

Document #2006466

Freedom House

Freedom in the World 2019 - Zimbabwe

Partly Free

31 /100

Overview:

Robert Mugabe and his Zimbabwe African National Union–Patriotic Front (ZANU-PF) dominated Zimbabwean politics since independence in 1980, in part by carrying out severe and often violent crackdowns against the political opposition, critical media, and other dissenters. However, as the ZANU-PF fragmented, Mugabe was removed from power in 2017 through a military intervention, and Emmerson Mnangagwa, the former vice president, was installed as president. The 2018 presidential election, while deeply flawed, restored elected executive power in the country. Endemic corruption, weak rule of law, and poor protections for workers and land rights remain among Zimbabwe's critical challenges.

Status Change Explanation:

Zimbabwe's status improved from Not Free to Partly Free because the 2018 presidential election, though deeply flawed, granted a degree of legitimacy to the rule of President Emmerson Mnangagwa, who had taken power after the military forced his predecessor's resignation in 2017.

Key Developments:

Key Developments in 2018:

- Mnangagwa narrowly won the presidential election, which was held in late July alongside parliamentary polls. International and local observers said the campaign and polling were peaceful and relatively well organized, but that a variety of factor tilted the elections in favor of the ruling ZANU-PF. Mnangagwa's victory nevertheless offered a degree of legitimacy to his presidency.
- As Zimbabweans waited for the Zimbabwe Electoral Commission (ZEC) to announce election results, the opposition Movement for Democratic Change Alliance (MDC Alliance) declared that its candidate had won the presidency, and antigovernment protests erupted in the capital. Six people were killed when security forces fired on demonstrators, and a number of opposition figures faced prosecution in the aftermath of the unrest. A commission of inquiry convened by Mnangagwa found that the security forces had used excessive force against protesters, but blamed the opposition for inciting the violence.

- A series of developments in the controversial prosecution of opposition leader Tendai Biti suggested strong executive influence and corruption in the justice system. Mnangagwa publicly stated that Biti was released from custody on his orders, while the publication of a text message sent by a senior prosecutor revealed apparent links between state prosecutors and the president's office, as well as an apparent chain of command that guided judicial rulings.
- Despite both its fragmentation and an uneven playing field, the results of the year's elections revealed that the main opposition MDC had increased its voter base.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 12 / 40 (+2)

A. ELECTORAL PROCESS: 3 / 12 (+1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (+1)

The president is directly elected, and limited to two five-year terms under the 2013 constitution, which also devolved some previously presidential powers to the parliament and the provinces. After 37 years in power, Mugabe was forced to resign as the result of a 2017 coup. The ZANU-PF then selected Mnangagwa as Mugabe's successor, and he was inaugurated as the new president of Zimbabwe. Mnangagwa soon announced that a presidential election would be held in 2018 as planned, and would be "free and fair."

The election, alongside parliamentary and local polls, was held in late July 2018. Twenty-three candidates ran for the presidency; Mnangagwa won, taking 50.8 percent of the vote. The MDC Alliance candidate, Nelson Chamisa, took 44.3 percent, and Thokozani Khupe of Movement for Democratic Change-Tsvangirai (MDC-T) took 9 percent.

International and local oversight groups (the former of which received accreditation for the first time since 2002) noted that campaign activities generally proceeded without interference and that the polls were peaceful and relatively well organized, but raised concerns about the overall conduct and integrity of the elections. The Southern African Development Community (SADC) observer mission noted challenges including difficulty by parties in accessing voter rolls, progovernment bias by the state broadcaster and state-owned newspapers, contested postal voting, the ZEC's lack of a cohesive election communication strategy that engaged stakeholders, and the denial of the diaspora's right to vote. A European Union (EU) mission noted similar bureaucratic challenges and problems with state media, as well as numerous reports of assisted voting, and of "inducements, intimidation and coercion against prospective voters to try to ensure a vote in favour of the ruling party," including threats of violence.

