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Freedom in the World 2011 - Zimbabwe

Capital: Harare

Population: 12,600,000

Political Rights Score: 6 *

Civil Liberties Score: 6 *

Status: Not Free

Overview

Zimbabwe began a process of public consultation on the drafting of a new constitution in 2010, but significant political violence by government supporters marred the outreach effort. Also during the year, an international body tasked with preventing the use of diamonds to fund armed conflicts eased a 2009 suspension of Zimbabwe's diamond exports, despite ongoing abuse, corruption, and military control at the country's mines. While media regulators granted licenses to a number of new outlets in 2010, state dominance of the broadcast sector and a highly restrictive legal framework remained problems.

In 1965, a white-minority regime in what was then colonial Southern Rhodesia unilaterally declared independence from Britain. A guerrilla war led by black nationalist groups, as well as sanctions and diplomatic pressure from Britain and the United States, contributed to the end of white-minority rule in 1979 and the recognition of an independent Zimbabwe in 1980. Robert Mugabe and the Zimbabwe African National Union-Patriotic Front (ZANU-PF), first brought to power in relatively democratic elections, have since ruled the country.

Zimbabwe was relatively stable in its first years of independence, but from 1983 to 1987, the Shona-dominated government violently suppressed opposition among the Ndebele ethnic minority, and between 10,000 and 20,000 civilians were killed by government forces. Widespread political unrest in the 1990s, spurred by increasing authoritarianism and economic decline, led to the creation in 1999 of the opposition Movement for Democratic Change (MDC), an alliance of trade unions and other civil society groups. However, President Mugabe and ZANU-PF claimed victory over the MDC in parliamentary elections in 2002 and 2005, as well as in a 2002 presidential poll. All three elections were seriously marred by political violence aimed at MDC supporters, fraudulent electoral processes, and the abuse of state resources, including state-run media. Security forces crushed mass protests and strikes called by MDC leader Morgan

Tsvangirai in 2003.

The 2005 parliamentary elections left the ruling party with a two-thirds majority and the ability to amend the constitution. It subsequently enacted amendments that nationalized all land, brought all schools under state control, and reintroduced an upper legislative house, the Senate. The MDC split over whether to participate in November 2005 elections for the chamber, allowing ZANU-PF to win an overwhelming majority amid voter turnout of less than 20 percent.

Also in 2005, the government implemented a slum-clearance effort known as Operation Murambatsvina, which means "drive out the trash" in the Shona language. It resulted in the destruction of thousands of informal businesses and dwellings as well as thousands of arrests. According to the United Nations, approximately 700,000 people were made homeless, and another 2.4 million were directly or indirectly affected. Initially moved into transit camps near cities, many displaced residents were forced to return to the rural areas designated on their national identity cards. Analysts maintain that the operation, billed as part of a law-and-order campaign, actually targeted urban areas that were considered MDC strongholds and sources of antigovernment agitation.

Violence before the March 2008 elections, though serious, was less severe than expected. In the parliamentary poll, the Tsvangirai-led MDC won 99 seats in the lower house, followed by ZANU-PF with 97 seats and a breakaway faction of the MDC, led by Arthur Mutambara, with 10. The results denied ZANU-PF a legislative majority for the first time in the country's 28-year history. In the Senate, ZANU-PF took half of the 60 elected seats, but it also controlled the chamber's 33 unelected seats. The MDC and its splinter faction won 24 and 6 Senate seats, respectively.

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

Following the election, ZANU-PF militias and state security forces began a brutal campaign of violence aimed at punishing and intimidating MDC members and their suspected supporters. The effort expanded in May and June to target civil society groups, church-affiliated organizations, human rights lawyers, trade unionists, and journalists. Tsvangirai ultimately withdrew from the June 27 runoff and took refuge in the Dutch embassy, allowing the unopposed Mugabe to win 85 percent of the vote amid low turnout and many spoiled ballots.

Political violence continued after the election. According to international and domestic human rights organizations, some 200 MDC activists and supporters were killed over the course of 2008, about 5,000 were tortured by security forces or militias, and more than 10,000 required medical treatment for injuries.

In September 2008, ZANU-PF and the MDC reached a power-sharing agreement brokered by the Southern African Development Community (SADC) – known as the Global Political Agreement, or GPA – that allowed Mugabe to remain president, created the post of prime minister for Tsvangirai, and distributed ministries to ZANU-PF (14, including defense, state security, and justice), Tsvangirai's MDC faction (13, including finance, health, and constitutional and parliamentary affairs), and Mutambara's faction (3). The fate of the Home Affairs Ministry, which controls the police, was left to subsequent negotiations, and the issue – along with the abduction and detention of at least 20 MDC activists and officials by state security forces – nearly derailed the agreement on a number of occasions. A constitutional amendment creating the post of prime minister was enacted in February 2009, and the new government was sworn in that month. The cabinet included two home affairs ministers, one from ZANU-PF and one from the MDC.

