



## 2008 Human Rights Report: Zimbabwe

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
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Zimbabwe, with a population of approximately nine million, is constitutionally a republic, but the government, dominated by President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) since independence, was not freely elected and was authoritarian. The last four national elections--the presidential election in 2002, the parliamentary elections in March 2005, the harmonized presidential and parliamentary elections in March 2008, and the presidential run-off in June--were not free and fair. In the March 29 elections two factions of the opposition Movement for Democratic Change (MDC) gained a parliamentary majority. Mugabe was declared the winner of the June 27 run-off election after opposing candidate Morgan Tsvangirai withdrew due to ZANU-PF-directed violence that made a free and fair election impossible. Negotiations subsequently took place between ZANU-PF and the two MDC factions aimed at agreement on a power-sharing government. On September 15, all three parties signed a power-sharing agreement under which Mugabe would retain the presidency and Tsvangirai would become prime minister-elect; however, the provisions of the deal had not been implemented by year's end. Although the constitution allows for multiple parties, ZANU-PF, through the use of government and paramilitary forces, intimidated and committed abuses against opposition parties and their supporters and obstructed their activities. The Joint Operation Command (JOC), a group of senior security and civilian authorities, maintained control of the security forces, and often used them to control opposition to ZANU-PF.

The government continued to engage in the pervasive and systematic abuse of human rights, which increased during the year. The ruling party's dominant control and manipulation of the political process through violence, intimidation, and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions increased. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity. Security forces refused to document cases of political violence committed by ruling party loyalists against members of the opposition. Prison conditions were harsh and life threatening. Security forces, who regularly acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued. The government continued to evict citizens and to demolish homes and informal marketplaces. The government continued to use repressive laws to suppress freedoms of speech, press, assembly, association, academic freedom, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators and members of the opposition. A nearly three-month ban on the activities of nongovernmental organizations (NGOs) exacerbated food insecurity and poverty. After the ban was lifted, security forces, war veteran groups, and provincial governors continued to interfere with NGO operations, hampering food distributions. Tens of thousands of citizens were displaced in the wake of election-related violence and instability, and the government impeded NGOs' efforts to assist them and other vulnerable populations. The following human rights violations also continued: violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents committed politically motivated, arbitrary, and unlawful killings during the year. By year's end over 193 citizens had been killed in political violence that targeted members of the opposition party. The MDC claimed that approximately 200 other members and supporters were missing and presumed dead at year's end. The killings were primarily committed by members of ZANU-PF, ZANU-PF youth militia, war veterans, and, to a lesser extent, members of the military and police. The majority of politically motivated killings occurred between the March 29 harmonized election and the June 27 presidential run-off election. NGOs also estimated security forces killed between 200 and 300 citizens in the Chiadzwa diamond fields in Manicaland Province.

Security forces killed opposition members during the year. For example, on May 14, Tonderai Ndira, MDC Secretary for Security in the party's Youth Assembly, was abducted from his home in a suburb of Harare by suspected security agents. His mutilated body was found on May 21.

On May 22, MDC treasurer in Mashonaland East Shepherd Jani was abducted in Murehwa by four men suspected of being intelligence officers. Jani's mutilated body was found two days later.

Security forces engaged in extralegal killings in connection with illegal diamond mining. According to the press and NGO reports, security forces undertook a major operation to kill illegal diamond miners in the Marange/Chiadzwa area of Manicaland during the year, in order to ensure the diamond sales benefited the Mugabe regime. On December 12, the NGOs Global Witness and Partnership Africa Canada claimed "police reportedly shot and killed as many as 50 informal diamond diggers in November's raid, allegedly termed Operation No Return." According to numerous reports, military forces used a ground attack with dogs and guns as well as an aerial assault to kill indiscriminately persons digging for diamonds. The military allegedly intervened after learning that police in the area were benefiting from illegal diamond mining. Press reports from nearby Mutare, where many of the bodies were taken, indicated dozens of men, women, and children died from gunshot wounds, dog bite wounds, and torture inflicted by soldiers. On December 12, the NGOs called for signatories to the Kimberley Process to prevent Zimbabwean diamonds from entering the global market, noting, "the perpetuation of human rights abuses and indiscriminate extrajudicial killing by governments in pursuit of Kimberley Process objectives is little better than the problem the scheme seeks to end. The Kimberley Process should act to condemn and prevent such violence."

There were killings by paramilitary forces during the year. For example, on April 5, ZANU-PF youths and war veterans killed Tapiwa Mbwanda, MDC organizing secretary for Huruwenge East. According to Human Rights Watch (HRW), four people were arrested in connection with the murder but were released without charge after a local ZANU-PF leader demanded their release.

On April 25, MDC activist Tabitha Marume was shot and killed in Manicaland when a group of war veterans opened fire on a group of MDC supporters. Marume and 21 other MDC supporters had gone to a ZANU-PF-sponsored torture camp to seek the release of 12 MDC members who had been abducted by war veterans on April 23. When they attempted to release their colleagues, several dozen war veterans and ZANU-PF youths, some armed with AK-47 rifles, confronted them. As the MDC supporters attempted to flee, three persons, including Marume, were shot and killed.

There were killings by party supporters during the year. For example, on June 7, a mob of ZANU-PF supporters killed Dadirai Chipiro, the wife of Patson Chipiro, a MDC local chairman in Mhondoro, by cutting off her hand and both feet, dragging her body into the kitchen of their home, setting it on fire, and burning her alive.

On June 16, ZANU-PF supporters attacked the home of Harare's Deputy Mayor and MDC Councilor for Ward 42, Emmanuel Chiroto, and took away his wife, Abigail.

On June 18, her burned body was found on a nearby farm. HRW reported that police refused to take action to investigate the killing.

On July 26, former police officer Kingsley Muteta died after he was attacked by 12 suspected ZANU-PF youths at his family home in Mudzi. The mob beat Muteta when he arrived at the house, intending to visit his mother, who the group said was a known MDC activist. Police made arrests in the case, but they were subsequently released.

Despite the nearly 200 killings resulting from political violence, there were no prosecutions or convictions in any of the cases. The Zimbabwe Human Rights NGO Forum filed five civil suits in the High Court against perpetrators for wrongful deprivation of life; all were pending at year's end.

There were no developments in previously reported killings from 2006 or 2007.

#### b. Disappearance

There were numerous reports of politically motivated abductions during the year. MDC leaders reported that state security agents and ZANU-PF party supporters abducted and tortured hundreds of opposition and civil society members, as well as student leaders, as part of a systematic government-sponsored campaign to dismantle the opposition party's structures before the March 29 election and, especially, immediately preceding the June 27 presidential run-off. In the majority of cases, victims were abducted from their homes or off the streets by a group of unidentified assailants, driven to remote locations, interrogated and tortured for one or two days, and abandoned. In some cases, the abducted person was located in police custody days or weeks later. Between late October and year's end, approximately 32 people were abducted by suspected state security agents and held for up to two months before being brought to court. At year's end an estimated 14 were still missing.

On June 23, suspected ZANU-PF members abducted lawyer Ernest Jena from his office in Bindura just before he was due to make a bail application for detained MDC members. A group of men forced Jena into a car marked with a ZANU-PF flag and stickers. The men drove Jena to a secluded place outside Bindura and repeatedly beat him on the buttocks and back. Jena was detained in leg irons without food and water for two days. On June 27, Jena's assailants returned him to his office and forcibly took his passport, identification documents, money, and other private documents.

In late October, 13 MDC officials, who were primarily from the Zvimba South constituency, and a two-year-old child were abducted near Banket in Mashonaland West. Those abducted included Ward 25 councillor Emmanuel Chinanzavvana; Mashonaland West women's assembly provincial chairperson, defeated MP candidate, and member of the MDC National Council Concilia Chinanzavvana; district chairman and defeated senatorial candidate Fidelis Chiramba; Provincial Secretary Terry Musona; party youth organizer Fanwell Tembo; party activists Tawanda Bvumo, Larry Gaka, Gwenzi Kahiya, Agrippa Kakonda, Pieta Kaseke, and Lloyd Tarumbwa; and youth chairman Collen Mutemagau, along with his wife Violet Mupfuranhehwe and their two-year-old son Nigel Mutemagau. Eight of the abductees surfaced in Harare jails on December 23. Police continued to hold them in custody in connection with allegations of plotting an insurgency at year's end. While Kakonda, Kahiya, Tembo, Gaka, Musona, and Tarumbwa remained unaccounted for at year's end, the six were included in the December 24 High Court order calling on police to release them.

On December 3, Jestina Mukoko, Director of the NGO Zimbabwe Peace Project (ZPP), was abducted from her home in Norton. Witnesses reported that between 15 and 20 men and one woman, several of whom were armed, arrived at Mukoko's house in two unmarked vehicles at 5:00 a.m., where approximately five of the men dragged Mukoko from her home into an unmarked vehicle. Her family immediately reported her abduction to local police. On December 8, the Chief Superintendent of Norton police responded to a letter from the National Association of NGOs (NANGO) by stating that Mukoko was not in police custody and that her case was being treated as a kidnapping. Despite a December 9 High Court order directing the police to work closely with her lawyers, search for Mukoko, and to report daily to the courts on their progress, police did not fully comply with the order. Separately, on December 8, two ZPP employees, Pascal Gonzo and Broderick Takawira, were abducted from the ZPP office in Harare by six suspected state agents in an unmarked vehicle.

On December 23, 18 persons, including Mukoko, Gonzo, Takawira, eight persons abducted near Banket in October, and other persons abducted in November and December, were discovered in numerous Harare police stations. On December 24, some of the abductees appeared in a lower court. Officials from the attorney general's office refused to provide the defendants' lawyers with information on the intended charges of recruiting and conspiring to mount an armed insurgency from Botswana until the court hearing began.

On the same day, the High Court issued a final order declaring illegal the detention of 32 abductees, including the 18 in police custody and the 14 others still missing, and ordered that nine persons claiming torture while in custody should be released to a clinic for examination. On December 25, the majority of the group was moved to a maximum security prison. On December 29, the government appealed to the Supreme Court. At year's end the case was ongoing, the group remained in prison, and prison officials continued to deny the defendants' lawyers access to meet privately with their clients.

Prison officials allowed a private doctor to examine the detainees at a prison hospital; however, they were not granted access to a private facility. Although officials claimed that the 18 detainees were involved in various plots to overthrow the government, none had been formally charged by year's end. Due to a lack of formal charges and arrest warrants, and because their custody defied the December 24 court order, their lawyers referred to them as abductees.

In some cases, abducted persons were killed. For example, on May 13, Beta Chokururama, a member of the MDC National Youth Assembly, and two other MDC activists, Cain Nyevehe and Godfrey Kauzani, were abducted in Mashonaland East by men in two trucks without license plates. Chokururama's body was found the same day; the bodies of Nyevehe and Kauzani were found on May 18.

The government seldom investigated reported abductions.

There were no developments in the July 2006 disappearance of an MDC youth organizer.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices. Security forces routinely committed political violence, including torture of citizens in custody, particularly in areas suspected of heavy support for the opposition. Army and police units organized, participated in, or provided logistical support to perpetrators of political violence and generally permitted their activities. Police also refused to record reports of politically motivated violence or destruction of property. Police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to assault suspected and known opposition members and their families, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either the government or the opposition continued.