ZEC vote-tallying irregularities and delays led to tensions after the elections. The MDC Alliance leadership moved to declare victory in the presidential election before the official results were released, accused the ZANU-PF of attempting to rig the vote, and

criticized the ZEC's delay in releasing the results. Opposition protests then erupted in Harare, and the army was deployed to disperse them. Six people were killed and more were injured when soldiers fired on the demonstrators.

The ZEC declared Mnangagwa the winner of the presidential election a few days later. Mnangagwa moved to constitute a commission of inquiry to investigate the circumstances that triggered the military deployment against the protesters. The commission's report, released in December, said the six deaths had resulted from the "disproportionate" use of force against civilians by soldiers and police, but recommended that they be disciplined "internally," and blamed the MDC Alliance for inciting the violence.

Score Change: The score improved from 0 to 1 because a presidential election was held and campaigning for it took place peacefully, though it was marred by numerous flaws and an outbreak of postelection violence.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Zimbabwe has a bicameral legislature. In the lower chamber, the 270-seat National Assembly, 210 members are elected through a first-past-the-post system with one member per constituency, and 60 women are elected by proportional representation. The 80-seat Senate includes 6 members from each of Zimbabwe's 10 provinces who are elected through proportional representation. Eighteen traditional leaders and 2 lawmakers representing people with disabilities are appointed. Members in both houses serve five-year terms.

The ZANU-PF won 180 of the 270 National Assembly seats in the 2018 parliamentary elections, down from the 197 they won in 2013. The MDC Alliance won 87 National Assembly seats, and the MDC-T won one seat on proportional representation; together the MDC factions held 88 seats, up from 70 in 2013. The now independent but former ZANU-PF member Temba Mliswa won in Norton Constituency, a seat he first won through a 2016 by-election. The National Patriotic Front, a splinter from ZANU-PF, won a seat in Kwekwe. In the Senate, ZANU-PF secured 34 elected seats, MDC Alliance took 25, and MDC-T took a single seat.

The bureaucratic irregularities and media bias affecting the presidential election equally marred the parliamentary elections. Traditional leaders intimidated rural voters and acted in partisan ways, despite a constitutional ban on their participation in partisan politics.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The ZEC is responsible for election management and oversight, but its independence from the ZANU-PF has long been questioned. The body faced criticism from international election monitors for aspects of its management of the 2018 polls, including of its stewardship of the vote count; monitors also noted a general lack of

transparency in ZEC operations including in its procurement processes, the body's lack of a communications strategy, and the irregular arrangement of the ballots, which appeared to favor certain candidates. Political parties and civil society had difficulty accessing the voter rolls, affecting roll audit and verification processes, contrary to the Electoral Act.

The introduction of biometric voter registration since 2017 has been rocky, and on polling day in July 2018, there was no biometric voter authentication. Separately, there was a noticeable decline in voter registration in Harare and Bulawayo, possibly due in part to fewer registration kits having been allocated there.

In May, weeks ahead of the elections, the Constitutional Court ruled that Zimbabweans abroad must return to Zimbabwe in order to register to vote if they were to participate in the polls. The ruling effectively contravened constitutional provisions guaranteeing every citizen the right to vote.

B. POLITICAL PLURALISM AND PARTICIPATION: 6 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political parties may generally form without interference. More than 100 political parties expressed interest in contesting the 2018 elections, many of which formed in the months before the polls took place. However, state newspapers and broadcasting institutions tend not to cover opposition candidates, limiting parties' reach.

While authorities have suppressed opposition gatherings in the past, in 2018 opposition parties were able to hold most meetings with limited disruption. However, MDC Alliance supporters and leaders were arrested and prosecuted for the postelection violence that erupted in early August. Police, operating with a warrant, also raided and searched MDC Alliance headquarters.

Earlier, in June, a grenade exploded at a ZANU-PF rally at White City Stadium in Bulawayo. Two presidential security aides were killed and several others suffered shrapnel injuries.

Groups such as Mthwakazi Liberation Front (MLF) have been blocked from conducting memorial meetings for victims of Gukurahundi massacres of the 1980s. The MLF is regarded by the government as a secessionist political party, and its leaders have faced persecution.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

The main opposition MDC was generally able to hold preelection campaign events without interference in 2018, and despite both its fragmentation and factors that amounted to an uneven playing field, it managed to increase its voter base in the polls.