In practice, Mugabe remained in control of the powerful executive branch, and over the course of 2009 and 2010 he unilaterally appointed the central bank governor, the attorney general, the police commissioner, five judges, and six ambassadors. Mugabe refused to swear in some MDC ministers and all of its provincial governors, appointing ZANU-PF loyalists instead. In response, Tsvangirai repeatedly disowned Mugabe's appointments, threatened to dissolve the government, and appealed to the international community for assistance. In February 2010, Tsvangirai and the MDC suggested the possibility of new elections if its political deadlock with ZANU-PF continued. Mugabe stated in October that the government should expire in February 2011, the deadline set by the GPA for the adoption of a new constitution. In November 2010, Tsvangirai initiated legal action against Mugabe over his unilateral appointment of provincial governors, though the dispute appeared to be resolved following mediation by South African president Jacob Zuma.

An attempt to begin national consultations on the drafting of the new charter in 2009 had been forcibly dispersed by police after ZANU-PF militants disrupted the conference and a series of fights broke out among ZANU-PF and MDC delegates. In February 2010, the government launched a new Constitutional Outreach Program to elicit public feedback, and consultations began in June. According to the civic group Veritas, about 70 outreach teams were dispatched across the country; by year's end, some 4,000 meetings had been held, attended by over 700,00 people. However, high levels of political violence – overwhelmingly perpetrated by ZANU-PF supporters – marred the meetings. In September, the Zimbabwe Peace Project cited over 1,000 incidents of intimidation, abductions, arrests, and destruction of private property stemming from the consultations. Also that month, Human Rights Watch reported a series of attacks on allegedly pro-MDC villages and civil society monitors by ZANU-PF militants. The MDC claimed that 50 of its members had been arrested, while others had been abducted and assaulted; one MDC member was killed in September. The outreach effort was suspended in October due to violence and lack of funds.

Economic growth continued in 2010 after the government formally abandoned the Zimbabwean dollar – whose inflation rate had reached an astounding 13 billion percent in 2008 – in favor of the South African and U.S. currencies in early 2009. The country also received an influx of international aid 2009 and 2010, though U.S. and European sanctions aimed at ZANU-PF-linked entities remained in place.

In July 2010, the Kimberly Process (KP), an international mechanism designed to prevent the use of diamonds to fund armed conflicts, partially lifted a suspension of Zimbabwean diamond exports. The ban had been imposed in November 2009 following reports of severe human rights abuses against both miners and locals near the Marange diamond fields, which were allegedly controlled by the military. Revenues from diamond sales were reportedly going directly to ZANU-PF coffers. The decision to ease the suspension came after the release of Farai Maguwu, a researcher and activist who had uncovered many of the abuses and was arrested in June for allegedly giving false information to KP investigators. In November, Human Rights Watch reported that while violence in the diamond fields had decreased, the army and police continued to exert control and commit abuses in Marange.

Political Rights and Civil Liberties

Zimbabwe is not an electoral democracy. President Robert Mugabe and the ZANU-PF party have dominated the political landscape since independence in 1980, overseeing 18 amendments to the constitution that have expanded presidential power and decreased executive accountability. Presidential and legislative elections in March 2008 were marred by a wide-ranging campaign of violence and intimidation, flawed voter registration and balloting, biased media coverage, and the use of state resources – including food aid – to bribe and threaten voters. The period leading up to the presidential runoff in June 2008 featured accelerated violence against the opposition, prompting a UN Security Council resolution declaring the impossibility of a fair poll. Mugabe ultimately ran unopposed, and the vote was declared illegitimate by observers from the African Union and the SADC. Although the September 2008 GPA called for a new, independent election commission, the body had not been formally constituted by

the end of 2010.

Since the restoration of the Senate in 2005, Zimbabwe has had a bicameral legislature. A 2007 constitutional amendment removed appointed seats from the House of Assembly, increased the number of seats of both chambers (to 210 in the House of Assembly and 93 in the Senate), and redrew constituency boundaries. In the Senate, 33 seats are still held by traditional chiefs, presidential appointees, and other unelected officials. All elected officials serve five-year terms. A 2009 constitutional amendment stemming from the GPA created the post of prime minister (and two deputy prime ministers) while retaining the presidency, leaving the country with a split executive branch.

State-sponsored political violence is a serious and chronic problem. MDC-affiliated politicians, activists, and supporters continued to suffer from harassment, assault, and arbitrary detention by security forces and militias in 2010. A February report by Amnesty International alleged that torture and politically motivated prosecutions persisted, as did the intimidation of rural Zimbabweans perceived as supporting the MDC. In 2009, a group of 18 prominent human rights and political activists who had recently been released from jail were indicted on terrorism charges, and an MDC cabinet minister reported that party officials were receiving death threats on a near-daily basis. In October of that year, an audit revealed that over 10,000 ZANU-PF youth militia members were on the payroll of the Youth Development Ministry. According to the independent shortwave radio station SW Radio Africa, the whereabouts of seven MDC activists abducted in 2008 remained unknown at the end of 2010.

