

Freedom in the World: Zimbabwe 2006

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Overview

Zimbabwe's descent into the ranks of the world's most repressive states continued unabated in 2005, the result of a significant decline in both political rights and civil liberties for Zimbabweans. The government of long-time president Robert Mugabe persisted in cracking down on independent media, civil society, and political opponents. Mugabe's ruling Zimbabwe African National Union-Patriotic Front (ZANUPF) won an overwhelming victory in a deeply flawed parliamentary election held in March, allowing the passage of a heavy-handed Constitutional Amendment Bill in September. Beginning in May 2005, the government ordered the destruction of tens of thousands of shanty dwellings and street stalls in urban townships across the country. The implementation of this policy-labeled Operation Murambatsvina -left an estimated 700,000 people homeless, deprived of their livelihood, or both, and adversely affected some 2.4 million additional people. Low voter turnout and a severely fractured opposition marked elections to a new Senate in November; ZANU-PF virtually swept the elections, fortifying its control of the already pliant legislature. The country's economic crisis worsened, with rampant inflation, massive unemployment, near expulsion from the International Monetary Fund (IMF), and potentially severe shortages of basic foodstuffs.

In 1965, a white-minority regime led by Prime Minister Ian Smith unilaterally declared independence from Britain in what was then South Rhodesia; the resultant state of Rhodesia was considered illegal and was sanctioned extensively by the United Nations. Sanctions, Anglo-American diplomatic pressure, and a guerrilla war led by black nationalist groups contributed to the end of white-minority rule in 1979 and an independent Zimbabwe in 1980. Robert Mugabe and the Zimbabwe African National Union-Patriotic Front (ZANU-PF), brought to power in a relatively democratic election, have ruled the country since then.

For a few years, Zimbabwe was relatively stable, although from 1983 to 1987, the government violently suppressed resistance from the country's largest minority group, the Ndebele, to dominance by Mugabe's majority ethnic Shona group. Severe human rights abuses-including the deaths of between 10,000 and 20,000 civil-ians-accompanied the struggle, which ended with an accord that brought Ndebele leaders into the government. The 1990s saw widespread civil unrest spurred by opposition to Mugabe's government; in 1999, the Movement for Democratic Change (MDC), an alliance between trade unionists and other civil society groups, was created to lead the political opposition.

In February 2000, the MDC helped defeat a referendum on a draft constitution that would have greatly expanded executive power. Parliamentary elections in June 2000 were deemed by observers to be fundamentally flawed prior to balloting. Candidates and supporters of the MDC faced violence and intimidation, including the use of rape as a weapon. A constitutional provision empowering Mugabe and allied traditional leaders to appoint one-fifth of the members of parliament helped to further ensure ZANU-PF's majority in the legislature. Voter registration, identification procedures, and tabulation of results were judged highly irregular by independent observers. The state-controlled media offered limited coverage of opposition viewpoints, and ZANU-PF used substantial state resources in campaigning. After the poll, Mugabe issued a pardon for thousands of people-most associated with ZANU-PF-for crimes committed during the election campaign, including assault, arson, forced evictions, kidnapping, torture, rape, and attempted murder. According to the Zimbabwe Human Rights Forum, the rights of more than 18,000 people were violated.

In March 2002, after months of political violence aimed at MDC supporters, Mugabe claimed victory in a deeply flawed presidential election that failed to meet minimum international standards for legitimacy. The election pitted Mugabe against the MDC's Morgan Tsvangirai, a popular trade union leader. Following the election, the government was subjected to travel and arms sales sanctions by the United States and the European Union and was suspended

from the Commonwealth. Mass protests and strikes called by Tsvangirai in 2003 were crushed by security forces.

Parliamentary by-elections held in 2002 and 2003 were marred by violence and intimidation against the MDC, which nonetheless won the polls in two districts near the capital, Highfield and Kuwadzana. Party members were prevented from undertaking normal campaign activities and were detained, beaten, and harassed. The MDC announced in August 2004 that it would suspend its participation in parliamentary and local elections because it believed there was no hope of a fair poll. Partially as a result, in September 2004, ZANU-PF increased its parliamentary majority after the MDC boycotted a series of by-elections.

