2013, depending on the cause of their displacement and the length of time they had been displaced. Their needs ranged from emergency humanitarian assistance to interventions aimed at securing durable solutions. Poor security of tenure and a lack of access to civil registration and documentation presented major obstacles for a significant number, both to their attaining a durable solution and to their accessing essential services such as education and health care".[792]

In August 2014 Newsday Zimbabwe reported that "as health services in the country continue to deteriorate, the poor, in both urban and rural areas, have been hit hard resulting in unnecessary loss of life. Hopley Farm, an informal settlement located on the southern periphery of Harare, with nearly 10 000 internally displaced inhabitants, is one such area where human health is heavily compromised. A farmhouse at the camp has been turned into a clinic where residents are expected to access basic treatment, but concerns about the rapidly growing population has overstretched

[789] Internal Displacement Monitoring Centre, *Zimbabwe IDP Figures Analysis*, Undated
[790] UNHCR, *Zimbabwe*, Undated [Last accessed 14/01/2015], *Statistical Snapshot as at July 2014*
[791] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1., e. Denial of Fair Public Trial, Property Restitution*
[792] Internal Displacement Monitoring Centre, *Zimbabwe: Internal displacement in brief*, 31 December 2013

health delivery service at the clinic" with a lack of maternity health services forcing expecting mothers to "turn to apostolic faith healers known as madzibaba for assistance".[793]

5.3. 2013 election-related displacement

- See also the COI contained under sub-section *2.2.2 Violence in the run-up to and during the election*.

According to the Internal Displacement Monitoring Centre "A negligible number of displacements were reported in the run-up to and during the 2013 elections".[794]

Similarly, the Zimbabwe Peace Project reported: "The environment was generally calm with a few cases of harassment and threats of eviction for supporting the opposition party during the 2013 elections" in Midlands.[795] However, in August 2013 Amnesty International reported that

> Women political activists in rural Zimbabwe told Amnesty International they have been threatened with violence and forced to flee with their children for refusing to reveal their vote to supporters of Robert Mugabe's party during harmonized elections. The women said they resisted instructions from Zanu-PF supporters to feign illiteracy, blindness or physical injury, which would have meant someone else marking the ballot on their behalf. At least six women said they left home with their 12 young children after facing intimidation from village heads in Mukumbura district, Mashonaland Central Province soon after the 31 July poll […] The displaced women activists, some of whom said they had to leave children behind, told Amnesty International that more families are in the same predicament and remain stranded in the Mukumbura district under threat of violence.[796]

Similarly, the Zimbabwe Human Rights NGO Forum's annual report covering 2013 noted the following:

> The post-election retribution cases continued throughout the country with hundreds of families reportedly left homeless as a result of forced evictions. Hundreds of families in Banket, Mashonaland West were left homeless after police allegedly set their houses on fire during the month of October claiming they were illegal settlers. Coupled with the rainy season, families were pushed into a desperate situation as police claimed they were illegally settled on a farm owned by a senior police officer. The main officer was reportedly stationed in Chinhoyi. The families claimed they were resettled at the farm located in Mapinga near Banket just before the July 31 harmonised elections but the situation changed after the elections as they were ordered to vacate the property.
> In a related incident, a Zanu PF chairperson identified as Albert Nzitsa served 10 families from Mukoko Farm in Mazowe South, Mashonaland Central with eviction orders. The ten families were to vacate there to pave way for the expansion of Batanai Primary School. The victims however said they were being targeted since they were actively involved in supporting the MDC-T during the elections.
> On 7 October [2013], eight families were left homeless after a "new farmer" evicted them from their lodgings following a protest they staged for non-payment of their wages. Felix Pambukani, who took over Wakefield Farm in Chegutu, Mashonaland West province during the government endorsed land grab exercise, teamed up with his family members, some plot holders in the surrounding farming area and other sympathetic farm workers to conduct the unlawful eviction during a period preceding the

[793] NewsDay Zimbabwe, *Expecting mothers turn to Vapostori for midwifery*, 10 August 2014
[794] Internal Displacement Monitoring Centre, *Zimbabwe IDP Figures Analysis*, Undated
[795] Zimbabwe Peace Project, *Monthly Monitor: April 2014*,30 April 2014, *Incidences of politically motivated violations*
[796] Amnesty International, *Zimbabwe: Women forced to flee their homes for refusing to reveal their vote*, 6 August 2013

> harsh summer season without a valid court order in violation of Section 74 of the Constitution of Zimbabwe which provides for freedom from arbitrary eviction.
> During the eviction, some of the families' property was destroyed walls and windowpanes were removed from their residences exposing their possessions to the harsh weather. Pambukani and his associates, used truncheons to batter the employees. Four farm workers were hospitalised after sustaining injuries from the assault. The farm workers and their families were forced to camp in the open along the Harare-Chegutu highway with their young children and possessions. Meanwhile, the Zimbabwe Republic Police on 06 October began recording statements from the farm employees after the workers' lawyer Kennedy Masiye from Zimbabwe Lawyers for Human Rights filed a report at Chegutu Police Station on Saturday 5 October on behalf of the eight families. The police had been reluctant in taking action. [797]

The Inter Press Service (IPS) also reporting in August 2013 stated that "Marylyn Chikate, a widow and mother of six from Harare's Mbare Township suburb, says she was evicted from her home in the now Zanu-PF-run parliamentary constituency after militias linked to Zanu-PF accused her of voting for the opposition".[798]

SW Radio Africa reported in September 2013 that

> Dozens of families that had been settled by ZANU PF in the midlands province are currently living by the roadside, after they were allegedly evicted two weeks ago when election results were announced. It has also been reported that hundreds of formerly unemployed youth from Gokwe, who had been given gold-panning licenses before the election, had their licenses revoked just after the election and are now banned from the area. The panning operations have been taken over by ZANU PF chefs […] "ZANU PF even put two extra polling stations there for this election, in order to accommodate all the people they had resettled in the area. I guess they were not pleased with the election results so they were told it was illegal to settle there," Muguti [MDC-T Provincial Chariman for the Midlands] explained.[799]

Amnesty International noted in a November 2013 report that "Following the general elections on 31 July, human rights monitors recorded at least 150 people who became internally displaced following threats by village heads after they refused to be assisted to vote, which would have compromised the secrecy of their vote. Cases of politically motivated internal displacements were recorded in Mashonaland East, Mashonaland West, Mashonaland Central and Midlands provinces as well as in Harare".[800]

5.4. Farm workers and others displaced by land reform or facing other human rights violations

5.4.1. Legal Framework

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 provides the following property rights, rights to agricultural land, and right to freedom from arbitrary evictions:

> Chapter 4 […]
> Part 2 […]

[797] Zimbabwe Human Rights NGO Forum, *Rule of Law and Democracy 2013 Annual Report*, 8 January 2014, *Section 1b. Organised Violence and Torture,Specific violations*
[798] Inter Press Service, *Zimbabwe's Electoral Commission Shaken by Vote*, 8 August 2013
[799] SW Radio Africa, *Families and gold panners evicted in ZPF Midlands retribution*, 6 September 2013
[800] Amnesty International, *Zimbabwe: Human rights agenda for the government, 2013 – 2018*, 25 November 2013, *4.2 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY*

71 Property rights […]
(3) Subject to this section and to section 72, no person may be compulsorily deprived of their property except where the following conditions are satisfied -
(a) the deprivation is in terms of a law of general application;
(b) the deprivation is necessary for any of the following reasons –
(i) in the interests of defence, public safety, public order, public morality, public health or town and country planning; or
(ii) in order to develop or use that or any other property for a purpose beneficial to the community;
(c) the law requires the acquiring authority –
(i) to give reasonable notice of the intention to acquire the property to everyone whose interest or right in the property would be affected by the acquisition;
(ii) to pay fair and adequate compensation for the acquisition before acquiring the property or within a reasonable time after the acquisition; and
(iii) if the acquisition is contested, to apply to a competent court before acquiring the property, or not later than thirty days after the acquisition, for an order confirming the acquisition;
(d) the law entitles any person whose property has been acquired to apply to a competent court for the prompt return of the property if the court does not confirm the acquisition; and
(e) the law entitles any claimant for compensation to apply to a competent court for the determination of –
(i) the existence, nature and value of their interest in the property concerned;
(ii) the legality of the deprivation; and
(iii) the amount of compensation to which they are entitled;
and to apply to the court for an order directing the prompt payment of any compensation […]
72 Rights to agricultural land […]
(2) Where agricultural land, or any right or interest in such land, is required for a public purpose, including - […]
(c) the relocation of persons dispossessed as a result of the utilization of land for the purpose referred to in paragraph (a) or (b);
the land, right or interest may be compulsorily acquired by the State by notice published in the Gazette identifying the land, right or interest, whereupon the land, right or interest vests in the State with full title with effect from the date of publication of the notice.
(3) Where agricultural land, or any right or interest in such land, is compulsorily acquired for a purpose referred to in subsection (2) –
(a) subject to section 295(l) and (2), no compensation is payable in respect of its acquisition, except for improvements effected on it before its acquisition;
(b) no person may apply to court for the determination of any question relating to compensation, except for compensation for improvements effected on the land before its acquisition, and no court may entertain any such application; and
(c) the acquisition may not be challenged on the ground that it was discriminatory in contravention of section 56.
(4) All agricultural land which –
(a) was itemized in Schedule 7 to the former Constitution; or
(b) before the effective date, was identified in terms of section [6B(2)(a)(ii) or (iii) of the former Constitution;
continues to be vested in the State, and no compensation is payable in respect of its acquisition except for improvements effected on it before its acquisition. […]
(7) In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a programme of land reform, the following factors must be regarded as of ultimate and overriding importance –
(a) under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation;
(b) the people consequently took up arms in order to regain their land and political sovereignty, and this ultimately resulted in the Independence of Zimbabwe in 1980;
(c) the people of Zimbabwe must be enabled to re-assert their rights and regain ownership of their land: and accordingly –
(i) the former colonial power has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement, through an adequate fund established for the purpose; and

> (II) if the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement […]
> 74 Freedom from arbitrary eviction […]
> No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.[801]

5.4.2. Overview of land reform programme

The U.S. Department of State provided the following background in its 2013 annual human rights report with regards to Zimbabwe's land reform programme:

> A 2005 constitutional amendment transferred title of all land previously acquired for resettlement purposes to the government, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. The 2006 Gazetted Land (Consequential Provisions) Act requires all farmers whose land the government forcibly seized 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 approximately 4,500 large-scale and primarily white-owned farms in the country for seizure and redistribution to black citizens, particularly ZANU-PF supporters.[802]

An article published by Daily News in April 2014 further explained that:

> Government turned it into policy in 2000, ostensibly to correct a historical imbalance which saw five percent of the minority white people owning 80 percent of the arable land in the country. Under this programme, according to a 2010 research document published by Weaver Press entitled; Zimbabwe's Land Reform; Myths and Realities, eight million hectares of land were re-distributed among 160 000 households. Another report spearheaded by former chief Cabinet secretary to President Robert Mugabe, Charles Utete on agrarian reform states that 135 000 households had been resettled by mid-2003, on A1 and A2 farms.
> A2 farms which measure up to 1 000 hectares depending on the region, were reserved for those with the capacity to run commercial farms with the intention of creating an indigenous elite capable of participating in the mainstream economy […] Under the programme, 2 000 white tobacco farmers were replaced by 60 000 new black farmers.
> A1 farms on the other hand are small-scale farms modelled along the lines of an expanded communal resettlement format. The target groups for these farms were the war veterans, women and youths, former farm workers and landless persons. But only a few former farmworkers benefited from the government programme with the rest taken in by new farmers or left in the cold.[803]

According to BBC News the Zimbabwean government officially ended its land reform programme around mid 2012.[804]

An article published by Daily News in April 2014 stated the findings of two research papers on the outcomes of the recent land reforms as follows:

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[801] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 4 (74)*
[802] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1., f. Arbitrary Interference with Privacy, Family, Home, or Correspondence*
[803] Daily News, *Land seizures leave farm workers destitute*, 4 May 2014
[804] BBC News, *Zimbabwe's Robert Mugabe tells white farmers 'to go'*, 3 July 2014

> In his May 2003 research document entitled; The Situation of Commercial Farm Workers after Land Reform in Zimbabwe, leading scholar Lloyd Sachikonye states that fewer than five percent of the farm workers received land under the reform programme.
> As a result, thousands of farm workers who constitute a significant percentage of the country's workforce became destitute.
> The publication states that only 100 000 out of an estimated 350 000 of the total who worked on commercial farms retained their jobs.
> Of that alarming figure, 50 percent of permanent female workers lost their jobs while 60 percent of seasonal female workers lost their jobs 30 and 33 percent of male workers respectively lost their jobs.
> A paper recently published by Walter Chambati, a researcher on agrarian labour also suggests that between 45 000 and 70 000 permanent farm workers were displaced and had nowhere to go but that the employment increased on the farms after the land reform programme […]
> Sachikonye says the evictions left dependents of the workers estimated at between 1,8 – 2 million people (about 20 percent of the population) destitute.
> Apart from the unlawful labour practices farm labourers are experiencing, the workers also have to contend with poor living conditions.[805]

5.4.3. Current displacement and human rights violations

See also *7.2. Whites*.

The U.S. Department of State annual human rights report covering 2013 noted that "Most recent documented displacements were from disputed farming areas. At year's end, several thousand households in disputed farming areas were at risk of displacement due to verifiable threats or eviction notices. Most of the persons displaced had resided on their land for years without formal offer letters or title deeds. Eviction notices often were served in the presence of police or army personnel. The government's campaign of forced evictions and the demolition of homes and businesses continued during the year under the land reform policy. The government provided no resettlement assistance to evicted families, depending primarily on international organizations to do so".[806]

Reporting on 'property restitution' during 2013 the same source noted "The constitution stipulates that the government must compensate persons for improvements made on land subsequently taken by the government but does not set a timeline for the delivery of compensation. The government rarely provided restitution or compensation for the taking of private property, and police did not take action against individuals who seized private property without having secured sanction from the state to do so".[807]

The same report further noted that in 2013:

> According to the attorney general and Ministry of Lands, every white-owned farm in the country had been gazetted (officially announced as available in state media) and was effectively state property. According to the Commercial Farmers Union of Zimbabwe, after a property was gazetted, it was transferred to a politically connected individual at the first available opportunity. The exact number of remaining white commercial farmers was unknown, although they continued to be targeted, harassed, and threatened with eviction by farm beneficiaries, unemployed youth, and individuals

[805] Daily News, *Land seizures leave farm workers destitute*, 4 May 2014
[806] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1., e. Denial of Fair Public Trial, Property Restitution*
[807] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 2., d. freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons, Internally Displaced Persons (IDPs)*

> hired by those standing to benefit. Abuse of the land reform laws continued, with invasions and seizures of noncommercial land in the protected forests of the Bvumba in the Eastern Highlands as well as on privately owned wildlife conservancies in Masvingo Province, with the collusion of high-ranking government officials and provincial ZANU-PF party structures and leaders. Although most of the white-owned farms were gazetted and forcibly seized, the title deed holders had not been compensated for the loss of their homes or properties, where most of their life earnings were invested. By October [2013] approximately 180 to 230 farmers accepted a settlement worth 5 to 10 percent of the value of their investment. As a result, like their former farm workers who were evicted by the new beneficiaries of the farms, there were scores of destitute elderly former farmers. Farm allocations continued to be politicized and used as a reward for political support to ZANU-PF, especially during the pre-election period. Beneficiaries divided many reallocated farms near cities for sale as small residential lots and sold them for personal gain without any compensation to the title deed holders. […]
>
> There were reports of farmers forced off their farms at gunpoint, despite being in possession of a court order allowing them to remain on the property, and denied the opportunity to collect their personal belongings. Black farm workers on white-owned farms were beaten, intimidated, or displaced. Police, in most cases, did not intervene while invaders and looters carried on their activities, nor did they enforce court judgments evicting squatters on illegally seized properties. Late in the year courts found in favor of some displaced farmers who alleged misappropriation of their land. This resulted in some displacement on short notice of resettled indigenous farmers, who believed they had purchased the land fairly. As of October, it was unclear whether these were isolated cases or the start of a trend.[808]

According to reporting by the UK Foreign & Commonwealth Office in its 2013 annual human rights report:

> President Mugabe's land reform programme continues to cause suffering to the remaining white farmers, their families and workers. Many face intimidation and harassment, and 210 white commercial farmers are under prosecution for refusing to vacate farms allocated for redistribution […]
>
> Positively, there are reports that ZANU-PF has admitted to its obligation to pay a degree of compensation to some farmers who were victims of the land reform programme (where they are nationals of countries with a Bilateral Investment Promotion and Protection Agreement with Zimbabwe (BIPPA) - the UK does not have a BIPPA). ZANU-PF has further admitted the illegality of the seizure of many farms".[809]

The Financial Gazette reported about the situation in 2013:

> Numerous cases of land invasions were recorded last year [2013], despite a directive issued by the former lands minister Herbert Murerwa in January last year that there was to be a freeze on occupation of land, especially those protected by foreign investment accords. Government has since been slapped with a US$600 million lawsuit after a German national, Heinrich von Pezold took the State to court for disruptions to his farming business.
>
> Dutch farmers also followed suit and lodged a case with the International Centre for Settlement of Investment Disputes based in Washington. So why has the government been unable to slam the brakes on land invasions? A closer look at the issue indicates that the ruling party has been attempting a difficult juggling act of being both the referee and player in the land issue […]
>
> The chaotic, militant and often violent nature of the land invasions has left the land reforms open to manipulation, corruption and allegations of multiple farm ownership and raised uncomfortable questions for the government on whether the targeted beneficiaries of the exercise had benefited at all.

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[808] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1., f. Arbitrary Interference with Privacy, Family, Home, or Correspondence*

[809] UK Foreign & Commonwealth office, *Human Rights and Democracy Report 2013: Zimbabwe*, 10 April 2014, Other issues: Land and farm invasions

> CFU [Commercial Farmers Union of Zimbabwe] estimates that nearly 4 500 commercial white farmers were displaced from their farms at the peak of the land invasions by the war veterans who parcelled out vast tracts of land for themselves, often issuing a 24-hour ultimatum to the owners of the land to make way for the new occupants.
> Often, refusal to comply with the directive was met with dire consequences for the white farmers, who had little protection from law enforcement agents.[810]

List of non-exhaustive illustrative examples of human rights violations committed during 2014 as part of Zimbabwe's land reform programme

SW Radio Africa reported in January 2014 that "In what has been described as a 'desperate situation' scores of people, including women and children, have been sleeping in the open for the last two weeks after Chitungwiza South MP Christopher Chigumba evicted his own supporters. A NewsDay report Tuesday said nine families have so far been evicted from the Zano Remba Co-operative houses and 300 more are threatened […] The evictees also accused the police of beating them and further accused Chigumba of personalizing the project".[811]

Mail & Guardian reported in February 2014 about "More than 40 farms [which] have been threatened with invasion since December last year [2013] and eight commercial -farmers have been forced off their properties since January [2014]. Zimbabwe Congress of Trade Unions secretary general Japhet Moyo said the land invasions had resulted in 890 farmworkers losing their jobs, contributing to the 9 617 job losses recorded since January 1".[812]

In March 2014 SW Radio Africa reported that "Hundreds of people in the Mazowe district of Mashonaland Central have been left homeless after police evicted them from the Spelenken Farm this weekend, to make way for an unnamed beneficiary. According to the Standard newspaper, police arrived at the farm as early as 4am on Saturday and by 2pm had loaded up the farm settlers onto police lorries and driven them to unknown destinations. "Although the identity of the new owner who is set to take over the farm could not be ascertained, it was evident that it was a very important person considering the heavy presence of police and intelligence officers," the Standard reported".[813] Continuing to report from Mazowe, NewsDay Zimbabwe reported in March 2014 that "President Robert Mugabe's family has been linked to the on-going eviction of over 900 families at Manzou Farm in Mazowe, Mashonaland Central Province, amid reports that the First Family wants to annex the property and turn it into a wildlife sanctuary".[814]

The Zimbabwe Human Rights Forum, reporting on human rights violations that occurred during January and March 2014, reported:

> In March, President Robert Mugabe's family reportedly evicted over 900 families from Manzou Farm in Mazowe to pave way for the First Family to establish a wildlife sanctuary. Some of the victims were reportedly dumped in Rushinga and other along the Harare – Bindura road. The Manzou Farm and the Chitungwiza demolitions were illegal in that they were carried out without the authority of court orders as set forth in section 74 of the constitution thus violating the right to freedom from arbitrary evictions.[815]

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[810] The Financial Gazette, *14 years on, land invasions still rife*, 10 June 2014
[811] SW Radio Africa, *Families sleep in the open as ZANU PF MP evicts own supporters*, 21 January 2014
[812] Mail & Guardian, *Land grabs rattle Zim farmers*, 28 February 2014
[813] SW Radio Africa, *Hundreds evicted in fresh Mazowe farm seizures*, 17 March 2014
[814] NewsDay Zimbabwe, *Mugabe evicts villagers to set up Game Park*, 19 March 2014
[815] Zimbabwe Human Rights Forum, *Quarterly Political and Human Rights Violations Report January – March 2014*, March 2014, *Economic Social and Cultural rights, d. Freedom from arbitrary eviction*

The Zimbabwe Peace Project noted the following incidents in April 2014:

> Arbitrary evictions and threats of evictions continue in Mashonaland Central and Midlands respectively. At Rhimbic farm Mazowe North in Mashonaland West, two families were threatened with eviction after they went to work at a neighbouring farm. At Mandindindi farm Mazowe North, seven families were served with eviction orders for a similar reason. In the Midlands province the Gweru District Administrator is reported to have caused the eviction of a certain individual from his plot in Sino Resettlement Area on the basis of their political affiliation to MDC-T party.[816]

An article published by Daily News in April 2014 reported on further land seizures leaving farm workers destitute:

> Born at the [Dokson] farm in Shamva to migrant workers of Malawian origin, Makazu left school at the age of 12 just after completing his primary education to join his father's occupation as a farmhand. Now a father of four, Makazu has become a destitute after the farm which is into mixed farming changed hands and the new owner evicted all the families there […]
> Makazu is part of 400 families who were evicted from the farm which had not only been their home, but was a source of their livelihood. The stout labourer, who looks more like a 50-year-old man, is among millions of farm workers who have been displaced since the start of the government land reform programme spearheaded by war veterans and Zanu PF activists with the blessing of government.[817]

An article published by SW Radio Africa in May 2014 reported that:

> The Commercial Farmers Union of Zimbabwe (CFU) has warned the there [*sic*] are escalating incidents of violence, intimidation and farm takeovers across the country, and called for an immediate moratorium on any land grabs. Speaking in Harare […] CFU President Charles Taffs said the recent deaths of a Guruve farmer and his daughter have added to rising fears about the safety of the remaining farming community. Malcolm Francis and his daughter Catherine both died this month [May 2014] after being seriously beaten by as of yet unknown attackers near their Guruve farm […] "There is a general escalation since December [2013] throughout the country, primarily in Mashonaland West and Central, with increasing incidents of intimidation, extortion and theft of property. We are also seeing the continuation of evictions, with people being summarily taken off their farms, including some with valid court orders allowing them to be there," Taffs said. He said a major issue contributing to this escalation was the involvement of "politically influential people taking advantage of the leadership vacuum seen in different districts".[818]

In Mashonaland Central incidents were also reported by the Zimbabwe Peace Project in May 2014 as follows:

> Evictions and displacements continue to take place in the province targeting former farm workers. Incidents of harassment, intimidation and discrimination are reported from various parts of the province.
> - 17 May 2014- At Protea farm Glendale Mazowe South; ten families were served with eviction notices by the new farm owner Flavien Zinyemba. This adds to twenty one people under eviction at the same farm. The first eleven families were served with eviction order notices in early May. Zinyemba sought an eviction order after the farm workers refused to work for him and had cleared tracks of land for farming as means for livelihoods. The victims claimed that they had worked for the farm owner without payment for their labour for a long time.[819]

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[816] Zimbabwe Peace Project, *Monthly Monitor: April 2014,*30 April 2014, *Executive summary*
[817] Daily News, *Land seizures leave farm workers destitute*, 4 May 2014
[818] SW Radio Africa, *Zimbabwe's farmers face escalating violence and land invasions*, 23 May 2014
[819] Zimbabwe Peace Project, *Monthly Monitor: May 2014,*31 May 2014, *Incidences of politically motivated violations*

Also in May 2014 the Zimbabwe Independent reported that "President Robert Mugabe's wife, Grace, who is embroiled in controversy over a succession of land grabs in Mazowe, has now taken over another farm in the area, allegedly displacing hundreds of families and ordering the destruction of a newly constructed service station within the farm".[820]

SW Radio Africa reported in June 2014 that "A former farm worker, who is among a group trying to resist their forced eviction from a farm in Goromonzi, was attacked by two ZANU PF youths on Monday evening. The attack on Weru Phiri is the latest in an unrelenting campaign to evict the former Dunstan Farm workers, who maintain that they have a right to remain on the property".[821]

Also in June 2014, the Zimbabwe Peace Project reported on the following incident:

> In all the four constituencies of Zaka District and Gutu North Chamisa village [Masvingo] , Zanu PF through its MPs and village heads were reported to be forcing people to attend meetings where they were issued with data forms to fill in their personal details including personal history, party affiliation, identity number, voter registration status and employment history. People were coerced to pay R2 for each form issued. Village heads threatened the non-compliant villagers with eviction from the villages. Zaka Central MP Paradzai Chakona led the process in his constituency. In Zaka West those who filled and handed in the forms had their houses marked with stickers to avoid future harassments. Villagers are now living in fear of reprisals especially those whose houses are not marked for safety.[822]

The Zimbabwe Peace Project also noted in July 2014 the following incidents:

- Violations linked to the issues of land took centre stage in the month of July in Mashonaland West province. The cases of eviction were politically motivated and the perpetrators are well known Zanu PF supporters. The victims included both black and white farmers. The white farmers were dispossessed of their land on the pretext that all land should be owned by blacks. The black farmers who lost their land were being accused of belonging to the wrong political party
- Violations continued to rise in the province [of Masvingo] in comparison to the last three months due to increased farm invasions with black owned properties being targeted. The invasions reported were said to be violent including arson and beatings
- Cases of violent displacement were also rife and they affected both MDC-T and Zanu PF members. Zanu PF people who were manipulated by party big wigs during the 2013 elections in a vote buying gimmick and were allocated land as rewards were evicted in Goromonzi South [Mash East]
- In Bangira village in Seke Constituency [Mash East] Ishmael and William Chikambi of Zanu PF called villagers to a meeting to mobilize for the eviction of a 60 year old victim because of his affiliation to MDC-T party. Most of the villagers disagreed with the idea. The two went on to campaign for support from the councillor, District Administrator and senior party members. A threat of eviction still hangs over the victim and his family. He is living in fear and is failing to plan for the future although he has support from the MDC-T supporters
- At Sitemere Farm in Masvingo North suspected war veterans tried to evict the owner illegally and when the owner resisted the move, they burnt down the homestead. The victim escaped unhurt after a few beatings and the case was reported to the police.[823]

In July 2014 NewsDay Zimbabwe reported that "An indigenous farmer is reportedly battling for life at Masvingo General Hospital after he was struck with an axe on the head by suspected war veterans at the weekend in a new wave of farm invasions targeting black farm owners. A second farmer's car

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[820] Zimbabwe Independent, *Mugabes grab more land in Mazowe*, 30 May 2014

[821] SW Radio Africa, *Former farm worker attacked by ZANU PF in eviction saga*, 4 June 2014

[822] Zimbabwe Peace Project, *Monthly Monitor: June 2014,*16 July 2014, *Incidences of politically motivated violations*

[823] Zimbabwe Peace Project, *Monthly Monitor: July 2014,*31 July 2014, *Executive Summary and Incidences of politically motivated violations*

and house were torched in skirmishes that have left the Masvingo farming community shell shocked".[824]

In August 2014, the Zimbabwe Peace Project reported that "An [Zanu-PF] MP for Muzarabani South, Christopher Chitindi invaded Samaphiri farm forcing the resident family off the farm".[825]

Nehanda Radio reported in August 2014 that "Generations of workers at Centenary Farm in Figtree are now homeless after top ZANU PF official Ray Ndhlukula evicted them and installed himself as the new owner […] The farm invasion is in contempt of a Bulawayo High Court order barring Ndhlukula from occupying the property, located in the Matebeleland South province".[826]

The same article by Nehanda Radio further noted that "The country's top judge, Godfrey Chidyausiku, recently ruled that white Zimbabweans have no rights before the courts on land disputes".[827] This follows President Mugabe's call to white farmers "to cede land to black people" in July 2014.[828]

In September 2014 the UK Foreign & Commonwealth Office remained concerned "about the lack of respect for property rights and the security of land tenure in Zimbabwe. Despite some positive progress, with the introduction of a land permit system for smallholder farmers at the beginning of July, the UK remains concerned about incidents of violence against farmers. Farm invasions, including some seriously violent cases, against both black- and white-owned properties, as well as intimidations, are still occurring. In one recent high-profile case, a senior official in the Office of the President and Cabinet took over a commercial farm in Figtree, despite a High Court order barring him from doing so. This highlights the continued lack of respect for the rule of law in Zimbabwe with regards to land and property by those in positions of authority"".[829]

In September 2014, the Zimbabwe Peace Project noted:

> Property rights violations in terms of farm invasions, business grabbing by Zanu PF youths and war veterans continued to take place with high levels of impunity. Where authorities try to intervene, other political leaders condemn such actions by law enforcing agents alleging the grabs were in order citing that the grabbers were in need of jobs and decent livelihoods. War veterans' leader Jabulani Sibanda moved in to defend youths from Bulawayo who had invaded farms on the outskirts of the city arguing that they were victims of the current poor economic situation.[830]

The Zimbabwe Human Rights NGO Forum reported the following cases of evictions from farms and farm invasions between July and September 2014:

- On 7 July, more than 100 ZANU PF supporters invaded Mazwi Game and Nature Reserve in St Peters Bulawayo
- On 19 July 67 families were left homeless after they were unprocedurally and illegally evicted from Banana Grove Farm in Ruwa, Mashonaland East by the farm owner Simon Makaza
- On 19 July, war veterans invaded Mr. Mukaro's farm in Masvingo province and attacked him and destroyed his car. Another farmer Mr Stemere again in Masvingo province had his car damaged and

[824] NewsDay Zimbabwe, *Farmer axed in new wave of farm invasions*, 23 July 2014
[825] Zimbabwe Peace Project, *Monthly Monitor: August 2014,*31 August 2014, *Incidences of politically motivated violations*
[826] Nehanda Radio, *Families evicted in Centenary Farm land grab*, 7 August 2014
[827] Nehanda Radio, *Families evicted in Centenary Farm land grab*, 7 August 2014
[828] BBC News, *Zimbabwe's Robert Mugabe tells white farmers 'to go'*, 3 July 2014
[829] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update*, 30 September 2014
[830] Zimbabwe Peace Project, *Monthly Monitor: September 2014,*17 October 2014, *Executive Summary*

his house burnt. Some of the farms that have been invaded include Nidspruit, Potyo Farm, Thankerton Farm, Chigumedhe, Mudzikisi, Chipare, Pakai and Mukuta, all in Masvingo province.