Human rights groups reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. The violence was particularly widespread between the March 29 harmonized elections and the June 27 presidential run-off when security agents and government supporters established torture camps across the country, particularly in the northern, central, and eastern provinces. The ruling party also set up numerous torture camps throughout the country, including Matapi base in Mbare, Chidodo in Uzumba Maramba Pfungwe, and Dendera in Mudzi. One NGO report stated that at least 6,300 victims of torture and assault received medical treatment during the year, nearly double the 3,463 victims recorded in 2007. Torture and other assault methods commonly reported included beating victims with sticks, whips and cables; suspension; burning; electric shock; and falanga (beating the soles of the feet).

For example, on May 4, according to HRW, ZANU-PF officials and war veterans tortured and beat 70 villagers at a "re-education" meeting at Chaona primary school. Alex Chiseri, Fushirai Dofu, Wilson Emmanuel, Joseph Madzuramhende, Tapiwa Meda, and Geoffrey Jemedze died as a result of their injuries. According to witnesses and doctors, three of the men who died had severely mutilated testicles. Madzuramhende's genitals were tied with barbed wire, placed on a log and then beaten severely. Others were forced to lie on the floor while ZANU-PF youths beat their buttocks with sticks. Some victims required skin grafts for their injuries. During the beatings, victims were forced to name other MDC activists, who were then called forward for additional beatings.

On June 16, according to Amnesty International's (AI) October report Zimbabwe: Time for Accountability, a woman who was five months pregnant was assaulted by ZANU-PF supporters in Gutu, Midlands Province, after she failed to attend a ZANU-PF meeting. An estimated 200 persons arrived at the house where the woman and her sister rented a room. The mob broke windows and dragged the women from the house, where they were beaten on their buttocks and forced to sing ZANU-PF songs while the mob looted the home. The following day, a group of ZANU-PF youths and uniformed soldiers came to the house and ordered the woman to leave. The youths then beat the woman's sister and another teenage boy who remained in the house. Soldiers guarded the area while the ZANU-PF youths singing party songs stole food and soap and destroyed furniture.

ZPP Director Jestina Mukoko and her colleague, Broderick Takawira, were abducted by suspected state agents on December 3 and 8 respectively and then tortured in custody, according to affidavits they presented to the High Court. Mukoko and Takawira reported they were both subjected to falanga.

Eric Matinenga, an MDC member of parliament for Buhera West and a prominent attorney, presented a case before the High Court on May 19, alleging the involvement of the Zimbabwean Defense Forces in harassing, assaulting, and humiliating MDC supporters. The case named the Commander of the Defense Forces Constantine Chiwenga, and Major Svosve as the organizers of the repressive activities by security personnel in Buhera. On May 23, Justice Bhunu issued a court order declaring the deployment of defense forces in Buhera for any purpose not in the constitution as unlawful and ordered them to withdraw. However, reports of army personnel in the area continued. HRW reported the details of this case and similar incidents from other areas of the country.

Police repeatedly used cruel, inhuman, or degrading treatment or punishment against those in custody. For example, on September 17, riot police detained 10 student leaders from Bindura University after dispersing a peaceful protest. The students were held for more than 12 hours without food and water and were assaulted in custody. Police told the students their mission was to "flush out and deal with little MDC troublemakers," according to HRW.

Police also used excessive force to disperse demonstrators. For example, on January 23, police fired tear gas into a crowd of several hundred MDC supporters as they attempted to leave a Harare court hearing where a magistrate ruled to allow a scheduled MDC rally to proceed, despite a government ban on the rally that had been imposed days earlier. Explaining her decision, the magistrate asked MDC marchers to "withdraw peacefully and in a nonriotous manner, and proceed to the Glamis Stadium." However, before the MDC supporters could leave, heavily armed riot police used batons and tear gas to break up the crowd, resulting in numerous injuries.

On January 25, police beat and arrested 25 members of the NGO Restoration of Human Rights in Zimbabwe (ROHR) as they marched in protest of repressive legislation and police harassment. After police dispersed the march, and while protesters were leaving the scene, more than a dozen additional police arrived and arrested four more members of ROHR. Riot police then went to ROHR's office, where they forcibly took those present outside and beat them with batons before taking them to the police station. The ROHR members paid fines for "disorderly conduct or conduct likely to cause a breach of the peace."

Government supporters, including youth militia and war veterans trained by ZANU-PF, were also deployed to harass and intimidate members of the opposition, labor, student movement, and civic groups, as well as journalists considered critical of the government. For example, on May 4, Zimbabwe Election Support Network (ZESN) observers in Mount Darwin East were attacked by suspected ZANU-PF supporters for allegedly facilitating an MDC victory in the March harmonized election. The attacks involved harassment, assault of the observers and their relatives, vandalizing and setting fire to observers' homes, and looting of their property, including blankets and food reserves. At least seven observers and two of their relatives sustained serious injuries in the attacks and were hospitalized.

No action was taken in the other 2006 or 2007 cases of abuse.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and life-threatening. The government's 42 prisons were designed for a maximum of 17,000 prisoners. In May the Ministry of Justice, Legal, and Parliamentary Affairs reported that the country's prisons held between 22,000-24,000 prisoners; however, a local NGO reported that they actually held approximately 35,000 inmates. Prison guards beat and abused prisoners. Poor sanitary conditions and overcrowding persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS related illnesses. Human rights activists familiar with prison conditions reported constant shortages of food, water, electricity, clothing, and soap. According to the 2006 Solidarity Peace Trust and Institute for Justice and Reconciliation report Policing the State, "political arrestees are routinely and deliberately overcrowded, with 30 or more people being kept at times in cells intended for six," and those "who have been severely beaten by the police and have fractures and other injuries, are routinely denied any access to health care or medication for varying periods of time." In June then-Deputy Attorney General Johannes Tomana acknowledged overcrowding and stated, "jail is not nice. It is not meant to be nice." Tomana was appointed Attorney General in December.

Food shortages were increasingly serious in most prisons. Some prisoners reported receiving only one small meal a day. According to the Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender, an average of two prisoners died in custody each day. In December the media reported that in some prisons, guards stole food from prisoners.

In May 2007 the UN Office for the Coordination of Humanitarian Affairs reported that a delegation of parliamentarians had visited prisons in 2006 and found that unsanitary conditions, including a lack of running water, had made diarrhea and skin diseases endemic. A medical orderly employed by the health department stated that more than 100 inmates had died of pellagra at Harare Central and Chikurubi Maximum Security prisons since the beginning of the year. He noted that in Chikurubi Maximum Security prison as many as 10 deaths were recorded in one day.

Most prison deaths were attributed to harsh conditions, hunger, and HIV/AIDS. In 2006 a local NGO estimated that 52 percent of prisoners were HIV-positive. In 2006 Zimbabwe Prisons Service Commissioner General Paradzai Zimondi described the mortality rate in prisons as a "cause for concern." In November the local press reported that some prisoners with hunger-related health conditions were released from prisons.

Juveniles were not held separately from adults. The Prison Fellowship of Zimbabwe, a local Christian organization working with former inmates, estimated in 2006 that more than 200 children were living in the prison system with their detained mothers. A two-year-old child who was abducted with his mother from Zvimba South on October 31, and appeared in police custody on December 22, remained in prison with his mother at year's end. Due to overcrowding in police stations and remand prisons, pretrial detainees were often held in prisons with convicted prisoners until their bail hearings.

The law provides that international human rights monitors have the right to visit prisons, but government procedures and requirements made it very difficult to do so. The government granted local NGOs access on a number of occasions during the year.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily

arrested and detained persons.

#### Role of the Police and Security Apparatus

The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the president's office, through the JOC, controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the government called upon them for domestic operations. The Central Intelligence Organization (CIO), under the Ministry of State for National Security, is responsible for internal and external security.

Security forces were widely used to carry out government-sponsored politically motivated violence. Police routinely and violently disrupted public gatherings and demonstrations, and tortured opposition and civil society activists in police custody.

It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. For example, in the pre-election period, police officers were reportedly forced to attend ZANU-PF rallies during work hours. In addition, the November HRW report, *Our Hands Are Tied: Erosion of the Rule of Law in Zimbabwe*, described occasions when police officers were told that they were not to investigate or arrest ZANU-PF supporters who might have been implicated in political violence.

In the March 29 election, police and military ballot results cast in secret indicated overwhelming support for the MDC. However, there were widespread reports that police were forced to vote under their superiors' supervision in the June 27 run-off election, which ZANU-PF won overwhelmingly. In mid-March the press quoted the commander of the Zimbabwean Army, General Constantine Chiwenga as saying that "the army will not support or salute sell-outs and agents of the West before, during, and after the presidential elections." There were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU PF.

There were reports that police and army personnel suspected of being sympathetic to the political opposition were demoted or fired. Several policemen told HRW that officers were told to support ZANU-PF or resign, and that promotion in the police was contingent on support for ZANU-PF. In September policeman Masimba Dinyero was sent to the barracks for three weeks after he allegedly criticized Mugabe for continuing to cling to power while police officers starved.

Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. Corruption continued to increase in part due to low salaries and a worsening economy.

Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials who claimed that the actions were necessary to maintain public order. In March 2007, after security forces violently prevented a public gathering, Mugabe was widely quoted as saying that "the police have a right to bash" protesters who resist them.

Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. Government efforts to reform security forces were minimal, and training was rarely provided.

Police seldom responded during incidents of vigilante violence.

#### Arrest and Detention

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

Although the Criminal Procedures and Evidence Act substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, a circular issued by the attorney general giving a general authority to grant bail lessened the negative effect of the law in practice. High Court judges at times granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to four weeks without bail.

On June 9, Deputy Attorney General Johannes Tomana announced the attorney general's office would "deny bail to all suspects arrested on charges of either committing or inciting political violence." The following day, Justice Minister Patrick Chinamasa proposed amnesty for some convicts "in order to create space for those convicted of political violence." Zimbabwe Lawyers for Human Rights (ZLHR) condemned the move, saying that to "deny bail as a matter of policy in cases of political violence is clearly unconstitutional." In some cases, those arrested and denied bail were kept in remand prisons for weeks or months, resulting in their inability to vote in the June 27 run-off. In other cases, police continued to hold persons in jail even after a judge had granted bail or dropped the charges.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were "not available," especially in cases involving opposition members and civil society activists. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado. Family members and attorneys often could not verify that a person had been arrested until the individual appeared in court.

For example, on April 4, Zimbabwe Electoral Commission (ZEC) officer Dorcas Mpofu was arrested and detained by police in Mberengwa. ZLHR deployed a lawyer to assist her, but police denied the lawyer access. The ZEC officer was then charged with criminal abuse of her duty as a public officer. Police made her sign a statement without her lawyer present, and then released her. Subsequently, police took her back into custody and advised her lawyer to make an application for bail on April 8. The ZLHR lawyer attended court and was again denied access to the client; the case was pending at year's end.

There were reports that victims or witnesses of crimes were detained or charged with the crime after reporting it to police. For example, in January three MDC activists were assaulted by ZANU-PF youths, who accused the activists of spying on them while walking near a ZANU-PF rally in Harare. When the MDC activists reported the incident to police, they were detained for a week.