Prior to the March 2005 parliamentary elections, the government enacted two new electoral laws-the Zimbabwe Electoral Commission (ZEC) Act and the Electoral Act-in order to adhere to Southern African Development Community (SADC) protocols. However, the ostensibly independent ZEC was not only highly partisan but also did not begin operating until two months before the election, leaving much of the electoral process to already discredited institutions. Furthermore, despite some improvements, the Electoral Act granted the ZEC powers to employ security forces, retained biased residency requirements for voters, denied most expatriates the right to vote, and created an Electoral Court staffed by a deeply compromised judiciary. The MDC did participate in the March 2005 parliamentary poll but won only 41 of 120 elected seats in the parliament; ZANU-PF garnered 78 elected seats, which, along with the 30 seats effectively appointed by Mugabe, gave the ruling party a two-thirds majority and the ability to amend the constitution.

Despite the enactment of new electoral laws designed to meet the democratic protocols of the SADC and a decrease in political violence, the run-up to and execution of the elections did not allow for a free and fair contest. Reports by local and international human rights groups asserted that MDC candidates and supporters were subjected to violent intimidation and harassment-including arbitrary arrest- throughout the country, and were restricted from campaigning openly in rural areas dominated by ZANU-PF (particularly parts of Mashonaland and Manicaland). Security forces and ZANU-PF youth militias also restricted opposition assemblies and rallies in Harare and Bulawayo. As in previous elections, access to government food stocks was used as a political weapon, denied to some MDC supporters and promised to citizens in exchange for votes. In addition, according to Human Rights Watch, "the processes of registering voters, delimiting electoral districts, and providing for inspection of voters' rolls were conducted in a non-transparent and discriminatory way." Though the opposition's access to the media had improved from that of previous elections, equal and fair coverage was denied. Finally, among international monitoring groups, only African monitors believed to be sympathetic to ZANU-PF were allowed to observe the elections.

While observers from the SADC, the African Union, and South Africa deemed the election reflective of the will of the people, local observers such as the Zimbabwe Lawyers for Human Rights and the Zimbabwe Election Support Network were very critical of the elections. The MDC claimed to have discovered major discrepancies in vote tallies in over 30 constituencies. Citing 11 of these constituencies and claiming to have won 94 elected seats, the MDC challenged the ZEC's results and threatened a court battle; however, no legal petition was filed. According to the International Crisis Group, the government escalated its crackdown on opposition supporters and nongovernmental organizations (NGOs) after the election.

Mugabe and ZANU-PF leveraged their two-thirds parliamentary majority to enact a 22-clause Constitutional Amendment Bill in September 2005. The bill is far-reaching in both its scope and its potential to further undermine basic rights in Zimbabwe. Among other restrictions, the bill abolishes freehold property titles by nationalizing all land, denies landowners any legal recourse regarding expropriated land, brings all schools under state control, and empowers the government to seize the passports or travel documents of people deemed a threat to national interests. Furthermore, the bill reintroduced an upper legislative house, the Senate; Mugabe had abolished the original Senate in 1987 along with the post of prime minister. Elections to the new Senate-consisting of 50 directly elected seats, 6 presidential appointees, and 10 traditional chiefs-were held in November 2005 and resulted in ZANU-PF's securing 59

out of 66 seats; the MDC, deeply split over participating in the election, fielded only 26 candidates and won 7 seats. Only 15 to 20 percent of voters turned out for the election; the Senate-estimated to cost about \$60 million annually-is widely considered to be a superfluous body created to reward Mugabe's supporters within ZANU-PF.

The question of who will succeed Mugabe, aged 81 and pledged to retire in 2008, has proven to be a source of contention within ZANU-PF. In December 2004, Water Minister Joyce Mujuru was named vice president, and Information Minister Jonathan Moyo was sacked after campaigning against Mujuru at a ZANU-PF congress. Moyo was allied with Parliamentary Speaker Emmerson Mnangagwa, the pre-congress favorite for the vice president position.