- On 1 August, Ray Ndhlukula the deputy chief secretary in the office of the President and Cabinet invaded Dartnelly Farm in Figtree, Bulawayo belonging to David Connolly. The invasion took place despite a High Court order barring him from evicting Mr. Connolly. Farm workers who had been on the farm since 1980 were rendered jobless and homeless.
- On 04 August, militant ZANU PF youths invaded Dubiso Dabengwa's Rudy Farm in Nyamandlovu Matabeleland North.[831]

In October 2014, the Zimbabwe Peace Project reported:

> Property rights violations remained prevalent in areas like Mashonaland Central Province with incidents of lawlessness and disregard for private property rights as displacements and evictions continued to take place. In October twenty families were evicted at Chitamba farm in Mazowe South just 20 kilometres from Harare along the Harare Bindura road. The families and their belongings are still camped at the main road opposite Glenara Estate for more than two weeks now. Mazowe Citrus lost a portion of its land to pave way for the expansion of the Mazowe Orphanage belonging to the First Lady Mrs. Grace Mugabe […]
> 7 October 2014- Mr. John Strong of Disi Farm Mvurwi Mazowe North was evicted from his farm by war veterans led by Bernard Mondo. The perpetrators invaded the farm and removed all moveable property and locked the house. They took the keys with them leaving the owner stranded and without shelter.[832]

5.5. Urban "clear-up" operations (including continued displacement resulting from Operation Murambatsvina in 2005)

5.5.1. Legal Framework

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 provides the following right to freedom from arbitrary evictions:

> Chapter 4 […]
> Part 2 […]
> 74 Freedom from arbitrary eviction […]
> No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.[833]

5.5.2. 2005 Operation Murambatsvina and its ongoing effects

The Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report' reported that Operation Murambatsvina in 2005, which resulted in the demolition of thousands of houses, "destroyed the livelihood of 700,000 people and affected 2.4 million Zimbabweans".[834] An academic article published in *Stability* noted that Operation Murambatsvina "began in the capital, Harare, but quickly developed into a deliberate nationwide campaign, destroying what the government termed

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[831] Zimbabwe Human Rights NGO Forum, *Quarterly political and human rights violations report July-September 2014*, September 2014, *Economic, Social and Cultural rights, a. Freedom from arbitrary eviction and b. The right to property*

[832] Zimbabwe Peace Project, *Monthly Monitor: October 2014*,31 October 2014, *Executive Summary and Incidences of politically motivated violations*

[833] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 4 (74)*

[834] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *Transformation Management, I. Level of Difficulty*

illegal vending sites, structures and other informal business premises and homes, resulting in the displacement of hundreds of people (UN-HABITAT 2005). The operation involved the bulldozing, smashing and burning of structures housing thousands of poor urban dwellers".[835] In 2005, the UN Special Envoy on Human Settlements Issues found that "the forced evictions dubbed Operation Murambatsvina/Operation Restore Order, while purporting to target illegal dwellings and structures and to clamp down on alleged illicit activities, were carried out in an indiscriminate and unjustified manner, with indifference to human suffering, and, in repeated cases, with disregard to several provisions of national and international legal frameworks".[836] Amnesty International reported in November 2013 that "Thousands of the victims settled in Operation Garikai/Hlalani Khuhle settlements created by the government as a remedy for the victims of Operation Murambatsvina live without access to education, healthcare, roads and means of livelihood. Most face the threat of losing the unserviced plots of land they were allocated in Operation Garikai because they cannot afford the fees to renew the lease agreements".[837] Moreover, Amnesty International reported that the Zimbabwean government has done little to nothing to remedy the violation of the right to education for those affected by Operation Murambatsvina:

> thousands of children living in Operation Garikai settlements who were directly affected when their schools were destroyed or were forced to leave school during Operation Murambatsvina. These violations of the victims' right to education are ongoing. The government failed to build a single school in Operation Garikai settlements, forcing thousands of children to attend unregistered, makeshift or backyard schools started by community leaders or individuals. The schools lack books, trained teachers and buildings, and do not receive government funding.[838]

In addition, Amnesty International stated that "violations of economic, social and cultural rights for people living in Operation Garikai settlements have gone largely unnoticed. This is mainly due to the lack of a government mechanism to monitor the situation in these settlements and respond to the basic needs of those affected by the mass forced evictions. There is a huge gap between the reality as lived by the affected communities and the stated government policies to address the situation".[839]

Freedom House similarly reported that by 2013 "the majority of victims still lacked adequate housing and had no means of redressing the destruction of their property. Most victims have moved into existing, overcrowded urban housing stock or remained in rural areas. In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure, and the lack of title to land means that they have little collateral to use for bank loans".[840]

An article published in the Daily News in April 2014 reported that "But a decade on, thousands of Operation Murambatsvina victims are still homeless, living miserable lives in squatter camps surrounding cities and towns countrywide, and they believe government has forgotten about them".[841]

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[835] Hove, M., *The Urban Crisis in Sub-Saharan Africa: A threat to human security and sustainable development*, 2013, Stability, 2(1): 7, pp. 1-14, *Infrastructure and services*

[836] Zimbabwe Peace Project, *Peace Brief on Demolitions: Forced Evictions: Continued Curse for the Poor and Disregard of the Law*, 14 October 2014

[837] Amnesty International, *Zimbabwe: Human Rights Agenda for the Government, 2013-2018*, November 2013, *4.4 Ending forced evictions and providing effective remedies for victims of Operation Murambatsvina*

[838] Amnesty International, *Zimbabwe: Human Rights Agenda for the Government, 2013-2018*, November 2013, *4.4 Ending forced evictions and providing effective remedies for victims of Operation Murambatsvina*

[839] Amnesty International, *Zimbabwe: Human Rights Agenda for the Government, 2013-2018*, November 2013, *4.4 Ending forced evictions and providing effective remedies for victims of Operation Murambatsvina*

[840] Freedom House, *Freedom in the World 2014 – Zimbabwe*, 22 August 2014, *G. Personal Autonomy and Individual Rights: 5/16 (+1)*

[841] Daily News, *Decade of suffering with no respite*, 6 April 2014

5.5.3. Current "clear-up" operations

Reporting on 'arbitrary interference with privacy, family, home, or correspondence' in its 2013 annual human rights report, the U.S. Department of State noted "According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the MDCs. ZANU-PF youths reportedly evicted owners and occupants and placed their party's supporters in properties controlled by local councils, without paying rent, and leased market stalls to ZANU-PF cardholders only. As a result, ZANU-PF youth controlled almost all markets in Harare. In addition to markets, ZANU-PF youth expanded into the "kombi" (minibuses used for public transport) market, where they extorted both drivers and passengers".[842]

New Zimbabwe reported in November 2013 that "The government's decision to embark on the demolition of illegal structures around the country which has been likened to the widely criticised 2005 Murambatsvina campaign, will hit HIV/AIDS patients hardest, rights activists have warned. Aids and Arts Foundation executive director, Emmanuel Gasa, urged the authorities stop the demolitions which were started in and around Harare last week".[843]

NewsDay reported in November 2013 that demolitions had started against "illegally built housing structures including tuck-shops in Ruwa and Damofalls" and the government warned that "the programme would be rolled out in all urban centres throughout the country".[844] The Heal Zimbabwe Trust interviewed women on the effects of the demolitions and found that "Some of the women interviewed bemoaned that the operation will heavily affect relationships established in the communities and sources of livelihoods as well as social service benefits like Basic Education Assistance Module (BEAM). Some of the families affected have been staying in those areas for the past 7 years and it is astonishing and disheartening to note that the Government has only realized now that they are illegally settled yet at the same time it does not have a solution to their problem but only to leave them homeless".[845] One particular female interviewee who is married and has three children and was affected by the 2005 Murambatsvina explained:

> the thought of another Murambatsvina is too painful and traumatizing to even think of or begin to imagine […]
> They then later found a place to rent while processing a residential stand which took a long time to be allocated because of the long waiting list from council which seemed to "ignore" their pleas. It was only in June 2013 that they managed to acquire a piece of land from their meagre salaries through Frederick Mabamba a Zanu-PF councilor who owns most properties and housing cooperatives in Chitungwiza, who allocated the land on the "illegal" sites in Unit A extension. During the period her family acquired the residential stand to date, they have managed to construct a two-roomed house which they are currently occupying.
> She expressed concern and worry over the looming demolitions which will have a negative impact on her life. Among her concerns was the issue of becoming a lodger once again, issue of scarce accommodation and an increase in rentals because 4000 houses means 4000 plus families will be in need of accommodation. Further, her children will have to be transferred from school and get accustomed to a new learning environment, which may affect their performance. The demolitions come at a time when her family is still rejoicing at the fact that they now have their own place to stay and can plan for other socio-economic concerns such as farming. She further mourned that in the

[842] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1., f. Arbitrary Interference with Privacy, Family, Home, or Correspondence*
[843] New Zimbabwe, *Murambatsvina Two to hit HIV sufferers, activists warn*, 9 November 2013
[844] NewsDay, *Demolitions start in Harare*, 7 November 2013
[845] Heal Zimbabwe Trust, *The plight of women in the looming Operation Murambatsvina 2*, 11 November 2013

> event that they are displaced, they have nowhere to go and this has traumatized her husband to such an extent that he no longer has peace of mind and cannot eat nor sleep well.[846]

In January 2014 the UK Foreign & Commonwealth Office reported that "the government started to demolish housing in the high-density suburb of Chitungweza, although the legality of this action is disputed by residents. It follows a report compiled by an audit team set up by the Minister of Local Government, Ignatius Chombo, which identified nearly 25,000 homes for demolition. The local residents' associations in Harare have reported that this situation is similar to 2005, when Chitungweza was one of the areas targeted by Operation Murambatsvina, in which many residents lost their homes and businesses post-election. The residents' associations are working with Zimbabwe Lawyers for Human Rights (ZLHR) on a case to stop the demolitions. ZLHR received a court order in February which has prevented the demolition of the "illegal" houses for now [March 2014]".[847]

The Zimbabwe Human Rights Forum, reporting on human rights violations that occurred during January and March 2014, reported:

> Between January and February, local authorities in Chitungwiza embarked on demolishing of houses and other informal structures that were improperly allocated for residential purposes. According to Veritas Trust, Zimbabwe, " in Chitungwiza alone there are 8 260 illegally occupied stands on land which has been set aside for clinics, schools, cemeteries, recreational activities and roads; in the Seke Communal Lands there are 6 200 such stands". On 10 February, Manyame Rural District demolished six houses allegedly built on illegal land.[848]

Reporting about human rights violations in the period April – June 2014, the same source reported:

> Planned demolitions of "illegal" housing structures remained in place during the quarter. There were court and political battles between local authorities and homeowners who were under threat of having their homes demolished. This was not restricted to urban areas. The police and a Deputy Sheriff from Chivhu, using a High Court order which gave them powers to evict villagers in a disputed area, demolished homes in Denhere village, Buhera Central, leaving over 300 homeless.
> Property rights violations also included malicious damage to property. Related incidences including the following:
> • On 3 May in Nyanga South at Mukwekwe village unknown arsonists set on fire a thatched kitchen belonging to a ZANU PF activist. The activist had reportedly denied some MDC-T members access to potato fertilizer being given to potato farmers under the GMB programme, which she converted to her own use. In the same village on 23 May, suspected ZANU PF activists set alight the thatched house of an MDCT supporter who had verbally abused ZANU PF activists at their meeting.[849]

In August and September 2014 the UK Foreign & Commonwealth Office reported that it continued to be concerned "by the actions of the Minister for Local Government, who defied court orders and re-started demolishing "illegal housing" in high-density suburbs in August and September […] Of particular concern is the incident on Friday 26 September, in which the local council re-started demolitions in Chitungwiza, Epworth and Harare. The Chitungwiza Residents' Trust reported the demolition exercise was "suspiciously carried out at around 0100 and 0200 hours, showing that this operation is illegal without any support of the laws of the country". The local residents in Epworth reacted badly to the resumption of the demolitions. The local council called upon the Zimbabwe

[846] Heal Zimbabwe Trust, *The plight of women in the looming Operation Murambatsvina 2*, 11 November 2013
[847] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update*, 31 March 2014
[848] Zimbabwe Human Rights Forum, *Quarterly Political and Human Rights Violations Report January – March 2014*, March 2014, *Economic Social and Cultural rights, d. Freedom from arbitrary eviction*
[849] Zimbabwe Human Rights Forum, *Quarterly Political and Human Rights Violations Report April – June 2014 2014*, July 2014, *Economic Social and Cultural rights, c) Property violations*

Republic Police to assist; they responded by sending in police in riot gear. There were skirmishes before the police fired live rounds into the air. Skirmishes and assaults were also reported in Chitungwiza and Harare".[850]

Similarly, Amnesty International reported early October 2014 that it was monitoring events over the last week "as the police and bulldozers have moved in to clear so-called "illegal settlements" in the towns of Epworth and Chitungwiza near the country's capital, Harare. 'These evictions will leave thousands of people in an extremely dire situation, particularly with the rainy season approaching fast," said Simeon Mawanza, Southern Africa regional specialist at Amnesty International'".[851] According to the same source:

> On Friday 26 September [2014] residents of Epworth were woken up by the sound of bulldozers and were given little time to save their belongings. They had not received adequate notice, been consulted at all and no attempt was made by the authorities to ensure that people were not rendered homeless by their actions: all of which is required under international human rights law. The Epworth Local Board authorities aided by the Zimbabwe Republic Police demolished some houses deemed to be illegal. In the process, around 10 people were arrested and detained at Domboramwari Police Station. They were released into the custody of their lawyers on Sunday […] On the night of 29 September [2014], police again raided Epworth, fired teargas and arrested 23 residents from their homes. All were released on Monday without charge. At least 12 people were treated for injuries resulting from police beatings with baton sticks.[852]

One woman was allegedly assaulted by police and suffered a serious injury to her right eye whilst attempting to complain about the assault and arrest of her 17 year old son, reported Amnesty International.[853]

With regards to the evictions in Epworth, IRIN reported that "On 10 October [2014], the court ordered the Epworth Local Board (ELB) to stop the demolitions citing section 74 of the Constitution which guarantees the right to shelter, and a law which requires local authorities to obtain a court order before demolishing illegal structures. The judgement pointed out that land barons had taken advantage of desperate home seekers and that the ELB had turned a blind eye to the illegal structures mushrooming in the area".[854]

The Amnesty International news article of October 2014 further reported on forced evictions in Chitungwiza:

> Evictions were also carried out in Chitungwiza where the local authority demolished dozens of homes without a court order. They claimed that the structures were constructed illegally. However, even if this is the case these actions still amounted to a breach of both Zimbabwe's Constitution and its international human rights commitments. The evictions in Chitungwiza were carried out in violation of a court order issued by the Chitungwiza Magistrate Court in April barring the authorities from evicting the affected people.

[850] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update*, 30 September 2014
[851] Amnesty International, *Hundreds to be left homeless as Zimbabwe bulldozes "illegal settlements" with impunity*, 2 October 2014
[852] Amnesty International, *Hundreds to be left homeless as Zimbabwe bulldozes "illegal settlements" with impunity*, 2 October 2014
[853] Amnesty International, *Hundreds to be left homeless as Zimbabwe bulldozes "illegal settlements" with impunity*, 2 October 2014
[854] IRIN, *Uproar over Harare demolitions*, 13 October 2014

> Authorities in Harare also demolished informal business structures in the city last month, while the Marondera Town Council has threatened to carry out similar demolitions.[855]

The same Amnesty International article stated with regards to further evictions that "The Harare City Council is also threatening to carry out evictions in the suburb of Glen Norah. On Thursday 25 September, the council served 324 "illegal settlers" with 48 hour eviction notices: a completely inadequate timeframe. The council claimed that the land was reserved as public open space and recreation whilst the other land is described as a wetland.[856]

Also reporting in October 2014, the Zimbabwe Peace Project stated that:

> a new wave of demolitions is underway in Chitungwiza, Epworth and Seke. The major targets and victims of these evictions are again, the unemployed, poor, marginalized and already vulnerable members of our society, who were victims of local authorities' greed, corruption and connivance. The evictions, before they were halted in a judgement on October 9 2014 were taking place as the rainy season approaches and with no alternatives provided, evidencing the cruel and inhumane face of local authorities under the guise of restoring order and decency […] The demolitions in Chitungwiza also came against a court order granted by the Chitungwiza Magistrate's Court in favour of residents. The Chitungwiza Municipality approached the High Court under case number HC5231/14 seeking an order to demolish the "illegal" structures, but moved to demolish the houses without a court order.[857]

Some of the victims of the demolitions in Chitungwiza told the Zimbabwe Peace Project that "the houses were demolished in the middle of night making it difficult to identify the people behind the demolitions. A nearly completed new shopping complex in St Mary's suburb was razed to the ground while hundreds of families were left without shelter after council bulldozers demolished their houses. Some of the victims told the ZPP that they had bought the stands from as way back as 2006 and have been paying rates to the municipality without any challenges. They were only shocked when the official came in the middle of the night to demolish their properties; a move they say indicates that the officials were acting illegally".[858] The same report further noted:

> Harare City Council's corporate communications manager Leslie Gwindi on Wednesday 8 October 2014 told the ZPP that the council had directed people to demolish their "illegal structures" before the council steps in. "We have given people ample time to sort out their mess. All those who are building on wetlands and undesignated sites should stop immediately," said Gwindi adding that council will give the residents only 48 hours before they can move in to demolish the illegal structures.
>
> In a recent public notice published in Daily News of Thursday 9 October 2014, the Chitungwiza Town Clerk George Makunde advised the residents of Chitungwiza that all illegal structures would be demolished according to the Ministry of Local Government, Public Works and National Housing Audit report recommendations. "The general public must also take note that Chitungwiza Municipality reserves the right to demolish all structures development without following Council laid down procedures including those structures being rebuilt, albeit, after they had earlier been demolished," said Makunde in the notice.[859]

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[855] Amnesty International, *Hundreds to be left homeless as Zimbabwe bulldozes "illegal settlements" with impunity*, 2 October 2014

[856] Amnesty International, *Hundreds to be left homeless as Zimbabwe bulldozes "illegal settlements" with impunity*, 2 October 2014

[857] Zimbabwe Peace Project, *Peace Brief on Demolitions: Forced Evictions: Continued Curse for the Poor and Disregard of the Law*, 14 October 2014

[858] Zimbabwe Peace Project, *Peace Brief on Demolitions: Forced Evictions: Continued Curse for the Poor and Disregard of the Law*, 14 October 2014

[859] Zimbabwe Peace Project, *Peace Brief on Demolitions: Forced Evictions: Continued Curse for the Poor and Disregard of the Law*, 14 October 2014

5.6. Persons displaced by mining activities in Manicaland province

5.6.1. Background to the Marange diamond fields and the situation in the Arda Transau resettled communities

According to IRIN reporting in February 2013 "Marange's diamond fields, about 90km southeast of Mutare in Manicaland Province, drew tens of thousands of artisanal miners in 2006 as word spread that diamonds had been found. Two years later, they were flushed out in a heavy-handed security operation called 'Hakudzokwi' - meaning "you will not return" - to allow commercial mining companies to exploit the roughly 60,000-hectare site.[860] The same article included the following information by Melani Chiponda, project manager for the Chiadzwa Community Development Trust (CCDT), an NGO monitoring human rights abuses in the area:

> The consequence of mining have been "catastrophic" for the Marange community.
> "The people of Marange believe that the discovery of diamonds is a curse. Of course, they at one time enjoyed the fruits of the diamonds, but they were happier before the minerals were discovered. People are suffering in the midst of plenty," she said.
> Mine authorities and security services were preventing the community from engaging in livelihood opportunities, such as hawking, she said. "The mine owners, soldiers and the police destroyed vending sites because they felt they were being used to illegally sell diamonds.
> "Besides, villagers who used to harvest and sell wild fruits along the roads can no longer do so since the mines have cut down the trees, while small wild animals that locals hunted for sale have disappeared," she said.
> The area has no medical facilities, and the nearest clinic is 50km away. "The villagers who used to depend on herbs as an alternative to modern medicines no longer have access to trees and shrubs that the mines have also razed," Chiponda continued.[861]

Similarly, a November 2014 article published in The Standard reported that "Villagers from the eastern border area of Marange where diamonds are mined say the discovery of the precious mineral has brought them more misery than happiness. They have harrowing tales of physical and emotional abuse to tell which they say came about following the launch of the infamous Operation Hakudzokwi in 2008. The joint police and military operation was brought to drive away illegal diamond seekers. Most of the villagers have since been forcibly translocated to Arda Transau, a settlement far away from their original homes, with promises of a better life, including modern houses and social amenities".[862]

The IRIN article further reported that "Between 2010 and 2011, the mines relocated nearly 700 families from Marange to Arda Transau, a sprawling settlement about 40km north of the diamond fields. Each family was provided a four-room house. But Chiponda said the houses were overcrowded. "Some of the children from the relocated families have since married. They don't have anywhere to go, which means the households are now severely overcrowded." She says that, on average, six people are living in each house, and that there are 33 relocated families who had yet to be allocated houses; they are living in the houses of relocated relatives. "They are vulnerable to manipulation by mining authorities and government officials as they do not have social leaders, and they have no leases to the land on which they now live," she said".[863]

[860] IRIN, *Suffering amid Zimbabwe's diamond fields of plenty*, 22 February 2013
[861] IRIN, *Suffering amid Zimbabwe's diamond fields of plenty*, 22 February 2013
[862] The Standard, Chiadzwa: *The agony of displacement*, 9 November 2014
[863] IRIN, *Suffering amid Zimbabwe's diamond fields of plenty*, 22 February 2013

The Zimbabwean reported in March 2013 that "families relocated to Arda Transau […] are facing starvation".[864] The July 2013 newsletter produced by the Centre for Research and Development (CRD) reported that:

> The last two months at Arda Transau has seen simmering tensions between Anjin relocated families and Anjin Diamond mining company amid rising levels of poverty and disenchantment. These families are extremely bitter over the company's failure to meet some of the conditions that they agreed to in 2010 before moving to the relocation area. Up to today families have no reliable source of livelihood because Anjin among a host of issues has reneged on its commitment to provide food handouts and inputs for growing crops. Countless efforts by members of the Arda Community Committee to engage authorities at Anjin over these issues have not been taken seriously by company authorities.[865]

A report by the Centre for Research and Development (CRD), published in January 2014, found that

> The year 2013 saw mining companies in Marange abandoning relocated families at Arda Tranau without fulfilling commitments made to more than 1500 families who were moved from Marange to Arda Transau beginning of 2010.With government acting as a guarantor, families were assured of compensation for loss of property in Marange,clean water supply at Arda ,employment in diamond companies Marange, enough accommodation and a thriving irrigation facility at Arda in addition to the one hectare pieces of land allocated for subsistence farming among other issues. Three years down the line families are living in abject poverty at Arda Transau without any meaningful source of livelihood other than the one hectare pieces of land allocated for each household.[866]

The same report noted in relation to communities resettled at Springfield/Chimanimani:

> The year 2013 also saw the ministry of local government commissioning houses built by DTZ-OZGEO [is a joint-venture mining company established in 1994 and jointly owned by the Development Trust of Zimbabwe and a Russian company, Econedra Limited[867]] for communities resettled at Springfield and as in the case of Marange only food and cash handouts was given to the resettled families by the mining company. According to officials from Chimanimani Development Trust (CDT) there are no schools, clinics and shops in the relocated area and families do not have sufficient land for growing crops. More than 13 families at Charleswood have been ordered by the company to stop planting this season because they are likely to be relocated. They is no written documentation signed by DTZ-OZGEO, government and families affected by relocations to issues of compensation for property losses. Because of shortage of land, some relocated families at Springfield are streaming back to Charlsewood in order to grow crops at their former plots.[868]

5.6.2. Situation throughout 2013/2014

Reporting on 'property restitution' in its 2013 annual human rights report, the U.S. Department of State noted

> Overall, support was uneven and inconsistent to households resettled from the allocated diamond mining grounds of Marange in Chiadzwa to a government-owned agricultural estate outside Mutare.

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[864] The Zimbabwean, *Still no fields for displaced Marange families*, 13 March 2013

[865] Centre for Research and Development (CRD), *Newsletter*, July 2013, *3. Living conditions for Anjin resettled communities deteriorate at Arda Transau*

[866] Centre for Research and Development (CRD), *Raising the Community Voice in the Extractive Sector – Challenges and future Prospects of the mining sector in Zimbabwe*, January 2014, *4.0 Relocations; Arda Transau*

[867] See http://www.dtzozgeo.co.zw/

[868] Centre for Research and Development (CRD), *Raising the Community Voice in the Extractive Sector – Challenges and future Prospects of the mining sector in Zimbabwe*, January 2014, *4.1 Relocations: Chimanimani*

> As of year's end, more than 1,100 families had been relocated, dozens of whom did not obtain houses. Each household was entitled to receive $1,000 for relocation, although reportedly only a handful received the money. Most of the relocated families had not received any compensation, while the government classified them as "people with no recognizable legal rights or claim to the land that they are occupying," citing their former land as now state land, despite customary and traditional rights to the contrary.
> Authorities moved some relocated households to lands inappropriate for construction, including wetlands, resulting in damaged homes or unlivable conditions. The relocated households also faced numerous challenges, including lack of access to water, arable land, and employment opportunities as well as shoddily constructed and unsafe houses and loss of livelihoods. As of year's end, the government had not completed appraisal of the land and property lost by each family for the purpose of property restitution. An estimated 3,700 families in the diamond areas of Marange in Chiadzwa remained in limbo, without a timeframe or destination for their impending relocation. The government prohibited them from engaging in agriculture or other economic activities around the mining concessions. The government also failed to give land or homes to persons with rural households who worked in urban areas (a common practice in the country), accusing those persons of encroaching in the mining areas, notwithstanding acknowledgement by traditional leaders that such persons were based in the disputed areas for generations. Displaced families do not have security of tenure".[869]

According to reporting by the UK Foreign & Commonwealth Office in its 2013 annual human rights report:

> Local NGOs such as the Marange-based NGO, the Chiadzwa Community Development Trust, continued to highlight human rights abuses in the diamond-mining areas of Marange. They reported several cases of human rights abuse towards the local communities within Marange, including intimidation, threats of violence and allegations about suspicious deaths. Police and private security companies are often implicated in cases involving persons who are allegedly mining illegally. The responses from the private security companies are often brutal and heavy-handed.[870]

In January 2014 the UK Foreign & Commonwealth Office remained concerned about "the continuing human rights incidents in the mining area of Marange. In January, reports by the Chiadzwa Community Development Trust (CCDT), documented fresh human rights abuses at the diamond fields in Manicaland. The Centre for Research and Development (CRD) released a report in January covering the period from July to December 2013, which documented cases of human rights abuses by security personnel, the army and the police. The report highlighted that "responses from company security officials continue to be brutal and heavy-handed" and "armed soldiers and police officers on patrol have also harassed and tortured villagers"".[871]

The January 2014 report by the Centre for Research and Development (CRD found that "Poor governance practices in the mining sector precipitated hazardous mining practices with severe ecological damages and human rights violations on communities living in mining areas. In Manicaland Province for example, alluvial diamond and gold mining activities in Chimanimani, Marange and Penhalonga has exposed communities to environmental degradation, water pollution, forced dislocations and loss of livelihoods".[872] The report lists several incidences of human rights violations in Marange that occurred between 23 July 2013 and 3 January 2014, mainly against

[869] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1., e. Denial of Fair Public Trial, Property Restitution*
[870] UK Foreign & Commonwealth office, *Human Rights and Democracy Report 2013: Zimbabwe*, 10 April 2014, Other issues: Marange diamond fields
[871] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update*, 31 March 2014
[872] Centre for Research and Development (CRD), *Raising the Community Voice in the Extractive Sector – Challenges and future Prospects of the mining sector in Zimbabwe*, January 2014, *1.1 Executive Summary*

people caught illegally panning for diamonds, including setting dogs on them which resulted in serious dog bite injuries, being shot at, serious assault and beatings and making them do frog jumps repeatedly.[873] For previous incidences of human rights violations committed against people caught illegally panning for diamonds see the Centre for Research and Development (CRD), *Newsletter*, July 2013*, 2. Incidences of human rights abuses (pages 2-7).*

5.7. Persons displaced by government-backed dam project in Masvingo province

According to IRIN reporting in December 2013 "Several thousand people in southeastern Zimbabwe's drought-prone Masvingo Province have had to leave their ancestral homes and villages in exchange for plots of undeveloped land lacking any infrastructure, in order to make way for the construction of a dam", the Tokwe-Mukosi dam.[874] In October 2013, "about 400 families (equivalent to about 2,500 individuals) were moved from their village in Chibi district to Nuanetsi Ranch in Mwenezi district, some 100km away, where each household was given a four-hectare plot of uncultivated land and between US$3,000 and $8,000 as compensation for their previous property. Many are complaining that the money is not enough to compensate for the loss of their homes and livelihoods, and that the area lacks schools, shops, and even toilets. They also told IRIN that their relocation was not voluntary".[875] By February 2014 most of the affected villages had not been resettled, reportedly due to lack of funds for compensation, and were at risk of "being swept away by rapidly rising water in a partially constructed dam, following heavy rainfall in the normally drought-prone Masvingo province in the southeast".[876] In March 2014 The Zimbabwean reported that "Villagers living along the Tokwe Mukosi dam basin have accused troops and police harassing and intimidating them for resisting eviction. The soldiers and police deployed by the government ostensibly to relocate livestock belonging to flood victims, are allegedly force-marching villagers out of the area to clear the way for the dam construction. Despite the presence of the army, some villagers have vowed to stay put, arguing that they will only leave the area after receiving compensation from the state. Some are claiming they have been beaten up and threatened with death for refusing to leave".[877]

Human Rights Watch reported that:

> In February 2014, the Zimbabwe army relocated 3,000 families from the flooded Tokwe-Mukorsi dam basin to a camp on a sugar cane farm and ethanol project jointly owned by the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and Billy Rautenbach, a businessman and party supporter. Displaced residents and dam project workers contend that the floods were artificially induced and authorities flooded the area to forcibly evict people without compensation and hire them as low-paid workers on the sugar cane farm.[878]

IRIN also reported in September 2014 that:

> More than 3,000 families in Zimbabwe's southeastern Masvingo Province who accuse the government of forcibly resettling them to small plots of undeveloped land, are facing hardships including a lack of adequate food, shelter, health and education facilities.