On June 18, MDC Minister of Parliament-elect (MP) Abednico Bhebhe and Senator-elect Robert Makhula were arrested at the police station in Nyaki where they were attempting to intercede on behalf of a constituent who had been arrested the day before. When lawyers for the three arrived, police denied them access to the arrestees. On June 20, the lawyers obtained a court order directing police to bring the three to court within 24 hours, but police refused to comply and threatened the lawyers with arrest. The arrestees were brought to court on July 1 and released. The magistrate refused to place them on remand for trial, effectively removing the case from the court's list of pending cases, citing gross abuse and wanton disregard for the law by the police.

The government increasingly used arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists. The Zimbabwe Human Rights NGO Forum reported more than 800 confirmed cases of unlawful arrest and detention during the year. According to the 2006 Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, an evaluation of 1,981

politically-motivated arrests from 2000 to 2005 showed that 1,721 cases resulted in no trial, 256 cases came to trial but resulted in no conviction, and only four cases resulted in a conviction. This trend continued during the year.

On April 25, police raided the MDC's headquarters, Harvest House, in downtown Harare. The MDC estimated that 250 armed police arrested approximately 300 persons who had fled election-related violence and sought refuge at the office building. Police raided the office again on June 23, and took approximately 30 elderly, ill, or injured persons into custody. When MDC MP Evelyn Masaiti attempted to visit the detainees in jail, police detained her as well. Authorities later moved an estimated 30 persons to a facility in Ruwa, outside Harare. When lawyers attempted to visit the detainees, police denied access, stating that they had not been arrested. Over subsequent weeks, the detained persons were slowly allowed to leave and were assisted returning to their homes.

Police and other security officials detained MDC President

Morgan Tsvangirai without charge several times during the year. On January 23, police executed a predawn raid on Tsvangirai's home and took him into custody for several hours just before he was expected to lead an MDC march and rally. On June 4, police stopped Tsvangirai and other MDC officials at a roadblock near Bulawayo as they traveled between political rallies. He and several other party officials were taken to a police station and questioned. Police detained Tsvangirai for several hours again on June 7.

MP for Buhera West and prominent attorney Eric Matinenga was arrested on two occasions and spent a total of 23 days in police custody. On May 31, Matinenga was arrested in his constituency when he visited MDC activists detained for inciting public violence. He was held for four days until a magistrate dismissed the case for lack of evidence. Buhera police rearrested Matinenga on June 7, and once again charged him with inciting public violence. On June 8, the High Court ordered the government to produce Matinenga in court and release him unless it could demonstrate why he should continue to be detained. However, magistrates in the area refused to hear the highly politicized case. On June 14, Chief Magistrate Mandeya travelled from Harare to hear the case and charged Matinenga for the same offenses dismissed by the previous magistrate on June 4, and in spite of the High Court order for his release on June 8. Matinenga was released on bail on June 26; the case was pending at year's end.

On May 28, police arrested 14 members of the NGO Women of Zimbabwe Arise (WOZA) in downtown Harare as they led a march to protest election-related violence. Police assaulted three of the 14 during their arrest. All 14 faced charges of breaching the peace, and WOZA leader Jenni Williams faced further charges of "causing disaffection among the police" and "publishing or communicating false statements prejudicial to the State." While 12 of the members were granted bail a few days later, Williams and fellow WOZA leader Magodonga Mahlangu were denied bail after the government claimed they would organize violence before the June 27 run-off. Williams and Mahlangu were held for 37 days before a magistrate finally granted bail on July 3. In a hearing on August 28, the magistrate and the government set October 15 as the trial date. On October 15, the government was unprepared to try the case, and the magistrate removed it from remand, essentially removing it from the list of cases awaiting trial.

On October 16, WOZA led a protest march of approximately 200 persons in Bulawayo to call on the government to declare a state of emergency and allow emergency food aid. As the protesters sat outside the government office and waited for a group of elderly women to deliver a petition, riot police dispersed the protestors and broke one woman's finger. Williams and Mahlangu were arrested. On October 17, they were charged with disturbing the peace. Before a court hearing that day, the government prosecutor told the defense lawyer that they would not oppose bail and agreed to the amount and conditions. On entering the court room, a new prosecutor appeared and argued, referring to the May 28 arrest, that the two should be denied bail because there was still an outstanding case pending. However, the defense argued that since the group's case had been removed from remand in the Magistrate's Court on October 15, the matter was no longer pending. The magistrate allowed the government time to verify this and ordered Williams and Mahlangu to remain in custody until October 21. On October 22, AI described the women as "prisoners of conscience" and condemned their arrest as part of a government clampdown on human rights defenders. On October 27, after additional delays by the court, the magistrate denied the two women bail. On November 5, a High Court judge granted the women bail, stating that the magistrate did not have sufficient reason to deny them bail. On November 6, Williams and Mahlangu were released and reported experiencing harrowing conditions in prison, including food shortages. On December 2, the two were due to face trial for charges of disturbing the peace and separate charges of disturbing the peace in connection with 2004 arrests that were never brought to trial. However, none of the state witnesses for the 2008 case and only one state witness for the 2004 case appeared in court. The magistrate postponed the trial and the case was pending at year's end.

On June 12, MDC Secretary General and MP for Harare East Tendai Biti was arrested and charged with four counts: treason, publishing a document prejudicial to the state, causing disaffection within the police force, and insulting the president. The charges all stemmed from a document he allegedly authored on March 25 that purported to detail plans for an MDC government. The government claimed the document sparked postelection violence. In court hearings on June 18 and 19, Biti's lawyers laid out several complaints against the government concerning the manner of his arrest and treatment in jail, including that: he was not told the charges against him; upon his detention, he was interrogated without rest for 19 hours; he was not given food, water, or access to legal counsel for the first 48 hours of detention; he was detained in inhuman circumstances in a police station previously declared unfit for human habitation by the Supreme Court; and police searched his computer without a warrant and never notified his lawyers of his court date. After the court hearing, Biti was transferred to a different jail where police held him until he was granted bail on June 26. On November 18, a court dropped charges of insulting the president and causing disaffection to the armed forces. Biti continued to face charges of treason and making statements likely to cause public disorder. The case was pending at year's end.

There were no developments in the arrest cases reported in 2007 and 2006.

Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several years before trial or sentencing because of a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and for political reasons. During the year some detainees in Harare Remand Prison went months without attending court for bail hearings because Zimbabwe Prison Services lacked fuel to provide transport. Others who had bail set but could not afford to pay were left to languish in detention. According to lawyers, the country's prisons were on record for having held pretrial detainees without charge for as long as nine years. In 2007 SW Radio Africa, an independent broadcaster, reported a backlog of 350,000 cases in the judicial system.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary was under intense pressure to conform to government policies, and the government repeatedly refused to abide by judicial decisions. The government routinely delayed payment of court costs or judgments awarded against it in civil cases.

The law provides for a unitary court system consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Victim-friendly courts, which had jurisdiction over children and victims of sexual abuse, had specially trained magistrates and prosecutors and equipment that allow victims to testify without being seen. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Military courts deal with courts martial and disciplinary proceedings only for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons. In November HRW reported on several methods the government used to undermine the independence of the judiciary, including giving farms and homes to judges. On August 1, the government newspaper The Herald reported that the Reserve Bank had given judges luxury cars, plasma televisions, and electricity generators.

Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that defendants in politically sensitive

cases were more likely to receive a fair hearing in magistrates' lower courts than in higher courts, where justices were more likely to make political decisions. According to a November HRW report, most junior magistrates and magistrates in rural areas did not benefit from government patronage. Instead, government sympathizers relied on threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government's favor. Some urban-based junior magistrates had demonstrated a greater degree of independence and granted MDC and civil society activists bail, against the government's wishes. Other judicial officers such as prosecutors and private attorneys also faced political pressure, including harassment and intimidation. For example, in May the resident magistrate in Gutu, Musaiona Shortgame, fled the country temporarily after his car was torched on April 21 by ZANU-PF party youths who accused him of passing inappropriate sentences against their members. He also received death threats.

On June 23, youths in ZANU-PF T-shirts beat up senior magistrate Felix Mawadze in Bindura. His alleged crime was that he granted bail to MDC supporters who were charged with politically motivated violence. The youths tried to force him into a car, but he escaped to the nearby courthouse. Although police reports were filed, no arrests were made.

On July 1, ZANU-PF members kidnapped Harare attorney Stewart Nyamushaya as he attempted to serve them with eviction orders. The tenants took Nyamushaya to the party's provincial offices where he was assaulted; he suffered a fractured rib, and swollen buttocks and feet. Three cabinet ministers intervened in the case and directed the city of Harare to halt the eviction and provide the tenants time to "identify suitable unutilized buildings and open land where they can be relocated."

#### Trial Procedures

The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. Defendants enjoy a presumption of innocence under the law; however, this was not always preserved in practice. Trials were held by judges without juries and were open to the public, except in certain security cases. Every defendant has the right to a lawyer of his or her choosing, but a local attorney reported that most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but this was rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request free legal assistance from the Legal Resources Foundation or ZLHR.

Attorneys sometimes were denied access to their clients, especially in cases involving opposition members or civil society activists. Defendants have the right to present witnesses and the right to question witnesses against them; however, these rights were not always observed in practice. While defendants and their attorneys sometimes had access to government-held evidence relevant to their cases, this was often not allowed in politically sensitive cases. The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed.

#### Political Prisoners and Detainees

There were hundreds of reports of political detainees throughout the year, including opposition officials, their supporters, NGO workers, and civil society activists. Many were held for one or two days and released, others were held for weeks or months. During the year police severely beat and tortured numerous opposition, civil society, and student leaders while in detention.

At year's end there were at least 18 political prisoners in police custody. All were abducted between October 31 and mid-December and were brought to jails in Harare on December 22 and 23 by the state security agents who abducted them. According to affidavits and testimony from victims, witnesses, and their families, they were abducted and later jailed because of their affiliations with the MDC or membership in a civil society organization. At least nine claimed they were tortured after their abduction. Despite court orders calling on the state to investigate the abductions and torture claims and to release the group, police refused to take action. At year's end an additional 14 persons abducted in the same manner remained unaccounted for, although civil society organizations believed they were also in state custody.

#### Civil Judicial Procedures and Remedies

There was an independent and impartial judiciary in civil matters; however, in practice the judiciary showed indications of being politically influenced or intimidated in cases involving high-ranking government officials, politically connected persons, or violations of human rights. There were systematic problems enforcing domestic court orders, as resources for the judiciary and police were severely strained.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but the government did not respect these provisions in practice. Security forces searched homes and offices without warrants; the government pressured local chiefs and ruling party loyalists to monitor and report on suspected opposition supporters; and the government forcibly displaced persons from their homes. The government coerced ruling party supporters and punished opposition supporters by manipulating the distribution of food aid, agricultural inputs, and access to other government assistance programs.

In 2007 the president signed into law the Interception of Communications Act (ICA) to provide for the interception and monitoring of any communication (including telephone, postal mail, e-mail, and Internet traffic) in the course of transmission through a telecommunication, postal, or other related system in the country. Civil liberties advocates criticized the ICA as repressive legislation that allows the government to stifle freedom of speech and to target opposition and civil society activists.