The MDC Alliance presidential candidate gained almost a million more votes in 2018 than the MDC's candidate had in the last presidential election. In the National Assembly, MDC representation slightly increased from 70 seats in 2013, to 88 in 2018.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

The military continues to play a critical role in influencing political choices in Zimbabwe. The military were deployed in rural areas in lead-up to Mugabe's 2017 removal, and these soldiers participated in electoral preparations. The military leadership has issued statements denying meddling in politics, despite the secondment of senior military officials to the ZANU-PF secretariat.

Traditional leaders have intimidated villagers and issued political statements contrary to the Constitution and court orders. After Mugabe's removal, the president of the Chief's Council, Fortune Charumbira, publicly supported Mnangagwa's 2018 candidacy. The High Court in May ruled that any statements Charumbira made of a political nature should be retracted, but the order was not enforced.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Zimbabwe's ethnic Shona majority dominates ZANU-PF and the MDC-T, and in the past, members of the Ndebele minority have complained of political marginalization by both parties.

The 2018 elections saw a slight decline in the numbers of women elected outside proportional representation. Women now make up 34 percent of parliament, a decline from their 35 percent following the elections in 2013. The proportional representation quota expires in 2023, raising concerns about whether progress in women's representation will be sustained. Four of 23 presidential candidates in 2018, or 17 percent, were women.

LGBT (lesbian, gay, bisexual, and transgender) advocacy groups exist, but discrimination against LGBT people is severe and deters their ability to advocate for their rights in the political sphere. When asked about Zimbabwe's constitutional ban on same-sex marriage in a 2018 interview, Mnangagwa said that the people "who want it are the people who should canvass for it, but it's not my duty to campaign for this," adding that it was his duty to obey the constitution.

C. FUNCTIONING OF GOVERNMENT: 3 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (+1)

Mnangagwa was made president by the ruling party in 2017 in the absence of elections. The 2018 presidential election, though deeply flawed, granted a degree of legitimacy to Mnangagwa's rule. MDC lawmakers staged a walkout during the official reopening of Parliament in September, but they subsequently attended and participated in normal parliamentary business.

While the cabinet appointed in 2018 includes a number of new faces, including technocrats in finance, mining, and commerce, the military and intelligence agencies retain a central role in government decision making.

Score Change: The score improved from 0 to 1 because representative rule was restored by the 2018 presidential election.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is endemic, and the Zimbabwe Anti-Corruption Commission (ZACC) has little independent investigative or enforcement capacity. Reports by the country's auditor general revealing large-scale corruption in government have not been acted upon.

In May 2018, Mnangagwa announced the formation of a new anticorruption unit that would operate under the control of the Office of the President and Cabinet. The move prompted questions about the constitutionality and legality of a body that housed prosecutors under the president's direct control; its creation also seemed to reduce the competencies of the ZACC. The ZACC continued to operate in the wake of the announcement, with its deputy chair saying in December that 400 cases had come under investigation during the year.

Separately, in November, reports emerged that two magistrates with Mnangagwa's new anticorruption unit had received death threats in connection with their work.

C3. Does the government operate with openness and transparency? 1 / 4

Government processes are generally opaque. While the constitution protects the right to access information, a number of restrictive laws make it very difficult for the media and citizens to obtain public information from the government.

CIVIL LIBERTIES: 19 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16

D1. Are there free and independent media? 1 / 4

The constitution protects freedoms of the media and expression, but restrictive laws undermine these guarantees in practice. These include the Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act (CLCRA), which severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. The country's repressive media laws contribute to significant

self-censorship and have been characterized by representatives of the Media Institute for Southern Africa (MISA) as the biggest threat to independent journalism in the country.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) dominates broadcast media, and in a country where many people rely on the radio for information, media diversity is limited by authorities' sustained refusal to grant licenses to community radio stations. Commercial radio licenses have generally gone to state-controlled companies or individuals with close links to ZANU-PF. The government also controls the two main daily newspapers, though there are several independent print outlets. State media favors the ZANU-PF, and this prompted complaints from election observers who assessed the 2018 campaign and polling.