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[873] Centre for Research and Development (CRD), *Raising the Community Voice in the Extractive Sector – Challenges and future Prospects of the mining sector in Zimbabwe*, January 2014, *2.0 Incidences of human rights violations in Marange, 2.2 compiled incidences of human rights abuses (pages 9-25)*

[874] IRIN, *Dam project displaces hundreds of families in Zimbabwe*, 5 December 2013

[875] IRIN, *Dam project displaces hundreds of families in Zimbabwe*, 5 December 2013

[876] IRIN, *Villages flooded as heavy rains weaken Zimbabwe dam*, 13 February 2014

[877] The Zimbabwean, *Army accused of beating and harassing flooded villagers*, 5 March 2014

[878] Human Rights Watch, *Zimbabwe: 20,000 Relocated to Ruling Party Farm*, 15 May 2014

> The families had been staying at Chingwizi transit camp since torrential rains in early February [2014] caused water levels in the catchment area of the partially constructed Tokwe-Mukosi dam to reach dangerously high levels, flooding several villages that had been scheduled for relocation.
> Villagers had initially been promised three- to four-hectare plots of land at Nuanetsi Ranch in Mwenezi District and compensation in return for leaving their homes to make way for the dam, but following the flooding, the government's relocation offer was reduced to one-hectare plots with no compensation.[879]

With regards to the conditions of those displaced to the Chingwizi transit camp, the UN Office for the Coordination of Humanitarian Affairs reported in April 2014 that "Food, shelter and water are the most critical needs for the families in Chingwizi", but limited resources in terms of "critical shortages of teachers and supplies" were also undermining efforts to provide children in Chingwizi with an education.[880] IRIN also reported in May 2014 on the lack of adequate shelter, running water, toilets and food, whilst the UN Office for the Coordination of Humanitarian Affairs (OCHA) noted in its situation report of 22 April 2014 that the camp was "overcrowded and unhygienic with diarrhoea, Malaria and scorpion bites the main health problems".[881] Human Rights Watch also reported in May 2014 that "The camp is severely overcrowded, with each family allocated a one-room tent regardless of the number of family members. Although international agencies are providing potable water, aid workers told Human Rights Watch that there was not enough water for the entire Chingwizi population, raising serious health concerns".[882] The International Federation of Red Cross and Red Crescent Societies (IFRC) reported that the transit camp was lacking proper medical treatment facilities, with only a first aid clinic available.[883] The Zimbabwe Peace Project reported in its July 'Monthly Monitor' that "over three thousand families face starvation".[884]

Similarly, the IRIN article reported on the unsanitary conditions at the transit camp of Chingwizi, about the closure of the camp's only health clinic, and poor learning conditions and poverty affecting camp residents, which meant that many children did not attend schooling.[885] The Progressive Teachers' Union of Zimbabwe published a report in July 2014 assessing the impact of the Tokwe Mukosi flood disaster on the education system, which can be viewed here: Progressive Teachers' Union of Zimbabwe (PTUZ), *The Dilemma of Learning at Chingwizi: PTUZ Report of challenges faced by students and Teachers*, July 2014, *9. Challenges faced by students/pupils* and *10. Challenges faced by Teachers.*

The IRIN article also reported that most donors of food and other types of aid have stopped providing assistance to the displaced families in the camp after "reports of looting of donated items by police officers and camp officials several months ago".[886] In April 2014 the Zimbabwe Peace Project reported that "Violations continued to be documented at Chingwizi refugee camp for Tokwe Mukosi flood victims as cases of sex for food were reported. Abuse of resources meant for the displaced people is reported as being rampant and that government officials are alleged to be the major culprits".[887] In May 2014 Human Rights Watch also reported on this by stating: "Without

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[879] IRIN, *Flood displaced Zimbabweans allege forcible resettlement*, 10 September 2014
[880] UN Office for the Coordination of Humanitarian Affairs (OCHA), *Zimbabwe: Communities struggle to rebuild their lives following devastating floods*, 3 April 2014
[881] IRIN, *Miserable conditions at camp for Zimbabwe flood victims*, 2 May 2014
[882] Human Rights Watch, *Zimbabwe: 20,000 Relocated to Ruling Party Farm*, 15 May 2014
[883] International Federation of Red Cross and Red Crescent Societies (IFRC), *Heavily pregnant, scared and displaced in flooded Zimbabwe*, 8 March 2014
[884] Zimbabwe Peace Project, *Monthly Monitor July 2014*, 31 July 2014, *Food and other forms of aid violations, Masvingo*
[885] IRIN, *Flood displaced Zimbabweans allege forcible resettlement*, 10 September 2014
[886] IRIN, *Flood displaced Zimbabweans allege forcible resettlement*, 10 September 2014
[887] Zimbabwe Peace Project, *Monthly Monitor April 2014,* 30 April 2014, *Executive Summary*

access to a livelihood, the displaced people have been relying on food provided by international aid agencies but distributed by the government. Several Chingwizi residents told Human Rights Watch that the government food aid is inadequate and distributed irregularly without notice […] There have been widespread allegations that Masvingo police and provincial officials responsible for distributing food, blankets, and clothing have diverted some of the aid to the neighboring towns of Triangle and Chiredzi, where they are sold for profit. Human Rights Watch visited Chiredzi and Triangle and confirmed that goods meant for the displaced at Chingwizi were being sold in the two towns".[888]

Violence has also reportedly erupted in Chingwizi camp with the UK Foreign & Commonwealth Office reporting that it was:

> seriously concerned at the situation at the Chingwizi Internally Displaced People's camp. On 31 July, violence erupted in Chingwizi Camp, as people grew frustrated at the lack of government assistance and compensation for relocation. On 4 August, Zimbabwe Lawyers for Human Rights (ZLHR) reported that approximately 300 people were arrested in Chingwizi, accused of torching a police vehicle and assaulting police during a protest against the government. Police, along with reinforcement from the Zimbabwe National Army, arrested the villagers after they resisted the relocation of a medical clinic from Chingwizi transit camp, in a bid to force them to move to a new site before the government compensated them. The villagers were reportedly denied food while in police custody. The police also burnt down a number of tents housing the dislocated families. The police have heavily restricted movement in and out of the camp. The UN Office for the Coordination of Humanitarian Affairs have been providing assistance where possible, although this has been difficult due to restricted access.[889]

Human Rights Watch, also reporting on the protests that erupted, stated in August 2014 that "A humanitarian crisis is developing as thousands fled in fear and may be living in the open without access to food or health facilities. The government has been trying to get residents of the Chingwizi camp, on a ranch called Nuanetsi in Mwenezi district, Masvingo province, to move to a new location".[890]

At the resettled plot of land villagers have complained about lack of materials to build a shelter, about "few available boreholes are not enough to cater for their daily water requirements and that their plots are too small to farm", about lack of schools.[891] In addition, anti-retroviral drugs to treat people living with HIV were reportedly not sufficiently available at the mobile clinic in the new settlement, as well as lack of schools.[892]

In August 2014 The Zimbabwean reported that the government has officially closed Chingiwizi transit camp. […] Villagers said that they were forced to accept the one hectare piece of land offered by the state while those who resisted were completely chased away. The Zimbabwean has established that the camp is now deserted and only armed police officers have remained".[893]

Voice of America reported in September 2014 that "police are harassing displaced Chingwizi villagers, who were recently allocated plots at Nuanetsi Ranch, after they were stranded at a

[888] Human Rights Watch, *Zimbabwe: 20,000 Relocated to Ruling Party Farm*, 15 May 2014
[889] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update,* 30 September 2014
[890] Human Rights Watch, *Zimbabwe: Protesters Beaten, Arrested: thousands Flee After Crackdown on Camp for Displaced People*, 9 August 2014
[891] IRIN, *Flood displaced Zimbabweans allege forcible resettlement*, 10 September 2014
[892] IRIN, *Flood displaced Zimbabweans allege forcible resettlement*, 10 September 2014
[893] The Zimbabwean, *GVT officially closes Chingwizi holding camp,* 19 August 2014

temporary shelter in Masvingo province due to lack of funds […] Some of the villagers claim that the police are terrorizing them at their new home".[894]

6. Women and Children

6.1. Women's rights in the new Constitution

A November 2013 report from the Ministry of Women Affairs, Gender and Community Development's (MWAGCD) and Gender Links, a Southern African NGO, set out the provisions in the May 2013 Constitution[895] with respect to gender:

> **Constitutional Provisions**
> The new constitution states that among Zimbabwe's founding values and principles are gender equality - article 3 (1) (g) and good governance which include respect for women's rights - article 3 (2) (h) (iii). These concur with the calls from women's rights activists that gender equality is enshrined as a founding principle.
> **National Objectives**
> The new constitution contains a new chapter two (Chapter 2) on "national objectives" The objectives include that the State must take measures for the prevention of domestic violence (article 25 (b) and ensure that no marriage is entered into without the consent of both parties, equality of rights and duties of spouses during the marriage and spouses are given all necessary protection on dissolution of the marriage by death or divorce (article 26).
> Other objectives related to gender equality include the following:
> i. The State must facilitate developmental measures which protect and enhance the rights of women in particular to access equal opportunities in development- article 13 (3).
> ii. An obligation on the State to create employment opportunities for all Zimbabweans, especially women - article 14(2).
> iii. A duty on the State to promote full gender balance in Zimbabwean society - article 17.
> iv. Female children have to be given the same access as male children to educational opportunities - article 27.
> All the provisions are framed in peremptory language suggesting that the State and its institutions and agencies can be held accountable for failing to comply.
> **Declaration of rights**
> The new constitution declares the rights of people including the Right to personal security Right to equality, labour rights, Right to health care and the elaboration of women's rights. The constitution states that all cultural practices that infringe women's rights are void to the extent of their infringement – article 80; a welcome change from the position set out in article 23 (3) of the current Constitution which insulates customary law from the right to equality.
> **Establishment of a Gender Commission**
> Chapter 12 of the constitution pertains the establishment of Independent Commissions supporting democracy. This includes the establishment of a Gender Commission whose members will be chosen on the basis of (inter alia) their knowledge and understanding of gender issues (article 245). The functions of the Gender Commission will include monitoring, investigating, researching, advising on gender issues as well as receiving complaints on such issues - article 246.[896]

UN Women reports that "The new Constitution also includes a special measure to increase women's representation in Parliament, introducing for this purpose in the National Assembly, 60 reserved seats for women who will be elected through a system of Proportional Representation based on the

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[894] Voice of America, *Displaced Zimbabwe Villagers Taking Police to Court*, 6 September 2014
[895] For the full text of the Constitution see: *Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe],* 22 May 2013
[896] MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 7 Protection*

votes cast for political party candidates in a general election for the 210 members. The 60 reserved seats for women will be additional to any women elected to the other 210 seats [Article 124]. The provisions will also apply to the Senate, to the 60 directly elected members among a total of 80 (the other 20 are reserved for tribal Chiefs and people with disabilities). The new constitutional measure states that the 60 elected Senators will be chosen from a party-list system of Proportional Representation, in which male and female candidates are listed alternately, with every list headed by a female candidate" [Article 120]".[897]

6.2. Sexual and gender-based violence (SGBV)

6.2.1. Politically motivated violence

According to Freedom House's 2014 Freedom in the World report "Sexual abuse is widespread, and past election periods have seen rape used as a political weapon. Female members of the opposition often face particular brutality at the hands of security forces".[898]The Research and Advocacy Unit reports with regards to politically motivated rape that:

> Since 2009, the Research and Advocacy Unit (RAU) has extensively documented politically motivated rape as a form of violence against women, highlighting the use of rape and sexual violence as a political tool in the communities, with women's bodies targeted as the battlefields. The reports and documentaries were based on surveys, interviews, focus discussion groups, and desk research. RAU's research in collaboration with the Zimbabwe Association of Doctors for Human Rights (ZADHR) in 2010 also saw detailed legal and medical interviews conducted with 25 respondents, all women victims of politically motivated rape. Such rape was targeted against them because they were women, vulnerable and easy targets, both because of their own political affiliations and/or that of their husbands or relatives. The forms of sexual violence that the women experienced ranged from extreme violence, gang rape, andinsertion of objects (bottles and sticks) into the women's genitalia. For a significant percentage of the sample, HIV was a consequence of their rape.[899]

The 2013 U.S. Department of State report notes that "Police sometimes did not act on reported rape cases if the perpetrators were aligned with ZANU-PF or if the rape was used as a political tool against non-ZANU-PF members, as occurred during the 2008 election. Unlike the 2008 elections, which resulted in numerous cases of politically motivated gang rapes, there were very few reports of rape used as a political weapon during the July elections period".[900]

Amnesty International reporting on the 2013 harmonised elections notes that "Women political activists in rural Zimbabwe told Amnesty International they have been threatened with violence and forced to flee with their children for refusing to reveal their vote to supporters of Robert Mugabe's party during harmonized elections. The women said they resisted instructions from Zanu-PF supporters to feign illiteracy, blindness or physical injury, which would have meant someone else marking the ballot on their behalf. […]The families say they were targeted due to their support - real or perceived - for the Movement for Democratic Change (MDC) party led by Morgan Tsvangirai. […]One woman, who did not wish to be named due to fears for her safety, said she had first been

[897]UN Women, *Zimbabweans say yes to new Constitution strong on gender equality and women's rights*, 19 April 2013
[898]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 22 August 2014
[899]Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *Introduction*
[900]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Women*

threatened in her village two weeks before the election. She said she reported the matter to the police, but no action was taken".[901]

With regards to violence and intimidation against women during election periods, the Research and Advocacy Unit (RAU) reports that "It is evident that there has been a dramatic increase in political violence experienced by women since 2000, and that, according to women, political violence against women was relatively rare in all elections prior to 2000. […]In the RAU 2009 survey, 52% stated that they had been victims of political violence, the most commonly reported perpetrators were non-state agents who were said to be responsible for threats, assault, torture and property destruction. The most common violations reported at the hands of state officials were threats, torture, assaults, and arbitrary arrest in that order. […] Generally the 2013 elections were seen as considerably less violent when compared to many previous elections, and very much in the vein of the March 2008 elections".[902]

Investigating the effectiveness of its*SiMuka! Zimbabwe, Woman, Get Counted! Register to Vote!* Campaignit, the RAU undertook a (non-random) sample of women interviewed before (PRE) and after (POST) the elections using questionnaire. A total of 739 questionnaires were returned for the PRE group, of which 674 (91%) were accepted as complete. For the POST group, a total of 993 questionnaires were returned, of which 901 (91%) were accepted as complete.[903] Selected findings include[904]:

Table 12: Witnessing violence against female candidates – PRE & POST

	Pre-election	Post-election
One violent incident	45.3%	58.1%
2-5 incidents	37.3%	16.1%
6-10 incidents	4.7%	0
More than 10 incidents	6.7%	0

As can be seen from the table above, clearly 2013 was less violent in the eyes of these women, and there was a significant shift in the responses of the POST group. And, again seen in the table below, there was a significant difference reported in the frequency of the POST group witnessing violence against women or witnessing women being forced to register as voters.

Table 13: Witnessing violence against women – PRE & POST

	Pre-election	Post-election
Witnessed violence against women	22.3%	3.2%
Witnessed women forced to register as voters	16.5%	3.8%

[…] Although there was a decrease in the number of women reporting a candidate having to drop out, the reasons are not very different between the two groups (see Table 16).

Table 16: Reasons for candidates – PRE & POST

[901]Amnesty International, *Zimbabwe: Women forced to flee their homes for refusing to reveal their vote*, 6 August 2013

[902]Research and Advocacy Unit, *Does encouraging women to register and vote make a difference? A Preliminary Report on Women's Experiences with the 2013 Elections*, March 2014 *1. Introduction and 5.3 Violence and intimidation*

[903]Research and Advocacy Unit, *Does encouraging women to register and vote make a difference? A Preliminary Report on Women's Experiences with the 2013 Elections*, March 2014 *5.3 Violence and intimidation*

[904]Research and Advocacy Unit, *Does encouraging women to register and vote make a difference? A Preliminary Report on Women's Experiences with the 2013 Elections*, March 2014 *5.3 Violence and intimidation*

	Pre-election	Post-election
Violence in constituency	7%	2.6%
Candidate violated	11.3%	5.3%
Pressured to step aside	37.4%	34.2%
No funding	33%	28.9%
Don't know	11.3%	7.9%

6.2.2. Domestic violence and rape

According to an April 2013 report on 'Societal Perceptions of Rape' the Research and Advocacy Unit reports that:

> Violence against women and children is a common phenomenon in Zimbabwe. It occurs, both in the private and public spheres, catalysed by a number of factors that stem from the way in which society is structured. These factors include culture, tradition, religion, politics, and the economy. These factors contribute to shaping societal perceptions of why violence against women occurs, how society perceives the victim and the perpetrator, and how society responds to address cases of violence against women. Amidst all the other forms of violence against women such as wife battering and ritual killings, rape and other forms of sexual violence are becoming increasing social ills in Zimbabwean society. [905]

Freedom House notes in its 2014 Freedom in the World report covering 2013 that "Women enjoy extensive legal protections, but societal discrimination and domestic violence persist".[906] The U.S. Department of State report covering events in 2013 notes with regards to rape and domestic violence that:

> While the law criminalizes rape, including spousal rape, the law was not effectively enforced, and rape remained a widespread problem. Sexual offenses, including rape, are punishable by life imprisonment. Few cases of rape were reported, however, due to social stigma and societal perceptions that rape was simply a "fact of life" that could not be challenged. Rape victims seldom received protection in court. Even fewer cases of spousal rape were reported due to victims' fear of losing economic support, fear of reprisal, unawareness that spousal rape was a crime, police reluctance to interfere in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. Gender-based violence usually was handled through customary law in trials by chiefs of local authorities.
> Gender-based violence was prevalent in society. Approximately three in 10 women over the age of 14 in the country had suffered physical violence. More than one in four women (27 percent) had had forced sexual intercourse, and one-fourth of HIV-affected women were exposed to sexual violence as a child. While almost two-thirds (65 percent) of women who reported domestic violence stated that the perpetrator was their current or former husband, partner, or boyfriend, 48 percent of women interviewed believed that a husband is justified to beat his wife. Women were also vulnerable to human rights abuses and politically motivated violence. […]
> Children born from rape suffered stigmatization and marginalization. The mothers of children resulting from rape sometimes were reluctant to register the births, and such children did not have access to social services.[907]

The Research and Advocacy Unit reports in April 2013 that "According to the Zimbabwe National Statistics Agency (ZimStat), 'Quarterly Digest of Statistics,' there has been incremental rising in the

[905] Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *Executive Summary*
[906] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 22 August 2014
[907] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Women*

number of reported incidences of rape. The total increased from 3,481 in 2009 to 4,450 in 2010, 5,446 in 2011, and an alarming 2,195 cases between January and May of 2012 only. 1,470 of these cases were recorded in May 2012 alone. Fifteen (15) women are raped in Zimbabwe every day - one in every 90 minutes".[908]

In June 2014 launching a campaign against rape Vice President Joyce Mujuru reported that "Statistics from the ZRP (Zimbabwe Republic Police) indicated that in 2012 to the first quarter of 2014 a total number of 3,571 adult women and 7,411 female juveniles were raped. Ladies and gentlemen, these trends are unacceptable".[909] She said rape cases were also prevalent in churches in Zimbabwe "It has been revealed that some pastors and prophets are preying on their flock when the church is the moral watchdog of society".[910] Similarly in an October 2014 report on Prophetic Churches in Zimbabwe, Konrad Adenauer Foundation reports that "Stories of church leaders having sexual relations with several women in the church; being in polygamous relationships and even raping women are not unusual".[911] The UK Foreign and Commonwealth Office reports that "On 30 May [2014], members of the Johanes Masowe eChishanu apostolic church, based in the high-density Harare suburb of Budiriro, attacked several police officers and a ZBC [Zimbabwe Broadcasting Corporation] cameraman. The violence erupted when President Bishop Johannes Ndanga of rival sect, the Apostolic Christian Council of Zimbabwe, called for the Masowe eChishanu church to be banned over alleged human rights abuses towards women and children and visited Budiriro with anti-riot police. Journalist bodies and human rights organisations condemned the violent attack. There has been no formal decision by the state to ban the sect".[912]

TheResearch and Advocacy Unit report on 'Societal Perceptions of Rape' is based on a sample of 222 questionnaires.[913] Selected key findings of the report include:

> 4.1 Perceptions of sexual violence
> 4.1.1 The meaning of rape
> […] Asked what rape means to them, [61%] of men and [70%] of women displayed a clear understanding of rape; reflecting all the essential elements of rape in their definition; that it is forced sexual intercourse between a man and a woman without the consent of the woman. This understanding of rape also translated into responses given to the question of whose fault it is if a woman gets raped, with [76%] of the male and [75%] of the female respondents indicating that it is always the fault of the perpetrator and not that of the victim. […]
> 4.1.2 Dressing
> The study revealed that a significant number of the respondents, [61%] of males and [63%] of females found that the way in which a woman dresses could cause a man to rape her. The respondents mentioned that when women wear clothes that are too tight or too short that is "provocative dressing" with the possibility of driving a man to rape. Past research, however, dismisses this argument as merely a myth that seeks to excuse the criminal behaviour of men. […]
> The responses to the question of whose fault it is likely to be when a woman gets raped, with [8%] of those aged under 30 saying it is the victim's fault coupled with the fact that more people in this same age group [63%] than those above 30 [61%] believed that the way in which a woman dresses could make her a rape target, is a disturbing finding. It points to the development of a generation that excuses rape, blaming the victim or the victim's appearance rather than perceiving rape for the pure criminality that it is. […]

[908]Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *Introduction*
[909]Voice of America, *VP Mujuru: 11,000 Girls, Women Raped in Zimbabwe*, 19 June 2014
[910]Voice of America, *VP Mujuru: 11,000 Girls, Women Raped in Zimbabwe*, 19 June 2014
[911]Konrad Adenauer Stiftung, *Prophetic Churches in Zimbabwe*, 20 October 2014
[912]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014
[913]Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, 2.*Methodology, 3. Demography*

4.1.4 Negotiations for sex

[…] a significantly lower number of women [64%] as compared to that of men [72%] thought it was possible for women to actually exercise the right to negotiate for sex. This finding, of the low probability of women's ability to negotiate for sex, fell square within findings of pre-existing research which explains that; the lived reality of women's lives is that they mostly cannot exercise the right to negotiate for sex. Mungweni argues that the ability of married Zimbabwean women to negotiate for safer sex is reduced by their inferior social, economic, legal, and political status, which makes them dependant on their male counterparts, and hence reduces their negotiating power.[914]

With regards to marital rape the report notes that:

> However, the problem of marital rape remains underreported and unresolved. At the time of writing this report, the law criminalising marital rape has been in place since 2010, yet not a single conviction has successfully been secured in the courts. Part of the problem is the belief that a married woman cannot be raped by her husband because, when he pays lobola for her, he has also bought unrestricted rights of access to conjugal sex. The "so what…he is her husband" attitude prevents women from reporting cases of marital rape as they are often not taken seriously by the police or are advised to go back home and talk to their husbands because this is a "domestic issue." Often when women try to report, they are interrogated as to why it had to come to that for the man to rape his own wife. The police dismiss such cases asking the woman "waimbomunyimirei" "why were you refusing him sex in the first place" perpetuating the belief that women should always say yes to sex. The prevalence of this attitude in the wider society means that law enforcement officials such as the police, the prosecution and even the judiciary are not spared socialisation to these prejudices. This leads to the tendency for men's behaviour to be excused when marital rape occurs and interferes with the effective investigation, prosecution, and sentencing of cases of marital rape.[915]

In November 2013 the Ministry of Women Affairs, Gender and Community Development's (MWAGCD) and Gender Links, a Southern African NGO, published the results of a baseline study into violence against women, based on interviews with a sample of 6,600 persons across the 10 provinces of Zimbabwe, 3326 women and 3274 men.[916] The report notes that "Due to social pressure and stigma, a small proportion of VAW [Violence Against Women] cases are reported to the police and victims or survivors withdraw some of the cases from the courts".[917] Selected key findings of the project include:

> About a quarter (26%) of women in Zimbabwe experienced some form of violence (psychological, emotional, economic, physical or sexual) perpetrated by an intimate partner in the period 2011-2012. Thirteen percent of men in the country admit to perpetrating some form of violence against their intimate partners during the same period. Sixty-nine percent of women experienced while 41% of men admitted to perpetrating intimate partner violence (IPV) in their lifetime. […]
>
> Extent of VAW
>
> • Over two thirds (68%) of all women interviewed in the study experienced some form of VAW at least once in their lifetime, while 46% of all men said they perpetrated some form of violence.
>
> • IPV is the most common form of VAW with 69% women reporting lifetime experience and 41% of men disclosing perpetration.
>
> • The most common form of IPV is emotional followed by physical, economic, and sexual violence.
>
> […] Under-reporting

[914] Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *4. Findings*

[915] Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *4.1.6 Marital Rape*

[916] MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 2: Scope and methodology*

[917] MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 1: Background and context of violence*

> • Only one in fourteen women who were physically abused reported to the police.
> • Only one in seven women rape survivors reported it to the police.
> Patterns and drivers of VAW
> The levels of VAW in the country are exacerbated by such factors as patriarchal societal norms, male dominance and control, wife ownership, sexual entitlement in marriage, experience of child sexual abuse by boys, and intake of alcohol. […]
> Effects of VAW
> The effects of VAW to women survivors are broad including physical injury, poor mental health symptoms, unplanned pregnancies, stigmatisation, absence from work for days, STI symptoms, increased risk to HIV, and out-of pocket expenses.[918]

According to Lizzie Longshaw, a social worker with the Disability HIV and Aids Trust (DHAT) "Sexual abuse is particularly rife in public transport, where touts take advantage of unaccompanied disabled women commuters".[919]The Zimbabwean cited Irine Moyo as stating that "The attitude of staff at institutions such as the police station and hospital, tends to be one of hostility towards people living with disabilities. In most cases a disabled rape victim is ridiculed and blamed. I personally know a situation where a police officer at a particular police station openly told a rape victim that she should thank the rapist because, if she was not raped, she was never going to enjoy the pleasure of sex in her life".[920] Also see section *10. Persons with disabilities, including persons with albinism*.

In a report on 'Burst Pipes, Contaminated Wells, and Open Defecation' in Harare Human Rights Watch notes that "For people who lack access to sanitary toilets, open defecation also has an impact on personal dignity and safety, with women and girls facing particular challenges. As they move farther away from crowded areas in order to have privacy, they are more at risk for physical attacks and sexual violence".[921]

6.2.2.1. State response to violence against women

The 2013 U.S. Department of State report sets out the legal provisions domestic violence and the authorities' response to the practice:

> The law criminalizes domestic violence, which was a serious problem, especially wife beating. Domestic violence is punishable by a fine and a maximum prison sentence of 10 years, but authorities generally considered domestic violence to be a private matter and convictions were rare. Most cases of domestic violence went unreported due to traditional sensitivities, victims' fear of abandonment without support, and police reluctance to intervene. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes. In November 2012, "Tin-Tin," a popular local disc jockey with a daily morning radio show, was assaulted by her boyfriend, and the incident received significant media coverage. Tin-Tin's experience publicly highlighted the inefficiencies, corruption, and insensitivities of the judicial system as well as the challenges faced by women who pursue domestic violence charges. She was both lauded and stigmatized for discussing her case on her show as it progressed.
> An Anti-Domestic Violence Council was created in 2009 to educate women about their legal rights and to protect victims of abuse. The council as a whole was ineffective due to lack of funding and the unavailability of statistics and information on prevailing trends of domestic violence, although its members were active individually in raising awareness about domestic violence.

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[918]MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Executive Summary*
[919] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[920] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[921]Human Rights Watch, *Troubled Water Burst Pipes, Contaminated Wells, and Open Defecation in Zimbabwe's Capital*, 19 November 2013

> The government continued a public awareness campaign against domestic violence. Several women's rights groups worked with law enforcement agencies and provided training and literature on domestic violence as well as shelters and counseling for women. The high turnover rate within the police force demanded a continuous level of training that could not be met, given the scarcity of resources. While public awareness increased, other problems emerged. For example, the police form required to report domestic violence was difficult to complete, and victims were often required to make their own photocopies due to police budgetary constraints. The law requires victims of any form of violence to produce a police report to receive treatment at government health facilities without cost. This requirement prevented many rape victims from receiving necessary medical treatment, including postexposure prophylaxis to prevent victims from contracting HIV.[922]

The November 2013 the Ministry of Women Affairs, Gender and Community Development's (MWAGCD) and Gender Links baseline study into violence against womennotes that "Only a fraction of VAW [Violence against Women] cases are successfully prosecuted. Many forms of VAW, such as emotional, verbal, psychological and economic abuse do not even have police categories so they go unrecorded. As a result, psychosocial support is sadly lacking in most national action plans to end violence".[923]The findings of the report include:

> One in every 14 physically abused women had reported it to the police; four in every 1,000 women survivors had obtained a protection order against a physically abusive partner; one in 13 women had sought medical attention for their physical injuries; one in 10 women raped by non-partners had reported it to the police; and only one in 18 female rape survivors had sought medical attention.
> "The big question for women is 'Where do I go?'" said Netty Musanhu, the Director of Musasa. "The time women invest in getting justice stands in the way. Women have to pay for services, and we talked to one survivor who went to court 10 times, because the case kept being postponed. The services just are not there and when they are, they can be 200 kilometres or more, too far away for women to reach."[924]

With regards to the authorities' response to rape victims the 2013 U.S. Department of State report notes that:

> While the law criminalizes rape, including spousal rape, the law was not effectively enforced, and rape remained a widespread problem. […]
> Rape victims seldom received protection in court. Even fewer cases of spousal rape were reported due to victims' fear of losing economic support, fear of reprisal, unawareness that spousal rape was a crime, police reluctance to interfere in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. Gender-based violence usually was handled through customary law in trials by chiefs of local authorities. […]
> The Judicial Service Commission established a Multi-Sectoral Protocol on Sexual Abuse in December 2012 in partnership with 11 government bodies. The protocol details the respective roles and responsibilities of different government agencies in responding to adult and child sexual- and gender-based violence cases. The government must rely upon external funding and assistance to implement the protocol.[925]

The MWAGCD and Gender Links baseline study further notes that "The research also highlights challenges in the implementation of our well-documented policies on sexual assault care, shelter provision, counselling and legal services. This is evident through the low uptake of Post Exposure

[922]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Women*
[923]MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 1: Background and context of violence*
[924]UN Women, *New research paints poignant picture of intimate partner violence in Zimbabwe*, 2 January 2014
[925]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Women*

Prophylaxis (PEP), few shelter services - in fact none in rural areas, poor coverage of counselling services and the LAD [Legal Aid Directorate] which at the time of the research was only available in Harare and Bulawayo".[926] The same source further reports with regards to legal aid provision for victims of gender and sexual based violence that:

> The provision of free legal aid to survivors of VAW [violence against women] is crucial to reduce case withdrawals and to ensure the protection of the rights of VAW survivors. Legal services are expensive making them inaccessible to many VAW survivors, which forces many of them to stay in abusive relationships and to withdraw cases. Access to legal aid in Zimbabwe is offered through the help of either the government or through private organisations such as non-governmental organisations. […]
> Challenges
> Currently the LAD is not receiving any grants from the government. As a result, no new offices have been opened in other provinces to enable the LAD to have a nationwide reach. The amount of money generated by the contributions to the Legal Aid Fund is not enough to buy office stationery and furniture. In addition, there are no special rooms designed for legal counselling and the LAD does not have vehicles for lawyers to use in executing their duties.[927]

Also see *3.3.4. Legal aid and witness protection*.