During the year the Chief Executive Officer (CEO) of the state-run Zimpapers secretly monitored subordinates' private e-mails for political content.

During the election period, police routinely violated citizens' privacy when they forced travelers stopped at roadblocks to relinquish their cell phones so that the phones could be searched for political messages.

In 2005 the government embarked on Operation Murambatsvina (loosely translated from Shona as "Restore Order" or "Get Rid of the Filth") without prior notice, during which more than 700,000 persons lost their homes, their means of livelihood, or both through a program of forced evictions. The government's stated reason for the operation was to curb illegal economic activities and crime in slums and illegal settlements in several cities and towns, but it made no provision for the victims of its policy. Those who returned to rural areas often faced unemployment, food shortages, and other economic and social stresses. According to the AI report Zimbabwe: Between a Rock and a Hard Place—Women Human Rights Defenders at Risk, the operation resulted in the destruction of more than 32,500 small and microbusinesses across the country and created a loss of livelihood for more than 97,550 persons, most of whom were women. An estimated 300,000 children lost access to education as a result of displacement. The operation disrupted access to medical care, particularly for HIV/AIDS patients. The government reportedly prevented or interfered with UN and other humanitarian organizations' efforts to provide shelter and food assistance. The government's actions were widely condemned by local civil society organizations and the international community.

In 2005 the government announced a new operation, Garikai (Shona for "live well"), supposedly to provide housing plots for new homes and to set up new vending sites for those who lost homes or businesses; the program proceeded slowly.

According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of

supporting the opposition. According to a 2007 Shadow Report to the African Union's African Commission for Human and Peoples' Rights (ACHPR) compiled by five independent human rights organizations, including AI and HRW, two years after Operation Murambatsvina, "many victims remain homeless or living in makeshift accommodation." The government completed rebuilding only "3,325 structures after destroying more than 92,000 dwellings," approximately 20 percent of which were "allocated to police, soldiers and civil servants and the remainder were given mostly to people who were not affected by the mass evictions." The 2008 HRW report *Neighbors in Need: Zimbabweans Seeking Refuge in South Africa*, detailed the struggles of the estimated 1.5 million Zimbabweans living illegally in South Africa. The report noted that a significant, but unknown, portion of these were affected by Operation Murambatsvina.

No action was taken against security forces involved in 2007 forced evictions.

Constitutional Amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the state, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. In 2006 the *Gazetted Land (Consequential Provisions) Act* passed into law, requiring all farmers whose land was compulsorily acquired by the government and who were not in possession of an official offer letter, permit, or lease, to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years.

Disruptions at farms and seizures of property increased and were sometimes violent. Under a government moratorium introduced in January 2007, farmers were given temporary extensions to continue growing crops and to allow for a gradual "wind down" of operations, including harvesting and selling crops. The government in almost all cases took no action to define the period of extension.

In June 2007 Didymus Mutasa, minister for lands, land reform, and resettlement, announced that the government was going to take action to seize the remaining white-owned farms for resettlement. Following the passage of Amendment 17 and the *Gazetted Land (Consequential Provisions) Act*, there were renewed and intensified efforts to evict many of the approximately 400 remaining farmers of the original 4,500 farmers of large-scale farms in operation when land seizures began in 2000. The announcement was followed by a sharp increase in reported cases where farms had been invaded, eviction notices served, arrests made, or farms visited in anticipation of future action during the last six months of the year. In July 2007 many of the remaining white farmers received eviction notices informing them to vacate their properties, most by September 2007. In October 2007 at least 15 farmers were summoned to court on charges of illegally occupying their farms past the eviction deadline. Several farmers appealed to the Supreme Court to declare the eviction notices unconstitutional.

In December 2007 the Southern African Development Community (SADC) Tribunal in Namibia, in its first decision since its establishment in 2000, ruled in favor of Michael Campbell, who was contesting the compulsory government acquisition of his farm. The tribunal was set up to ensure that SADC member states, including Zimbabwe, adhere to the SADC treaty and protocols, protect the rights of citizens, and ensure the rule of law. According to the protocol establishing the tribunal, a person can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Campbell brought the case to the tribunal after the Supreme Court in Zimbabwe failed to issue a judgment on the case. The tribunal issued an interim protective order, which prohibited the government from evicting or allowing the eviction of or interference with the farm, its owners, employees, or property pending a decision by the tribunal on the issue of the legality of the contested expropriation; government representatives told the three-member tribunal it would abide by the decision.

However, on January 22, the Supreme Court issued a judgment dismissing the Campbell case. Soon after the ruling, Minister Mutasa declared that the country would only be bound by its laws and decisions of its superior courts.

In April the SADC tribunal ruled that more than 70 white farmers who had been evicted from their land could remain on their property pending a hearing on their joint application on May 28; their cases effectively joined the Campbell case that was still pending before the tribunal. On June 29, a group of 20 war veterans abducted and assaulted Michael Campbell and members of his family; they were hospitalized for their injuries. The perpetrators also looted the Campbell home and stole their car. On July 18, the tribunal reaffirmed the injunction, condemning the government's recent land seizures, and turning the issue over to the SADC summit for further action. However, the government asserted that it would move forward with prosecutions of the farmers who remained on the land, effectively dismissing the tribunal's authority.

On November 28, the SADC tribunal ruled in favor of the 79 farmers in the Campbell case, finding that by barring titleholders from being heard in Zimbabwe's courts, the government violated its undertaking to SADC to uphold the rule of law; the farmers were discriminated against on the basis of race; and the government should compensate three dispossessed landowners by June 30, 2009. Although the tribunal ordered Zimbabwe not to interfere with any applicant still on his or her land or in possession of it when applying for relief, in December the government continued prosecutions of farmers for remaining on state-confiscated farms.

No action was taken against security officials involved in numerous 2007 and 2006 cases of land invasions, seizures of property, and attacks on farm owners and workers.

No action was taken, nor was any anticipated, in the numerous other reported 2007 and 2006 cases of arbitrary interference with citizens' homes.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health." The government restricted these rights in practice. Journalists and publishers practiced self-censorship.

The government continued to restrict freedom of speech, particularly by those making or publicizing comments critical of President Mugabe. Passage of the 2007 ICA increased the government's ability to monitor speech and to punish those who criticized the government.

Under authority of the Official Secrets Act, Public Order, and Security Act (POSA), or the Criminal Law Act, the government arrested individuals for criticizing President Mugabe in public.

There were credible reports that CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the government were frequently targeted for harassment, abduction, and torture.

On March 20, ZANU-PF youth conducted a citizen's arrest on 16-year-old girl Simanzeni Ngwabi after she allegedly made disparaging comments about Mugabe to other ZANU-PF youths who were putting up campaign posters in Bulawayo. Police detained Ngwabi for five days; she was charged with insulting the president and the case was pending at year's end.

On May 7, police arrested media and human rights lawyer Harrison Nkomo on charges that he insulted the president on May 2 while appearing in the High Court on behalf of freelance journalist Frank Chikowore. Nkomo was released on May 9; the case was pending at year's end.

On June 27, police arrested Lincoln Bongani Mathe, a student at Bulawayo Polytechnic College, after he wrote "Mugabe, he is evil" on his run-off ballot instead of voting for the candidate of his choice. Mathe was charged with violating the Electoral Act and insulting the president. He was released on bail on July 15, and the case

was pending at year's end.

The government continued to restrict freedom of the press. The Ministry for Information and Publicity controlled the state-run media, including the two remaining daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers and in the state-controlled media as a whole generally portrayed the activities of government officials positively, portrayed opposition parties and other antigovernment groups negatively, and downplayed events or information that reflected adversely on the government. High-ranking government officials, including President Mugabe, used the state-controlled media to threaten violence against suspected critics of the government.

There were two main independent domestic weekly newspapers, the Zimbabwe Independent and the Standard, and a semi-independent weekly paper, the Financial Gazette, all three of which continued to operate despite threats and pressure from the government. Another independent weekly paper, The Zimbabwean, was published in South Africa for the Zimbabwe market. The independent newspapers continued to criticize the government and ruling party; however, they also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

On May 24, armed individuals bombed a truck belonging to The Zimbabwean newspaper that was carrying 60,000 copies of the paper. Government and ZANU-PF party officials had displayed open hostility towards the newspaper, labeling it part of what they call the "regime change" agenda. No one was charged in the attack.

Radio remained the principal medium of public communication, particularly for the rural majority. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings, supervised by the Ministry for Information and Publicity.

The popularity of independent short-wave and medium-wave radio broadcasts to the country continued to grow, despite government jamming of news broadcasts by radio stations based in other countries, including Voice of America and SW Radio Africa.

The government controlled the only domestically based television broadcasting station, the Zimbabwean Broadcasting Corporation (ZBC). The NGO Media Monitoring Project of Zimbabwe analyzed the distribution of air time on ZBC before the elections. It found that between March 1 and March 28, ZBC devoted more than 90 percent of its news bulletins to positive coverage of ZANU-PF. For the March and June elections, ZBC provided over 200 hours of ZANU-PF coverage, and just over 16 of the MDC. Most of the MDC coverage was negative.

International satellite television broadcasts were available freely through private firms, but were not available to most citizens due to their expense and the requirement for payment in foreign currency.

Senior government officials repeatedly criticized both local and foreign independent media for what they deemed biased reporting meant to discredit the Mugabe regime and to misrepresent the country's political and economic conditions. Government used accreditation laws to prevent most major international media outlets and some local journalists from covering the country's combined presidential, parliamentary, and local government elections. The South Africa National Editor's Forum noted that only a handful of foreign correspondents were accredited to cover the elections. Five days before the March elections, government press secretary George Charamba told the pro-government weekly The Sunday Mail that the government was examining 300 accreditation requests from foreign journalists to cover the elections. Charamba said many were blocked since "we are aware of attempts to turn journalists into observers, or to smuggle in uninvited observers and security personnel from hostile countries under the guise of the media."

According to the Media Institute for Southern Africa, ZEC denied local freelance journalist Hopewell Chino'ono accreditation despite his being previously accredited by the government Media Information Commission for the duration of the year.

Security forces arbitrarily harassed and arrested local and foreign journalists who contributed to published stories critical of government policies or security force operations.

On April 4, Sipho Moses Maseko and Abdulla Ismail Gaibee, two engineers from Globecast Satellite in South Africa, were re-arrested on three counts, including practicing journalism without a license, after their acquittal by a magistrate following previous arrests on March 27. Police argued that the magistrate's initial acquittal had been "defective." On April 14, the two were acquitted of all charges and allowed to leave Zimbabwe. Nonetheless, the government retained their equipment, including a camera and satellite truck. Lawyers filed an application with the High Court ordering the police to release the equipment, but no action had been taken by year's end.

On April 15, police arrested freelance journalist Frank Chikwore and confiscated his computer, voice recorder, and a camera. Chikwore appeared in court together with the former secretary general of the Zimbabwe Union of Journalists (ZUJ), Luke Tamborinyoka, and six others on charges of public violence. They were granted bail on May 2; there were no further developments by year's end.