Operation Murambatsvina (variously translated as "Operation Restore Order" and "Operation Clear the Filth") began on May 19, 2005, with unannounced police actions against informal vendors in and around Harare, including the immediate arrest of some 10,000 people and the destruction of many street stalls and informal dwellings. The operation soon spread to almost every urban area and rural business center in Zimbabwe, resulting in the destruction (mostly via bulldozer) of tens of thousands of informal businesses and dwellings-including entire suburbs of Harare (for example, Hatcliff Extension, Mbare, Joshua Nkomo, Porta Farm, and White Cliff Farm) and Bulawayo (Killarney and Ngozi Mine).

Domestic and international human rights groups accused the security forces of arresting and fining people arbitrarily and using excessive force-at least three people were directly killed. First moved into transit camps outside of the cities, many displaced residents were forced to return to the rural areas "from which they came," as designated on national identity cards. According to the United Nations, approximately 700,000 people were made homeless by the operation, and another 2.4 million people have been affected directly or indirectly. Wintry conditions, large transportation expenses, lack of medicines, and national food shortages exacerbated the crises faced by the displaced, particularly children, the old and infirm, and those suffering from HIV/AIDS. In addition, the government actively inhibited civic groups and aid agencies from gaining access to the displaced.

The motivation behind Operation Murambatsvina is a topic of debate. The government defended the action as necessary to restore law and order to the country's cities by enforcing licensing requirements and city by-laws, and by removing sources of "illegal activities." Government officials announced ambitious (and as yet stalled) plans to build new housing projects for the urban poor in place of the destroyed dwellings. In addition, because only about 25 percent of Zimbabweans are employed in the formal sector, and the informal sector and parallel markets are estimated to account for some 60 percent of Zimbabwe's gross domestic product (GDP), the operation deprived the formal banking sector of a substantial amount of scarce foreign exchange. However, many of the destroyed vendor stalls, flea markets, and informal settlements had in fact been approved by government officials. As a result, some analysts believe that the operation was intended to exert control over urban areas that had proven to be MDC strongholds during past elections and the source of antigovernment agitation. However, many of the townships targeted by the operation were built on land confiscated from evicted white landowners and populated with ZANU-PF supporters.

The government's seizures of white-owned farmland, which began in 2000, precipitated the collapse of Zimbabwe's economy, particularly in the commercial farming sector that accounted for the majority of the country's exports, foreign exchange, and jobs. Much of the seized land has gone to ZANU-PF officials, Mugabe loyalists, and war veterans without a farming background. As a result, the country's GDP has fallen over 30 percent since the land reform began, which has made Zimbabwe one of the world's fastest shrinking economies. Unemployment exceeds 70 percent, and in September 2005, inflation reached a peak of 360 percent, one of the highest rates in the world. That same month, Zimbabwe was nearly expelled from the IMF because it was \$295 million in arrears on a \$4.5 billion loan; however, a last-minute payment of \$120 million-officially (and questionably) gleaned from export revenues and foreign exchange purchases-staved off expulsion.

The government controls the prices of many major commodities and food staples, and state-linked companies dominate many sectors, which leads to shortages of key imports, most notably fuel. In September 2004, Mugabe announced that the government would seize half of the country's private mining companies, and the 2005 Constitutional Amendment Bill nationalized all land. The country's dire political and economic situation has resulted in the recent emigration of hundreds of thousands of Zimbabweans.

In November 2005, the UN World Food Program warned that more than 4 million of the country's 12 million people require emergency food aid; Zimbabwe-once one of Africa's major sources of agricultural exports-began a massive program to import 1.8 million tons of maize in July of that year. While the government has historically blamed food shortages on droughts, Deputy Agricultural Minister Sylvester Nguni told a November meeting of the Zimbabwe Farmers' Union that distributing seized land to incompetent farmers was also to blame. Party officials have manipulated the dispersal of food aid, withholding relief from suspected opposition supporters. Fears of food shortages have led many urban dwellers to ignore a government prohibition on growing crops in urban areas. Severe shortages of drugs and equipment have pushed hospitals and clinics close to ruin. Infant mortality rates have risen, and the resource-starved health system cannot cope with an HIV epi-demic-one of the worst in the world-that has infected one in four adults.