According to Hamida Mauto, Disability HIV and Aids Trust country coordinator, "most abusers of women with disabilities were walking away scot-free because the police and the judiciary had serious challenges and shortcomings when dealing with cases involving disabled women". Furthermore, "Women with disabilities are denied justice due to a lack of resources at police stations and courts. There is no alternative communication for those who cannot comprehend spoken or written language. We need to give these institutions the resources to effectively deal with these issues".[928] Also see section *10. Persons with disabilities, including persons with albinism*

6.2.2.2. Availability of shelters and services

The 2013 U.S. Department of State report notes with regards to rape clinics and shelters for abused women that:

> There were two adult rape clinics in public hospitals in Harare and Mutare. These facilities were run as NGOs and did not receive a substantial amount of financial support from the Ministry of Health. The clinics were designed to receive referrals from police and NGOs, administer HIV tests, and provide medicines to prevent HIV infection, other sexually transmitted diseases, and pregnancy. Even though the majority of women and men who received services from the rape centers were referred by police, very few of these cases resulted in prosecutions. Private clinics and clinics supported by NGOs and bilateral and multilateral development partners have emerged in the past few years to provide medical assistance to survivors of rape. In addition, there were facilities that served underage victims of sexual assault and abuse. There were also NGOs that provided psychosocial support to survivors of sexual and gender-based violence through assistance from the Integrated Support Program, a multi-donor effort funded by international aid donors and managed by the UN Population Fund.[929]

[926] MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 2: Scope and methodology*
[927] MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 7 Protection*
[928] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[929] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Women*

The November 2013 Ministry of Women Affairs, Gender and Community Development's (MWAGCD) and Gender Links baseline study into violence against women reports with regards to the provision of shelters that "The current situation is that the safe shelters are inadequate and those provided by NGOs are overwhelmed with clients needing help".[930] It further notes that:

> […] Provision of shelter services
> […] While the there is widespread acknowledgement for the need for establishment of shelters, few are in place. Also compounding the situation is the inadequacy of resources and the lack of capacity of service providers to ensure quality care. The Committee on the Convention on the Elimination of Discrimination against Women (CEDAW) recommended the strengthening the capacity of existing shelters and establishing more shelters, especially in rural and remote areas, and enhancing cooperation with NGOs providing shelter and rehabilitation to victims.
> Case study 7.4: Musasa
> […] Provision of counselling and shelter services Musasa is a non-governmental organisation formed in May 1988 with the objective of combating VAW in Zimbabwe. […]
> Challenges in provision of shelter and counselling services include that the shelter is overwhelmed with women coming with their young children fleeing domestic violence. Another challenge is that the shelter can only accommodate the mothers. This means the children have to be separated from their mothers. The limiting of clients at the shelter to just the women is meant to ensure lower cost operations. […]
> Case study 7.5: MWAGCD Mambo Safe Shelter, Gweru
> MWAGCD operates a safe shelter for women and children, survivors of VAW in Mambo, Gweru. The safe shelter has a capacity to hold 4 to 6 people. […]
> Challenges
> The biggest challenge facing the shelter is the shortage of food and blankets to give to the VAW survivors when they present themselves at the shelter. While the National VAW strategy alludes to provision of shelters the issue of state funding to established structures is critical if ever survivors are to access the minimum package of support.[931]

In a November 2013 article, SW Radio Africa described the Musasa project as "one of the first groups to provide counselling and temporary shelter to women survivors of domestic violence", and that it was recording an average of 300 cases of violence against women each month.[932] In March 2013 gender director in the Ministry of Women Affairs Gender and Community Development,Caroline Matizha expressed concern at the lack of shelters for the treatment of traumatised abuse victims in the country stating that "The Government has let us down in this regard. It is only Musasa which provides shelters for victims".[933] In April 2014 the Herald reported that in January 2014 the first one-stop care and counselling centre in Harare was opened by Musasa Project with 25 beds.[934] It reports that "the new facility is the first call centre for abused women in the country and is composed of counselling rooms, waiting space, training room and other basic facilities".[935]

6.3. Trafficking

The U.S. Department of State trafficking report covering 2013 report that:

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[930]MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 7 Protection*
[931]MWAGCD and Gender Links, *Violence Against Women Baseline Study Zimbabwe*, 20 November 2013, *Ch 7 Protection*
[932]SW Radio Africa, *Rising violence against women & girls in Zimbabwe*, 26 November 2013
[933]Nehanda Radio,*42 percent of married women sexually abused*, 29 March 2013
[934]Herald, *Abused women now have a home*, 3 April 2014
[935]Herald, *Abused women now have a home*, 3 April 2014

> Zimbabwe is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to prostitution in brothels that cater to long-distance truck drivers on both sides of the borders. Some victims of sex trafficking are subsequently transported across the border to South Africa where they suffer continued exploitation. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in the country's rural areas, as well as domestic servitude and sex trafficking in cities and towns. Family members recruit children and other relatives to travel from rural areas to cities, where they are subjected to domestic servitude or other forms of forced labor after arrival; some children, particularly orphans, are lured with promises of education or adoption. Children are forced to labor in the agricultural and mining sectors or to carry out illegal activities, including drug smuggling. Additionally, the practice of ngozi, or giving of a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. The individuals given to the wronged family, often girls, are sometimes forced to labor for, and/or marry a member of the new family.[936]

The report considers that "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":

> During the reporting period, it acceded to the 2000 UN TIP Protocol, issued temporary regulations that criminalize certain human trafficking crimes, and initiated two prosecutions. Government efforts to investigate and prosecute trafficking offenses and convict traffickers remained weak. The government provided no law enforcement statistics on investigations of suspected forced labor and sex trafficking crimes during the reporting period and continued to lack laws that criminalize all forms of trafficking. Parastatal organizations were complicit in trafficking, and official corruption was rampant. The government made minimal efforts to protect trafficking victims, instead relying on non-governmental organizations to identify and assist victims. It has yet to create a national action plan to combat human trafficking as mandated by the January 2014 temporary regulations.[937]

With further regard to prosecution for trafficking, the U.S. Department of State notes that "Corruption in law enforcement and the judiciary remained a serious and unaddressed problem that impairs the effectiveness of anti-trafficking efforts. Media report that parastatal organizations were complicit in trafficking; the government failed to investigate or otherwise address such allegations during the reporting period. […]Victims reportedly refused to report or pursue cases of trafficking out of fear that their traffickers could bribe police or judges. Anecdotal evidence indicated a limited government involvement in, and tolerance of, trafficking on a local level and at border crossings. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The government did not provide anti-trafficking training to law enforcement officials".[938]

In June 2014 the government passed an Anti-Human Trafficking Act, which "seeks to prevent and punish trafficking, especially of women and children".[939]

6.3.1. Availability of shelters and services

With regards to protection available for victims of trafficking, the U.S. Department of State report covering 2013 notes that:

[936]U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014
[937]U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014
[938]U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014
[939]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014

> The Zimbabwean government made inadequate efforts to protect trafficking victims, instead relying on NGOs and IOM to identify and assist victims. The government did not report the total number of trafficking victims it identified or assisted during the reporting period. Government officials reported identifying 22 potential victims related to one ongoing trafficking prosecution and two potential victims in another; however, it was unclear what services the government provided these victims. It was also unclear what services the government provided victims identified by NGOs. Law enforcement authorities did not employ procedures—such as formal written guidelines—to proactively identify victims or refer them to protection services. Under the temporary regulation, police have primary responsibility for identifying victims.
> The temporary anti-trafficking regulations call for the establishment of a center for victims of human trafficking in each province of Zimbabwe; however, the government has yet to fund or create the centers. Five existing government-run shelters offered long-term accommodations to vulnerable and orphaned children, including an unknown number of potential child trafficking victims. Children had access to health services, counseling, and some educational services at these shelters. The government referred two potential child labor trafficking victims from the Democratic Republic of Congo to NGOs that provided the victims shelter. It facilitated the return of a Zimbabwean sex trafficking victim from China by assisting with her travel documents, interviewing her, and conducting an investigation of her case, which remained ongoing at the end of the reporting period. The government may have detained and deported potential trafficking victims due to a lack of proactive victim identification procedures. The government did not provide foreign trafficking victims with temporary or permanent resident status or any other legal alternatives to their removal to countries where they might face retribution or hardship.[940]

Newsday reports in July 2014 that "Precious Life Foundation in Bulawayo has become a safe haven for several young girls who are being trafficked from areas surrounding the city and as far as Botswana".[941] The same source further notes that "Precious Life Foundation head Agnes Kwenda and volunteer Shereen Thompson help some of the girls who managed to escape or were rescued by police. The girls were mostly trafficked from their rural homes, through a cartel involving haulage truck drivers".[942] Reportedly in July 2014 15 girls were staying at the safe house and about 1,500 girls have received support from the Foundation in the past two years.[943]

6.4. Birth registration and birth certificates

The 2013 U.S. Department of State report explains that:

> Citizenship is derived from birth in the country and from either parent, and all births are to be registered with the Births and Deaths Registry. According to the 2012 government-led Demographic Health Survey (DHS), 17.7 percent of children under the age of two had a birth certificate and 39 percent had their births registered. The numbers increased with children's age: 40.2 percent of children between the ages of two and four had birth certificates, and 56 percent had their birth registered. Children in urban households were more likely to have their birth registered than were children in rural households. The highest proportion of registered births was in Bulawayo and the lowest in Masvingo. Richer households were more likely than poor households to register children's births. Parents failed to register births for many reasons, including the birth occurred outside of a hospital, fathers were absent or lacked time to register, parents did not have a national identity card or birth certificate, the cost of registration was high, parents lacked of knowledge about registration requirements, and the distance to a place of registration. Many orphaned children were unable to obtain birth certificates. Lack of birth documentation impeded access to public services, such as

[940]U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014
[941]Newsday, *'Forced prostitution rampant in Bulawayo'*, 5 July 2014
[942]Newsday, *'Forced prostitution rampant in Bulawayo'*, 5 July 2014
[943]Newsday, *'Forced prostitution rampant in Bulawayo'*, 5 July 2014

> education and health care, resulting in many children being unable attend school and increasing their vulnerability.[944]

The 2013 U.S. Department of Labor report on child labour notes that "The lack of birth registration prevents children from obtaining education and can lead to children entering the workforce at a young age".[945]UNICEF reports in its annual report for 2013 that "Birth registration remains low in Zimbabwe at only 31 per cent. UNICEF continued to support the Ministry of Public Service, Labor and Social Welfare, working with the Registrar-General, to provide mobile birth registration services to beneficiary households on the social cash transfer program".[946]

6.5. Child labour

IRIN notes in a January 2014 report that "A global child labour index for 2012, released in late 2013 by Maplecroft, an international risk analysis firm, ranked Zimbabwe among the 10 worst performers, out of 197 countries surveyed worldwide, for the frequency and severity of its reported child labour incidents".[947] IRIN further reports that "the United Nations Children's Fund (UNICEF) estimates that 13 percent of Zimbabwean children are engaged in child labour, which the International Labour Organization defines as work that is harmful to children's physical and mental development and interferes with their schooling".[948]

The 2013 U.S. Department of Labor report on child labour notes that "The Government's 2011 Child Labour Survey report released in 2013 concluded that the worst forms of child labor are increasing and should be a cause for concern".[949] The report further notes that "Research found no evidence that law enforcement agencies in Zimbabwe took actions to combat child labor, including its worst forms":

> In 2013, Zimbabwe made a minimal advancement in efforts to eliminate the worst forms of child labor. Zimbabwe ratified the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons.
> However, children in Zimbabwe continue to engage in child labor in agriculture and mining. The Government did not sufficiently fund large-scale social programs such as the Basic Education Assistance Model Program. In addition, Zimbabwe continues to lack specific social programs targeting sectors in which the worst forms of child labor are most prevalent. Gaps remain in the country's legal framework against child labor, and education is not compulsory or free, which increases children's vulnerability.[950]

It also notes that according to UNICEF, approximately 100,000 of Zimbabwe's 1.3 million orphans survive on their own in child-headed households. Reporting on the factors contributing to child labour the report further notes that "this breakdown of the family unit, as well as poverty, were major factors in children's vulnerability to child labor. The lack of birth registration prevents children

[944]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Children*
[945] U.S. Department of Labor, *2013 Findings on the Worst Forms of Child Labor - Zimbabwe*, 7 October 2014
[946]UNICEF, *2013 Annual Report Zimbabwe*, 2014, *Child Protection*
[947]Integrated Regional Information Network, *Zimbabwe's ailing economy fuelling child labour*, 9 January 2014
[948]Integrated Regional Information Network, *Zimbabwe's ailing economy fuelling child labour*, 9 January 2014
[949] U.S. Department of Labor, *2013 Findings on the Worst Forms of Child Labor - Zimbabwe*, 7 October 2014
[950] U.S. Department of Labor, *2013 Findings on the Worst Forms of Child Labor - Zimbabwe*, 7 October 2014

from obtaining education and can lead to economy and manufacturing sector has also led to a recent increase in child labor".[951]

The U.S. Department of State report on trafficking covering 2013 explains that "Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in the country's rural areas, as well as domestic servitude and sex trafficking in cities and towns. Family members recruit children and other relatives to travel from rural areas to cities, where they are subjected to domestic servitude or other forms of forced labor after arrival; some children, particularly orphans, are lured with promises of education or adoption. Children are forced to labor in the agricultural and mining sectors or to carry out illegal activities, including drug smuggling. Additionally, the practice of ngozi, or giving of a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. The individuals given to the wronged family, often girls, are sometimes forced to labor for, and/or marry a member of the new family".[952] Consultative meetings conducted by the Zimbabwe Youth Council on Harmful Social and Cultural Practicesindicated that "Child prostitution was reported as highly prevalent in transit towns; Ngundu, Neshuro, Hwange and Lukosi. Prostitution varies from highly organized to opportunistic. The most dire situation was reported by participants in Hwange where young girls were reported to charge as little as $1".[953]

According to Japhet Moyo, the Zimbabwe Congress of Trade Unions Secretary General "Whenever companies downsize or fold, household incomes suffer and the tendency among parents and guardians is to look to children to help raise money for upkeep by forcing them to engage in commercial work".[954] He further noted that child labour is common on farms and sugar plantations, and in the retail and mining sectors, while girls are often employed as domestic workers – all occupations "where the wages tend to be very low".[955]

According to January 2013 statistics from the Coalition Against Corruption, there are "63,000 children under the age of 15 nationwide who are forced to work at vendors, mostly in Zimbabwe's border towns. This was a marked increase from the 42,000 child vendors reported in 2010".[956] The Inter Press Service reportsthat Sithole, who lives in Harare's Machipisa low-income suburb,stated that the 25 dollars she earns weekly is not enough to pay for her upkeep and still have enough left over to send back to her poor parents in Chipinge, a district over 500 kilometres east of Harare.[957] "My parents posted me to relatives here to find something to do after they failed to raise school fees for me," Sithole told IPS. So instead of continuing in school to grade nine, she was forced to drop out in the middle of grade four and come to Zimbabwe's capital city".[958]

Also see *6.8. Socio economic situation for women and desperate survival measures*

[951] U.S. Department of Labor, *2013 Findings on the Worst Forms of Child Labor - Zimbabwe*, 7 October 2014
[952] U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014
[953] Zimbabwe Youth Council and UNICEF, *Eliminating Harmful Cultural Social Practices Affecting Children: Our Collective Responsibility,* March 2014, *Executive Summary*
[954] Integrated Regional Information Network, *Zimbabwe's ailing economy fuelling child labour*, 9 January 2014
[955] Integrated Regional Information Network, *Zimbabwe's ailing economy fuelling child labour*, 9 January 2014
[956] Inter Press Service, *Children Learn Lessons of Commerce on the Streets of Zimbabwe*, 5 April 2013
[957] Inter Press Service, *Children Learn Lessons of Commerce on the Streets of Zimbabwe*, 5 April 2013
[958] Inter Press Service, *Children Learn Lessons of Commerce on the Streets of Zimbabwe*, 5 April 2013

6.6. Child rape and abuse

UNICEF reports that "The National Baseline Survey on Life Experiences of Adolescents, launched in November 2013, shows that approximately one in three girls and one in ten boys aged between 18-24 years has experienced sexual abuse in childhood. Only 3 per cent of the girls receive the professional help they need. Through the Child Protection Fund (CPF), managed by UNICEF, almost 90,000 children at risk of and exposed to violence, abuse, exploitation and neglect received free quality support and care services, either directly or through their caregiver".[959]

According to the 2013 U.S. Department of State report:

> Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. In 2012 the NGO Childline counseled more than 9,000 children directly affected by abuse. Most of the substantive calls concerned sexual and physical abuse, generally inflicted by a relative or someone who lived with the child. Approximately twice as many girls reported abuse as boys. According to the 2011 National Baseline Survey on Life Experiences of Adolescents Preliminary Report (NBSLEA), approximately 9 percent of girls and just under 2 percent of boys between the ages of 13 and 17 reported experiencing sexual violence in the previous 12 months. Older adolescents (adolescence ends at the age of majority) reported that one-third of girls and nearly one-tenth of boys experienced sexual violence during childhood. The NBSLEA defined sexual violence as unwanted sexual touching, unwanted attempted sex, physically forced sex, and pressured sex. In one reported instance of abuse, a girl was tied to a tree with a metal chain and beaten to death by her parent.
> It is legal for parents and schools to inflict corporal punishment on boys. The NBSLEA reported that 47.8 percent of women and 60 percent of men 18 to 24 years of age had experienced physical violence from a parent or adult relative. The same survey showed that 47.3 percent of women and 57.6 percent of men 18 to 24 years of age had experienced physical violence from an adult authority figure. The new constitution provides that "no person may be subjected to cruel, inhuman, or degrading treatment or punishment," but the courts had not interpreted the clause and determined whether it applied to corporal punishment. Government efforts to combat child abuse continued to be inadequate and underfunded, but there were improvements in 2012, as the Department of Social Services received international donor support. The government doubled the number of district social services and family clubs, thereby providing vulnerable children with essential services. […]
> Childline reported that children were killed for ritual purposes and their bodies found abused and missing parts.[960]

The Research and Advocacy Unit, reporting on the results of a sample of 222 questionnaires notes that:

> Significantly more men than women thought that when rape is perpetrated against a child it is not the child's fault. However, it was perplexing to see that almost [45%] of women responded saying that they did not know whose fault it would be when a child is raped. This response reveals the attitudes of most women who fail to realise that when a child is raped, it is always the fault of the perpetrators, and frequently they will try and protect the perpetrators be it a relation or their spouse, or if it is a stranger they may try and force a marriage to legitimise the 'illegal sex'.[961]

The Zimbabwean notes in December 2013 that "According to a report by Save the Children Norway, sexual abuse of children with disabilities is on the increase in Zimbabwe. According to the report, 87.4 per cent of girls with disabilities had been sexually abused. Approximately 48 per cent of these girls were mentally challenged, 15.7 per cent had hearing impairments and 25.3 percent had visible

[959]UNICEF, *2013 Annual Report Zimbabwe*, 2014, *Child Protection*
[960]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Children*
[961]Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *4.1.8 Child Rape*

physical disabilities. Of those who had been sexually abused, 52.4 per cent tested positive for HIV".[962]Also see *10. Persons with disabilities, including persons with albinism*.

In June 2014 NewsDay noted that:

> Other sections of society believe the courts are to blame for imposing sentences against offenders that do not serve as a sufficient deterrent to others not to commit such crimes.
> As explained by the mother of one rape victim from Chiriseri communal lands in Bindura: "I broke into a neighbour's home one day after I became suspicious and got the shock of my life to see a married man bedding my 15-year-old daughter.
> "I reported the case to the police and it went for trial at Bindura Magistrates' Court in March this year. But the magistrate just sentenced the perpetrator to three months' imprisonment with the option to pay a fine of $300. In mitigation, the magistrate cited that the victim was only four months away from reaching the age of 16 (the age of consent).
> "I felt hopeless after this experience, since my daughter was not protected enough by the law. Every day imagine the plight of guardians and minors out there whose cases are treated like my daughter's. Who then will represent our children if they are lured by abusers?''[963]

Also see *6.9. Socio economic situation for women and desperate survival measures.*

Officially launching a campaign against rape in June 2014 Vice President Mujuru stated almost 11,000 women and girls were raped between 2012 and the first quarter of 2014. Furthermore "Cases of rape have been attributed to "child marriages, pledging of girls for the purposes of appeasing the spirits and forced wives inheritance. It has also been blamed on rituals purpose, some perpetrators believe that having sex with either a minor or a virgin will help them cure aids".[964]

UNICEF reports in September 2014 that "Child sexual abuse is on the rise in Zimbabwe" and that the Zimbabwe Republic Police report that "more than 100 girls are sexually abused every day in Zimbabwe —more than at any other time in the history of the country".[965] In September 2014 the International Institute for Peace, Justice and Human Rights submitted to the UN Human Rights Council that "The Zimbabwe Republic Police national statistics reported that on average about 5,000 children (girls and boys) are sexually abused every year. Between January and March 2014, 1,354 cases were reported of which 946 were girl victims. Since last year Childline has confirmed a 14% increase in cases of child sexual abuse in Zimbabwe. The majority of these cases have had perpetrators that were neighbours, uncles, cousins, fathers, stepfathers and often close friends, and many of them have occurred on home premises".[966] The same source further reports that:

> It is common in Zimbabwe for families to hold traditional practices, and religious attitudes that contribute as a factor to sexual violence. One example is a traditional ritual of prescribing sexual intercourse with a virgin child as treatment to enhance wealth, to treat HIV/Aids and other Sexually Transmitted Infections. Spiritual ritual Chiramu of the Shona culture is one example that encourages brothers-in-law and mothers-in-law to participate in sexual intercourse and activity with a

[962] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[963] News Day, *Child sexual abuse victims locked up in psychological prisons*, 21 June 2014
[964]Voice of America, *VP Mujuru: 11,000 Girls, Women Raped in Zimbabwe*, 19 June 2014
[965]UNICEF, *The Development Exchange E-Digest Vol. 1 Number 1*, September 2014, *Hidden in Plain Sight: Child sexual abuse in Zimbabwe*
[966] International Institute for Peace, Justice and Human Rights, *Written statement* submitted to the UN Human Rights Council by the International Institute for Peace, Justice and Human Rights (IIPJHR), a nongovernmental organization in special consultative status*, 4 September 2014

> niece/nephew virgin child as a means of curing HIV. The risk of sexual abuse is high and such practices exploit their innocence.[967]

6.7. Education

In January 2013 IRIN provided the following overview of Zimbabwe's education sector:

> Zimbabwe's education system, once regarded as the finest on the continent, was a casualty of the country's economic meltdown in the 2000s, when it nearly collapsed - but lately there have been signs of recovery.
> The education malaise was widely blamed on hyperinflation, which made teachers' salaries worthless and funding for school materials and maintenance impossible.
> But with economic reforms of 2009 and the establishment of a donor funding mechanism, the school system is seeing modest, gradual improvement. Still, vast challenges - from poor infrastructure to teacher shortages - remain.[968]

UNICEF reports that "There has been an improvement in student results at the primary school level from 45 per cent recorded in 2011 to 49 per cent in 2012. Secondary school completion rates rose substantially from 40 per cent in 2009 to 53 per cent in 2012, a reflection of improving levels of access and participation. […]Figures from the Education Management Information System (EMIS) show that 436,000 school children received assistance from the Basic Education Assistance Module (BEAM) in 2013. However, funding is inadequate and reaches only half of children in need".[969] The Zimbabwe Human Rights NGO Forum in its quarterly 'political and human rights violations' report covering January-March 2014 notes that "out of targeted 250 000 students under BEAM, the government at the beginning ofthe school term in January only managed to pay for 83 000 children leavingout 167 000 children. 22 The UK government through its Department forInternational Development (DFID) rescued the situation by providing funds for2014".[970]

In January 2013 IRIN cites David Coltart, then education minister as stating, "We've got 8,000 schools. If you go to most of these schools, you'll see the infrastructure is crumbling - schools not being maintained, toilets in a terrible state of disrepair. Many schools don't have desks, don't have blackboards".[971]IRIN further notes that "He said the $500,000 from the 2012 national budget for school maintenance was "less than drop in the ocean", and his ministry would be seeking donor assistance. "We could spend a billion dollars on the education sector, and we wouldn't address all these structural problems".[972]

The 2013 U.S. Department of State report notes that:

> Primary education is not compulsory, free, or universal. The new constitution states that every citizen and permanent resident of the country has a right to a basic state-funded education but adds a caveat

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[967] International Institute for Peace, Justice and Human Rights, *Written statement* submitted to the UN Human Rights Council by the International Institute for Peace, Justice and Human Rights (IIPJHR), a nongovernmental organization in special consultative status*, 4 September 2014

[968]Integrated Regional Information Networks (IRIN), *Is Zimbabwe's education sector on the road to recovery?,* 24 January 2013

[969]UNICEF, *2013 Annual Report Zimbabwe*, 2014 *Basic Education, Gender & Equality*

[970]Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violations Report January-March 2014,*March 2014

[971]Integrated Regional Information Networks (IRIN), *Is Zimbabwe's education sector on the road to recovery?,* 24 January 2013

[972]Integrated Regional Information Networks (IRIN), *Is Zimbabwe's education sector on the road to recovery?,* 24 January 2013

> that the state "must take reasonable legislative and other measures, within the limits of the resources available to it." According to the 2012 DHS [government-led Demographic Health Survey], 94 percent of female and 90 percent of male children between the ages of 10 and 14 attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for older children was in decline. According to the 2005-10 UNICEF Situational Analysis of Women's and Children's Rights in Zimbabwe, examination pass rates were dropping, and 50 percent of students, primarily girls, ceased attending school after grade seven. Increasing school fees were the main reason for lack of attendance, and girls were more easily able to obtain work as domestic workers than were boys. Despite a directive from the Ministry of Education that no child should be refused education for not paying school fees, there were reports that schools turned away students with unpaid fees.[973]

Freedom House reports that "the prevalence of customary laws in rural areas undermines women's civil rights and access to education. About one-third of Zimbabwean girls do not attend primary school and two-thirds do not attend secondary school due to poverty, abuse, and discriminatory cultural practices".[974] In June 2014 Zimbabwe Youth Minister Francis Nhema stated that "some 300,000 children are being forced to drop out of school every year due to socio-economic challenges".[975] Progressive Teachers Union Zimbabwe president, Takavafira Zhou stated that poverty was the main factor in children failing to complete school.[976] The International Federation of Red Cross and Red Crescent Societies reports in March 2013 that "As well as their inability to pay the fees and expenses, parents may pull their children out of school to work as casual labourers bringing small amounts of money into the household. Often, though, the children are simply too hungry to turn up".[977] Former Education minister David Coltart also reported in July 2013 that " the country's high HIV and AIDS prevalence has taken its toll on the education sector with several schoolchildren either failing to attend classes as they have to look after sick family members or were themselves infected with the disease".[978]

In May 2013 it was reported that "Parents in most parts of the country are fuming after schools sent home hundreds of pupils on the first day of school over unpaid fees. Some school administrators claimed a ministry memorandum demanded school fees be paid in full before pupils are allowed into classes. As a result, some parents in Masvingo Province and other areas this afternoon staged demonstrations, complaining the move by headmasters to send their children back home was unfair".[979]In November 2014 it was reported that "Some inhabitants of Mt. Darwin in Mashonaland Central province are complaining that their children are being denied their right to education as authorities are ejecting the students from school for non-payment of fees".[980] A local resident stated that "We would want government to intervene. The Ministry of Education has said that no child must be ejected from school for non-payment of fees. You can see that we are not getting paid properly for our agricultural produce at the markets, and inputs are also taking long to get here even if we get them on loan, so it becomes difficult for us pay the fees".[981] According to the Mangwe junior MP, Sarudzai Tigere, "the shortage of primary schools in her constituency is critical and has led to children either dropping out of school or being forced to walk long distances every day".[982] It

[973]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Children*
[974]Freedom House, *Freedom in the World 2014 - Zimbabwe*, 22 August 2014
[975]Voice of America, *High School Dropout Rate Worries Zimbabweans*, 24 June 2014
[976]Voice of America, *High School Dropout Rate Worries Zimbabweans*, 24 June 2014
[977]International Federation of Red Cross And Red Crescent Societies, *Lost education, lost futures: the hidden consequences of food insecurity*, 25 March 2013
[978]National Aids Council, *Pupils affected by HIV and AIDS*, 15 July 2013
[979]Voice of America, *Zimbabwe Schools Drop Pupils Not Paying Fees*, 7 May 2013
[980]Voice of America, *Zimbabwe Schools Returning Students Home for Not Paying Fees*, 18 November 2014
[981]Voice of America, *Zimbabwe Schools Returning Students Home for Not Paying Fees*, 18 November 2014
[982]The Zimbabwean, *Shortage of schools critical*, 25 August 2014

was further reported that "School children in most parts of Matabeleland provinces are performing dismally in school due to poverty, poor infrastructure and inadequate learning facilities. Last year, about six schools in Gwanda, Matabeleland South, failed to record a single pass. Owing to grinding poverty, school children spend most of their time looking for food instead of going to school".[983]

In an August 2014 gender review of the programme activities of UNICEF Zimbabwe Country Office, UNICEF reports with regards to education that:

> Although Zimbabwe has achieved gender parity in primary school education, there remains a gender gap in secondary and tertiary education enrolments. The highest level of education completed has a bearing on one's employment opportunities. More males access tertiary education than females since as the level of education increases, more males than females are enrolled. The percentage of women enrolled in technical colleges reached a peak of 65% in 2009. Women are mostly dominant in subject areas such as secretarial studies and textile/clothing technology with their enrolment in such areas standing at above 90%. Men dominate in areas of study such as engineering. [984]

According to Human Rights Watch, "The lack of sanitary toilets in schools also impacts girls' ability to receive education. Without a clean and private area to use, many girls are unable to attend school while menstruating".[985]

Also see *4.1.3.3. Students*.