On April 17, individuals wearing army uniforms assaulted and robbed ZUJ President Matthew Takaona. No further action was taken.

On April 18, journalist and VOA correspondent Stanley Karombo was assaulted by ZANU-PF supporters during Independence Day celebrations. After the assault, Karombo was handcuffed by police who searched his home before taking him to a police station. Karombo was detained for four days before being released without charge.

On May 8, police arrested Davison Maruziva, editor of The Standard, for publishing an opinion piece in the weekly's April 20 edition authored by opposition leader Arthur Mutambara under the headline: "A shameful betrayal of national independence." In the piece, Mutambara sharply criticized Mugabe for his handling of the general election. He also accused the government of intimidation and questioned its right to stay in office. Maruziva and Mutambara were charged with publishing or communicating false statements prejudicial to the state. On May 12, Maruziva was released on bail. The case was pending before the Supreme Court at year's end. There were no developments in the 2007 and 2006 cases of harassment, abuse, and detention of journalists.

Journalists and publishers continued to practice self-censorship as a result of government action and threats. There were credible reports that the permanent secretary minister of information, George Charamba, routinely reviewed state-owned media news and excised reports on the activities of groups opposed to or critical of the government.

On May 14, the government dismissed Henry Muradzikwa, ZBC's chief executive, for failing to slant coverage towards ZANU-PF ahead of the March elections. Sources say ZBC was blamed for carrying MDC political advertisements. In subsequent days, Muradzikwa's replacement, Hapison Muchechetere, reprogrammed ZBC's schedules to feature programs glorifying Mugabe's role in the 1970s war of liberation and demonizing Tsvangirai.

On June 3, ZBC suspended seven senior journalists and news executives, allegedly as punishment for failing to cover Mugabe's government favorably. The seven were not given reasons for the suspensions except that they failed to act in a manner that was in accordance with their contracts. Following an appeal by five of the journalists, the court ordered ZBC to reinstate them. However, upon their return to work, they were served with retrenchment letters, effectively initiating the process to lay them off. When ZBC stopped paying their salaries in October, their lawyers brought the matter to the Labor Court. ZBC then reinstated their salaries and stopped the retrenchment process, after being informed it was illegal.

The government continued to use the Access to Information and Privacy Protection Act (AIPPA) to serve as the primary justification to control media content and licensing of journalists. The main provisions of the law give the government extensive powers to control the media and suppress free speech by requiring the registration of journalists and prohibiting the "abuse of free expression." AIPPA was amended in January, and initially observers believed the amendments would lead to a more open media environment. However, according to Human Rights Watch, "amendments to the AIPPA in the run-up to the 2008 general elections have not removed the restrictive requirements on reporting."

On February 7, the Associated Newspapers of Zimbabwe, publishers of the banned papers The Daily News and The Daily News on Sunday, submitted a fresh application to the Minister of Communication to relaunch of their newspapers; the request was pending at year's end.

On April 3, police arrested Johannesburg-based New York Times correspondent Barry Bearak, a foreigner, and British freelance journalist Steven Bevan, for practicing journalism without accreditation in violation of AIPPA. The same day, Canadian Broadcast Corporation correspondent Adrienne Arsenault was also detained briefly before being released. Bearak and Bevan were held in prison for 13 days before being released on April 16 when a magistrate ruled there were no legal grounds for their arrest.

On May 5, police arrested and detained Zimbabwean national and Reuters photographer Howard Burditt for three days for using a satellite phone to send pictures during his coverage of the aftermath of the elections. On May 28, Burditt pled guilty to charges of contravening the Broadcasting Services Act (BSA), which prohibits unauthorized possession, establishment, and operation of signal transmitting stations. The Post and Telecommunications Regulatory Authority of Zimbabwe, which licensed Reuters to cover the elections, specified in the contract that journalists were not to use satellite phones in their broadcasting. Burditt was sentenced to pay a fine of Z\$20 billion (approximately \$30).

The BSA, which parliament's legal committee found to be unconstitutional but which remains in force, gives the minister of information final authority to issue and revoke broadcasting licenses. The act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. In 2007 Obert Muganyura, chief executive of the Broadcasting Authority of Zimbabwe, the licensing authority for broadcasters, testified before the parliamentary Committee on Transport and Communication that the restrictive provisions of the act do not allow for the entry of new players into the broadcasting arena. Since its enactment, media and legal rights groups have criticized the act for limiting free speech.

In February 2006 the government passed the General Laws Amendment Act (GLAA), which amended sections of POSA to allow authorities to monitor and censor "the publication of false statements that will engender feelings of hostility towards--or cause hatred, contempt or ridicule of--the president or acting president." The GLAA recommends a prison term for any journalist who "insults the president or communicates falsehoods."

The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the constitution.

An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons.

POSA and the criminal code grant the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA.

In June the government introduced a 40 percent import tax on all foreign newspapers after reclassifying them as luxury goods. The tax forced a number of publications, including the Sunday Times, the Mail and Guardian, The Zimbabwean, and magazines to reduce the number of copies imported. For example, The Zimbabwean was forced to pay almost Z\$7 trillion (approximately \$20,000) per week in U.S. currency and subsequently reduced its circulation from 200,000 copies to 60,000; it also stopped printing a Sunday edition. The World Association of Newspapers and World Editors Forum formally protested the tax and called for its repeal.

#### Internet Freedom

There were no government restrictions on the Internet; however, the ICA permits the government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers.

In September local media reported that Justin Mutasa, CEO of Zimpapers, the state-run media, had put all of his editors under surveillance during the year. In an October Zimpapers internal disciplinary hearing against Bhekinkosi Ncube, editor of the Ndebele-language newspaper Umthunywa, Mutasa suspended Ncube for insulting the president in emails. The Zimpapers information manager stated that he had accessed the editors' private emails using password cracking software between August 3 and 15. Ncube's lawyers questioned the legality of the manner in which the evidence was obtained. Ncube's lawyers argued that the e-mail searches were in violation of the ICA, as Zimpapers had accessed a private and secure email address without the owner's consent or a warrant. The disciplinary committee ruled in Ncube's favor, but Zimpapers' management prevented him from returning to work. Ncube was subsequently terminated.

#### Academic Freedom and Cultural Events

The government continued to restrict academic freedom. The president is the chancellor of all five state-run universities and appoints all vice chancellors. The government has oversight of all higher education policy at public universities. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricted the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students. The 2006 Zimbabwe Council of Higher Education Act mandated the establishment of a nine-member council made up of members of the higher education community from both public and private institutions. The council advises the minister of higher education and technology on matters pertaining to education, including funding for higher education and accreditation of higher education institutions. The minister, however, selects and appoints the council members, controls state universities, and appoints their chancellors and vice chancellors; the minister also appoints vice chancellors and other senior members of university administration, the deans of faculty, and most members of the university council. The appointed deans and heads of departments require faculty to submit final examinations well in advance of the end of term and have the right to censure exam content if they feel it is too controversial or threatens "sovereignty and national interest." During the year some lecturers were asked to revise final exams, and department chairs rewrote exam questions before they were given to students.

CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. CIO officers regularly attended all lectures where noted MDC activists were lecturers or students. In response both faculty and students often practiced self-censorship in the classroom and academic work.

According to the Students Solidarity Trust (SST), a local NGO that provides assistance to student activists, 188 students were arrested or detained and 17 students were expelled or suspended for engaging in student activism during the year.

The public education system failed to provide students with adequate education during the year. As a result of election-related violence, including harassment of teachers (many of whom were accused of being MDC sympathizers), poor wages, and sanitation concerns, most schools were open irregularly. In October, as the cholera epidemic escalated, many schools closed because they did not have running water and functioning toilets. Hyperinflation reduced the buying power of a teacher's wages to under Z\$374 million (approximately \$10 per month at the time), which did not cover even transportation costs. Mounting economic hardship drove many teachers to leave the country. On October 7, both teachers' unions called for the government to cancel the school year because students had not received enough hours of instruction and were unprepared for annual exams. The primary and secondary level exams were held at the end of October, but had not

been graded by year's end. Public universities were also forced to close due to a lack of teachers and sanitation on campuses.

The Zimbabwe Censorship Board continued to ban plays considered critical of the government, and police arrested and interrogated actors and producers during the year.

On June 26, Harare Magistrate Gloria Takundwa fined two artists, Silvanos Mudzvova and Anthony Tongani, Z\$25 billion (approximately \$1.50 at the time) or four days in prison for contravening the Censorship and Entertainment Control Act. Police arrested the artists in October 2007 after they "unlawfully" performed a satire, "Final Push," that depicted the country's worsening political and economic crisis. The government argued that the two staged the play without approval from the Censorship Board as required by law.

According to media reports, the government blocked the opening of two plays during the year. On April 24, police stopped the staging of the play "Sahwira--the Spirit of Friendship." Police said that they were not informed in advance about the staging of the play. Police also stopped the play "Crocodile of Zambezi" in Bulawayo.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly; however, the government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. In January POSA was amended as a part of constitutional Amendment 18 to require police to go to a magistrate's court and to state in an affidavit why a public gathering should not take place. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not they were notified.

In March 2007 the ACHPR's special rapporteur on human rights defenders in Africa, Reine Alapini-Gansou, expressed concern that police might be using POSA "to arrest and persecute human rights defenders" to prevent them from carrying out "their legitimate activities in defense of human rights." Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. The CIO also routinely sent personnel undercover to monitor meetings perceived to be potentially antigovernment.

During the election period, citing POSA, police routinely denied MDC candidates permission to hold political rallies. On February 1, police denied permission for two MDC marches in Mutare and Rusape. The magistrate in Mutare ruled that the protestors could not march into the city center but could hold a rally outside town.

On April 11, during the delay in announcing winners of the March 29 elections, Assistant Police Commissioner Faustin Masango announced that "no political party will be allowed to hold a rally during this period until after the announcement of the outstanding results." He told journalists that police had denied MDC clearance to hold a rally that day because "the current period is still very sensitive." Politicians and analysts said the ban was illegal and in contravention of POSA, which states that bans could only be imposed at the district, not national, level.

Security forces committed arbitrary or unlawful killings while disrupting nonviolent demonstrations. Police erected roadblocks in urban and rural areas to prevent public gatherings, repeatedly used excessive force in dispersing demonstrations by the opposition and civil society, and arrested numerous demonstrators during the year.

On March 8, WOZA and MOZA held a march in Bulawayo to commemorate International Women's Day. After marching a few blocks, riot police chased the demonstrators and beat them with batons. One woman was reportedly thrown against a metal pole and one man was trampled on by a police officer. While police beat one woman, WOZA leaders Jenni Williams and Magodonga Mahlangu intervened. Police arrested all three and took them to the police station; they were later released without charge. WOZA reported that over 50 persons needed medical attention.

On October 27, in Harare, police used excessive force to disperse a group of 100 women, all members of prominent civil society organizations, who had gathered to present a petition to a meeting of the SADC Troika to encourage them to finish the power-sharing negotiations. When the women attempted to enter the hotel where the talks were taking place, they were denied access by police. The women retreated to a nearby field where they prayed for peace while waiting for the rest of the petitioners to arrive; some 800 women from at least 12 organizations were expected. Police then used tear gas against the women and beat them with batons; at least 42 were arrested and approximately 20 others sought medical attention for their injuries. Some of the women were released after paying an admission of guilt fine; others were released without charge.