Political Rights and Civil Liberties

Citizens of Zimbabwe cannot change their government democratically. Recent presidential and legislative elections have been marred by political violence and intimidation (perpetrated by both security forces and ZANU-PF youth militias), a discriminatory electoral framework, biased media coverage, and the unscrupulous use of state resources. President Robert Mugabe and ZANU-PF have dominated the political landscape since independence. Since 1980, at least 16 amendments to the constitution-including the elimination of the post of prime minister in favor of an executive president-have expanded executive power. Mugabe has on several occasions invoked the Presidential Powers Act, which enables him to bypass normal governmental review and oversight procedures. Presidential elections are held every six years.

Until recently, Zimbabwe had a unicameral legislature. In September 2005, an upper house Senate-previously disbanded via a 1987 constitutional amendment- was created by yet another such amendment and consists of 50 directly elected seats, 6 presidential appointees, and 10 traditional chiefs. The lower House of Assembly includes 120 elected seats and 30 seats filled by Mugabe appointees; elections are held every five years. ZANU-PF loyalists make up 72 percent of the House of Assembly and over 89 percent of the Senate.

The rise of the MDC had until recently represented a significant oppositionist force in Zimbabwe. However, the party's electoral defeat in March was followed by a major internal crisis, catalyzed by a debate over whether the MDC should contest elections for the newly created Senate in November. Defying party leader Morgan Tsvangirai's call for a boycott, 26 MDC members registered as candidates; the crisis was marked by serious discord among the party's leadership and the expulsion of the 26 dissident members from the party. As a result, the MDC no longer poses a serious threat to ZANU-PF's hold on power.

Corruption is rampant throughout the country, including at the highest levels of government. A profound lack of transparency in government tenders and other operations has allowed corruption to thrive. Patronage is crucial to ZANU-PF's grip on power, and the party owns a wide range of businesses that profit party elites; ruling party and government officials have been allocated many of the properties seized from white farmers. Anticorruption prosecutions are almost exclusively motivated by political vendettas. Reports of extensive corruption and nepotism have contributed to the stark decline in public and investor confidence in Zimbabwe's economy. Zimbabwe was ranked 107 out of 159 countries surveyed in Transparency International's 2005 Corruption Perceptions Index.

Freedom of expression and of the press deteriorated still further in 2005. Zimbabwe's already draconian legal framework was worsened by the enactment in January of an amendment to the 2002 Access to Information and Protection of Privacy Act (AIPPA) and a new Criminal

Law (Codification and Reform) Bill in June. Whereas the original AIPPA required all journalists and media companies to register with the government-controlled Media and Information Commission (MIC) and gave the information minister sweeping powers to decide who can work as a journalist, the amended version introduced prison sentences of up to two years for journalists working without accreditation. The Daily News-the country's only independent daily shuttered in 2003 for not adhering to the AIPPA-continued to be denied a license by the MIC in 2005. Constitutional challenges to the AIPPA by the affiliates of the Daily News have proven unsuccessful; the Supreme Court upheld the law for the second time in March. However, a Harare magistrate acquitted former Daily News journalist Kelvin Jakachira of working without accreditation; at least eight of his colleagues are facing similar charges.

The MIC ordered the closure of the independent Weekly Times in March for violating the AIPPA after only eight weeks of publication, and denied Africa Tribune Newspapers-publishers of the previously shuttered weekly Tribune (2004)-a license to resume publication in July. Authorities use a range of restrictive legislation-including the Official Secrets Act, the AIPPA, and the Public Order and Security Act (POSA)-to harass journalists. Section 15 of POSA and Section 80 of AIPPA criminalize the publication of "inaccurate" information, and both laws have been used to intimidate, arrest, and prosecute journalists. The new Criminal Law (Codification and Reform) Bill increases prison sentences for similar violations to a maximum of 20 years.