6.8. Harmful cultural practices

6.8.1. Under-age marriage

In an August 2014 gender review of the programme activities of UNICEF Zimbabwe Country Office, UNICEF reports with regards to early marriage:

> The median age at first marriage among women was 19.7 years while that for men was 24.8 years. Early marriage leads to school drop outs, which has a negative impact on women's education and career development, leading to economic dependence, illiteracy, disempowerment and vulnerability to violence and HIV infections. Early marriage also exposes women to the possibility of early pregnancy which may endanger a young woman's health. One percent of both girls and boys aged between 12 and 14 years were married in 2011. 11% of women are in polygamous marriages.[986]

The 2013 U.S. Department of State report notes with regards to forced and early marriage that:

> Despite legal prohibitions, families continued to force girls to marry, primarily among the rural population. Families gave young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or when promised to others--sometimes before birth--to ensure economic protection for the family. Some families sold their daughters as brides in exchange for food, and younger daughters at times married their deceased older sister's husband as a "replacement" bride. The legal age for a civil marriage is 18, but girls who are 16 and 17 also can marry with parental approval. Customary marriage, recognized under the Customary Marriages Act, does not require a minimum marriage age for either boys or girls. The criminal code prohibits sexual relations with persons younger than age 18. According to the DHS study, 21.7 percent of females between the ages of 15 and 19 were married. Child welfare NGOs reported that they occasionally saw

[983] The Zimbabwean, *Shortage of schools critical*, 25 August 2014
[984] UNICEF, *ZimbabweGender Review Report*, August 2014 *Part 1: Introduction*
[985] Human Rights Watch, *Troubled Water Burst Pipes, Contaminated Wells, and Open Defecation in Zimbabwe's Capital*, 19 November 2013 *Summary*
[986] UNICEF, *ZimbabweGender Review Report*, August 2014 *Part 1: Introduction*

> evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who did not have relatives willing or able to take care of them. The new constitution declares anyone under the age of 18 a child, but the Customary Marriages Act had not been amended to reflect the constitutional change.[987]

According to the Zimbabwe National Council for the Welfare of Children, "Cultural values, child abuse and economic hardship have forced 31% of young girls into traumatic, early marriages".[988] The U.S. Department of State, Trafficking in Persons Report covering 2013 notes that "the practice of ngozi, or giving of a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. The individuals given to the wronged family, often girls, are sometimes forced to labor for, and/or marry a member of the new family".[989]

The UN Population Fund reports that "On average, one out of three girls will be married before their 18th birthday. In 2011, about 31% of the women aged 20-24 were married/in union before age 18. Data shows a 9% decline since 2006 (34%). While child marriage is common in Zimbabwe, prevalence is highest in Mashonaland Central (50%), followed by Mashonaland West (42%), Masvingo (39%), Mashonaland East (36%), Midlands (31%), Manicaland (30%), Matabeleland North (27%), Harare (19%), Matabeleland South (18%), and Bulawayo (10%").[990] The same source further notes that:

> **Child marriage occurs more frequently among girls who are the least educated, poorest and living in rural areas**. In 2011, women aged 20-24 and living in rural areas were about twice as likely to be married/inunion before age 18 than their urban counterparts. This urban-ruraldivide has remained at roughly the same level since 2006.
> **Education is associated with the prevalence of child marriage in Zimbabwe.** 33% of women aged 20-24 with no education and 55%with primary education were married or in union at age 18, compared to23% of women with secondary education or higher.
> **Household wealth influences the prevalence of child marriage among all wealth quintiles**. Girls from the poorest 20% of thehouseholds were more than 4 times as likey to be married/in unionbefore age 18 than girls from the richest 20% of the households.[991]

The Zimbabwe Human Rights NGO Forumexplains poverty plays a central role in perpetrating child marriage noting that "girls from poorer families are more vulnerable to child marriage because the costs associated with education impede their attendance. Child marriage is also valued as an economic coping strategy that reduces the costs of raising daughters Further, some girls marry to escape poverty".[992] With regards to the prevalence of the practice the same source notes that:

> Zimbabwe has one of the highest child prevalence rates. According to the United Nations Population Fund 31% of Zimbabwean women entered into child marriage between 2000-2011 translating to one in every three girls getting married before the age of 18. Child marriage is prevalent in some religious sects like the apostolic sect where girls are married off to elderly church members normally in polygamous relations. In some cultures young girls are paid off to appease avenging spirits.[993]

The U.S. Department of State 2013 International Religious Freedom Report notes that "As in the previous year, some Christian groups blamed indigenous Christian groups, particularly the Apostolic

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[987] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Children*
[988] Zimbabwean, *NGO trains children to fight abuse*, 12 August 2014
[989] U.S. Department of State, *Trafficking in Persons Report 2014 - Zimbabwe*, 20 June 2014
[990] UN Population Fund, *Child Marriage Profile Zimbabwe*, undated (date accessed 28 November 2014)
[991] UN Population Fund, *Child Marriage Profile Zimbabwe*, undated (date accessed 28 November 2014)
[992] Zimbabwe Human Rights NGO Forum, *Human Rights Bulletin Number 98: Child Marriages*, August 2014
[993] Zimbabwe Human Rights NGO Forum, *Human Rights Bulletin Number 98: Child Marriages*, August 2014

community in Marange, for increasing HIV/AIDS rates in the community by discouraging condom use and preventing HIV/AIDS education, as well as encouraging polygamy with young girls. Civil society groups and health NGOs continued to reach out to the Apostolic community in Marange and other areas on this issue to mitigate the concerns".[994]

Consultative meetings conducted by the Zimbabwe Youth Council on Harmful Social and Cultural Practicesindicated that "Early marriages were reported as the most common harmful practice in all the seven areas. In most cases, participants reported that early marriages are accompanied by emotional, physical and psychological abuse. Early marriages also lead to increased vulnerability especially in cases where young girls are burdened with the responsibility of looking after the family. While most early marriages can be classified as statutory rape, most parties often opt for negotiated settlements, and in some cases parent will accept bride wealth".[995]

6.8.2. FGM

No COI published in 2013 or 2014 was found amongst the sources consulted on the practice of FGM in Zimbabwe.

6.9. Socio economic situation for women and desperate survival measures

In an August 2014 gender review of the programme activities of UNICEF Zimbabwe Country Office, UNICEF reports with regards to employment that:

Women trail behind men on measures of economic empowerment, such as labour force participation, wage equality and representation in senior positions. Women's Access to Agricultural Productive Resources is relatively low. Men dominate in ownership of land across all sectors. Only 19% of large scale commercial farms are owned by women while 45% of owners of land in communal areas are females compared to 55% males. Of the 5.4 million employees in 2011, 1.1 million were in paid employment in the non-agricultural sector, 34% in which were women. The majority of the employees in non-agricultural sectors were in education, manufacturing and wholesale and retail trade, repair of motor vehicles and motor cycles. Of the three sectors, women dominate in the education sector (55%). About 3.6 million were in the agriculture, forestry and fishing sector, in which about 55% of the employees were women. Men dominate in mining and quarrying, electricity, gas, steam and air condition supply, construction and transport and storage.[996]

In March 2014 the International Federation of Red Cross and Red Crescent Societies reported with regards to women's coping mechanisms that:

> Across southern Africa, approximately 9 million people are affected by lack of food, particularly in Zimbabwe, Malawi and Namibia. As a consequence, people are adopting a wide range of negative coping mechanisms. In Zimbabwe, this includes eating one meal a day instead of three, illegally digging for gold, children dropping out of school, trading livestock for cereal (which erodes a family's assets), and the trading of sexual favours for food.
> It is a chronic crisis with multiple causes, including recurring droughts and rising food prices. With people earning less than one dollar a day, having to pay two dollars for a head of cabbage is prohibitive. Trends show that, over the years, the food insecurity situation in Zimbabwe has been worsening. A report from the Zimbabwe Vulnerability Assessment Committee indicates 2.2 million

[994]U.S. Department of State,*2013 International Religious Freedom Report - Zimbabwe*, 28 July 2014, *Section III. Status of Societal Respect for Religious Freedom*
[995]Zimbabwe Youth Council and UNICEF, *Eliminating Harmful Cultural Social Practices Affecting Children: Our Collective Responsibility,*March 2014, *Executive Summary*
[996]UNICEF, *ZimbabweGender Review Report*, August 2014 *Part 1: Introduction*

people, or 25 per cent of rural households, do not have enough food right now. That is a 32 per cent increase compared to the year before.[997]

IRIN reported in February 2014 that "The loss of land and a gender hierarchy, among other factors, are forcing some young girls – with parental consent – to forsake school and turn to sex work on diamond mines in the Marange region of eastern Zimbabwe. 'Commercial sex among girls as young as 12 years has become a natural way out of poverty for these children and their families. They are using it as a coping mechanism in the wake of the negative effects on household livelihoods caused by mining activities in Marange,' Melanie Chiponda, programme manager of the Chiadzwa Community Development Trust (CCDT), an NGO, told IRIN".[998]

Freeman Bhoso, executive director of the Zimbabwe Natural Resources Dialogue Forum (ZNRDF), an NGO advocating sustainable and equitable exploitation of mineral resources stated that "Communities are not benefiting from the exploitation of resources, but are getting further impoverished. As a result, household members are forced to engage in activities - some of them life-threatening - that guarantee them bare survival. Child commercial sex is a symptom of poverty".[999]
The Zimbabwean reports in August 2014 that at Chingwizi Transit camp, "villagers accused soldiers and other government officials responsible for the distribution of food rations and rescue operations of luring hungry, under-age victims with food rations and then abusing them. Fearing arrests, sources said, perpetrators have since offered to marry some of the girls".[1000]IRIN also reports in February 2013 that "Sekai Chinouriri, 35, a divorced mother of two from Seke District, was denied a plot on communal land because she refused to provide the headman with sexual favours. […] Chinouriri says the headman also demands villagers give him a cut of donor food aid in order to remain on the beneficiaries' list]".[1001]

The Zimbabwean reports in August 2014 that according to Elfas Mcloud Zadzagomo, chief executive of Defence for Children International Zimbabwe, "perpetrators target girl vendors and those living on the streets. They abuse them using money as bait. The prevailing harsh economic situation forces victims to comply".[1002] In September 2014 the Zimbabwean Sunday Mail reported that "parents and guardians in the settlement of Epworth on Harare's outskirts could be complicit in their children-some as young as 12- engaging in prostitution".[1003] Some of the girls that the newspaper spoke to said that their parents "encouraged" them to go out at night and return with money and staff at local bars also said that parents and guardians unable to pay school fees "looked aside".[1004]

The UN Population Fund describes the traditional practice of 'kuzvarira', in which "poor girls are married off to men in more affluent families, often in exchange for food and other materials".[1005]Also see *6.8.1. Under-age marriage*.

IRIN reports in January 2014 that "company closures, downsizings and retrenchments that have led to the demise of Zimbabwe's manufacturing sector in the past decade, and particularly in recent

[997]International Federation of Red Cross And Red Crescent Societies, *Trading sexual favours for food and school fees in Zimbabwe*, 28 March 2014
[998]Integrated Regional Information Network,*Zimbabwe's misery diamonds*, 7 February 2014
[999]Integrated Regional Information Network,*Zimbabwe's misery diamonds*, 7 February 2014
[1000]Zimbabwean, *NGO trains children to fight abuse*, 12 August 2014
[1001]IRIN, *Corruption feeds on Zimbabwe's poor*, 1 February 2013
[1002]Zimbabwean, *NGO trains children to fight abuse*, 12 August 2014
[1003]Sunday Mail, *Zimbabwe's Vice Capital: As 12 year olds are roped into prostitution in Epworth*, 28 September 2014
[1004]Sunday Mail, *Zimbabwe's Vice Capital: As 12 year olds are roped into prostitution in Epworth*, 28 September 2014
[1005]UN Population Fund, *Empowerment programmes help girls break free of violence*, 9 October 2014

months, are forcing parents and guardians to send their children out to work to augment household incomes, say labour experts and economists".[1006]According to Japhet Moyo, Zimbabwe Congress of Trade Union 's (ZCTU) secretary general "Children, together with women, are bearing the brunt of company closures that, according to findings by our retrenchment committee for the period from July 2013, have resulted in an average of 300 workers being laid off per week".[1007]Also see section *6.5. Child labour*.

Also see *1.3. Overview of socio-economic situation.*

7. Minority ethnic groups

7.1. Ndebele

According to the Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report', which covers the period from 31 January 2011 to 31 January 2013the Ndebele make up "approximately 16% of the population".[1008]

The CIA 'World Factbook: Zimbabwe' noted that 14% of Zimbabweans were from the Ndebele ethnic group compared to 82% Shona, 2% other, 1% "mixed and Asian" and less than 1% white.[1009] The Ndebele mainly reside in Matabeleland.[1010]

7.1.1. Legal framework

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 includes the following provisions with regards to ethnic minorities:

> Chapter 1 […]
> Article 3 Founding values and principles
> (1) Zimbabwe is founded on respect for the following values and principles - […]
> (c) fundamental human rights and freedoms;
> (d) the nation's diverse cultural, religious and traditional values;
> (e) recognition of the inherent dignity and worth of each human being;
> (f) recognition of the equality of all human beings; […]
> (2) The principles of good governance, which bind the State and all institutions and agencies of government at every level, include – […]
> (h) the fostering of national unity, peace and stability, with due regard to diversity of languages, customary practices and traditions;
> (i) recognition of the rights of – […]
> (i) ethnic, racial, cultural, linguistic and religious groups […]
> Article 6 Languages
> (1) The following languages, namely Chewa,Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa, are the officially recognized languages of Zimbabwe

[1006]Integrated Regional Information Network, *Zimbabwe's ailing economy fuelling child labour*, 9 January 2014
[1007]Integrated Regional Information Network, *Zimbabwe's ailing economy fuelling child labour*, 9 January 2014
[1008] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *I. Political Transformation, 1 Stateness*
[1009] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Ethnic groups*
[1010] Minorities at Risk, *Chronology for Ndebele in Zimbabwe*, 10 January 2007

(2) An Act of Parliament may prescribe other languages officially recognized languages and may prescribe languages of record.
(3) The State and all institutions and agencies of government at every level must-
(a) ensure that all officially recognized languages are treated equitably; and
(b) take into account the language preferences of people affected by government measures or communications.
(4) The State must promote and advance the use of all languages used in Zimbabwe, including sign language, and must create conditions for the development of those languages.

Chapter 4 […]
Part 2 […]
56 Equality and non-discrimination […]
(3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in our out of wedlock. […].[1011]

7.1.2. Treatment by state actors

The U.S. Department of State annual human rights report covering 2013 reported that:

> Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government. During the elections Welshman Ncube of the MDC-N was often accused of campaigning on a tribal platform by the mainstream MDC-T. In turn, the smaller MDC-N complained of continued victimization and neglect of the minority Ndebele by the Shona dominated MDC-T and ZANU-PF.[1012]

Similarly, the Minority Rights Group International report 'State of the World's Minorities and Indigenous Peoples 2014' stated the following issues:

> The Ndebele minority continues to be marginalized with regard to political representation. The government has been accused of neglecting Matabeleland, a Ndebele-dominated region that is one of the most underdeveloped areas in the country. Companies have also reportedly been bringing in Shona workers from outside Matabeleland to work in the region, even though there are sufficient numbers of skilled workers already there. In April [2013] a number of youths were arrested for demonstrating against the 'tribal employment tendencies' of employers who bussed in labourers from outside the region to work on a local labour project. The Co-Minister in the Organ for National Healing and Reconciliation denounced their arrest and confirmed that local employment opportunities were being given to others for politically motivated reasons based on tribal affiliation.
> Reflecting the ongoing marginalization of Ndebele, there were a number of incidents of discrimination and violence against them during 2013. In February, three police officers in Bulawayo East allegedly verbally abused an employee of a sports bar for playing Ndebele music and subsequently tried to close the investigation into the matter.[1013]

In July 2014 Bulawayo 24 News reported that "The Deputy Minister of Primary and Secondary Education, Prof Paul Mavhima […] lead a delegation to assess the problem of deployment of non-Ndebele speaking teachers in Matabeleland. The increasing number of non-Ndebele speaking teachers in Matabeleland has become a thorny issue, with parents, educationists and politicians

[1011] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 1 (3 and 6) and Chapter 4 (56)*
[1012] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., National/Racial/Ethnic Minorities*
[1013] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014: Africa*, 3 July 2014, *Zimbabwe*

blaming the development for the low pass rates in the region. Those who have expressed disquiet over the matter have dismissed claims that the issue could be tribal saying it is not about one being Ndebele, but the need for the teacher to understand a local language, be it Tonga, Kalanga, Nambya, Xhosa or any other".[1014]

7.1.3. Treatment by members of society

Minority Rights Group International's report 'State of the World's Minorities and Indigenous Peoples 2014' noted the following incident: "in September [2013] a man was struck on the head with a brick in a bar fight for speaking Ndebele – he later died in the hospital".[1015]

7.2. Whites

> See also the COI included in the sub-section above *5.4 Farm workers and others displaced by land reform or facing other human rights violations*.

7.2.1. Legal framework

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 includes the following provisions with regards to equality and non-discrimination:

> Chapter 1 […]
> Article 3 Founding values and principles
> (1) Zimbabwe is founded on respect for the following values and principles - […]
> (f) recognition of the equality of all human beings; […]
> (2) The principles of good governance, which bind the State and all institutions and agencies of government at every level, include – […]
> (i) recognition of the rights of – […]
> (i) ethnic, racial, cultural, linguistic and religious groups […]
>
> Chapter 4 […]
> Part 2 […]
> 56 Equality and non-discrimination […]
> (3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in our out of wedlock. […].[1016]

According to the Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report', "the Indigenisation and Empowerment Act, signed in 2007 and put into practice in 2010, against opposition Movement for Democratic Change (MDC) voices who see the act as another example of patronage. The law requires foreign- and white-owned businesses valued more than

[1014] Bulawayo 24 News, *Govt to assess deployment of non-Ndebele speaking teachers in Mat*, 1 July 2014
[1015] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014: Africa*, 3 July 2014, *Zimbabwe*
[1016] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 1 (3) and Chapter 4 (56)*

$500,000 to create and present a plan to the Ministry of Indigenisation and Economic Empowerment which shows steps toward the empowerment of indigenous (i.e., black) entrepreneurs".[1017]

7.2.2. Treatment by state actors

> See also the COI included in the sub-section above *5.4 Farm workers and others displaced by land reform or facing other human rights violations*.

As a background to the situation of white Zimbabweans, especially farmers, the following brief summary provided by IRIN of Zimbabwe's controversial land reform programme, which started in 2000 and concluded in 2012,notes:

> Starting in 2000, the government implemented an initiative to acquire 11 million hectares of white-owned farmland and redistribute it on a massive scale; the programme was often carried out in the form of farm invasions led by frustrated war veterans and supporters of President Robert Mugabe. By its conclusion, only 0.4 percent of farmland remained in the hands of white commercial farmers, and smallholder farmers dominated the agricultural sector.[1018]

According to Agence France-Presse the land reform programme often saw the "violent seizure of more than 3,000 white-owned farms by militant supporters" of President Mugabe's ZANU-PF party.[1019]

With regards to the more recent situation of the remaining whites, the U.S. Department of State annual human rights report covering 2013 reported that:

> ZANU-PF leaders often encouraged hatred against whites through public speeches and other broadcasts. This created tension between ZANU-PF supporters and whites […]
> The government continued its attempts to blame the country's economic and political problems on the white minority and Western countries. ZANU-PF supporters seldom were arrested or charged with infringing upon minority rights, particularly the property rights of the minority white commercial farmers or wildlife conservancy owners targeted in the land redistribution program […]
> Throughout the year government-controlled newspapers and radio and television stations continued to vilify white citizens and blame them for the country's problems.[1020]

Similarly, the Minority Rights Group International report 'State of the World's Minorities and Indigenous Peoples 2014' reported the following:

> Members of the Zanu-PF party also engaged in hate speech against white Zimbabweans through public speeches and government-controlled newspapers, radio and television stations, scapegoating them for the country's problems.
> Following the forcible seizure of their lands, generally without compensation, some farmers had to accept settlements leaving them with 5 to 10 per cent of the value of their investments. As a result there is a significant number of elderly, impoverished former farmers.[1021]

[1017] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *II. Economic Transformation, 9 Private Property*
[1018] IRIN, *A new take on land reform in Zimbabwe*, 5 February 2013
[1019] Agence France-Presse, *Zimbabwe halts seizures of foreign-owners farms*, 3 January 2013
[1020] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., National/Racial/Ethnic Minorities and Promotion of Acts of Discrimination*
[1021] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014: Africa*, 3 July 2014, *Zimbabwe*

The UK Foreign & Commonwealth annual report covering 2013 reported that "President Mugabe's land reform programme continues to cause suffering to the remaining white farmers, their families and workers. Many face intimidation and harassment, and 210 white commercial farmers are under prosecution for refusing to vacate farms allocated for redistribution".[1022]

In June 2013 News Day reported that "Manicaland province governor Christopher Mushohwe is reportedly said to have held a meeting with white commercial famers on behalf of Zanu-PF and asked them to fund the party's election campaign, failure of which they would lose their land".[1023]

In December 2013 the Zimbabwe Peace Project reported that during the month it had observed "continued farm invasions of white owned commercial farms which started more than 13 years ago. The invasions which are usually violent were reported in the Midlands and Mashonaland West provinces. A white commercial farmer was forced off his farm in Chirumanzu on 23 December 2013 by a Zanu PF official and businessman from Fairfield identified as Aaron Rwodzi. The white previous owner was only given 24 hours to vacate the farm leaving behind 210 cattle and a host of farming equipment".[1024]

SW Radio Africa reported in January 2014 that "The ZANU PF provincial leadership in Mashonaland West is reported to have given an ultimatum to white commercial farmers "operating illegally" by leasing land from black farmers. They have been told to end their lease arrangements and shut down by May 15th […] But John Worsley-Worswick of Justice for Agriculture (JAG) described the development as a political move by ZANU PF to remove all white farmers still operating in Mashonaland West province, which the party views as their last political stronghold".[1025]

In March 2014 the Zimbabwe Peace Project reported:

> the continued farm invasions on white owned commercial farms which started more than 13 years ago. The invasions which are usually violent were reported in the Midlands, Mashonaland Central and Mashonaland West provinces. President Robert Mugabe's family reportedly evicted over 900 families from Manzou Farm in Mazowe to pave way for the First Family to allegedly establish a wildlife sanctuary. Some of the victims of the evictions are still camped at Henderson Research Station as they scrounge for alternative accommodation. As a result of the demolitions in Manzou Farm, a yet to be opened service station situated close to Mazowe Dam was demolished by the police. The owner lost property worth thousands of dollars despite the fact that the development was approved by the Mazowe District Council.[1026]

In April 2014 SW Radio Africa reported that:

> Former Indigenisation Minister Saviour Kasukuwere has reportedly stated that only white Zimbabweans will be required to comply with ZANU PF's indigenisation laws, as part of plans to 'indigenise' the Save Valley Conservancy. Kasukuwere, who is now the Environment Minister in the new government, was quoted by the Cairo based news group Anadolu Agency, as saying that indigenisation is going ahead at Save Valley Conservancy. "The ongoing discussions are basically about the inclusion of the rural communities who live in the areas surrounding the conservancy," he was quoted as saying. The minister stressed that only those properties owned by white Zimbabweans would be affected by the controversial indigenisation policy, which was originally meant to force

[1022] UK Foreign & Commonwealth Office, *Foreign and Commonwealth office 2013 Human Rights and Democracy Report: Zimbabwe – Country of Concern,* 10 April 2014, Updated 16 October 2014, *Land and farm invasions*
[1023] News Day, Fund *Zanu-PF or lose land, white farmers told*, 20 June 2013
[1024] Zimbabwe Peace Project, *Monthly Monitor December 2013,* 31 December 2013, *Executive Summary*
[1025] SW Radio Africa, *White farmers in Mash west given May deadline*, 20 January 2014
[1026] Zimbabwe Peace Project, *Monthly Monitor*, 31 March 2014, *Executive Summary*

foreign owned firms to give black Zimbabweans a minimum 51-percent stake in their shareholding. But in the Save Valley Conservancy, foreign owned properties will be protected. "Foreign-owned properties will not be affected as they are protected under investment laws, but those [properties] of local whites will be," Kasukuwere said.[1027]

In June 2014 the Zimbabwe Peace Project noted the following incidents:

- A group of ten army officers invaded Piedmont farm in Matepatepa, Bindura North [Mash Central] forcing a White farmer to vacate the property leaving all farming machinery at the farm
- HurungweWest MP Temba Mliswa continues to campaign for the eviction of all white farmers inMashonaland West, emphasizing that all farms registered for distribution should comethrough him. However there has been a decline in the number of politically motivatedviolations; there were 14 cases of harassment and intimidation in June compared to the22 and 24 cases in April and May 2014 respectively.[1028]

The International Crisis Group's 'CrisisWatch' reported that on 2nd July 2014 Mugabe "called for white farmers to leave country".[1029] According to the BBC President Mugabe told his supporters at a rally that "We say no to whites owning our land and they should go" and "Don't be too kind to white farmers. Land is yours, not theirs".[1030] The same article also noted that "The president's critics say his policy of seizing most of Zimbabwe's white-owned farms caused the country's economic collapse from 2000-2009" and that there were "only between 100 and 150 white farmers left in Zimbabwe".[1031] According to Freedom House's 'Freedom in the World 2014' report "Fewer than 400 white-owned farms remain out of the 4,500 that existed when land invasions started in 2000, and any avenues of legal recourse for expropriated farmers have been closed".[1032]

Following President Mugabe's statement, Bulawayo 24 News reported that on 25 July 2014 "More than 100 Zanu PF supporters invaded Mazwi Game and Nature Reserve in St Peter's on the western outskirts of Bulawayo on Monday allegedly with the blessing of the party's provincial leadership. Mazwi is owned by the Bulawayo City Council through the City of Kings Business Ventures […] When Southern Eye visited the game reserve yesterday, more than 100 people, including women and children clad in Zanu PF regalia, were preparing food at the main shed of the game reserve. They told Southern Eye that they had seized the land saying council was keeping it on behalf of white people. One of the invaders, who only identified himself as Dube, said they had been sent by their party's provincial leaders to occupy the land".[1033] Similarly, The Zimbabwe Independent noted that "ZANU PF activists including war veterans have reportedly embarked on a renewed farm invasion spree in many parts of the country, disrupting operations at mostly the few remaining white-owned farms, the Zimbabwe Independent has learnt […] Sources at the lands offices in Masvingo, Bulawayo and Mashonaland Central said since Mugabe's utterances there has been increased interest in taking over farms run by the remaining white commercial farmers […] "We have received numerous calls from interested parties identifying farms that are still being run by white farmers," one source from Masvingo said […] Commercial Farmers Union president Charles Taffs said they were receiving reports of fresh invasions on a daily basis".[1034]

[1027] SW Radio Africa, *Kasukuwere targets white Zimbabweans in Save Valley*, 29 April 2014
[1028] Zimbabwe Peace Project, *Monthly Monitor: June 2014,*16 July 2014, *Incidences of politically motivated violations*
[1029] International Crisis Group, *CrisisWatch Database: Zimbabwe*, 1 August 2014
[1030] BBC News, *Zimbabwe's Robert Mugabe tells white farmers 'to go'*, 3 July 2014
[1031] BBC News, *Zimbabwe's Robert Mugabe tells white farmers 'to go'*, 3 July 2014
[1032] Freedom House, *Freedom in the World 2014 – Zimbabwe*, 22 August 2014, *G. Personal Autonomy and Individual Rights: 5/16 (+1)*
[1033] Bulawayo24 News, *Over 100 Zanu-PF supporters invade game reserve*, 11 July 2014
[1034] The Zimbabwe Independent, *Mugabe utterances spawn farm invasions*, 25 July 2014

The Zimbabwe Peace Project also noted in July 2014 the following incidents:

> - Violations linked to the issues of land took centre stage in the month of July in Mashonaland West province. The cases of eviction were politically motivated and the perpetrators are well known Zanu PF supporters. The victims included both black and white farmers. The white farmers were dispossessed of their land on the pretext that all land should be owned by blacks. The black farmers who lost their land were being accused of belonging to the wrong political party
> - A group of soldiers are currently camped at Piedmont farm in Matepatepa Bindura North, Mashonaland Central after chasing the white farmer away. The soldiers have constructed a boom gate at the farm entrance to monitor and vet any strangers.
> - Another white farmer at Doonside in Mutorashanga [Mash West] has finally been told to vacate the farm by Themba Mliswa and headman Kamuti. The evicted farmer who was doing well and employed about 400 people has been resisting eviction since June despite the threats from A1 farm neighbours and headman Kamuti to remove him by force.[1035]

In August 2014, Nehanda Radio reported that "The country's top judge, Godfrey Chidyausiku, recently ruled that white Zimbabweans have no rights before the courts on land disputes".[1036]

Also in August 2014, the Zimbabwe Peace Project reported that:

> incidents of farm invasions wererecorded in Mashonaland Central, Matabeleland North and South. The latest case was recorded on 26August when Zanu PF MP from Muzarabani South Christopher Chitindi refused to hand over keys orunlock Samaphiri farm's main gate for remaining white owners Sabastian Zietsman and his motherElizabeth Zietsman. The Zietsmans tried in vain to get the keys back but Chitindi threatened thembefore ordering them to return back to Harare. Farm guards were chased away and replaced byChitindi's brothers. Contacted for a comment, Chitindi confirmed the take-over of the farm addingthat the farm had been allocated to new black owners […] 14 August 2014 – Zanu PF supporters identified only as Mrs Mukoka and Mr.Mawara from State Security invaded Zororo farm in Muzarabani South. The twodrove away a white farmer and have since taken over operations on the farm.[1037]

In September 2014, the Zimbabwe Peace Project stated "A white farmer David Connolly has continued with his fight to remain on Centenary Farm in Matabeleland South through the courts with the deputy chief secretary in the office of the president and Cabinet Ray Ndhlukula claiming that he was awarded the farm by President Robert Mugabe. Despite the court processes still on, people claiming to be relatives of Ndlukula invaded the farm on 13 September 2014".[1038]

The UK Foreign & Commonwealth Office reported in September 2014 that it remains concerned about "the lack of respect for property rights and the security of land tenure in Zimbabwe. Despite some positive progress, with the introduction of a land permit system for smallholder farmers at the beginning of July, the UK remains concerned about incidents of violence against farmers. Farm invasions, including some seriously violent cases, against both black- and white-owned properties, as well as intimidations, are still occurring".[1039] It is not clear from this reporting whether these incidents of violence have been instigated by government authorities or members of society.

[1035] Zimbabwe Peace Project, *Monthly Monitor: July 2014,*31 July 2014, *Executive Summary and Incidences of politically motivated violations*

[1036] Nehanda Radio, *Families evicted in Centenary Farm land grab*, 7 August 2014

[1037] Zimbabwe Peace Project, *Monthly Monitor: August 2014,*31 August 2014, *Executive Summary and Incidences of politically motivated violations*

[1038] Zimbabwe Peace Project, *Monthly Monitor: September 2014,*17 October 2014, *Executive Summary*

[1039] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update, 30 September 2014*, Updated 16 October 2014

Further in September 2014, a Voice of America article stated that "President Robert Mugabe's daughter, Bona, has reportedly grabbed a farm owned by a white commercial farmer in Goromonzi district, Mashonaland East province. The farmer has been ordered to move out the property as new land invasions grip the country".[1040]

President Mugabe was also quoted as stating in a September 2014 article by News Day that "Zimbabweans should get rid of British remnants in the farming areas. Speaking at the installation of Chiefs Alfred Tome Beperere and Johannes Kanyoka Chidziva of Zvimba at Murombedzi growth point, Mugabe said traditional leaders should not worry about land shortage as the country had enough, only if they kick out the remaining white farmers in the country […] "The land is ours. The British who are here should all go back to England," Mugabe said".[1041]

7.2.3. Treatment by members of society

In May 2014 Daily News reported the brutal murder of a white commercial farmer: "A white commercial farmer died on Tuesday from injuries sustained after a brutal attack that also claimed his daughter's life […] They were attacked by a mob reportedly terrorising Guruve in Mashonaland Central".[1042] It is not evident from this source whether the mob was composed of non-state actors or people loyal to ZANU-PF.