On November 18, approximately 300 health workers protested outside the main public hospital in Harare, Parirenyatwa. The workers held a second protest on December 3, attended by an estimated 100 doctors and nurses outside the Ministry of Health. In both instances, the medical professionals called for improved wages and working conditions including equipment, medication, water, and electricity in public hospitals. The protests came as a cholera epidemic was accelerating and workers worried about their own safety and the ability of deteriorated health facilities to handle the influx of patients. While police initially allowed the protests, they ultimately disrupted both demonstrations by chasing and beating health workers with batons. By year's end the escalating cholera epidemic had infected 30,938 persons and killed 1,551.

No further action was taken in the 2007 or 2006 cases in which opposition figures and civil society members were harassed or arrested by government authorities.

In response to continued unrest among student groups angered at increasing tuition, the government continued its harassment of university student unions. On April 18, 10 students at the National University of Science and Technology were arrested while they staged a demonstration demanding that the ZEC release the presidential election results and calling for a reduction of university fees. The students' lawyer was denied access to the students twice when they were in custody. On April 19, eight were released after being forced to pay admission of guilt fines for breaching the peace. Two others were released on April 21 after they were charged with malicious damage to property. No action had been taken on the case at year's end.

On May 7, more than 600 students staged a peaceful protest at Chinhoyi University of Technology, demanding Mugabe step down as president. Leaders of the Zimbabwe National Students Union (ZINASU) addressed students and attributed the collapse of tertiary education to the national governance crisis. Two trucks of riot police interrupted the protest and beat students. Police arrested five student leaders. That night, war veterans abducted ZINASU spokesman Blessing Vava during a raid on the campus residence halls. Vava was released three days later at a farm in Banket.

On May 8, Chinhoyi University Students' Union leader Lothando Makhubalo was arrested on campus by armed riot police who forcibly dragged her from her residence hall, tearing her clothes off in the process. The government later refused to prosecute the case. In September Chinhoyi University suspended Makhubalo for four semesters when the student disciplinary committee found her guilty of inciting violence, despite an apparent lack of evidence.

##### Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organizations generally were free of

governmental interference only if the government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The government raided the offices and inquired into the activities of numerous NGOs and other organizations it believed opposed government policies.

On June 12, police raided the headquarters of the National Constitutional Assembly (NCA). Police threatened to arrest members if they did not reveal the whereabouts and contacts of the NCA leadership. They also demanded to see the registration certificate of the organization which police claimed was an NGO as police claimed they had been given a government directive to close NGO offices. After the chairman explained that the NCA, like ZLHR, operated on the basis of their own constitutions and were not subject to the provisions of the NGO bill, the police left.

On August 28, police raided and stopped the annual meeting of the NGO Crisis Coalition in Zimbabwe even though police permission was not legally required for an internal meeting. No action was taken against the police.

The formation of political parties and unions was not restricted; however, the government interfered with activities of both during the year.

For example, according to the March HRW report *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, on February 10, the MDC party chairman in Bindura called a meeting of 20 MDC activists at a compound in the area. On February 20, a magistrate sentenced the chairman to six months' imprisonment for holding a political meeting; he was ordered to serve 105 hours of community service.

In February MDC supporters in Manicaland were forced to hold clandestine meetings because police frequently denied them permission according to HRW.

Police raided MDC's headquarters, Harvest House, twice. During the first raid, on April 25, armed police forcibly rounded up an estimated 200 internally displaced persons (IDPs), including women and children, who had fled post-election violence and sought refuge at the MDC offices. The police took the IDPs to the police station, and detained some for as long as four days. During the second raid on June 23, persons claiming to be city health inspectors demanded access to the building. Once MDC officials opened the doors, 50 armed police in riot gear stormed the building. The approximately 2,600 IDPs who had sought refuge at Harvest House were tipped off to the raid and had fled the building before police arrived, leaving behind an estimated 30 IDPs who were too ill, injured, or elderly to leave. Police took the remaining IDPs to a newly established government camp in Ruwa where they were held for weeks. Police did not produce a warrant to enter the building in either raid.

#### c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government and the religious communities historically have had good relations; however, the government continued to criticize and harass religious leaders who spoke out against the government's human rights abuses. Church leaders and members who criticized the government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies.

In April and May police stormed various Anglican churches, breaking up services and attacking worshippers, mostly women, with batons. Police violence against citizens during April and May also included arresting parishioners, interrogating priests and lay leaders, and locking doors of churches to keep worshippers away.

The government scrutinized churches suspected of providing food, shelter, and other assistance to displaced people. In May and June police raided several churches that were housing displaced persons and took the displaced into custody. There were also credible reports of ZANU-PF supporters threatening pastors for not encouraging congregants to vote ZANU-PF and stopping pastors from praying for MDC victims of violence.

#### Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups, including interreligious and intrareligious incidents, other than incidents that were politically motivated.

The Jewish community numbered approximately 270. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country and foreign travel; however, the government restricted freedom of movement, foreign travel, and the rights of IDPs in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers, but interfered with humanitarian efforts directed at IDPs.

During the year police continued to routinely erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In the inter-election period, in particular, security forces were deployed to strengthen roadblocks and border security. Security forces claimed that they were looking for criminals, smuggled goods, and food; however, in many cases, police arbitrarily seized goods for their own consumption.

On August 14, Harare airport security officials seized Morgan Tsvangirai's emergency travel document and the passports of other MDC officials as they attempted to leave Zimbabwe for a SADC summit in South Africa. Police returned the documents several hours later and they were allowed to travel.

Registrar General Tobaiwa Mudede continued to seek to strip the citizenship of persons deemed critical of the government and to deny the renewal of some individuals' passports. Although Mudede lost a series of legal challenges in the Supreme Court and the High Court, authorities seized passports and prevented citizens from leaving the country during the year. For example, in May Morgan Tsvangirai applied for a new passport since the pages of his previous passport were filled. Although an emergency passport could typically be issued within two days, the registrar general's office stated it could not issue a passport due to a lack of material and instead gave Tsvangirai three different short-term emergency travel documents between June and November. However, the press reported that thousands of other passports were issued during that period. The government also did not issue Tsvangirai a passport until December 25, despite his position as prime minister-designate and repeated requests to travel on the document for SADC-sponsored power-sharing negotiations.

During the year travel bans on a variety of persons remained in effect, including British government officials, members of the British parliament, a foreign human rights activist, and journalists. Foreign correspondents were denied visas during the year.

The constitution prohibits forced exile, and there were no reports that the government used it. A number of persons, including former government officials, prominent businessmen, human rights activists, MDC members, and human rights lawyers, left the country and remained in self-imposed exile.

The registrar general continued to deny passports based on his interpretation of the Citizenship Act. The act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. However, the High Court ruled in 2002 that this interpretation does not take into account the fact that a person is not automatically guaranteed foreign citizenship merely because their parents were born in a foreign country, as some countries require a person to confirm their citizenship, in which case they could be rendered stateless. It further held that it is incorrect to presume that when one has a parent or parents that are born out of the country they are citizens of the other country by descent. In addition, some countries, including in southern Africa, do not have a means to renounce citizenship. Independent groups estimate as many as two million citizens may have been disenfranchised by the law, including, those perceived to have opposition leanings, such as the more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals. The problem became particularly acute during voter registration in late 2007 and during the 2008 elections when some were denied the right to vote--despite having voted previously--because they could not adequately demonstrate their citizenship.

#### Internally Displaced Persons (IDPs)

According to independent assessments, hundreds of thousands of persons remain displaced within the country as a result of government policies including state-sponsored election-related violence, land reform, and Operation Murambatsvina in 2005. Eight percent of citizens surveyed in mid-2007 said they had moved in the last five years because they were "asked to move." Nevertheless, the government denies an IDP problem exists. The government does not tolerate use of the phrase "internally displaced people" and instead refers to "mobile and vulnerable populations" (MVPs).

The government's campaign of forced evictions and the demolition of homes and businesses continued during the year. At least 30,000 people were displaced between April and July in the wake of government-sponsored political violence and destruction of property, particularly in rural areas. The government did not provide assistance to IDPs, established an NGO ban that forbid humanitarian agencies from assisting IDPs or conducting surveys to assess the scope of the problem, and refused to acknowledge that its policies had caused internal displacement. In August, when violence levels in rural areas declined in the wake of political talks, many IDPs returned to or near their homes and were "fined" in food, animals, or money by local ZANU-PF militias.

In the wake of the government ban on humanitarian organizations' activities between June and the end of August, aid agencies had limited access to displaced persons. Private groups and individuals assisted IDPs in urban areas by providing shelter, food, and clothing in privately organized safe houses, which were routinely harassed by security forces and ZANU-PF supporters. Although the ban was eventually lifted, security forces and government officials continued to deny NGOs access to some needy populations.

In 2005 an estimated 700,000 persons lost their homes or businesses following Operation Murambatsvina, and approximately 2.4 million persons were directly affected. The government program "Operation Live Well," purportedly launched to build housing for those displaced, primarily benefited government officials and the police rather than victims of Operation Murambatsvina. The Swiss-based Internal Displacement Monitoring Centre's August report *The Many Faces of Displacement: IDPs in Zimbabwe* reported that victims of Operation Murambatsvina continued to suffer and lacked permanent shelter. Some of those who returned to rural areas were regarded with suspicion by rural chiefs and were unable to remain. In urban areas, the continued lack of housing contributed to high rent and overcrowding.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and granted refugee status or asylum.

According to law, refugees must live at Tongogara refugee camp, but the camp afforded no means to earn a livelihood. Most refugees lived in urban areas without the permission of the government. In some cases, the government permitted refugees with special needs to live in urban centers. The government granted work permits to a few refugees, primarily those with special skills.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favor of ZANU PF, which has ruled continuously since independence in 1980.

#### Elections and Political Participation

In 2007 SADC designated South African President Thabo Mbeki to serve as mediator between Robert Mugabe's government and the MDC. The mediation aimed to determine a mutually agreed upon election date and procedures to rewrite the constitution. Mbeki described his main objective as facilitating elections "whose outcome would not be contested." While the mediation was ongoing, Mugabe announced on January 25 that elections would be held in March, despite Morgan Tsvangirai's protests that mediation was still underway and there was not enough time to campaign. On March 29, the country held harmonized elections for the presidency, House of Assembly, Senate, and local government.

As in previous elections in 2000, 2002, and 2005, the preelection period was not free and fair. The environment was characterized by some violence and a media environment that heavily favored Mugabe. Although Tsvangirai was allowed to campaign, the country police did not permit the MDC to hold all planned rallies, and some MDC activists were intimidated and beaten in the weeks before the election. Foreign journalists were not granted permission to cover the story from the country.

The law stipulates that the ZEC is responsible for maintaining and updating the voters' roll. However, the ZEC lacked the capacity to carry out these functions and relied heavily on the Registrar General of Voters office to help it carry out its responsibilities. In the weeks preceding the March harmonized elections, the Registrar General and the ZEC did not ensure an open inspection of the voters' roll for aspiring candidates of the opposition party or the electorate in certain cases until they were compelled to do so by a court order. In some cases, voter rolls contained the names of deceased persons, known as "ghost voters." Before the March elections, the MDC claimed there were as many as 8,000 ghost voters on the roll.