Corruption is rampant throughout the country, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid has made the problem ubiquitous at the local level. A 2009 independent audit of the Agriculture Ministry showed that the illegal reselling of agricultural inputs was widespread, as was corruption in the state-run Grain Marketing Board. Also in 2009, Finance Minister Tendai Biti of the MDC revealed that almost no revenue from the country's diamond sales had gone into state coffers. Anticorruption prosecutions are almost exclusively motivated by political vendettas. An anticorruption commission envisioned in the GPA has yet to be formed. Zimbabwe was ranked 134 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

Freedom of the press is restricted. The country's draconian legal framework includes the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act. In general, these laws restrict who may work as a journalist, require journalists to register with the state, severely limit what they may publish, and mandate harsh penalties – including long prison sentences – for violators. As mandated by the GPA, in 2010 the newly formed and quasi-independent Zimbabwe Media Commission (ZMC) replaced the state-controlled Media and Information Commission (MIC). However, former MIC head Tafataona Mahoso was appointed chief executive of the new body. In May, the ZMC granted four print licenses, including one to the long-shuttered *Daily News* – the country's most widely read independent daily until it was closed for violating AIPPA in 2003 – and another to the independent daily *NewsDay*. Four other outlets were granted licenses in July, including two news agencies, Cable News Agency and the Africa Open Media Initiative. While these licenses were positive developments, journalists and press freedom advocates cautioned that their effects would be limited by AIPPA as well as the small size of the country's print media readership.

The government continues to dominate the broadcast sector via the state-controlled Zimbabwe Broadcasting Corporation (ZBC) and the NewZiana news agency. The Broadcasting Authority of Zimbabwe approved no new licenses for broadcast stations in 2010. Access to international news via satellite television is prohibitively expensive for most Zimbabweans. In 2009, the government lifted a ban on international news organizations such as the British Broadcasting Corporation (BBC) and the U.S.-based Cable News Network (CNN); at the same time, the MIC significantly raised the accreditation fees for foreign journalists, local journalists working for foreign media outlets, and foreign media outlets themselves. Government jamming of domestic and foreign-based shortwave radio decreased in 2010, but was still a problem. The 2007

Interception of Communications Act empowers the state to monitor telephonic and electronic communication.

Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and ZANU-PF supporters. According to Human Rights Watch, at least 15 journalists were harassed, arbitrarily arrested, or assaulted by security forces in the first four months of 2010, and the trend continued during the rest of year. Numerous journalists covering constitutional outreach meetings were harassed or assaulted. In addition, some journalists, including Stanley Kwenda of the *Zimbabwean*, were forced to temporarily flee the country following threats of arrest, violence, or death by security forces.

Restrictions on freedom of expression have extended to the art world. In March 2010, artist Owen Maseko was detained for two days for "incitement" after opening a Bulawayo exhibit about the Matabeleland massacres of the 1980s. Days earlier, authorities had shuttered photography exhibits in Masvingo, Gweru, and Chinhoyi that documented ZANU-PF human rights abuses surrounding the 2008 elections.

While freedom of religion has generally been respected in Zimbabwe, church attendance has become increasingly politicized, with church groups such as the Solidarity Peace Trust and the Zimbabwe Christian Alliance at the forefront of opposition to the Mugabe government. Other groups, such as the Zimbabwe Council of Churches, are widely perceived as pro-Mugabe. However, there were fewer instances of state interference in religious affairs in 2010 compared with previous years.

Academic freedom is limited. All schools are under state control, and education aid has often been based on parents' political loyalties. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy. Teachers, especially in rural areas, are often targets of political violence. In 2008, thousands of teachers – many of whom served as polling officials – were beaten by ZANU-PF militias, and many rural schools were closed. According to the Progressive Teachers' Union of Zimbabwe, seven teachers were killed, 60 were tortured, about 600 were hospitalized, and over 230 teachers' houses were burned down. In 2009, Amnesty International reported that teachers continued to be attacked and threatened by ZANU-PF supporters.

The small nongovernmental sector is active, but nongovernmental organizations (NGOs) have faced increasing legal restrictions and extralegal harassment. The 2004 Non-Governmental Organizations Act increased scrutiny of human rights groups and explicitly prohibited them from receiving foreign funds. Among other instances of harassment in 2010, Okay Machisa, director of the Zimbabwe Human Rights Organization (ZimRights), was arrested in March and forced to temporarily leave the country, while ZimRights Masvingo chairman Joel Hita was detained overnight in April. In September, six American medical aid workers treating AIDS orphans were arrested for practicing and dispensing medicine without a license; they were subsequently deported.