The UK Foreign & Commonwealth Office reported in September 2014 that it remains concerned about "the lack of respect for property rights and the security of land tenure in Zimbabwe. Despite some positive progress, with the introduction of a land permit system for smallholder farmers at the beginning of July, the UK remains concerned about incidents of violence against farmers. Farm invasions, including some seriously violent cases, against both black- and white-owned properties, as well as intimidations, are still occurring".[1043] It is not clear from this reporting whether these incidents of violence have been instigated by government authorities or members of society.

7.3. Other ethnic minorities

Ahead of Zimbabwe's 2013 general election, the International Crisis Group provided the following general overview on how ethnicity has been used by some political fractions:

> Within ZANU-PF the main ethnic groups are the Karanga (predominantly from the Midlands and Masvingo regions), the Zezuru (from the Mashonaland region), who fall under the Shona tribe, the Ndebele (from Matabeleland), and Manyika and Ndau (from Manicaland). Some have suggested that ethnic divisions were responsible for power tussles during the liberation struggle that led to the assassination in Zambia of former ZANU leader, Herbert Chitepo (a Manyika), in 1975 and the ouster of founding ZANU member Ndabaningi Sithole (a Ndau) in 1976. Crisis Group email correspondence, civil society researcher, Ha- rare, 14 February 2013. The emergence of Zezuru (Mugabe's clan) dominance in the party threatens to marginalise others. Mujuru, a Zezuru, is seen as perpetuating the group's dominance and those supporting her along ethnic lines have been referred to as the "Super Zezuru". Supporters of Mnangagwa, a Karanga, are referred to as the "south- south" group, who is mobilising members aggrieved by Zezuru dominance, including the Manyikas, Ndaus, Karangas and Ndebeles. James Muzondidya and Sabelo Ndlovu-Gatsheni, "'Echoing Silences': Ethnicity in post-

[1040] Voice of America, *Mugabe's Daughter allegedly Seizes White Farmer's Land,* 24 September 2014
[1041] News Day, *Kick out remaining whites – Mugabe*, 6 September 2014
[1042] Daily News, *White farmer brutally murdered*, 22 May 2014
[1043] UK Foreign & Commonwealth Office, *Zimbabwe – Country of Concern: latest update, 30 September 2014*, Updated 16 October 2014

colonial Zimbabwe, 1980-2007", African Journal on Conflict Resolution, vol. 7, no. 2 (2009), pp. 275-297. Ethno-political fault lines remain deep ahead of the elections, but whether, and to what extent, these considerations will influence voters remains to be seen. Marko Phiri, "Ethnic politics on the Zimbabwean campaign trail: do voters really care?", African Arguments (africanarguments.org), 20 February 2013.[1044]

7.3.1. Legal framework

See *7.1.1 Legal framework*.

Minority Rights Group International reported in its 2014 'State of the World's Minorities and Indigenous Peoples' report that "One positive step in 2013, however, was the amendment to the Zimbabwean Constitution recognizing 16 different languages as official languages. The Constitution also requires the state to promote and advance the use of all Zimbabwean languages. Commentators have applauded the development, but warn that legal change alone is insufficient without effective implementation. However, Minister for Education, Sport, Arts and Culture David Coltart stated that his department had already initiated a programme launching textbooks in various marginalized indigenous languages at primary school level".[1045]

7.3.2. Treatment by state actors

7.3.2.1. San

With regards to the situation of the San people, the Minority Rights Group International report 'State of the World's Minorities and Indigenous Peoples 2014' identified the following issues:

> Minister Coltart also consulted with various San community leaders on San education. The community leaders told Coltart that they wanted the Tshwao language to be included in the school curriculum among other minority languages. They equally called on the government to assist them in sending their children to school. This stands in stark contrast to claims made by President Robert Mugabe that San were resisting efforts to school their children. Mugabe talked of the need to 'acculturate' the San, rather than finding solutions that accommodate both San traditions and education. Education is not the only challenge San are facing.
>
> Some San communities are struggling with food insecurity as laws banning hunting forced them to trade in their lives as hunter- gatherers for subsistence farming. However, most of them neither possess cattle or tools nor have the training to farm successfully, as they have been excluded from the government's 2009 farm mechanization programme. Some San elders have asked for readmission to the Hwange National Park to return to a life as hunter- gatherers, as the government seems to be unable or unwilling to aid San communities to become self-sufficient.
>
> There are also issues of police harassment and wrongful accusations of entire villages. For example, in 2013 San communities living next to Hwange National Park were held responsible for the killing of elephants through cyanide poisoning in the park. Whereas it is not impossible that economic desperation drove some members of the San community to aid poachers, the government has failed to produce evidence against individual suspects and instead targeted the entire San community with blanket accusations.
>
> San also lack political representation, despite attempts by San elders and local human rights activists to support their own councillors, MPs and chiefs to represent them. There is a tendency among

[1044] International Crisis Group, *Zimbabwe: Election Scenarios*, 6 May 2013, *III. Internal Political Party Dynamics, Footnote 65*

[1045] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014: Africa*, 3 July 2014, *Zimbabwe*

government officials to blame those who came before them for the San's situation – or, alternatively, to blame San themselves.

There is little sign that the Zimbabwean government is taking any meaningful steps to improve the situation of San communities. Instead, there have been allegations that the ruling Zanu-PF party is trying to intimidate San representatives.[1046]

In March 2013 The Standard reported that "A hunger-stricken San community in Tsholotsho is demanding from Zanu PF leadership in Matabeleland maize-meal that was donated to it by the late Vice-President, John Nkomo before his death early this year […] Analyst Dumisani Nkomo said it was tragic that Zanu PF leaders were making "false" promises of food aid to the San people who are facing death because of hunger. "It is tragic and evil," Nkomo said. "The San are the most marginalised group in Zimbabwe. We need structural reforms that will recognise and respect the San in order to improve their standard of living." Most of the san people in Mgodimasili area, a settlement of about 200 people, live in abject poverty and in dilapidated huts. But just a few kilometres away, there is the Tjitatjawa village, which boasts of neat houses with corrugated iron roofs".[1047]

Radio Dialogue reported in October 2013 that "More than 100 elephants have now died from cyanide poisoning in Zimbabwe's vast Hwange National Park and more carcasses are still being discovered in the bush. It is a shocking story. But what is even more shocking is how the authorities have reacted by targeting the San living outside the park, who have accused game-rangers and the police of brutal harassment following the poisoning of the park's waterholes".[1048]

In July 2014 Daily News reported that "The perennially starving San community in Tsholotsho has appealed to government to urgently consider their plight as hunger continues to take its toll on the remote marginalised area of Matabeleland North Province. Speaking to the Daily News on Sunday during a visit to Sanqinyane and Sifulasengwe villages under Chief Siphoso last week, area coordinator of the San community Christopher Dube accused government of ignoring their plight. "The government has for years promised to improve our lives but as it seems things are not getting any better," Dube said […] Current laws prohibit illegal hunting of animals making their lives difficult since back then it was their major source of livelihood […] An estimated population of about 1 700 San people are living in Tsholotsho in Matabeleland North alone while a significant number are found in the Plumtree area of Matabeleland South. The San population is estimated to be over 2 500 across the country. For thousands of years the San people have lived on hunting and gathering making game meat and fruits their staple food but since independence the government has been making strides to improve their livelihoods. The late former Vice President John Nkomo was one of the senior government officials from Matabeleland region who fought tirelessly to improve the lives of the San community but with limited success".[1049]

7.3.2.2. Tonga

According to the Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report' which covers the period from 31 January 2011 to 31 January 2013, "Ethnicity does not play a determinant role in Zimbabwean politics, as it has been downplayed for some time by the Mugabe

[1046] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014: Africa*, 3 July 2014, *Zimbabwe*

[1047] The Standard, *San community on the verge of starvation*, 24 March 2013

[1048] Radio Dialogue, *Zimbabwe police harassing San communities after cyanide slaughter of elephant in Hwange,* 15 October 2013

[1049] Daily News, *San community needs empowerment*, 6 July 2014

regime. Nevertheless, some unrest within smaller ethnic groups, like the Tonga in the northwest, does exist".[1050]

According to IRIN reporting in September 2014 "The Tonga ethnic group, who make up the majority of the estimated 200,000 people living in rural Binga District in Zimbabwe's Matabeleland North Province, has for generations depended on fishing for food and an income. But unaffordable government levies are making their lives increasingly difficult […] Francis Mukora of the Zimbabwe Community Development Trust (ZCDT), an NGO that campaigns for members of disadvantaged communities, said while the authorities were acting within the law by imposing levies, preventing the Tonga from fishing the Zambezi contradicted government policy to empower its citizens. "This limits these communities' access to their major source of income and fuels poverty and food insecurity while depriving them of highly nutritional but affordable food. While other people have been given farms [through the land reform programme], people from Binga must be empowered through adequate access to the Zambezi," he told IRIN".[1051]

In November 2014 The Herald reported that "Tonga and Nambya will be examinable up to 'O' and 'A' Level starting next year in line with the new Constitution's thrust to ensure Zimbabwe's indigenous languages are safeguarded and saved from extinction, a Cabinet minister said".[1052]

7.3.3. Treatment by members of society

Amongst the sources consulted no such information was found.

8. Stateless persons, including farm workers of foreign descent

8.1. Background information pre-2013

According to the Bertelsmann Foundation 'Transformation Index BTI 2014: Zimbabwe Country Report' which covers the period from 31 January 2011 to 31 January 2013, "As part of the prior constitution, citizenship is withheld from hundreds of thousands of migrant workers who come from neighboring countries yet who have lived in Zimbabwe for decades and work mainly on farms or in private households. The draft constitution [2013] offers the possibility for these individuals to be granted citizenship".[1053]

IRIN reported that the 2001 amendment to the Citizenship Act "prohibited dual citizenship; people who had migrated to Zimbabwe had to renounce their natural citizenship before they could acquire a Zimbabwean one […] According to the Harare-based Research and Advocacy Unit's December 2008 report, A Right or Privilege: Access to Identity and Citizenship in Zimbabwe, the law prohibiting dual citizenship left thousands stateless, most of them young people".[1054]

To exemplify, according to a case study included in a joint report on statelessness in South Africa by Lawyers for Human Rights and UNHCR, "L.N. ("Luis") was born in Zimbabwe in 1975 to a Zambian father and Malawian mother, who had met and married as migrant workers decades ago. While he

[1050] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *II. Economic Transformation, 6 Level of Socioeconomic Development*
[1051] IRIN, *Zimbabwe's Tonga fishermen cut off from Zambezi lifeline*, 29 September 2014
[1052] The Herald, Tonga, *Nambya elevated to exam levels*, 21 November 2014
[1053] Bertelsmann Foundation, *Transformation Index BTI 2014: Zimbabwe Country Report*, Undated, *I. Political Transformation, 1 Stateness*
[1054] IRIN, *Stateless Zimbabwe residents gain citizenship*, 21 June 2013

was a citizen at birth, he later was told by Zimbabwean authorities in South Africa that he is no longer a Zimbabwean citizen due to changes to the citizenship act in 2001".[1055]

8.2. Current situation

The Constitution of Zimbabwe as amended in March 2013 and which is to be cited as 'Constitution of Zimbabwe Amendment (No.20) Act.2013' includes in Chapter 3 the relevant articles in relation to 'citizenship', which can be acquired through birth, descent or registration.[1056]

The U.S. Department of State stated in its annual human rights report covering 2013 in relation to citizenship and statelessness the following:

> The new constitution provides for three different classes of citizenship: citizen by birth, by descent, or by registration. The government deprived some sectors of the population of citizenship rights based on the Citizenship Act, which revokes the citizenship of persons who fail to return to the country in any five-year period. In 2002 the High Court ruled that the Office of the Registrar General's interpretation of the act denying dual citizenship did not take into account that persons are not automatically assured foreign citizenship merely because their parents were born in a foreign country, as some countries require persons to confirm their citizenship, in which case they could be rendered stateless. The court further held that it is incorrect to presume that, when persons have a parent or parents born out of the country, they are citizens of the other country by descent. In addition, some countries, including countries in southern Africa, do not have a means to renounce citizenship. Independent groups estimated that as many as two million citizens might have been disenfranchised by the law, including those perceived to have anti-ZANU-PF leanings, such as the more than 200,000 former commercial farm workers from neighboring countries and approximately 30,000 mostly white dual nationals. Despite a constitutional provision of citizenship, during the year's elections, some persons were denied the right to vote--despite having voted previously--because they could not adequately demonstrate their citizenship.[1057]

Freedom House reported in its annual report covering 2013 that "the new constitution gives citizenship rights back to Zimbabwean nationals born to foreign parents; these nationals were stripped of automatic citizenship by an amendment to the Citizenship Act in 2001".[1058]

The Internal Displacement Monitoring Centre (IDMC) reported that "the new constitution and other legal reforms have, however, significantly improved the protection environment for IDPs. New citizenship provisions remove significant barriers to finding durable solutions for many Zimbabwean IDPs of foreign ancestry".[1059]

Yet, the Inter Press Service reported in July 2013 in the run-up to the elections that:

> While the 12th amendment of Zimbabawe's Citizenship Act 2011 outlaws dual citizenship, the country's new constitution, which was enacted in May after the first round of voter registration,

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[1055] Lawyers for Human Rights; UN High Commissioner for Refugees, *Statelessness & Nationality in South Africa*, May 2013, Case Study, page 49

[1056] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 3*

[1057] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

[1058] Freedom House, *Freedom in the World 2014 – Zimbabwe*, 22 August 2014, *G. Personal Autonomy and Individual Rights: 5/16 (+1)*

[1059] Internal Displacement Monitoring Centre (IDMC), *A review of the legal framework in Zimbabwe relating to the protection of IDPs*, December 2014, Executive Summary

> recognises those born abroad of Zimbabwean parents to be citizens. It also recognises all people born in this southern African nation, regardless of their parents' citizenship, as Zimbabweans. But like Magirazi, scores of other foreign nationals have been denied the right to register as voters, despite the stipulations in the new constitution […] With the word "alien" inscribed on her national identity document (ID), Magirazi was referred to the Registrar General's office to apply for a new one. The Zimbabwe Electoral Commission (ZEC) has stipulated that persons previously categorised as foreign nationals should apply for citizenship and national ID cards that reflect this changed status in order to vote. But long queues and cumbersome demands have become the order of the day at the Registrar General's office. Marshal Bachi, 35, of Dzivarasekwa in Harare, said he had to sleep at the Registrar General's offices when he went to obtain a new ID as his previous one stated that he was a foreign national. "They refused to process my national ID because my birth certificate was soiled and they said that I should get a new one … Due to this cumbersome process, I might not be able to get a new ID to register as a voter before the process ends," Bachi told IPS. The Election Resource Centre (ERC), a local NGO, believes that the Registrar General's office is deliberately trying to frustrate first-time voters in order to prevent them from voting.[1060]

SW Radio Africa reported in its October 2013 article that "Scores of Zimbabweans, whose citizenship is meant to be recognised and guaranteed by the new constitution, have been denied documentation in recent weeks, with a lack of clarity on the laws causing chaos. It was hoped that with the creation and gazetting of a new constitution, the confusion over who is entitled to citizenship would finally be clarified. According to that new charter there are three types of recognised citizenship including citizenship by birth and by descent. The law states that if you were born in Zimbabwe and your mother or your father was a Zimbabwean citizen, you are a citizen by birth. The same applies if you were born in Zimbabwe and neither of your parents was a Zimbabwean citizen, but any of your grandparents was a citizen by birth or descent. You're also considered a citizen by birth if you were born outside Zimbabwe but either your mother or your father was a Zimbabwe citizen who normally lived in Zimbabwe or was working for the Government or an international organisation. If not, and your parent or grandparent was a Zimbabwe citizen by birth or descent, then you are a citizen by descent. But despite these clear laws, people are still being turned away if neither of their parents are Zimbabwean citizens".[1061]

In November 2014 News Day reported that "National Assembly Speaker Jacob Mudenda yesterday bemoaned the long queues that had become a permanent feature at the passport offices, describing them as an insult to human dignity […] Mudenda said the Legislature should come up with laws to ensure acquisition of passports was easy and legal solutions to solve statelessness, as well as generate debate on the issue to end human trafficking, threats of political instability, internal conflicts and other issues that rendered people stateless. He added that people living on the streets deserved respect and urged MPs to make concerted efforts to give them an identity. "When we see street kids in our towns our consciences should be prickled because they deserve the right to be humans – and MPs should make concerted efforts to ensure all street kids disappear from the streets," he said".[1062]

9. Persons of diverse sexual orientations and gender identities

9.1. Legal framework

Article 73 of the Criminal Law (Codification and Reform) Act which came into effect on 1 July 2006 criminalises male same-sex relations:

[1060] Inter Press Service, *Complicated Registration 'Designed' to Prevent Zimbabweans From Voting*, 6 July 2013
[1061] SW Radio Africa, *Zim citizenship rules in chaos as nationals denied documentation*, 22 October 2013
[1062] News Day, *Mudenda decries queues at passport office*, 27 November 2014

> Criminal Law (Codification and Reform) Act (Effective 8 July 2006)
> 73. Sodomy
> "(1) Any male person who, with the consent of another male person, knowingly performs with that other person analsexual intercourse, or any act involving physical contactother than anal sexual intercourse that would be regarded bya reasonable person to be an indecent act, shall be guilty ofsodomy and liable to fine up to or exceeding level fourteenor 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 andconvicted of sodomy.
> (3) For the avoidance of doubt it is declared that the competent charge against a male person who performs analsexual intercourse with or commits an indecent act upon ayoung 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 youngmale person, shall be aggravated indecent assault or indecentassault, 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 maleperson, shall be performing an indecent act with a youngperson."[1063]

The 2013 U.S. Department of State report notes that "According to the country's criminal code "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act" carries a penalty of up to one year in prison or a fine up to $5,000. Despite that, there were no known cases of prosecutions of consensual same-sex sexual activity. Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. In some cases, it criminalizes the display of affection between men".[1064] 76 Crimes reports that "On paper, the law in Zimbabwe provides for up to a year in prison for homosexual activity, but in practice LGBTQI people are often charged with aggravated assault, even in cases of consensual sex, which typically results in prison sentences of seven to 10 years".[1065]

With regards to criminal provisions for female same sex relations, according to sources consulted by the Immigration and Refugee Board of Canada:

> GALZ indicates that although sex between women is not criminalized in Zimbabwe (GALZ 22 Apr. 2009; ibid. n.d.e), women can be charged with "indecent exposure" (ibid.). In an interview with the author of a report by Oxfam on the status of sexual minorities in southern Africa, a gender program manager at GALZ reiterated that although the law is "quiet on women," it does not provide them any "protection" either (Oxfam Feb. 2009, 14). Elsewhere GALZ argues that because the constitution does not include any protection for lesbians, they are as "equally vulnerable to discrimination as their male counterparts, perhaps even more so given their status as women who are generally not recognised as having the right to their own sexuality" (22 Apr. 2009). The organization also maintains that LBT women have been affected by the criminalization of homosexuality through the country's so-called "'sexual deviancy' law" (ibid. 6 Jan. 2012, 6), what some call the Criminal Law (Codification and Reform) Act since it expanded what constitutes sodomy in 2006 (The Zimbabwe Gazette 13 Feb. 2008).[1066]

[1063] Zimbabwe,*Act No. 23/2004 of 2005 on Criminal Law (Codification and Reform) [Zimbabwe]*, 3 June 2005
[1064] U.S. Department of State,*Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*
[1065] 76 Crimes, *Zimbabwe nightmare: 'In limbo for my type of love',* 8 July 2013
[1066] Immigration and Refugee Board of Canada, Zimbabwe: *Treatment of sexual minorities, including legislation, state protection, and support services (2009-March 2012),*14 February 2013, *1.1 Legal Status of Lesbian, Bisexual, Transgender (LBT) Women*

With regards to legal rights for the LGBTI community the Inter Press Service notes that "Zimbabwe criminalises same-sex relations. Even though the new constitution guarantees rights such as equality and non-discrimination, it is silent on specific rights for the lesbian, gay, bisexual, transgender and intersex (LGBTI) community".[1067]

9.2. Treatment by State actors

The Inter Press Service reports that "It is no secret that Zimbabwe's president, Robert Mugabe, is a fervent critic of homosexuality and has made a number of homophobic statements over the years. In July 2013, he criticised South Africa's Nobel Peace Prize winner Archbishop Desmond Tutu for supporting LGBTI rights and said: "Never, never, never will we support homosexuality in Zimbabwe".[1068]The 2013 U.S. Department of State report similarly notes that "The leadership in all political parties, including President Mugabe and former prime minister Tsvangirai, publicly criticized the LGBT community. In July [2013], Mugabe warned the LGBT community that he would come after them and that they would be 'beheaded'".[1069]76 Crimes reported in June 2013 that "President Robert Mugabe of Zimbabwe has resume[d] his verbal attacks on LGBT people, promising that he will make the country a "hell" for gays and lesbians if his Zanu PF party wins the July 31 election. He proposed life sentences for homosexual activity, saying that the current law, which provides for up to a year in jail, is too lenient. He also advocated tougher laws for child rapists and pedophiles — categories that he wrong-headedly lumps in with LGBT people".[1070]

The UK Foreign and Commonwealth Office notes that "President Mugabe has repeatedly said that gay rights are not human rights. Mugabe publicly spoke in support of the Ugandan Anti-Homosexuality Act, signed by President Museveni in February, saying Museveni was "fighting a just fight".[1071] It further reports that "President Robert Mugabe often refers disparagingly to gay people in his speeches, and attacked same-sex marriages at his inauguration speech in August [2013]" and "At the ZANU-PF 14th annual conference in December [2013], Local Government Minister, Ignatius Chombo, threatened to ban emerging religious groups and sects deemed to be promoting Satanism and homosexuality. He said all churches should be registered and monitored by the government to avoid religious fundamentalism".[1072]Furthermore, "In April [2014], President Mugabe publicly warned that diplomats who promoted gay rights would be expelled. On 17 May [2014], local gay rights group GALZ and the Dutch Embassy held an event on International day against Homophobia (IDAHO) to discuss the challenges homosexuals face in Zimbabwe. Following this, a ZANU-PF councillor, Richman Rangwani, publicly championed gay rights".[1073]

GALZ explains that "Homosexuality is a very sensitive issue in Zimbabwe. No political party has ever come out in support of gays. But Mugabe's party, Zanu PF, is very clear on the subject: they do not want gays in the country because they "disturb the African moral fabric. […] "The Zimbabwe Republic Police routinely turns a blind eye to the abuse and violence of LGBTI individuals, thus

[1067]Inter Press Service, *Surviving Zimbabwe's Anti-Gay Laws*, 11 February 2014
[1068]Inter Press Service, *Surviving Zimbabwe's Anti-Gay Laws*, 11 February 2014
[1069]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*
[1070]76 Crimes, *Zimbabwe: Mugabe seeks life in prison for homosexuals*, 17 June 2013
[1071]UK Foreign and Commonwealth Office, *Zimbabwe - Country of Concern update: 31 March 2014*, 31 March 2014
[1072]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[1073]UK Foreign and Commonwealth Office,*Zimbabwe - Country of Concern update: 30 June 2014*, 30 June 2014

contributing to the overwhelming sense of impunity," GALZ adds".[1074] Amnesty International further addresses this point in a June 2013 report on 'Criminalization of same-sex conduct in Sub-Saharan Africa':

> Political leaders often use statements characterizing same-sex sexuality as 'un-African' and attacking lesbian, gay, bisexual and transgender people and groups to drum up support amongst conservative constituencies, to attack their opponents and to distract from issues facing the country. The Presidents of Zimbabwe and Namibia, for example, have made statements linking homosexuality to corruption, paedophilia, child murder, pornography and other social ills. For political leaders who feel vulnerable, attacking an already marginalized group such as LGBTI people can be a prelude to attacking other groups like opposition parties and the press. Political leaders sometimes express hostility towards LGBTI people in attempts to divide civil society. […]
> When politicians divert negative media attention toward LGBTI populations, it can also distract attention from real social or economic problems, including by mobilising conservative constituencies against LGBTI persons and in support of the government. […] In Zimbabwe, President Robert Mugabe has over the past 15 years regularly used his denunciations of homosexuality to distract from political and economic crises at home, and to ensure his own political support. He notoriously called gays and lesbians 'worse than dogs and pigs', and as recently as May 2012, said at an HIV and gender conference in Harare that homosexuality will lead to the extinction of the human race. In some cases, politicians and other public figures make LGBTI persons scapegoats for the problems they are trying to obscure. In this manner, public commentators blame same-sex sexuality for moral decay and social ills and couple such comments with nationalistic constructions of 'authentic' national identity and calls for the deportation of those persons perceived to be LGBTI.[1075]

Reporting on the impact of hate speech GALZ notes that "The absence of hate crime/ speech legislation sees a lot of abuse being meted against LGBT people with impunity. […]The seven hate speech cases recorded in this report make reference to the instigatory public utterances made by politicians in the period under review. All the violations experienced by the complainants documented in this report have general negative impact on the LGBTI community that include low self-esteem, fear and desire to remain 'in the closet'."[1076]

The 2013 U.S. Department of State report notes with regards to state ill-treatment of the LGBTI community that "Members of Gays and Lesbians of Zimbabwe (GALZ), the primary organization dedicated to advancing the rights of LGBT persons, experienced assault, harassment, and discrimination. The significantly increased harassment and scrutiny of GALZ by the government was attributed to political machinations surrounding the constitution-making process. Religious leaders in a society that was traditionally conservative and Christian espoused and encouraged discrimination against LGBT individuals. In contrast to GALZ, the Bulawayo-based Sexual Rights Center (SRC), an organization similarly dedicated to advancing the rights of "sexual minorities," faced minimal harassment. Prior to elections, however, a lesbian couple, who were SRC stakeholders, were harassed and intimidated by the CIO, which also threatened their families".[1077] According to Freedom House "Mugabe has been vocal in his opposition to homosexuality and LBGT groups have been subject to regular harassment by security forces".[1078]

[1074] Radio Netherlands, *Gay in Zimbabwe: "Chop off their heads!"* 2 September 2013

[1075] Amnesty International, *Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa*, 25 June 2013, *5.4 INCITEMENT TO DISCRIMINATION AND HATRED*

[1076] GALZ, *Lesbian, Gay, Bisexual, Transgender & Intersex Violations Report 2012-2013*, 2013, *Overview*

[1077] U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

[1078] Freedom House, *Freedom in the World 2014 - Zimbabwe*, 23 January 2014

Human Rights Watch reports in its annual report covering 2013 that "Attacks against lesbian, gay, bisexual, and transgender (LGBT) individuals and rights activists continue to emanate from the highest level of government. During his election campaign in July, President Mugabe (who has a long history of making homophobic statements) reiterated that LGBT citizens are "worse than dogs and pigs," and threatened to behead them. The new constitution does not explicitly recognize LGBT rights, and in his inauguration speech on August 22, Mugabe attacked same-sex marriage, which the new constitution prohibits, saying it was a "filthy, filthy, filthy disease." These attacks on LGBT people, arbitrary arrests of LGBT activists by the police, and the harassment by state agents of the Gays and Lesbian of Zimbabwe (GALZ) nongovernmental organization in previous years, have driven many LGBT people underground".[1079]

According to the Gays and Lesbians Association of Zimbabwe, in a report documenting LGBTI violations in 2012 and 2013, "The Zimbabwean government has historically overlooked violence and discrimination based on sexual orientation and gender identity, regardless of the fact that the supreme law of the land recognizes and espouses the values of equality and non-discrimination".[1080] The report further notes that:

> This report documents and contains 42 actual reported cases of violations and seven recorded incidents of hate speech by public officials (making a total of 46 incidents) that detail how in Zimbabwe, lesbian, gay, bisexual and transgender (LGBT) people endure hate-motivated violence, abuse, detention, criminalization and discrimination in jobs, health care and other places because of their real or perceived sexual orientation or gender identity. The report outlines cases of human rights violations perpetrated against LGBT people in the period 2012-2013, and the sample is largely drawn from Harare and greater Harare. […]
> • From the recorded cases, it can be seen that the violations experienced fall into ten broad categories of assault, threats, outing, detention, discrimination, disownment, hate speech, invasion of privacy, police harassment and blackmail.
> • Assault, threats and police harassment are the top three forms of violations experienced by the LGBT complainants who reported the cases documented in this reported. Male complainants reported most of the documented cases.[1081]

With specific regards to police harassment the report notes that it "was also a common issue experienced by most of the complainants, and it ranged from being denied service on the basis of sexual orientation, (illegal) detention, interrogation and assault".[1082]

The UK Foreign and Commonwealth reports that "In June [2013], the offices of Gays and Lesbians of Zimbabwe (GALZ) were forcefully entered by unknown assailants. Five suspects were subsequently arrested by police. Harassment of GALZ continued and, in August, police seized property (computers, DVDs and pamphlets) from their offices on the basis they were promoting homosexuality. The court case is ongoing, but it is expected that the High Court will rule that the search and seizure was unlawful and contravenes the constitution".[1083] In January 2014 it was reported that "Zimbabwean LGBTI rights group Gays and Lesbians of Zimbabwe (GALZ) have scored a major victory, with the country's High Court ruling that the group does not need to register with the government and that police must return property seized during raids on the group".[1084] However, the UK Foreign and

[1079] Human Rights Watch,*World Report 2014 - Zimbabwe*, 21 January 2014, *Sexual Orientation and Gender Identity*
[1080]GALZ, *Lesbian, Gay, Bisexual, Transgender & Intersex Violations Report 2012-2013*, 2013, *Executive Summary*
[1081]GALZ, *Lesbian, Gay, Bisexual, Transgender & Intersex Violations Report 2012-2013*, 2013*Executive Summary*
[1082]GALZ, *Lesbian, Gay, Bisexual, Transgender & Intersex Violations Report 2012-2013*, 2013, *Overview*
[1083]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[1084]Gay Star News, *Zimbabwe LGBTI rights group GALZ wins High Court victory*, 15 January 2014

Commonwealth Office further notes that" In a statement, Mugabe said he was keen to know who is a member of GALZ (Gays and Lesbians of Zimbabwe), which has been advocating recognition of gay rights in Zimbabwe, and that he would "deal with the organisation". As a result, on 12 March [2014], a youth volunteer for GALZ was arrested and charged with illegally holding a public meeting. The police have indicated that they will proceed by way of summons. The volunteer was released without charge".[1085]

In October 2013 76 Crimes reported that "The Zimbabwean government has authorised security agencies to have wide-ranging access to personal information about everyone in the country who has a telephone or Internet access, effective Oct. 1. […] Those with the least power — such as the LGBTI community — fear they will bear the brunt of this change. In Zimbabwe, most LGBTI people live their lives in secret, fearing retribution from authorities and ostracism by society and families. Blackmail and extortion, especially by uniformed forces, are a common phenomenon. Now that those same authorities have been granted more powers, LGBTI people fear that they will use the new powers to harass, intimidate, arrest and blackmail the vulnerable, using evidence from intercepted communications".[1086]