Election day was largely peaceful, with international observers from the African Union, SADC, and the Pan African Parliament present; international observers from Western nations were not invited. Domestic observers, including representative from all the political parties and independent groups such as ZESN, played a critical role in the March 29 election and observed both voting and vote tallying at polling places across the country. For the first time, election results were posted outside each polling station. At numerous polling places, observers photographed the final vote count sheet and distributed the images.

The March election results demonstrated a significant shift in the political environment. MDC secured a majority in numerous local government councils and in the House of Assembly. On August 25, Lovemore Moyo of the MDC was elected Speaker of the House by secret ballot, marking the first time a non-ZANU-PF member held the seat since 1980.

The results of the presidential race were not released until May 2. The lengthy delay called into question the credibility and independence of the ZEC. According to the ZEC tally, 2,537,240 votes were cast, with 1,195,562 (47.9 percent) for MDC's Tsvangirai, while Mugabe obtained 1,079,730 (43.2 percent). Simba Makoni, who left

ZANU-PF in February to run as an independent, received 207,470 votes (8.3 percent). These calculations differed from the parallel vote tabulation conducted by ZESN and released on March 31. ZESN estimated that Tsvangirai received 49.4 percent (+/-2.4 percent margin of error), Mugabe received 41.8 percent (+/-2.6 percent margin of error), and Simba Makoni received 8.2 percent (+/-1.1 percent margin of error). The ZEC results fell within the margin of error as estimated by ZESN's projections, but also allowed for the possibility that Tsvangirai won out-right. Initially the MDC challenged the results, asserting that Tsvangirai had secured the majority of votes needed to win the presidency. According to the ZEC tally, since no candidate secured the 50 percent-plus-one needed to win outright, a run-off election was set for June 27.

The months leading up to the run-off election were marred by widespread violence and intimidation perpetuated by the ZANU-PF government and its supporters. On June 21, Mugabe gave a speech to followers, indicating he intended to win by any means necessary. According to local press reports, he stated, "we will never allow an event like an election to reverse our independence, our sovereignty, our sweat and all that we fought for" and "we are not going to give up our country because of a mere X [on a ballot]." Domestic election observers, non-ZANU-PF polling agents, and known MDC members and supporters were targeted and attacked. At least one observer died, and in June alone 30 observers were physically assaulted, over 200 displaced, and 14 had homes and property destroyed.

Violence throughout the pre-run-off period left more than 150 dead, thousands injured, and tens of thousands displaced. On June 22, in the wake of the violence, along with continued disruption of MDC rallies and campaign efforts, Tsvangirai announced that he would not contest the run-off election. The ZEC declared Tsvangirai's withdrawal unlawful. A legal debate ensued over whether the Electoral Act required a withdrawal to be submitted 21 days before the run-off or whether the 21-day period related only to the first round of elections. The ZEC ultimately issued a statement on June 25 declaring the June 27 run-off would proceed, despite statements from regional and international bodies that the environment was not conducive to a free and fair election. Some voters stated that they would purposefully mismatch their ballot in protest while others reported that they would boycott the election entirely. On June 27, 2,514,750 voters went to the polls, according to official results. In the run-off, the ZEC reported that Mugabe received 2,150,269 votes, Morgan Tsvangirai received 233,000, and 129,781 ballots were spoiled. According to the ZEC figures, Mugabe received 1,070,539 more votes in June, and Tsvangirai received 962,562 fewer votes. On June 29, the ZEC announced Mugabe had won with more than 85 percent of the vote; he was inaugurated the same day.

During the run-off, there were numerous reports of voter intimidation. In the days leading up to the one-man election, ZANU-PF youths threatened voters with beatings or death if they could not show indelible ink on their finger as evidence of having voted. Some polling stations were located in areas regarded as intimidating to voters, such as at police stations, farms owned by war veterans, or next to local ZANU-PF headquarters. At some polling places, police officers and other unidentified individuals recorded the names of those who voted and used serial numbers to track their ballots.

Electoral laws provide for postal voting for citizens that are not able to vote in their area of residence on the day of election. During the run-off, members of the security forces such as police, soldiers, and prison officers were intimidated and forced to vote for the incumbent by mail. A prison official filmed a video of the conditions under which prison workers voted. The video depicted officers being told to vote for Mugabe by their superiors and forced to vote in front of them, violating secrecy of the ballot. According to HRW, senior officers threatened lower ranking officers and stated that the subordinates would not be allowed to "sell out" the country.

In a government policy shift from the March election, ZESN and other domestic observers faced significant bureaucratic obstacles that prevented them from observing the June election. Minister of Justice, Legal, and Parliamentary Affairs Patrick Chimamasa greatly reduced the number of accreditations from over 8,667 in the harmonized election to 500 in the presidential run-off, even though the Electoral Act provides for two election agents per organization per polling station, which would amount to 27,000 observers at the 9,231 polling places in the run-off. Observers charged the shortage of accreditations was a means to curtail the ability of civil society to monitor elections, especially polling.

While the country did not allow nationals of most Western countries to observe the elections, it did allow election observer missions from three African groups. The Pan African Parliament concluded the run-off election did not give rise to free, fair, or credible results. SADC's report stated that the environment "impinged on the credibility of the electoral process" and the "elections did not represent the will of the people of Zimbabwe." The African Union mission noted the violence and fear that led up to the election and said that the election "fell short of accepted AU standards." Leaders of a number of neighboring countries, including Botswana and Zambia, condemned the poll.

Following domestic and international protests of Mugabe's inauguration, ZANU-PF and MDC resumed negotiations, with Mbeki as lead SADC mediator. On July 21, the leaders of the two MDC factions and ZANU-PF signed a Memorandum of Understanding (MOU) which set terms for the forthcoming dialogue. The MOU, unlike the agenda of the eight-month-long SADC negotiations that ended in failure in January, envisaged that the parties would form an inclusive government. On September 15, Mugabe, Tsvangirai, and Mutambara signed a power-sharing agreement to establish an "inclusive" government.

At year's end the agreement had not been implemented. The abductions of MDC officials, along with Mugabe's reappointment of Reserve Bank Governor Gideon Gono and appointment of Attorney General Johannes Tomana, sparked criticism that Mugabe had violated provisions of the September agreement and acted unilaterally to form a new government.

Before the March elections, the government enacted numerous changes that affected the electoral system. On January 11, amendments were enacted to the Electoral Laws Amendment Act, POSA, and AIPPA. The Electoral Act abolished the Electoral Supervisory Commission, which previously managed the election process, and turned its authorities over to ZEC. The act was intended to streamline the election bureaucracy and allow continuous voter registration, and prohibit the use of intimidation during campaigns. In addition, the act requires voters to vote at assigned polling stations in their wards, rather than at any polling station within their constituency. The locations of polling places were poorly advertised before the March and June elections.

The ZEC, established in 2005, is charged with directing voter registration, maintaining the voters roll, conducting voter education, and accrediting observers. ZEC is comprised of seven members, three of whom must be women, who are appointed by the president. The chairperson is appointed after consultation with the Judicial Service Commission, while the other six are appointed from a list of nominees submitted by the Parliamentary Committee on Standing Rules and Orders. ZEC also has provincial and district offices. Since its inception, observers have questioned ZEC's independence and impartiality. Despite a provision in the Electoral Act that prohibits military and civil servants from serving on the ZEC, the March HRW report, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, detailed cases of current and former military and intelligence officers serving as ZEC officials. Notably, the chairman of ZEC, Justice George Chiweshe, is a former military officer who also chaired the commission that oversaw flawed elections in 2005. The report also described the voter registration process as flawed. Mobile voter registration was not advertised openly and, in some cases, NGO officials said voters were not allowed to register unless they had ZANU-PF membership cards.

The law states that ZEC should start a voter education program no later than 90 days before election day. No person or entity other than ZEC, or someone appointed by it, can provide voter education. Given the new divisions of constituencies, the requirement to vote at a specific polling place, and the introduction of four elections on one day, independent groups charged that voter education was essential to informing voters well ahead of the March 29 election. While ZEC officers carried out voter education in urban areas, they provided little education in rural areas. Media provided some information; however, because of low literacy rates and limited access to media in rural areas, populations in these areas remained relatively uninformed. Although ZESN provided voter education in 2005, ZEC did not grant it permission to conduct voter education campaigns.

In September 2007 parliament unanimously passed constitutional Amendment 18. Among other changes, the amendment expanded the House of Assembly by increasing the number of constituencies from 120 to 210. It also empowered ZEC to set the boundaries of parliamentary and local constituencies. The delimitation report was finalized on January 17. Although the constitution provides that delimitations must be debated in parliament, parliament adjourned before the report could

be debated. The MDC and members of civil society criticized the delimitation of wards and constituencies as favoring ZANU-PF.

Although the constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities.

During the year the government manipulated the electoral process, including through partisan disbursement of food and other material assistance to perpetuate public dependence on the ruling party, disenfranchising of voters, and skewed elections in favor of ruling party candidates. In some areas a ZANU-PF card was required to obtain food and agricultural inputs. According to the ZESN, ZANU-PF prevailed on traditional leaders to get out the vote for the ruling party.

Under the constitution, the president may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve parliament and to appoint or remove a vice president and any minister or deputy minister; and directly appoints eight provincial governors who sit in parliament, and six senators.

There were reports that the government removed, from the civil service and the military, persons perceived to be opposition supporters. There also were reports that the government assigned soldiers and youth service members to work in government ministries.

The government routinely interfered with MDC-led local governments. In the March 29 elections, the MDC won a majority of seats in city councils across the country. Under the Urban Councils Act, the Ministry of Local Government has the power to appoint "special interest councilors" to local councils to represent special interest groups. Such appointments should fill "gaps" by including members of business and civil society in the councils. However, Minister Ignatius Chombo used this authority to appoint losing ZANU-PF candidates to councils across the country. City councils in Mutare, Harare, Bulawayo, and other cities challenged such appointments. In September a Bulawayo man filed a claim in the High Court calling for the nullification of nine of Minister Chombo's appointments to the Bulawayo council, a number of whom were losing ZANU-PF candidates. In addition, the Bulawayo council filed a report questioning the appointments, saying there "was no evidence of any special interest they represented." On October 11, in a High Court hearing in Bulawayo, the government attorney admitted that the appointments were unlawful. By year's end the council had not convened any full council meetings and special interest councilors had not been inaugurated.

The ruling party's candidates continued to benefit from ZANU-PF's control of the state- and party-owned firms that dominated the country's economy and from its control of the state-monopolized broadcast media. Youth wings of the ruling party continued to commit abuses against the opposition and members of civil society with impunity.

After the March elections, there were 32 women in the 210-seat House of Assembly. Women won 21 of the 60 elected seats in the Senate, including the president of the Senate. One vice president, one deputy prime minister, four ministers, and two governors were women. Of these 270 elected positions, 53 were filled by women, constituting 19 percent of the total, short of the SADC target for female representation of one-third. In 2006 Rita Makarau became the first woman to hold the position of judge-president of the High Court. Women participated in politics without legal restriction, although according to local women's groups, husbands commonly directed their wives to vote for the husbands' preferred candidates, particularly in rural areas. The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations.