The government dominates the print and broadcast media; coverage in state-controlled dailies such as The Chronicle and The Herald consists of favorable portrayals of Mugabe and the ruling ZANU-PF party and attacks on government critics. The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs all broadcast media, which are seen as mouthpieces of the regime, and the prohibitive costs of satellite services that provide international news programming place them out of reach for most Zimbabweans. While the MDC was granted relatively greater access to these media in the run-up to the March 2005 elections, that month the government-using Chinese technology-began jamming the shortwave signal of the London-based oppositionist radio station SW Radio Africa, forcing it to switch frequencies. A similar fate befell the independent radio station Voice of the People in September.

Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure at the hands of the police, authorities, and supporters of the ruling party. Foreign journalists are regularly denied visas to file stories from Zimbabwe, and local correspondents for foreign publications, particularly those whose reporting has portrayed the regime in an unfavorable light, have been refused accreditation or threatened with lawsuits and deportation. In February, three such correspondents-Angus Shaw, Brian Latham, and Jan Raath-fled the country after extensive harassment by authorities, while another, Cornelius Nduna, was forced into hiding and hunted by the Central Intelligence Organization (CIO) for possessing video footage of paramilitary activities at youth training camps. Internet access is relatively free, although the government does monitor e-mail content.

Freedom of religion is generally respected, but academic freedom is limited. Security forces and ruling party thugs harass dissident university students, who have been arrested or expelled from school for protesting against government policy. In 2004, the president of the Zimbabwe National Students Union, Philani Zamchiya, claimed to have been kidnapped and assaulted by police. The Constitutional Amendment Bill passed in September 2005 brings all schools under state control.

The nongovernmental sector is small but active; however, NGOs-particularly those dealing with human rights issues-have faced increasing legal restrictions and extralegal harassment. As a result, mass action campaigns organized by the MDC after the March 2005 elections and by the umbrella National Constituent Assembly and the MDC following Operation Murambatsvina failed to gain much traction. Public demonstrations and protests are severely restricted under the 2002 POSA, which requires police notification-in practice, police permission-to hold public meetings and demonstrations. Such meetings are often deemed illegal and broken up, subjecting participants to arbitrary arrest by security forces (including

intelligence officers) and attacks perpetrated by ZANU-PF militias. POSA also allows police to impose arbitrary curfews and forbids criticism of the president.

In 2005, security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group and arrest demonstrators; in two years of protests, some 500 WOZA activists have been detained for violating the POSA. The Private Voluntary Organizations (PVO) Act, originally introduced by the Rhodesian government and revived in 2002, sets out restrictive registration and funding requirements for NGOs. In December 2004, the parliament passed the Non-Governmental Organizations Act. The NGO Act retains the PVO Act's more repressive provisions while increasing scrutiny of groups that "promote and protect human rights" and explicitly prohibiting these groups from receiving foreign funding. Following the model of the MIC, the act also establishes an NGO Council with which organizations must register or risk criminal charges. While Mugabe has yet to sign the legislation, in 2005 the government threatened several NGOs with sanctions if they did not account for \$88 million in donor funds received in 2004.

The right to collective action is limited under the Labor Relations Act, which allows the government to veto collective bargaining agreements that it deems harmful to the economy. Strikes are allowed except for industries declared "essential" under the act. Because the labor movement provides the most organized resistance to Mugabe's authoritarian rule, it has become a particular target for repression. Mugabe has used his presidential powers to declare strikes illegal, and labor organizers are common targets of government harassment. In 2003, security forces arrested more than 400 people in response to a two-day general strike; many were beaten or tortured while in police custody. In November 2005, the leadership of the Zimbabwe Congress of Trade Unions (ZCTU)-among at least 80 union activists- was detained by security forces in Harare and Bulawayo for violating the POSA. The government has created a rival trade union umbrella organization, the Zimbabwe Federation of Trade Unions, to try to undermine the ZCTU.