In January 2014 GALZ issued a statement in which it stated that "GALZ deplores the arrest, detention and trial of Ricky Nathanson, a transgender person in Bulawayo on the 16th of January for using a ladies toilet. We are concerned that Ricky may have been treated in an inhumane and undignified manner during the arrest and subsequent detention in police custody before her court appearance. […] Such is the ignorance of the Police and media on matters of sexuality and gender that they refer to Ricky as "gay" and insist on charging her for criminal nuisance. There is clearly a need for further training of media practitioners and police officers on human rights as well as operationalising the new Zimbabwe constitution which is clear on the fundamental human rights and freedoms of people, particularly the provisions of Chapter 4, Sections 50 (5)d,51 and 53 in this matter".[1087]

In March 2014 76 crimes reports that police "stormed a local hotel where human rights defenders were attending a media training workshop by Gays and Lesbians of Zimbabwe (GALZ). They arrested two of those at the meeting and brought the meeting to an end. About 20 participants were in the session, at the Bronte Hotel in Harare, when the police arrived and requested to see the organizers of the meeting. They also insisted on seeing the IDs of participants and took down their names and addresses. Subsequently two human rights defenders — the GALZ youth coordinator and the training facilitator — were taken to central police station where they were questioned and charged under Section 25 (5) of Public Order Security Act (POSA) before being released. Section 25(5) is notorious for being selectively applied to target critics of President Robert Mugabe and non-governmental organizations that are deemed "pro-Western." It states that the "organiser of a public meeting, demonstration or procession who fails to give the police advance notice in accordance with POSA is guilty of an offence and liable to a fine of level 12 [currently US $2,000] or a year's imprisonment or both".[1088]

Gay Star news reports in March 2014 that "A Zimbabwe judge has cited his country's disapproval of homosexuals in his decision to allow a man who stabbed another man he claimed sexually propositioned him to go free".[1089]In September 2014 it was reported that "Grindr has disabled its

[1085]UK Foreign and Commonwealth Office, *Zimbabwe - Country of Concern update: 31 March 2014*, 31 March 2014
[1086]76 Crimes, *Zimbabwe's new police powers provoke fear of more blackmail*, 7 October 2013
[1087]Gays and Lesbians of Zimbabwe (GALZ), *GALZ Statement on the Arrest of Transgender Activist, Ricky Nathanson*, 23 January 2014
[1088]76 Crimes, *Zimbabwe police again raid LGBT rights meeting*, 12 March 2014
[1089]Gay Star News, *Zimbabwe man who stabbed alleged homosexual walks free*, 27 March 2014

show distance setting in countries that have a history of anti-gay violence, after reports that authorities were using the app to hunt gay men. The setting no longer works in Russia, Egypt, Saudi Arabia, Nigeria, Liberia, Sudan and Zimbabwe among others, and more will be added to the list".[1090]

9.3. Treatment by members of society

The UK Foreign and Commonwealth Office notes in its annual report covering 2013 that "The rights of homosexuals are not openly discussed due to the stigma associated with homosexuality. LGBT people remain a marginalised and stigmatised group".[1091]The Research and Advocacy Unit notes with regards to stigma towards homosexuality that:

> Legally, male rape does not exist as a criminal offence in Zimbabwe. When a man is sexually assaulted it is recorded as "aggravated indecent assault" whether committed by a male or female person.30 Amongst the larger Zimbabwean population, the commonly recognised form of male rape is the sensationalised version of the rise of the female rapists. However, male-on-male rape occurs more frequently than this type of rape. Male-on-male rape, particularly in prison is often regarded as sodomy, and by its very nature is shrouded in secrecy because of the stigma that Zimbabwean society attaches to sodomy and homosexuality.[1092]

According to the 2013 U.S. Department of State report:

> LGBT individuals reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their LGBT members to "corrective" rape and forced marriages to encourage heterosexual conduct. Such crimes were rarely reported to police. Women in particular were subjected to rape by male family members. LGBT persons often left school at an early age due to discrimination and had higher rates of unemployment and homelessness.
> Many persons who identified themselves as LGBT did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. Late in the year, a mobile HIV/AIDS testing clinic visited the SRC's Bulawayo office. Afterwards LGBT stakeholders complained that the clinic's staff refused to provide joint counselling to couples and made discriminatory remarks about the patients, including that they were "possessed by demons.[1093]

According to the spokesman of the Sexual Rights Centre (SRC), a Bulawayo-based human rights organisation working with the LGBTI community, Mojalifa Mokoele, "there is wide ignorance about sexual rights in Zimbabwe. […] "Sexual rights are a matter of life and death, the challenge is to access safe spaces where people can live their lives, but politicians have used the issue of gays … what they have said has become law and has become right".[1094]

The Inter Press Service further reports that "being lesbian or gay has an added burden when it comes to accessing other rights such as legal representation, education and medical care".[1095] In September 2013 Global Gays reported that "The Gays and Lesbians Association of Zimbabwe (GALZ) has said its members are being discriminated against in remote parts of the country when accessing

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[1090]Gay Star News, *Grindr disables distance option in anti-gay countries*, 8 September 2014
[1091]UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe*, 10 April 2014
[1092]Research and Advocacy Unit, *"She probably asked for it!" A Preliminary Study into Zimbabwean Societal Perceptions of Rape*, April 2013, *4.1.5 Male Rape*
[1093]U.S. Department of State, *Country Report on Human Rights Practices 2013 - Zimbabwe*, 27 February 2014, *Section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*
[1094]Inter Press Service, *Surviving Zimbabwe's Anti-Gay Laws*, 11 February 2014
[1095]Inter Press Service, *Surviving Zimbabwe's Anti-Gay Laws*, 11 February 2014

HIV and AIDS treatments. […] Speaking during a health symposium organised by the Zimbabwe Lawyers for Human Rights in Harare this week, Matsikure said: "In the rural areas it (discrimination) is happening. "Gays and lesbians experience this on daily basis. They do not report this case because they know that they do not get assistance".[1096]

The Gays and Lesbians Association of Zimbabwe report which documents LGBTI violations in 2012 and 2013 notes that "In total, there were 85 violations perpetrated against the complainants who reported the 49 cases documented in this report".[1097] It further notes that:

> Assault as a violation type topped the list with 15 cases out of a total of 85 violations, followed by threat and police harassment with an equal number of cases at 11 each. Cases of assault include any forms of verbal and/or physical attacks perpetrated against the complainants. Threats made against the complainants as a violation mainly included other violation types, i.e threats of blackmail, threats of being outed, threats of being disowned etc. In the majority of cases, most of the threats made were eventually carried through. […]
> Cases of being outed were common and particularly damaging for individuals who were not yet ready to reveal their sexual orientation. In many cases, the complainants were unwittingly outed by the media after making public appearances at certain events, others experienced violations of disownment and assault after the fact.
> Discrimination as a violation manifested in different forms: unfair treatment at work and workplace homophobia; unfair treatment and verbal assault at public health institutions and sometimes denial of service. Workplace discrimination affects how LGBT people relate and how others view them. Discrimination experienced in health institutions has resulted in most LGBT people no longer seeking critical sexual and reproductive health services and sometimes going for prolonged periods with untreated STIs. In one case, the issue of discrimination got so bad that it resulted in a suicide.
> Discrimination on grounds of sexual orientation continues with impunity because of persistent prejudicial views regarding homosexuality, coupled with failure of Zimbabwe's legal system to protect sexual and gender minorities.
> Blackmail, on the other hand, was another serious violation wherein complainants were threatened with various forms of damaging action if they did not succumb to certain demands. In Zimbabwe, it is believed that blackmail, especially of LGBT people, is largely influenced by the operating environment and misinterpretation of certain provisions of the Constitution.[1098]

In June 2013 76 Crimes notes that "A group of young men, apparently acting as a youth militia for an unidentified anti-gay organization, attacked the offices of Gays and Lesbians of Zimbabwe (GALZ) today, threatened staff members with hammers, ransacked the offices and locked up the staff. In contrast to last year, when police raided the group's offices and arrested GALZ members, this time the police responded to a call for help, entered the offices and arrested the attackers. GALZ applauded the police for their action".[1099]

In July 2013 76 Crimes reported on Lionel and his partner Ngonidzashe who were been stuck in limbo facing sodomy charges for since their arrest on Oct. 20, 2011.[1100]Initially they were brought before a "kangaroo court" convened by Ngonidzashe's brothers, who interrogated them about what had happened. Then they were taken to the police and incarcerated for several days. Lionel reports that he has been harassed and has had to move away from his home in Mbare, a poor black suburb of Zimbabwe's capital city, Harare. "We were attacked several times by a militia group in Mbare when we were supposed to attend a court session. Several lawyers bailed on us when they were threatened against representing us. My life has been in danger ever since," he says. "I often go for

[1096]Global Gays, *Gays lament HIV treatment exclusion*, 12 September 2013
[1097]GALZ, *Lesbian, Gay, Bisexual, Transgender & Intersex Violations Report 2012-2013*, 2013, *Overview*
[1098]GALZ, *Lesbian, Gay, Bisexual, Transgender & Intersex Violations Report 2012-2013*, 2013, *Overview*
[1099]76 Crimes, *Attack on LGBT group in Zimbabwe; police to the rescue*, 6 June 2013
[1100] 76 Crimes, *Zimbabwe nightmare: 'In limbo for my type of love',* 8 July 2013

days without food and have little to wear in the form of clothes since I haven't been working for close to two years now. There is little hope of me getting any job until the matter is finalised".[1101]

In August 2013 Daily News reported that "GT from Chitungwiza said: "In my hometown we have been subject of insults, being forced to go to meetings and chant anti-gay slogans. We are known to be a lesbian couple and the harassment and intimidation is too much." "We once reported a physical attack to the police, but the case was silenced. Now we can't even report the people harassing us as the police are also on their side. So we have resorted to keeping quiet"."[1102]

In February 2014 the Inter Press Service reported on "Matthew Jacobs* who "has been married for two years but his wife doesn't know that he is also in a relationship with someone else. If his secret were discovered, it could result in him ending up in jail. His crime? Being in a same-sex relationship. Zimbabwe criminalises same-sex relations. Even though the new constitution guarantees rights such as equality and non-discrimination, it is silent on specific rights for the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. And it is risky, if not deadly, to be gay and lesbian in Zimbabwe – a country where such relations are beyond taboo".[1103] The same source further notes that "Jacobs is just one of many homosexuals who are forced to live a double life in this southern African nation as they try to avoid stigmatisation, discrimination and arrest. […]Civil society activist and chief executive officer of the Habakkuk Trust, Dumisani Nkomo, tells IPS while every citizen is entitled to dignity, privacy and the enjoyment of all rights, in a conservative country like Zimbabwe, homosexuality is still hard for many to accept".[1104]

In April 2014 it was reported that "In a sermon to 50,000 eager followers, a self-declared 'prophet' in Zimbabwe has branded gay people to be tools of the devil. Emmanuel Makandiwa pronounced gays to be 'mentally sick' and said Satan has a strategy to make it hard for the public to realise LGBTI people are evil".[1105]

The Zimbabwe Human Rights NGO Forum Political and Human Rights Violation Report covering April-June 2014 reports that:

> On 17 May in Rugare, Harare a 26-year-old man was threatened by his landlord with being reported to the police for being in a homosexual relationship with a 63 year old man. He was forced to change lodgings.
> On 19 May in Hatfield, Harare, a transvestite was bashed and threatened with shooting during a bar argument that emanated from her sexuality. She sustained internal injuries.
> On 20 June a lesbian had her privacy violated by a work colleague who exposed her sexual orientation. [1106]

10. Persons with disabilities, including persons with albinism

According to the National Association of Societies for the Care of the Handicapped "Zimbabwe has a population of almost 1.8 million people living with disabilities".[1107] In May 2014 the Inter Press Service (IPS) reported that Zimbabwe has 1.5 million people living with disabilities, according to

[1101] 76 Crimes, *Zimbabwe nightmare: 'In limbo for my type of love',* 8 July 2013
[1102] Daily News, *Gays fear crackdown after Mugabe 'win'*, 5 August 2013
[1103] Inter Press Service, *Surviving Zimbabwe's Anti-Gay Laws*, 11 February 2014
[1104] Inter Press Service, *Surviving Zimbabwe's Anti-Gay Laws*, 11 February 2014
[1105] Gay Star News, *Gays are tools of the devil, self-declared Zimbabwe 'prophet' tells 50,000* , 2 April 2014
[1106] Zimbabwe Human Rights NGO Forum, *Quarterly Political and Human Rights Violation Report April-June 2014*, July 2014
[1107] Voice of America, *HIV/AIDS Initiatives Sidelining People with Disabilities*, 28 October 2013

figures released by the National Association of Societies for the Care of the Handicapped (NASCOH).[1108] In October 2014 a research study conducted by the Leonard Cheshire Disability and the Inclusive Development Centre and the University College London reported that in Mashonaland West Province "there are an estimated 600,000 children with disabilities of school going age in Zimbabwe, of which it is thought that more than half have no access to education".[1109]

10.1. Legal framework

A research paper published in February 2013 and entitled 'Effectiveness of existing legislation in empowering people with disabilities' noted that "There are basically three pieces of legislation that are meant to empower people with disabilities" in Zimbabwe: the Constitution of Zimbabwe, The Education Act of 1987[1110] amended of 1986 and 2006[1111] and the disabled Persons Act of 1992[1112].[1113]

Zimbabwe ratifiedthe UN Convention on the Rights of Persons with Disabilities[1114] and its Optional Protocol[1115] on 23rd September 2013[1116], which "elaborate[s] in detail the rights of persons with disabilities and set out a code of implementation" as well as allowing individuals and groups to petition the UN Committee on the Rights of Persons with Disabilities "once all national recourse procedures have been exhausted".[1117]

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 includes the following provisions, which are of relevance for people living with disabilities:

> Chapter 1 […]
> Article 3 Founding values and principles
> (1) Zimbabwe is founded on respect for the following values and principles - […]
> (c) fundamental human rights and freedoms; […]
> (e) recognition of the inherent dignity and worth of each human being;
> (f) recognition of the equality of all human beings; […]
> (2) The principles of good governance, which bind the State and all institutions and agencies of government at every level, include – […]
> (i) recognition of the rights of – […]
> (ii) persons with disabilities
>
> Chapter 2 […]
> 22 Persons with disabilities
> (1) The State and all institutions and agencies of government at every level must recognize the rights of persons with physical or mental disabilities, in particular their right to be treated with respect and dignity.

[1108] IPS, *Disabled Forced Into Labour in Zimbabwe*, 5 May 2014
[1109] Leonard Cheshire Disability and Inclusive Development Centre, University College London, *Including Children with Disability in Primary School; the case of Mashonaland, Zimbabwe*, October 2014, *Introduction*
[1110] Education Act, 1987
[1111] Education Amendment Act, 2005
[1112] Disabled Persons Act, 1992
[1113] Munemo, E. & Tom, T., *Effectiveness of existing legislation in empowering people with disabilities*, Global Advanced Research Journal of Educational Research and Review (ISSN: 2315-5132) Vol. 2(2) pp. 031-040, February, 2013
[1114] UN Convention on the Rights of Persons with Disabilities, January 2007
[1115] Optional Protocol to the Convention on the Rights of Persons with Disabilities, January 2007
[1116] UN enable, *Convention and Optional protocol Signatures and Ratifications*, Undated
[1117] UN enable, *The Convention in Brief*, Undated

(2) The State and all institutions and agencies of government at every level must, within the limits of the resource available to them, assist persons with physical or mental disabilities to achieve their full potential and to minimize the disadvantages suffered by them.
(3) In particular, the State and all institutions and agencies of government at every level must-
(a) develop programmes for the welfare of persons with physical or mental disabilities, especially work programmes consistent with their capabilities and acceptable to them or their legal representatives;
(b) consider the specific requirements of persons with all forms of disability as one of the priorities in development plans;
(c) encourage the use and development of forms of communication suitable for persons with physical or mental disabilities; and
(d) foster social organisations aimed at improving the quality of life of persons with all forms of disability.
(4) The State must take appropriate measures to ensure that buildings and amenities to which the public has access are accessible to persons with disabilities.

Chapter 4 […]
Part 2 […]
56 Equality and non-discrimination […]
(3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in our out of wedlock. […]
Part 3 […]
83 Rights of persons with disabilities
The State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities, realize their full mental and physical potential, including measures –
(a) to enable them to become self reliant;
(b) to enable them to live with their families and participate in social, creative or recreational activities;
(c) to protect them from all forms of exploitation and abuse;
(d) to give them access to medical, psychological and functional treatment;
(e) to provide special facilities for their education; and
(f) to provide State-funded education and training where they need it.[1118]

10.2. Treatment by state actors

The U.S. Department of State annual human rights report covering 2013 reported that

> The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. Government institutions often were uninformed and did not implement the law, which does not specify physical, sensory, mental, or intellectual disabilities. 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[1119]

The same report further noted that "although the law provides for the appointment of representatives of persons with disabilities to Parliament, Parliament rarely addressed issues

[1118] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 1 (3), Chapter 2 (22) and Chapter 4 (56 and 83)*
[1119] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., Persons with Disabilities*

affecting them. Parliament does not provide specific line items for persons with disabilities in the various social service ministries' budgets".[1120]

An IPS news article of May 2014 further noted that "Most people living with disabilities are registered with the Ministry of Social Welfare for monthly disability grants of 20 dollars per household. That, they say, is severely inadequate".[1121] According to the USA Social Security report 'Social Security Programs Throughout the World: Africa' which was released in August 2013, a person must be "younger than age 60, be assessed with a disability and a permanent incapacity for work, and have less than one year of contributions" in order to qualify for a disability grant.[1122]

In May 2013 a fellow of the Open Society Foundation's Human Rights Initiative Scholarship Program reported that in Zimbabwe "rape victims who have intellectual disabilities are frequently victimized twice: once during the commission of a crime, and again when their cases go to trial".[1123] The article continued by stating that "In certain cases, their testimony is discounted at the outset because of their disability, making them more likely to be denied justice and more susceptible to crimes. Those fortunate enough to be allowed to testify still face great difficulty in giving effective testimony in court. This is because the law in Zimbabwe does not provide for making accommodations to facilitate effective testimony. Secondly, prosecutors, lawyers, and magistrates lack training on handling witnesses with intellectual disabilities. This means that they often do not know the right type of questions to ask […] In addition, they also do not know how to correctly interpret the witness's body language".[1124]

The 2014 'Gap Report' by UNAIDS provided the following percentages of what people with disabilities in Zimbabwe need in comparison to what they received:

- 93.7% needed access to health services, 92% received it
- 76% needed access to welfare services, 23.6% received it
- 52.1% needed access to counseling, 40.8% received it
- 51.2% needed access to educational services, 43.4% received it
- 41.1% needed access to vocational training, 22.7% received it.[1125]

In June 2014, in a presentation on disability rights in Zimbabwe at the US Embassy Public Affairs Section, Greaterman Chivandire, the Programs Coordinator at Leonard Cheshire Disability Zimbabwe Trust reported that "despite adopting a new constitution in 2013 which confers rights to people with disabilities, PWDs [people with disabilities] in Zimbabwe are still largely viewed within the medical model approach which perceives them as objects, rather than subjects or rights holders. People with disabilities are regarded as people who require charity and handouts for survival. The provision of infrastructure that accommodates people with disabilities is still a challenge resulting in many PWDs missing out on employment opportunities and children dropping out of school. Despite passing many laws with good intentions, the rights and entitlement of persons with disability largely exists on paper, which the government of Zimbabwe has not adhered to".[1126]
With regards to the March 2013 Constitutional Referendum, IRIN news reported that "The greatest outcry has come from people living with disabilities. Abraham Mateta, a visually impaired legal expert, told IRIN that Copac had only printed 200 Braille copies of the draft constitution for a

[1120] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., Persons with Disabilities*
[1121] IPS, *Disabled Forced Into Labour in Zimbabwe*, 5 May 2014
[1122] USA Social Security, *Social Security Programs Throughout the World: Africa: Zimbabwe*, August 2014
[1123] Open Society Foundations, *Pursuing Justice for Rape Victims with Intellectual Disabilities*, 30 May 2013
[1124] Open Society Foundations, *Pursuing Justice for Rape Victims with Intellectual Disabilities*, 30 May 2013
[1125] UNAIDS, *The Gap Report*, 10 July 2014, updated September 2014, *Lack of awareness by society*
[1126] Kubatana, *The rights of people with disabilities still a far-fetched dream in Zimbabwe*, 9 June 2014

population of 40,000 blind people. "The current draft constitution is a sad reflection of Zimbabwean attitudes towards people with disability," he told IRIN. "To start with, the inputs from people with disabilities during outreach meetings were ignored and welfarist and charity models adopted." He said this would relegate people with disabilities to chores such as shoe mending and making baskets. Said Mateta, "While the draft is clear on what interventions the State should make with groups such as the youth, elderly and war veterans, on disability, it says interventions shall be made subject to availability of funds, which clearly implies that disability is expensive and that disabled people are second class citizens".[1127] Voice of America published an article in March 2013 reporting that "The National Association of Societies for the Care of the Handicapped (NASCOH) says 20 percent of people living with disabilities in Zimbabwe have no identity documents and risk being left out of important national processes such as the referendum and elections".[1128] In April 2013 The Standard reported that the Zimbabwe Electoral Commission (ZEC) "said a fact-finding mission by its personnel to Bulawayo recently revealed that some BCC [Bulawayo City Council] -run schools, youth centres and housing offices were not suitable for use by people living with disabilities during elections. The electoral board recommended that ramps and rails should be constructed at the BCC facilities, even at the toilets, to make them user-friendly to the disabled, according to the latest city council minutes".[1129]

10.2.1. Access to education

With regards to access to education for persons with disabilities, the U.S. Department of State noted that

> There were very few government-sponsored education facilities dedicated to persons with disabilities. Educational institutions discriminated against children with disabilities. Essential services, including sign language interpreters, Braille materials, and ramps, were not available, which prevented children with disabilities from attending school. Many schools refused to accept children with certain disabilities. Schools that accepted students with disabilities offered very little in the way of nonacademic facilities for those accepted as compared to their nondisabled counterparts. According to the National Association of Societies for the Care of the Handicapped, persons with disabilities were a forgotten and invisible group in society. The organization reported that 75 percent of children with disabilities had no access to education. Government programs, such as BEAM, which were intended to benefit children with disabilities, failed to address adequately the root causes of the systematic exclusion of children with disabilities. For example, despite BEAM's provision that all children with disabilities are eligible for educational assistance, in 2012 BEAM paid fees for only 13 percent of deaf children in Manicaland Province.[1130]

A research paper published in February 2013 reported that "People with disabilities have traditionally been regarded as incapable of any meaningful productivity. They are relegated to dependents of the state and family in perpetuity and therefore unemployable" and that many children with disabilities have "been denied access to education due to discrimination on the basis of their disability. Many of them are not even attending school. Many of the so-called ordinary schools where they are supposed to be enrolled are ill equipped or have no equipment at all. They are turned away. Special schools where facilities may be better are far away and learners with disability cannot afford the high fees. There are limited trained specialist teachers. Attitudes are negative in

[1127] IRIN, *Politicians push for Yes vote in Zimbabwe's referendum*, 13 March 2013
[1128] Voice of America, *Zimbabweans Living With Disabilities Lack Identity Documents, Won't Vote in Referendum*, 5 March 2013
[1129] The Standard, *'BCC facilities not suitable for the disabled'*, 28 April 2013
[1130] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., Persons with Disabilities*

schools on the part of both teachers and other learners" and "There is no obligation on the part of schools to ensure that their premises are accessible and comply with international conventions. Those with wheelchairs cannot access many school buildings like offices or ablution blocks. The state has no obligation towards providing for accessible schools with specialized facilities and devices where necessary".[1131]

Human Rights Watch interviewing a mother in Glen View on the hardhships she faced in accessing water for her intellectual and physical disabled teenage daughter stated in November 2013 that "I am alone with my daughter. It is really a struggle. I can't afford for her to go to a school for the disabled because it is too expensive, so I take care of her all by myself".[1132]

The Southern Eye reported in January 2014 that the National Council of Disabled Persons of Zimbabwe (NCDPZ) Bulawayo "has condemned the government's inclusive education programme saying it further perpetuates the stigmatisation and exclusion of persons with disabilities from the education system" explaining that the inclusive education programme "encourages people with various forms of disabilities to attend ordinary schools without ensuring the provision of specialist teachers. This, the organisation said, deprived students with disabilities access to quality education. "Persons with disabilities and parents of students with disabilities who attended the meeting said besides the absence of specialist teachers, some school facilities are not accessible thus limiting the movement of some students with disabilities," the organisation said in a statement".[1133]

In October 2014 a research study conducted by the Leonard Cheshire Disability and the Inclusive Development Centre and the University College London reported that in Mashonaland West Province "Findings highlighted a lack of training in special education needs […] and the need for further training emerges as a pressing issue. Overall, the attitudes and beliefs of respondents were positive, but amongst the major perceived barriers preventing children with disabilities from going to school by respondents was the lack of assistive devices. Other major barriers include distance to school and lack of transportation. Parents reported that the direct and indirect costs for schooling their children with disabilities are too high. Head teachers and teachers identified human resource allocation and financial administration as potential critical issues".[1134]

10.2.2. Access to employment

Voice of America published an article in March 2013 citing a disability technical expert, Fambaineni Magweva, from The National Association of Societies for the Care of the Handicapped (NASCOH) told parliament's Millennium Development Goals Thematic Committee as stating that "people with disabilities make 20 percent of the poor in Zimbabwe "and 95 percent of them are out of both formal and informal employment". He said despite the enactment of the Disabled Persons Act way back in 1992, the majority of people living with disabilities continue to live in abject poverty as

[1131] Munemo, E. & Tom, T., *Effectiveness of existing legislation in empowering people with disabilities*, Global Advanced Research Journal of Educational Research and Review (ISSN: 2315-5132) Vol. 2(2) pp. 031-040, February, 2013, *The Disabled Persons Act of 1992*and *Employment and the Education Act (1987)*

[1132] Human Rights Watch, *Troubled Water: Burst Pipes, Contaminated Wells, and Open Defecation I Zimbabwe's Capital*, November 2013, *Failure to Provide Access to Potable Water, Access for Vulnerable and Marginalized Populations*

[1133] Southern Eye, *Disabled criticise education system*, 28 January 2014

[1134] Leonard Cheshire Disability and Inclusive Development Centre, University College London, *Including Children with Disability in Primary School; the case of Mashonaland, Zimbabwe*, October 2014, *Abstract*

government has failed to provide resources to uplift their lives. He said most programs supporting people with disabilities are sponsored by churches and non-governmental organizations".[1135]

The Inter Press Service reported in May 2014 that "only two percent of the disabled are formally employed, according to 2012 figures from the Zimbabwe National Statistics Agency (ZimStats)" and "65 percent are said to be employed in the information sector. Many among the remaining survive on begging".[1136]

10.2.3. Access to health services

Voice of America published in article in October 2013 reporting that "Despite being sexually active as well as vulnerable to rape and other forms of sexual abuse, disabled people say they are overlooked in national HIV prevention strategies because policymakers do not perceive them as sexually active. The Disability HIV and AIDS Trust has worked extensively to explore challenges faced by people with disabilities when accessing health, particularly HIV and AIDS services. It says most of the challenges stem from commonly held misconceptions among health personnel that people living with disabilities are not sexually active. The organization says government initiatives to stop new HIV infections continue to sideline people with disabilities with the National AIDS Strategic Plan for 2008 – 2015, not even mentioning a single strategy to address the challenges faced by the disabled community in curbing HIV and AIDS infection […] Jessie Dube, a nurse, says the health delivery system has no policy or programme to equip caregivers with the skills and knowledge needed to effectively assist disabled people in HIV prevention. She says added to this, most health care centres are inaccessible to disabled people, leaving them at the mercy of relatives and strangers in order to access services. Dube adds that most people with disabilities are vulnerable to sexual abuse which makes it even more critical for them to be part of national health strategies which focusing on HIV prevention".[1137]

The Zimbabwean published an article in December 2013 that reported that "Women with disabilities in Zimbabwe continue to suffer violations of their sexual and reproductive health rights despite the fact that the government has ratified the United Nations convention on the Rights of People with Disabilities […] Women with disabilities are at high risk of abuse due to stigma and discrimination, as well as lack of support structures and lack of information about how they can protect themselves. Speaking to The Zimbabwean during a sexual and reproductive health and HIV rights awareness campaign for women with disabilities in Bulawayo last week, women with disabilities said they were also still facing serious challenges in accessing family planning methods and maternity facilities in public health institutions".[1138] The article continued by stating "The attitude of staff at institutions such as the police station and hospital, tends to be one of hostility towards people living with disabilities. In most cases a disabled rape victim is ridiculed and blamed. I personally know a situation where a police officer at a particular police station openly told a rape victim that she should thank the rapist because, if she was not raped, she was never going to enjoy the pleasure of sex in her life," said Moyo. She said HIV-positive and disabled women suffering from sexual transmitted diseases were also harassed and booed when they sought treatment at hospitals and clinics. She bemoaned the lack of proper family planning facilities for disabled women […] Hamida Mauto, Disability HIV and Aids Trust country coordinator, said most abusers of women with disabilities were

[1135] Voice of America, *Zimbabweans Living With Disabilities Lack Identity Documents, Won't Vote in Referendum*, 3 December 2014
[1136] IPS, *Disabled Forced Into Labour in Zimbabwe*, 5 May 2014
[1137] Voice of America, *HIV/AIDS Initiatives Sidelining People with Disabilities*, 28 October 2013
[1138] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013

walking away scot-free because the police and the judiciary had serious challenges and shortcomings when dealing with cases involving disabled women".[1139]

10.2.3.1. Treatment of Albinos

Very limited information was found on the treatment of Albinos in the reporting period.