Journalists sometimes face interference by state officials when trying to cover government affairs. MISA said it received reports that a number of journalists were injured in the August 2018 antigovernment protests, both at the hands of security forces who attacked the crowd, and upon being struck by rocks that were hurled by demonstrators.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally respected in Zimbabwe. However, congregations perceived to be critical of the government have faced harassment.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The Ministry of Higher Education supervises education policy at universities, and Mnangagwa as president, serves as the chancellor of all eight state-run universities. The government has the authority to discipline students and faculty at state-run universities.

Students still face violent responses to protest on campuses, though the number of such cases has declined in recent years. In February 2018, National University of Science and Technology (NUST) students protested over an extended strike by lecturers, and riot police used excessive force to quell the protests. In April, Great Zimbabwe University's Mashava campus students protested against poor food, unsafe drinking water, and increased tuition at the institution; riot police responded with tear gas, and three students were arrested and charged with violence before being released on bail.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Zimbabweans enjoy some freedom and openness in private discussion, but official monitoring of public gatherings, prosecution of offenses like insulting or undermining the president, and the threat of political violence serve as deterrents to unfettered speech. Individuals have been arrested for circulating materials on social media and WhatsApp groups, prompting self-censorship online.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

Freedom of assembly and association are guaranteed in the constitution, but poorly upheld in practice. Authorities have long used a section of POSA requiring police approval for demonstrations and permitting civil and criminal penalties for violations to inhibit free assembly. However, in October 2018, the Constitutional Court struck down this provision. Rights advocates praised the move, but noted authorities' aggressive past use of POSA to prevent free assembly, and called on authorities to respect the court's decision.

Postelection antigovernment protests that erupted in August 2018 were violently put down by security forces, who killed six people when they fired on demonstrators. Authorities filed trumped-up charges against opposition figures in the aftermath, and the MDC said authorities abducted some protest leaders as part of an intimidation campaign meant to stamp out the movement.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) are active, but remain subject to legal restrictions under the POSA, the CLCRA, and the Private Voluntary Organisations Act, despite rights for them laid out in the constitution.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Due to unemployment and heightened informal employment that have accompanied Zimbabwe's economic crisis, trade unions are grossly underfunded. The Labour Act allows the government to veto collective bargaining agreements it deems harmful to the economy. Strikes are allowed except in "essential" industries.

In response to a nationwide nurses' strike in April 2018, Vice President Constantino Chiwenga summarily dismissed all nurses and ordered the recruitment of new nurses to cover the gaps. The Zimbabwe Nurses Association (ZINA) challenged the order in court, saying the vice president lacked the authority to issue such an order, and additionally claimed that members had been threatened when they had attempted to negotiate with the government. Authorities reversed the order later in April, and nurses returned to work.

F. RULE OF LAW: 2 / 16 (-1)

F1. Is there an independent judiciary? 1 / 4 (-1)

Over the years, pressure from the executive has substantially eroded the independence of the judiciary, and its credibility has been undermined by its overt bias toward the ruling party. In a key 2017 decision widely viewed as unconstitutional, a High Court judge upheld the military intervention that resulted in Mugabe's ouster.

In 2018, court decisions and other developments continued to suggest the strong influence of the executive and the ZANU-PF over the judiciary. Among them was a July decision by the Supreme Court to uphold a ZANU-PF appeal of an earlier ruling in favor of teachers who complained about the ZANU-PF's use of school facilities, and policies that teachers and students attend ZANU-PF rallies.