The 2002 POSA requires police permission for public meetings and demonstrations. Such meetings are often broken up, and participants are subject to arbitrary arrest as well as attacks by ZANU-PF militias. The POSA also allows police to impose arbitrary curfews and forbids criticism of the president. In April and September 2010, the Women of Zimbabwe Arise (WOZA) group organized large protests over the breakdown in public-service delivery, resulting in scores of arrests.

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. Gertrude Hambira, secretary general of the General Agriculture and Plantation Workers' Union (GAPWUZ), continued to face harassment by the authorities in 2010. In February, police raided GAPWUZ's Harare office, sending Hambira into hiding. Earlier that month, police had interrogated her following a union report on the abuse of farm workers.

Pressure from the executive branch has substantially eroded judicial independence, though the situation has improved somewhat since the GPA. The accused are often denied access to counsel and a fair, timely trial, and the government has repeatedly refused to enforce court orders. It has also replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. Vacancies for scores of magistrate posts have caused a backlog of tens of thousands of cases.

Security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the rising incidence of torture and mistreatment of suspects in custody. ZANU-PF militias operate as de facto enforcers of government policy and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment. Security forces have taken on major roles in crop collection, food distribution, and enforcement of monetary policy, and both the police and the military remain heavily politicized toward ZANU-PF despite the GPA.

Scores of MDC officials and activists have been abducted, charged with treason, and detained without due process, particularly in 2008 but also in 2009 and 2010. In a closely watched and heavily politicized case, white MDC lawmaker Roy Bennett was acquitted of treason by the Harare High Court in May 2010, but the state appealed the decision, and Mugabe continued to stonewall Bennett's long-pending appointment to the cabinet.

Pretrial detention is a major problem, with some inmates held for over 10 years without trial. Prison conditions are harsh and life-threatening. Severe overcrowding and a major shortage of funds have contributed to a rise in HIV and tuberculosis infections among inmates and the deterioration of already poor sanitation facilities. The Zimbabwe Association for Crime Prevention and Rehabilitation reported in 2009 that Zimbabwe's prisons hold more than double their intended capacity of 17,000 inmates. Deaths in prisons are often caused by disease or beatings by guards, and many prisoners rely on food provided by family members.

People living in the two Matabeleland provinces continue to suffer political and economic discrimination, and security forces often target these areas as MDC strongholds. Restrictive citizenship laws discriminate against Zimbabweans born in neighboring African countries.

The state has extensive control over travel and residence. The government has seized the passports of its domestic opponents, and foreign critics are routinely expelled or denied entry. High passport fees inhibit legal travel. At the same time, badly underfunded immigration and border authorities lack the capacity to effectively enforce travel restrictions.

Property rights are not respected. Operation Murambatsvina in 2005 entailed the eviction of hundreds of thousands of city dwellers and the destruction of thousands of residential and commercial structures, many of which had been approved by the government. Despite the advent of a government resettlement program (Operation Garikai), by 2010 the majority of victims still lacked adequate housing and had no means of redressing the destruction of their property. Most victims have moved into existing, overcrowded urban housing stock or remained in rural areas.

The 2007 Indigenization Law, which stipulates that 51 percent of shares in all companies operating in Zimbabwe must be owned by black Zimbabweans, came into effect in March 2010, though it was not being enforced by year's end, and Prime Minister Morgan Tsvangirai declared the law "null and void." Nevertheless, in December Mugabe threatened to nationalize the local assets of U.S. and British companies unless sanctions against him and other ZANU-PF leaders were lifted. In January 2010, the Harare High Court blocked a 2007 SADC court ruling that found land seizures affecting a group of 70 white farmers to have been discriminatory and in violation of SADC rules. Fewer than 400 white-owned farms remain out of the 4,500 that existed when land invasions started in 2000, and any avenues of legal recourse for expropriated farmers have been closed. In

February, a spate of attacks on white farmers accompanied the inauguration of a land audit by the MDC-controlled Finance Ministry.

Women enjoy extensive legal protections, but societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and hold 32 and 24 seats in the House of Assembly and Senate, respectively. The World Health Organization has reported that Zimbabwean women's "healthy life expectancy" of 34 years is the world's shortest. Sexual abuse is widespread, including the use of rape as a political weapon. A Prevention of Domestic Violence Bill has lingered in Parliament for 10 years without passage. Female members of the opposition often face particular brutality at the hands of security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education.

Homosexuality is illegal. In May 2010, police raided the offices of Gays and Lesbians of Zimbabwe, a gay rights NGO, and arrested two employees on charges of insulting Mugabe and possessing pornography. The two were allegedly assaulted in custody before being released.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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