In June 2013 The Standard reported that the Zimbabwe Albino Association acting chairperson Richard Nyathi "bemoaned lack of proper statistics of people living with albinism in the country. "Research has not included people with disability in general, but I must stress that albinism has been left out completely from all the censuses that have been done since 1982," said Nyathi. "They have excluded people with albinism, so there is no definite data." However, other estimates indicate that Zimbabwe has between 14 000 to 17 000 people living with albinism".[1140]

10.3. Treatment by members of society

The U.S. Department of State annual human rights report covering 2013 reported that "Persons with disabilities faced harsh societal discrimination and exclusion".[1141] The same report further noted that "Most people holding traditional beliefs viewed persons with disabilities as bewitched and, in extreme cases, families hid children with disabilities when visitors arrived".[1142]

In June 2013 The Standard reported that "mothers who have birth to disabled children in Mutare, Masvingo and Bulawayo sang from the same hymn sheet, expressing maltreatment by their husbands and society at large".[1143]

An article published by The Zimbabwean in December 2013 reported on the increase of abuse against women and children with disabilities: ""There is this primitive and weird belief that women with disability have high sexual libido. Some people think also HIV/AIDS can be healed by sleeping with a disabled person. These are some of the things that are fuelling sexual abuse against women with disabilities," said Mauto. According to a report by Save the Children Norway, sexual abuse of children with disabilities is on the increase in Zimbabwe. According to the report, 87.4 per cent of girls with disabilities had been sexually abused. Approximately 48 per cent of these girls were mentally challenged, 15.7 per cent had hearing impairments and 25.3 percent had visible physical disabilities. Of those who had been sexually abused, 52.4 per cent tested positive for HIV".[1144]

The same Zimbabwean article of December 2013 featured the following quote by Lizzie Longshaw, a social worker with the Disability HIV and Aids Trust (DHAT): "Women with disabilities are being sexual abused on daily basis because most of our public facilities are not friendly to disabled women. Sexual abuse is particularly rife in public transport, where touts take advantage of unaccompanied disabled women commuters".[1145] The article continued to state "Longshaw, who is also living with

[1139] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[1140] The Standard, *People living with albinism bemoan lack of sunscreen*, 23 June 2013
[1141] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., Persons with Disabilities*
[1142] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 6., Persons with Disabilities*
[1143] The Standard, *Society shuns children with disabilities*, 16 June 2013
[1144] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[1145] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013

disability, said she had been a victim of sexual abuse several times […] Longshaw also noted that more disabled women were involved in unstable relationships than able-bodied people because of social sanctions against marrying a disabled person. Irine Moyo said a lot of disabled women were abused but were afraid to come out in the open because of biased attitudes towards people with disabilities".[1146]

In May 2014 the National Association of Societies for the Care of the Handicapped (NASCOH)'s executive director told the Inter Press Service that "Increasing informal activities here, [on the street] which are often targeted by local authorities for operating illegally, are resulting in informal dealers hiring people living with disabilities to work for them, believing disabled persons draw sympathy from council cops and save their businesses […] Unfortunately, the continued hiring of people living with disabilities to work for able-bodied persons is resulting in forms of forced labour for physically challenged people. What they earn often does not tally with the workload they bear on the streets".[1147] The same article interviewed labour expert Agrippa Govere who stated that "More often than not people living with disabilities enter into employment as vendors for able-bodied persons without signing any employment contracts, spurred by extreme poverty […] They have no basis to lodge any legal complaints against their employers because they are hired from the streets, and they therefore sink deeper and deeper into poverty as their employers get richer and richer".[1148] Veronica Chinyerere, Director of the Zimbabwe Amputees Association (ZAA) was stated as saying that "the disabled are severely underpaid […] Owing to extreme poverty here, people living with disabilities are falling prey to exploitation by able-bodied persons, who often reward them with food, give them a dollar (a day) for their services and another dollar for transport home".[1149]

11. Persons living with HIV

11.1. Statistics in relation to HIV/AIDS

The CIA 'World Factbook: Zimbabwe' noted that Zimbabwe had a population of 13,771,721 million (July 2013 est.) taking into account the "effects of excess mortality due to AIDS" and that the death rate is at "10.62deaths/1,000 population (2014 est.)".[1150] The same report further stated that the adult HIV/AIDS prevalence rate was at "14.7% (2012 est.), that "1,368,100 (2012 est.) people lived with HIV/AIDS and that there have been "39,500 (2012 est.)" HIV/AIDS related deaths.[1151]

The statistics provided by UNAIDS are based on 2013 estimates:

> Number of people living with HIV 1,400,000 [1,300,000 - 1,400,000]
> Adults aged 15 to 49 prevalence rate 15.0% [14.2% - 15.7%]
> Adults aged 15 and up living with HIV 1,200,000 [1,200,000 - 1,300,000]
> Women aged 15 and up living with HIV 720,000 [690,000 - 750,000]
> Children aged 0 to 14 living with HIV 170,000 [150,000 - 190,000]
> Deaths due to AIDS 64,000 [59,000 - 68,000]

[1146] The Zimbabwean, *Women with disabilities face more abuse*, 3 December 2013
[1147] IPS, *Disabled Forced Into Labour in Zimbabwe*, 5 May 2014
[1148] IPS, *Disabled Forced Into Labour in Zimbabwe*, 5 May 2014
[1149] IPS, *Disabled Forced Into Labour in Zimbabwe*, 5 May 2014
[1150] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, Population* and *Death rate*
[1151] CIA, *The World Factbook: Zimbabwe*, Last updated 20 June 2014, *People and Society, HIV/AIDS – adult prevalence rate, HIV/AIDS – people living with HIV/AIDS* and *HIV/AIDS – deaths*

Orphans due to AIDS aged 0 to 17 890,000 [540,000 - 960,000].[1152]

The UN World Food Programme reported in July 2013 that "Although the prevalence of HIV has gone down in Zimbabwe, it still remains among the highest in the world. Approximately 14.9 percent of the country's 12.9 million population is living with HIV, reports UNAIDS. Nearly 1,300 lives are lost weekly from HIV-related illnesses, according to statistics from the Ministry of Health and Child Welfare".[1153]

In January 2013 the Zimbabwean National AIDS Council reported that "The number of HIV-related deaths in Zimbabwe has gone down from 3 000 to 1 000 per week following the widespread anti-retroviral treatment (ART) programmes that Government has rolled out since 2004. In an interview last week, National Aids Council (NAC) communications director Ms Madeline Dube said the new HIV infection rate has also declined from an annual average of 66 000 to 44 000".[1154]

In April 2013 the Zimbabwean National AIDS Council reported that "At least 600 000 people living with HIV now have access to antiretroviral drugs as the country scales up efforts to fight a disease which has killed about 25 million people worldwide since it was discovered in the early 1980s. According to UNAIDS country coordinator Tatiana Shoumilina, every person who presents themselves at a medical facility and requires the life prolonging drugs can access them. "Zimbabwe has actually achieved global goal of adult access to antiretroviral treatment," Shoumilina said in a wide ranging interview with the Daily News yesterday".[1155]

The UNDP 'Human Development Report 2014' provided the following statistics on HIV prevalence:

HIV prevalence (% ages 15-24), female: 6.3
HIV prevalence (% ages 15-24), male: 3.9
HIV prevalence (% ages 15-49), total: 14.7.[1156]

The 2014 'Global AIDS Response Country Progress Report' submitted by the Zimbabwean government to UNAIDS reported that "Zimbabwe has a generalized heterosexually driven HIV epidemic with adult prevalence of 15% and an incidence of 0.98%. The epidemic looks fairly homogenous with similar HIV prevalence levels across the ten provinces. However there are hot spots of HIV which are border towns, mining areas, growth points and resettlements farms. The HIV prevalence is slightly higher in urban areas than in rural areas. HIV prevalence in 15-24 age group women is 1.5 times higher than in men".[1157] The same report further noted that the Zimbabwe National HIV and AIDS Strategic Plan (ZNASP) for 2011-2015 had the following impacts:

- Impact 1: HIV incidence reduced by 50% from 0.85% (48, 168) for adults (2009) to 0.435% (24,084) by 2015
- Impact 2: HIV incidence reduced among children from 30% in 2010 to less than 5% by 2015

[1152] UNAIDS, *Zimbabwe: HIV and AIDS estimates (2013)*, Undated
[1153] UN World Food Programme, *WFP and Global Fund Partnership Helps Many Access HIV Treatment in Zimbabwe*, 31 July 2013
[1154] National AIDS Council, *HIV-related deaths on the decrease*, 21 January 2013
[1155] National AIDS Council, *600 000 have access to ARVs*, 30 April 2013

[1157] Zimbabwean Government, *Global AIDS Response Country Progress Report, Zimbabwe 2014*, Undated, *2.2. Status of HIV Epidemic*

- Impact 3: HIV and AIDS related mortality reduced by 38% from 71299 (2010) for adults and 13,393 for children (2010) to 44,205 for adults and 8,304 for children by 2015.[1158]

In March 2014 the Zimbabwean National AIDS Council reported that "The number of people dying from HIV and Aids-related illnesses has significantly dropped from a high of 170 000 in 2003 to about 60 000 last year, a development attributed to Government programmes of effectively administering anti-retroviral therapy. The numbers include both adults and children. According to a preliminary report of the 2013 HIV estimates presented to various Aids stakeholders in Harare yesterday, the number of adults who died in 2013 has gone down from 50 230 in 2012 to 49 605 in 2013. The number of deaths among children between 0 and 14 years has also gone down from about 36 000 (2003 statistics) to 10 795 in 2013. In 2012, 12 004 child deaths were recorded.".[1159]

In an August 2014 gender review of the programme activities of UNICEF Zimbabwe Country Office, UNICEF reports with regards to HIV and AIDS:

> There are several areas of gender concerns in HIV/AIDS related issues. HIV prevalence is high in the same provinces as those in which teenage pregnancy has increased. This signals high risks. Access to information and services is higher for boys than girls. The majority of youth friendly facilities are biased towards boys and services are not gender sensitive. Added to it is the cultural dimension which prevents mothers and families as a whole from allowing girls to visit the youth friendly facilities and have access to HIV related information and services. Disclosure of HIV is more difficult for boys than girls when they enter into a relationship. Young people who test for HIV is lower than 50% and this is even further lower for boys because of their reluctance for disclosure. Violence and sexual abuse are resorted to when young men are asked to go for testing. Adolescent specific age disaggregated data for the age groups of 10-19 years are not available as a category which makes monitoring difficult.[1160]

According to reporting by The Herald in November 2014, "seventy thousand pregnant women tested positive to HIV this year, a Government official has revealed. Deputy co-ordinator in the Ministry of Health and Child Care's national PMTCT and paediatric HIV care and treatment Dr Nyikadzino Mahachi said of the figure, only 9 percent of babies were infected with the virus at birth".[1161] Another article by the same newspaper reported also in November 2014 that "HARARE City Council says 120 000 residents are treated for HIV/Aids related ailments in the city everyday. According to minutes of a full council meeting, the rate of infections is increasing".[1162]

11.2. Legal framework

According to a 2004 survey of legislative efforts to combat HIV/AIDS in Southern Africa, Zimbabwe's Parliament "has enacted several laws that deal expressly with HIV/AIDS. Parliament enacted the National AIDS Council Act[1163], which established the government body that is responsible for coordinating HIV/AIDS activities. The Sexual Offences Act[1164] makes it a crime for anyone to intentionally infect another person with the virus and Zimbabwe is the first country in the region to enact legislation addressing this problem. In addition, parliament enacted the National AIDS

[1158] Zimbabwean Government, *Global AIDS Response Country Progress Report, Zimbabwe 2014*, Undated, *2.3 Policy and Programmatic Response*
[1159] National AIDS Council, *Sharp decline in HIV deaths*, 26 March 2014
[1160] UNICEF, *Zimbabwe Gender Review Report*, August 2014, *2.4 Young child social development (YCSD)*
[1161] The Herald, *70 000 pregnant women test HIV+*, 24 November 2014
[1162] The Herald, *Harare Treats 120 000Aids-Related Cases a Day*, 13 November 2014
[1163] NATIONAL AIDS COUNCIL OF ZIMBABWE ACT Act 16/1999, 22/2001 (s. 4). CHAPTER 15:14
[1164] Sexual Offences Act (Acts 8/2001, 22/2001)

Policy[1165], which provides a strategic framework for implementing HIV/AIDS programs. Parliament's most innovative piece of legislation is one that seeks to respond to the financial demands posed by HIV/AIDS.[1166] The law calls for a national three percent AIDS levy, which allows the government to tax three percent of each worker's annual income to fund HIV/AIDS programs".[1167] The *Labour Relations (HIV and AIDS) Regulations of 1998* requires that HIV/AIDS education and information be made available in the workplace. No pre-employment testing, nor unfair dismissal on grounds of HIV/AIDS is to be tolerated. It makes confidentiality on HIV/AIDS in the workplace essential […]".[1168]

In 1999 the Zimbabwean government introduced the 'National Policy on HIV/AIDS For the Republic of Zimbabwe', which "has been developed in order to promote and guidance present and future responses to AIDS in Zimbabwe".[1169]

The Zimbabwean government introduced the 'National AIDS Council of Zimbabwe Act [Chapter 15:14]' in 1999 which provided for the establishment of the National AIDS Council of Zimbabwe and "to provide for measures to combat the spread of the Human Immuno-Deficiency Virus and the Acquired Immune-Deficiency Syndrome and the promotion, co-ordination and implementation of programmes and measures to limit or prevent their spread; and to provide for matters connected with or incidental to the foregoing".[1170]

The 'Constitution of Zimbabwe Amendment (No.20) Act.2013' as amended in March 2013 includes the following provisions, which is of relevance for people living with HIV:

> Chapter 1 […]
> Article 3 Founding values and principles
> (1) Zimbabwe is founded on respect for the following values and principles - […]
> (c) fundamental human rights and freedoms; […]
> (e) recognition of the inherent dignity and worth of each human being;
> (f) recognition of the equality of all human beings; […]
>
> Chapter 2 […]
> 29 Health services
> (1) The State must take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe,
> (2) The State must take appropriate, fair and reasonable measures to ensure that no person is refused emergency medical treatment at any health institution.
> (3) The State must take all preventive measures within the limits of the resources available to it, including education and public awareness programmes, against the spread of disease. […]
>
> Chapter 4 […]
> Part 2 […]
> 56 Equality and non-discrimination […]
> (3) Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious

[1165] National Policy On HIV/AIDS For the Republic Of Zimbabwe
[1166] See Income Tax Act [Chapter 23:06] and the 2012 Income Tax Bill, which replaced the Income Tax Act.
[1167] The National Democratic Institute for International Affairs (NDI) and The Southern African Development Community Parliamentary Forum (SADC PF), *Survey of legislative efforts to combat HIV/AIDS in the Southern Africa Development Community (SADC) region*, November 2004, *Section IV, Member of Parliament Survey Responses, Legislation on HIV/AIDS*
[1168] Human Sciences Research Council (HSRC), *An Audit of HIV/AIDS Policies in Botswana, Lesotho, Mozambique, South Africa, Swaziland and Zimbabwe*, 2004, *Findings of the legislation reviews, Zimbabwe*
[1169] National Policy On HIV/AIDS For the Republic Of Zimbabwe, December 1999, *1. Introduction*
[1170] NATIONAL AIDS COUNCIL OF ZIMBABWE ACT Act 16/1999, 22/2001 (s. 4). CHAPTER 15:14, *Part V*

belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in our out of wedlock. […]
76 Right to health care
(1) Every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care-services, including reproductive health-care services.
(2) Every person living with a chronic illness has the right to have access to basic healthcare services for the illness.
(3) No person may be refused emergency medical treatment in any health-care institution.
(4) The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section. […][1171]

11.3. Access to treatment

11.3.1. National coverage of antiretroviral therapy

According to data provided by the World Health Organisation (WHO), the antiretroviral therapy (ART) coverage among people with HIV infection eligible for ART according to 2010 guidelines was at 79% (2012 est.).[1172]

The 2014 'Global AIDS Response Country Progress Report' submitted by the Zimbabwean government to UNAIDS reported that:

- 93% of HIV-positive pregnant women received antiretroviral to reduce the risk of mother-child transmission
- 76.9% of adults and 46.12% of children were eligible to receive antiretroviral therapy
- 87.1% of adults and 85.6% of children with HIV were known to be on treatment 12 months after initiation of antiretroviral therapy.[1173]

The same report highlighted the following challenges the government faced in dealing with the HIV/AIDS epidemic in 2013:

- Stock outs of HIV test kits and the country has mobilised more resources to procure HIV test kits.
- Low peadiatric ART and the country is in a process of scaling up and decentralizing peadiatric ART services
- Low coverage of VMMC and the nation has adopted the demand generation model and the PrePex model to increase uptake of VMMC services
- Stock out of ART medicines that prompted the country to improve on ordering and delivery system of medicines
- Limited funding due to withdrawal of other funders and the country has developed a resource mobilization strategy
- Some 7% of HIV + pregnant women are still receiving single dose regimen (less efficacious)
- Logistics and Supply chain management challenges
- Delays in review of policy to broaden nurses' scope of work
- Slow decentralization of ART initiation, especially for children
- Weak linkage between Health and Community systems
- Multiple committees/working groups creates bottlenecks for more effective coordination
- Civil society organizations (CBOs, NGOs) are under-funded
- No statutory instrument to enforce data reporting by all partners in particular the private sector

[1171] Constitution of Zimbabwe Amendment (No.20) Act.2013, *Chapter 1 (3), Chapter 2 (29) and Chapter 4 (56 and 76)*
[1172] World Health Organization (WHO), *Zimbabwe: statistics summary (2002-present)*, Undated
[1173] Zimbabwean Government, *Global AIDS Response Country Progress Report, Zimbabwe 2014*, Undated, *Table 2: Programme Performance*

- Data quality issues
- Limited funding for Isoniazid Preventive Treatment scale-up services.[1174]

IRIN news reported in March 2013 that "HIV/AIDS activists in Zimbabwe have welcomed the government's move to address the problem of HIV drug resistance by introducing third-line antiretroviral drug (ARVs) [which are used when patients stop responding to first- and second-line treatment regimens]. But it remains unclear how the cash-strapped government will finance this, as procuring the drugs will invariably be expensive and could divert resources away from other HIV treatment efforts […] HIV/AIDS activists fear that drug resistance and treatment failure could be linked to the government's poor management of the national HIV/AIDS treatment programme. Tinashe Mundawarara, the Zimbabwe Lawyers for Human Rights project manager for HIV, human rights and law, said cases of resistance should not be surprising given the country's poorly resourced health care system. Frequent drug stock-outs may have contributed to treatment interruptions, for example […] Itai Rusike, director of the Community Working Group on Health, has raised concerns that introducing a third-line drug regimen could further widen the treatment gap […] Rusike, whose organization works to ensure the equitable distribution of health resources in the country, said the majority of people in need of treatment still lack access to it".[1175]

The AIDS Portal reported in September 2014 that "Zimbabwe's Ministry of Health and Child Care has announced plans to scale up anti-retroviral therapy services by the end of 2014, amid concerns over the current huge deficit. The announcement comes as health professionals call on the government to improve its provision of anti-retroviral therapy. According to Calvin Fambirai, from the Zimbabwe Association of Doctors for Human Rights (ZADHR): "There is a huge deficit with only 600,000 people currently receiving anti-retroviral therapy services against the backdrop of up to 1.3 million people who are in need of the life-saving drugs".[1176]

In November 2014 The Daily Vox reported that "A new report in Al Jazeera's Africa Investigates series has shown how shady healthcare workers in Zimbabwe are pilfering anti-retroviral drugs (ARVs) from state supplies and selling them on the black market for use as narcotics".[1177]

In November 2014 the Zimbabwean National AIDS Council reported that "First line ARVs are selling for between US$50 to US$55 for a month's supply in the private sector while those on the government programme pay a dollar for administration costs. This has led many people to enrol for the government scheme. The number of people needing ARVs increased from around 800 000 to approximately 1,2 million people after Zimbabwe adopted the new World Health Organisation (WHO) guidelines that recommend people to start taking medication before their CD4 count drops below 500".[1178] The same article also informed that "A partnership by the National AIDS Council (NAC), NatPharm and some pharmarcies in the private sector has resulted in the drop in prices of anti-retroviral drugs (ARVs) that will now be accessed for US$17 down from an average US$55 currently prevailing. The development comes after NAC launched the increased access to treatment plan, which will see them procure ARVs in bulk at the manufacturing rate. The drugs will then be distributed by NatPharm and licensed pharmacies in the private sector".[1179] No further information could be found on when these reduced rated ARVs would be made available to the private sector.

[1174] Zimbabwean Government, *Global AIDS Response Country Progress Report, Zimbabwe 2014*, Undated, *4. Major Challenges*
[1175] IRIN, *Third-line ARVs could widen treatment gap in Zimbabwe*, 12 March 2013
[1176] AIDSPortal, *Zimbabwe government to scale up anti-retroviral therapy services*, 19 September 2014
[1177] The Daily Vox, *How Zimbabwe's ARVs Are Ending Up On The Street [VIDEO]*, 20 November 2014
[1178] National AIDS Council, *ARVs price drops*, 3 November 2014
[1179] National AIDS Council, *ARVs price drops*, 3 November 2014

11.3.2. Children's access to antiretroviral therapy

According to Voice of America in May 2013, "most children living with the HIV virus in Zimbabwe's rural communities do not access life-saving anti-retroviral drugs (ARVs) early because new technology that can detect the virus six weeks from birth is only available at hospitals in the cities, preventing the country from attaining its goal of universal access for minors living with the killer virus".[1180] The same article further noted that "About 580,000 adults out of at least 690,000 in need of treatment access ARVs while only 42,000 children living with the virus are under treatment. Mugurungi [national co-ordinator of the HIV/AIDS and Tuberculosis Unit in the health ministry] says the number of children accessing treatment falls far short of numbers needed to achieve universal access to treatment, as it currently stands at only about 42 percent".[1181]

In June 2014 Chronicle reported that "over 50,000 children below the age of 14 are failing to access life-saving HIV drugs, according to shock new statistics by the Ministry of Health and Child Care. The ministry estimates that 104,000 children are HIV positive in Zimbabwe – but only half have been tested and put on Anti-retroviral treatment".[1182]

A Swedish medical doctor working with pediatric HIV patients at the Doctors Without Borders/ Médecins Sans Frontières (MSF) clinic in Epworth, Zimbabwe wrote in a blog entry on MSF's website in November 2014 that "In 2014, in Epworth, 165 HIV-positive patients under the age of 20 have been initiated on antiretroviral therapy (ART). To date, only 8 percent of the cohort is under 15 years of age. Epworth is a semi-urban area located just outside the capital city of Harare. The majority of the population is believed to live below the poverty line. Here, just below 20 percent of the population is HIV-positive, which is higher than reported at the national level (15 percent). In the coming months the MSF team will advocate to increase access to HIV testing and ART for children and adolescents".[1183]

In November 2014 Voice of America reported that "62,000 out of 109,000 children living with HIV and AIDS in the country [Zimbabwe] are not receiving any ARV treatment".[1184]

11.4. Treatment by state actors

The U.S. Department of State reported in its annual human rights report covering 2013 with regards to the treatment of prisoners with HIV/AIDS that "There were some cases of prisoners with HIV/AIDS denied access to antiretroviral drugs, and a court case was pending on the issue at year's end".[1185]

The Standard reported in July 2013 that "Successful implementation of paediatric anti-retroviral therapy is being hampered by lack of appropriate food supplements in most households in Seke communal areas in Mashonaland East province, health officials have said".[1186]

[1180] Voice of America, *In Rural Communities Children Living with HIV Lack Access to Treatment*, 20 May 2013
[1181] Voice of America, *In Rural Communities Children Living with HIV Lack Access to Treatment*, 20 May 2013
[1182] Chronicle, *50,000 children denied HIV drugs*, 18 June 2014
[1183] Médecins Sans Frontières (MSF), *Fighting HIV and Stigma in Epworth, Zimbabwe,* 20 November 2014
[1184] Voice of America, *Zimbabwe Prepares for World AIDS Day*, 25 November 2014
[1185] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1.c., Prison and Detention Center Conditions*
[1186] The Standard, *Lack of food supplements affects ART programme*, 21 July 2013

In December 2013 the International Federation of Red Cross and Red Crescent Societies reported on the impact food insecurity had on HIV patients: ""I'm finding it difficult to come up with a plan to survive," says Tsikira Sipiliswe. Tsikira is HIV positive and she lives in Gwanda, a district in southern Zimbabwe. Like many other areas of the country, people here are facing one of the worst periods of food insecurity in years. According to a recent Zimbabwe Vulnerability Assessment Committee assessment, 2.2 million people will need food assistance from January to March next year. People in Gwanda are among those most in need. Matebeleland South province, where Gwanda sits, has the highest prevalence of HIV in the country, at 21 per cent. One in five adults 15-49 is HIV positive. Gwanda itself has an HIV rate of 15 per cent".[1187]

In March 2014 the International Federation of Red Cross and Red Crescent Societies further reported on the impact food insecurity had on HIV patients: "For Sibongile Dube, surviving on just one meal a day was tough. The mother of four was getting abdominal pains from the scarcity of food but it was not just because she was hungry. When Sibongile's HIV status was confirmed two years ago she was put on anti-retro viral medication which needs to be taken with food to be effective. In Gwanda, in southwest Zimbabwe, accessing adequate food so Sibongile could stay healthy was a challenge. The area has suffered from drought for the last few years and crops have routinely failed".[1188] The same article further noted "There are a lot of people in Sibongile's position. The Zimbabwe Demographic and Health Survey 2010 – 2011 puts the rate of HIV in Zimbabwe at 14.7 per cent. In Gwanda, it is 21 per cent. Unlike Sibongile however, many HIV-positive people stop taking their medication when they are running out of food. They do not like getting sick. It is a difficult decision to make: to get sick from taking anti-retroviral medication on empty stomach, or to get sick from not taking it at all".[1189]

In June 2014 The Zimbabwean reported that People living with HIV "face a myriad of challenges, including lack of access to quality and affordable services, basic healthcare, education and other socio-economic rights".[1190] People living with HIV in suburbs such as Budiriro, Chitungwiza, Glen Norah, Mabvuku and Glen View told The Zimbabwean "of some of the challenges they face at the hands of their landlords, some of whom even give them timetables to use the toilet" and are appealing to the government to allocate them residential stands because they are being discriminated against by their landlords because of their HIV status.[1191] According to Emmanuel Gasa, the Executive Director of The AIDS and Arts Foundation, speaking to The Zimbabwean, said that "government should put up policies to guard against discrimination" of people living with HIV as "we now have institutionalized stigma and the systems are not conducive for those living positively".[1192]

In June 2014 IRIN news reported that "young people with HIV are dying in increasing numbers in Zimbabwe at a time when HIV-related deaths are declining for all other age groups […] research conducted in Zimbabwe by the London School of Hygiene and Tropical Medicine found that older children – aged between six and 15 – who might have acquired HIV at birth, received inadequate access to provider-initiated HIV testing and counseling by primary health care givers. The main reasons that health-care workers gave for not offering tests were that the child was accompanied by a guardian not appropriate for providing consent, and a lack of staff or HIV testing kits. Children who

[1187] International Federation of Red Cross and Red Crescent Societies, *Finding a way to survive in Zimbabwe*, 17 December 2013
[1188] International Federation of Red Cross and Red Crescent Societies, *"Surviving day by day" with hunger and HIV*, 1 March 2014
[1189] International Federation of Red Cross and Red Crescent Societies, *"Surviving day by day" with hunger and HIV*, 1 March 2014
[1190] The Zimbabwean, *Accommodation woes persist for people living with HIV*, 18 June 2014
[1191] The Zimbabwean, *Accommodation woes persist for people living with HIV*, 18 June 2014
[1192] The Zimbabwean, *Accommodation woes persist for people living with HIV*, 18 June 2014

were older, or that visited the clinic with a male or a younger guardian, were less likely to be offered HIV testing. In addition to this, health-care workers were also reluctant to offer testing as they feared that a child might experience abuse if he or she tested positive According to the study, lengthy waiting periods endured by guardians and older children also hindered routine testing and counselling".[1193]

11.5. Treatment by members of society

The U.S. Department of State reported in its annual human rights report covering 2013 that "The government has a national HIV/AIDS policy that prohibits discrimination against persons with HIV/AIDS, and the law prohibits discrimination against workers with HIV/AIDS in the private sector and parastatals. Despite these provisions, societal discrimination against persons affected by HIV/AIDS remained a problem".[1194]

11.5.1. Access to housing

In June 2014 The Zimbabwean reported that "People living with HIV […] in urban areas are appealing to the government to allocate them residential stands because they are being discriminated against by their landlords because of their HIV status".[1195]

11.5.2. Access to education

The Zimbabwean reported in September 2014 that "youths living with HIV and Aids are still stigmatized at school and in their communities […] prevent[ing] them from accessing readily available HIV and Aids support services".[1196] The same article stated that "Zimbabwe National Network of People Living with HIV (ZNNP+) Bulawayo chairperson, Anderson Ndlovu, said his organisation is worried about the high incidence of stigmatisation among students in educational institutions. "Our HIV/AIDS intervention programmes have tended to exclude the youths. This anomaly has unfortunately created gaps in knowledge and great stigma - not only in colleges but even in communities where the youths live. The stigma is even worse in incidences where both parents have died," said Ndlovu".[1197]

11.5.3. Specific treatment of single mothers

The UN World Food Programme noted in a July 2013 article the out-casting of single mothers after testing HIV positive.[1198]

11.5.4. Specific treatment of children

[1193] IRIN, *Young Zimbabweans miss out on HIV testing*, 9 June 2014
[1194] U.S. Department of State, *Country Reports on Human Rights practices for 2013: Zimbabwe*, 27 February 2014, *Section 1.c., Prison and Detention Center Conditions*
[1195] The Zimbabwean, *Accommodation woes persist for people living with HIV*, 18 June 2014
[1196] The Zimbabwean, *HIV positive students suffer discrimination*, 17 September 2014
[1197] The Zimbabwean, *HIV positive students suffer discrimination*, 17 September 2014
[1198] UN World Food Programme, *WFP and Global Fund Partnership Helps Many Access HIV Treatment in Zimbabwe*, 31 July 2013

In June 2014 Martha Tholanah of the International Committee of Women Living with HIV (ICW-Zimbabwe) told IRIN that "the low levels of provider-initiated HIV testing and counseling to older children showed that stigma was still high in the country". "Our communities are closely knit and it is difficult to keep the status of an individual a secret one he or she is tested. This is one fear that guardians have. Testing a child will not only expose his or her status, but that of the guardians too".[1199]

A study conducted among nearly 40,000 school students aged 12 to 14 in nine southern African countries and whose findings were published in October 2014 found that "more than 20%" of students would 'avoid or shun' a close friend who disclosed they had HIV and 42% of students said that children living with HIV should not be allowed to attend school.[1200]

A Swedish medical doctor working with pediatric HIV patients at the Doctors Without Borders/ Médecins Sans Frontières (MSF) clinic in Epworth, Zimbabwe recalled in a blog entry on MSF's website in November 2014 that all of her patients are under twenty years old and "many are orphans and have suffered stigma from their community – or even family – because they are HIV positive".[1201]

11.5.5. Specific treatment of sex workers

According to the 2014 'Gap Report' by UNAIDS, sex workers in Zimbabwe "felt that stigma was very high, with stigma towards male sex workers who have sex with men exacerbated owing to homophobia".[1202]

[1199] IRIN, *Young Zimbabweans miss out on HIV testing*, 9 June 2014
[1200] Aidsmap, *HIV stigma starts young, but can be corrected, African schoolchildren's study shows*, 15 October 2014, *The study - attitudes*
[1201] Médecins Sans Frontières (MSF), *Fighting HIV and Stigma in Epworth, Zimbabwe,* 20 November 2014
[1202] UNAIDS, *The Gap Report*, 10 July 2014, updated September 2014, *Stigma and discrimination*