While some courts have struck down or disputed government actions, increasing pressure by the regime has substantially eroded the judiciary's capacity to act independently. The accused are often denied access to counsel and a fair, timely trial. However, several journalists have recently been acquitted of criminal charges by magistrates, as have several MDC activists. MDC leader Morgan Tsvangirai was acquitted of treason charges in December 2004 by the high court, and another set of treason charges was dropped in August 2005. Nonetheless, the government has repeatedly refused to enforce court orders and has replaced senior judges or pressured them to resign-including former Chief Justice Anthony Gubbay-by stating it could not guarantee their security. The judicial system has been burdened by the vacancy of nearly 60 magistrate posts, which has caused a backlog of some 60,000 cases that require processing. In October, the head of the magistrates' association, Enias Magate, stated that judges' low pay was exacerbating already substantial judicial corruption.

In general, security and military forces are accountable to the government but not to civilians. Security forces often ignore basic rights regarding detention, search, and seizure. The government has taken no clear action to halt the rising incidence of torture and mistreatment of suspects held by police or security services. War veterans and ZANU-PF militants operate as de facto enforcers of government policies- including land redistribution-and have committed a litany of human rights abuses, such as assault, torture, rape, extralegal evictions, and extralegal executions, within an environment of almost total impunity. The military has assumed increased roles in food distribution and "securing" elections. In June 2004, the government passed the Criminal Procedure and Evidence Amendment Act, which allows police to hold suspects accused of economic crimes for up to four weeks without bail; human rights activists contend this act contravenes the constitutional right to the presumption of innocence.

Prison conditions are harsh and life threatening. The country's 47 prisons house about 22,000 inmates, 6,000 above the nominal 16,000-person capacity. Such overcrowding has contributed to a rise in HIV/AIDS and tuberculosis infections and to food shortages. Deaths in prisons are often caused by disease, poor sanitation, or beatings by guards. Women and

juveniles are housed separately from men, and pretrial detainees are generally held in separate, common cells.

The state has extensive control over travel and residence, and property rights are not respected in Zimbabwe. Operation Murambatsvina saw the eviction of hundreds of thousands of urban dwellers from their homes and the destruction of thousands of homes and businesses, many of which had been approved by the government. Fewer than 500 white-owned farms remain out of the 4,500 that existed when the land invasions started in 2000; any avenues of legal recourse for expelled farmers were closed with the enactment of the Constitutional Amendment Bill in September. The same bill formalized travel restrictions for regime opponents. Foreign critics are routinely expelled or prevented from entering the country.

The ruling party, which is dominated by the Shona majority ethnic group, continues to encourage political and economic discrimination against the minority Ndebele people. A clash between the two ethnic groups in the 1980s culminated in the government's massacre of thousands of Ndebele. Today, the Ndebele tend to be marginalized politically, and their region (Matabeleland, which is an opposition stronghold) lags behind in economic development. According to the U.S. State Department 2005 Human Rights Report, the disproportionate number of Shona-speaking educators in Matabeleland schools is a sensitive issue. In addition, restrictive citizenship laws discriminate against Zimbabweans whose origins are in neighboring African countries. Despite government efforts to the contrary-including explicitly racist justifications for land seizures-relations between the remaining white minority and the black majority are relatively peaceful.

Women enjoy extensive legal protections, but de facto societal discrimination and domestic violence persist. Women serve as ministers in national and local governments, and hold seats in parliament; Joyce Mujuru is vice president of Zimbabwe and a possible successor to Mugabe. ZANU-PF youth militias use rape as a political weapon. The prevalence of customary laws in rural areas undermines women's rights and access to education. Traditional practices such as polygamy and lobola-the negotiated price a groom must pay to marry a bride-remain legal, and there were reports of girls being offered as settlements in interfamily disputes. The Supreme Court declared that women who marry under customary law must leave their original families and therefore cannot inherit their property, and married women cannot hold property jointly with their husbands. A December 2004 report from UNICEF noted the lacuna between the litany of laws relating to women's and children's rights and the weak implementation of those laws. Homosexuality-decried as un-African by Mugabe-is illegal in Zimbabwe.