Separately, in August 2018, Mnangagwa noted on Twitter that a detained opposition leader, Tendai Biti—a former finance minister and the vice chair of the MDC Alliance—had been released "following my intervention," reflecting the extent to which the judicial system is subject to direct executive interference. Biti has been arrested at the border with Zambia, where he had unsuccessfully attempted to seek asylum, and was charged with inciting violence and violating electoral laws by announcing unofficial election results. Despite his release, charges against Biti were not dropped. Later in the year, the exposure of a text message from a senior prosecutor regarding Biti's case suggested corruption within the judiciary. According to Biti's lawyer and news reports, the prosecutor had attempted to send a text message to another prosecutor in Mnangagwa's newly established anticorruption unit. In it, he disparaged the presiding judge's decision to allow the Biti proceedings to be live-streamed, and added that she had not received permission to make such a decision from the chief justice. However, the message was sent in error to the wrong person, leading to its exposure.

Score Change: The score declined from 2 to 1 because a series of court rulings and other developments have demonstrated increased influence of the executive and ZANU-PF over the judiciary.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Due process protections contained within the constitution are not enforced. Security forces frequently ignore basic rights regarding detention, searches, and seizures, and accused persons are often held and interrogated for hours without legal counsel and without being notified of the reason for their arrest. The December 2018 controversy surrounding the Biti case revealed apparent links between state prosecutors and the president's office.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Security forces backed by the ZANU-PF have long engaged in acts of violence, including against opposition supporters, for which they enjoy impunity. Police brutality is common.

Despite some improvements in recent years, prison conditions are harsh and sometimes life-threatening. Overcrowding, poor sanitation, and food shortages have contributed to the spread of HIV/AIDS, tuberculosis, and other illnesses among inmates.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

While discrimination on the basis of a broad range of characteristics is prohibited under the 2013 constitution, discrimination on the basis of sexual orientation or gender identity is not expressly prohibited. Same-sex marriages are prohibited by the constitution. Sex between men is a criminal offense and can be punished with a fine and up to a year in prison. The country's land and indigenization policies have been criticized for discriminating against the white Zimbabwean minority.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

In 2017, the new Mnangagwa administration directed that police roadblocks to be reduced, and it stripped police of the right to impose spot fines. The early months of 2018 were characterized by fewer roadblocks, but roadblocks and harassment of motorists increased following the elections. Separately, because certain laws have yet to be aligned with the 2013 Constitution, authorities continue to deny dual citizenship and passports to people who can constitutionally claim them.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Land rights in Zimbabwe are poorly protected, and in rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure. Controversies persist over efforts to enact new land reforms. Mnangagwa has stated that his administration will not reverse Mugabe's land reforms, but his administration has also indicated that the interests of remaining white farmers will be protected. A Land Commission mandated with auditing farm ownership and use finally began work in October 2018.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women enjoy extensive legal protections, but societal discrimination remains high and domestic abuse is a problem. Sexual abuse is widespread, especially against girls. Child marriages are illegal but factors such as poverty, religion, and lack of strong enforcement mechanisms have prolonged the practice. The Termination of Pregnancy Act makes abortion illegal except in very limited circumstances.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Due to the prevailing economic crisis, many workers are not adequately compensated, and some have gone for months without pay. A 2018 assessment by the International Trade Union Confederation (ITUC) Global Rights Index categorized Zimbabwe as one of the worst countries to work in. The report said that just 15 percent of workers had formal contracts, leaving the majority of workers vulnerable to exploitation and abuse. Authorities have cracked down on street vending since 2017, and in 2018 threatened to send the army to disperse vendors who attempted to return to their jobs.

The Zimbabwean government has continued efforts to combat human trafficking, though it remains a serious problem. Men, women, and children can be found engaged in forced labor in the agricultural sector, forced begging, and forced domestic work. Women and girls remain particularly vulnerable to sex trafficking.

ecoi.net summary:

Annual report on political rights and civil liberties in 2018

**Country:**

Zimbabwe

Source:

[Freedom House](#) [\(/en/source/11154.html\)](/en/source/11154.html)

Original link:

<https://freedomhouse.org/report/freedom-world/2019/zimbabwe> (<https://freedomhouse.org/report/freedom-world/2019/zimbabwe>)

Document type:

Periodical Report

Language:

English

Published:

11 April 2019

Document ID:

2006466

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