There were 10 members of minority groups in the cabinet, including Vice President Joseph Msika. There were 46 members of minority groups in the 210-seat House of Assembly, including 43 Ndebele and three whites.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively and impartially, and officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. Implementation of the government's ongoing redistribution of expropriated, white-owned, commercial farms substantially favored the ruling party elite and continued to lack transparency. Top ruling party officials continued to handpick numerous farms and register them in the names of family members to evade the government's one-farm policy. The government continued to allow individuals aligned with top officials to seize land not designated for acquisition.

Top ruling party officials and entrepreneurs supporting the ruling party received priority access to limited foreign exchange, farm inputs such as fertilizer and seed, and fuel. The government's campaign to provide housing plots and vending sites for victims of Operation Murambatsvina mostly benefited civil servants, security forces, and ruling party supporters.

After significant shortages of basic goods in stores, in August the government established shops under the National Basic Commodities Supply Enhancement Program (BACOSSSI) designed to provide basic goods at reduced prices. Under the program, local traditional leaders including chiefs and headmen were involved in the distribution. Politicization of the program was widely reported. In some cases, chiefs reportedly refused to provide goods to members of their community who were members of the MDC. In many of the stores, ZANU-PF cards were reportedly required to purchase goods, and ZANU-PF leaders and soldiers reportedly stole goods from some stores and later sold them on the black market at an increased price. The Confederation of Zimbabwe Industries' 2008 Manufacturing Survey noted that "the BACOSSSI facilities are having little impact given that they tend to be targeted and those who get them are not getting their full disbursements."

A government-appointed Anticorruption Commission was established in 2005 but had yet to register any notable accomplishments. In September, one senior member of the ACC was implicated in the takeover of a commercial farm when she planted her own crops on someone else's farm.

In November the Inspector General of the Global Fund for AIDS, TB, and Malaria revealed that the government had misused \$7.3 million of its \$12.3 million grant. For several months, local organizations providing life-saving medical assistance were unable to access the funds, which were being held by the Reserve Bank because the government had reallocated the funds for other purposes. Due to the government's failure to use the money appropriately, only 495 of an intended 27,000 health workers received training in proper distribution of HIV/AIDS, TB, and malaria drugs. Shortly after the misallocation became public, the government returned the funds to the Global Fund's account.

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted persons who had fallen out of favor with the ruling party or individuals without high-level political backing. Prosecutions were often for externalizing foreign currency, which was a common practice among the political and business elites.

There were several cases of government employees buying food and fertilizer and reselling it at an increased price. On September 22, police arrested five workers at the Grain Marketing Board depot in Chegutu for allegedly buying fertilizer from the Board and selling it in foreign currency to two foreigners to be smuggled to Zambia. More than 60 tons of fertilizer were recovered. The case was ongoing at year's end.

The government stated that the AIPPA was intended to improve public access to government information; however, the law contains provisions that restrict freedom of speech and press, and these elements of the law were the ones the government enforced most vigorously.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however,

they were subject to government restrictions, interference, monitoring, and harassment. Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA; election observation; constitutional and electoral reform; increasing poor women's access to the courts; raising awareness of the abuse of children; conducting civic education; preserving the independence of the judiciary; and combating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major domestic independent human rights organizations included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZESN, ZLHR, ZPP, NCA, SST, and WOZA.

The government continued to use the state-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that were considered critical of the government as efforts by groups that merely did the bidding of "Western governments."

During the year police arrested or detained NGO members, often in connection with demonstrations or marches; many were beaten during arrest and tortured while in custody. Some NGO members died in postelection violence.

The government harassed some NGOs it believed opposed government policies with raids on their offices and investigations into their activities. On June 9, police raided the offices of ZimRights, Transparency International, the Student Christian Movement of Zimbabwe, the Ecumenical Support Services, Christian Alliance, the Zimbabwe National Pastors Conference, PADARE Men's Forum on Gender, and the NCA. The raids, which were conducted without warrants, led to 10 arrests. Those arrested were later charged with possessing subversive material and detained. On June 13, they were released after the attorney general's office declined to prosecute them, citing lack of evidence.

The government increased its harassment and intimidation of human rights lawyers during the year. Police often threatened, and in some cases assaulted, lawyers when they attempted to gain access to their clients in police custody. For example, in June in Matabeleland North, 13 members of the Media Monitoring Project were arrested for holding a meeting without permission and held for three nights. Their lawyer was abducted and released 15 miles from town the day of their hearing; the 13 were never charged.

The government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. The government restricted feeding programs and blocked efforts by local and international NGOs to provide humanitarian relief to those affected by Operation Murambatsvina. Following the March 29 election, NGOs and humanitarian organizations were increasingly denied access by a variety of official and unofficial personnel acting on behalf of the government.

On May 28, the Minister of Social Welfare, Labor, and Public Service Nicholas Goche ordered the NGO CARE to suspend all of its operations. The suspension came after months of harassment by war veterans, the military, and other officials who accused CARE of meddling in Zimbabwe's internal politics and of using food aid to encourage voters to vote for the MDC in the March 29 election.

On June 5, Minister Goche suspended all NGO "field operations," specifically referring to the distribution of food aid. Although the suspension technically only covered activities by NGOs and Private Voluntary Organizations (PVOs), activities by other organizations, including churches and UN agencies, were also curtailed by security officials.

On June 6, government officials and ZANU-PF supporters hijacked a truck carrying 20 metric tons of food donated by the international community and destined for children at 27 schools in eastern Zimbabwe. The truck driver was threatened and held at the local police station for three days without charge. The food was distributed to ZANU-PF supporters at an election rally.

The NGO suspension remained in effect until August 29 when organizations were allowed to renew their activities but were compelled to adhere to new reporting requirements to maintain valid NGO registrations with the ministry.

Representatives of International NGOs were harassed. For example, on April 3, security forces detained Dileepan Sivapathasundaram, a foreigner with the National Democratic Institute, while he was attempting to leave the country. Security forces interrogated Sivapathasundaram for over 22 hours without allowing him access to legal counsel and held him without charge for six days before his release.

In May the government declared the country director for the Swedish Cooperative Center persona non grata and gave her 24 hours to leave the country. The government did not provide a justification for the action.

At the 43rd session of the African Commission on Human and Peoples' Rights in May, the commission adopted a resolution expressing concern for the deteriorating human rights situation and calling for a stop to the escalating political violence and internal displacements.

On June 17, the government abruptly deported a senior official with the UNHCR less than a week after the officer's arrival in the country; the government did not provide a justification. Following the expulsion, High Commissioner Louise Arbour stated that "this seems to fit into a pattern of the government taking a very uncooperative attitude vis-a-vis many international actors in the humanitarian sector."

In June UN Secretary General Ban Ki-moon appointed Assistant Secretary General for Political Affairs Haile Menkerios as special envoy to the country. The same month, Menkerios visited the country; he also supported SADC-sponsored negotiations between ZANU-PF and the MDC in August and September in South Africa. On June 30, the secretary general denounced the results of the June 27 presidential run-off election as illegitimate. UN Deputy Secretary-General Asha-Rose Migiro described the crisis as "the single greatest challenge to regional stability in southern Africa, not only because of its terrible humanitarian and security consequences, but also because of the dangerous political precedent it sets."

On July 1, at the 11th ordinary session of the African Union (AU), the body adopted a resolution expressing concern over the negative election reports from SADC, the AU, and the Pan-African Parliament and election-related violence and loss of life, as well as the urgent need to prevent further worsening of the situation.

In July the UN Security Council voted on a resolution to condemn the actions of and impose sanctions on ZANU-PF's leaders. The resolution sought to address political violence and intimidation perpetrated against the opposition party and would have instituted an arms embargo on the country, as well as a travel ban on Mugabe and 13 of his allies. While a majority of Security Council members voted in favor of the resolution, it was vetoed by two of the council's permanent members, Russia and China.

On November 22 and 23, three members of The Elders, former United States president Jimmy Carter, former UN secretary general Kofi Annan, and women's and children's rights advocate and former first lady of Mozambique Graca Machel attempted to visit the country to evaluate the growing humanitarian crisis. According to The Elders, on the eve of their departure from South Africa for Harare, SADC negotiator Thabo Mbeki informed them that their visit was not welcomed at that time by the Zimbabwean government and they would not be permitted entry to the country. The Elders remained in South Africa where they met with political, business, civil society, and humanitarian aid workers to discuss the crisis in Zimbabwe. In the report summarizing their findings, Carter stated that, "the entire basic structure in education, healthcare, feeding people, social services and sanitation has broken down. These are all indications that the crisis in Zimbabwe is much greater, much worse than we ever could have imagined."

On December 10, the UN Security Council held a closed-door meeting to discuss the humanitarian and political crisis in Zimbabwe. Although the Council agreed the humanitarian situation was appalling, Russia and South Africa opposed UN intervention and stated the crisis should be solved through regional negotiations.

In 2007 parliament unanimously approved Constitutional Amendment 18, which provides for the establishment of a parliamentary human rights commission. However, critics charged that the law would restrict efforts by international human rights organizations to accurately report on the country's human rights situation. No further action was taken toward establishing the commission by year's end.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide that no person can be deprived of fundamental rights, such as the right to life, liberty, and security of person, based on one's race, tribe, place of origin, political opinions, color, creed, gender, or disability; however, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities remained problems. The government and ruling party infringed on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

#### Women

The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases not associated with political violence, and the government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to knowingly infect anyone with HIV. Local NGOs dealing with women's rights reported that rape cases were brought to the court and there were convictions; however, statistics were unavailable.

According to one local NGO, at least 50 women were raped during election-related violence leading up to the June 27 run-off election. Because rape was underreported, NGOs believe the actual number was much higher.

Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes. For example, in May, seven women were reported killed in incidents of domestic violence. In one of the cases, a man killed his pregnant wife when she prepared the wrong meal for him. There were no prosecutions in any of these cases. In May a police officer was sentenced to 15 years in prison for the 2005 murder of his wife after a dispute over a cell phone.

In May dozens of civil society and women's groups sent a petition to the UN Human Rights Council in Geneva calling for international assistance in ending the violence. The petition stated that because violence was predominant in rural areas where 80 percent of women lived, women and children were suffering disproportionately.

In October 2007 the government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in 2006. Government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 2007 killing of his wife. He was released on bail in January, and the case was pending at year's end.

During the year the government continued a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women's rights groups reported that awareness of domestic violence increased; however, the press reported that the act has proven difficult to implement, as the form to report domestic violence to the police is 30 pages long, making it difficult to complete and photocopy.

Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's worsening economic problems were forcing more women and young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the borders with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year.

Labor legislation prohibits sexual harassment in the workplace and an employer may be held liable for civil remedies if found in violation of provisions against "unfair labor practices" including sexual harassment. The penalties for these violations are not specified in the law. Women commonly faced workplace sexual harassment, government enforcement was not effective, and there were no reports of any prosecutions during the year.

Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.

The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.

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

The Ministry of Women's Affairs, Gender, and Community Development continued its efforts to advance women's rights. The ministry, through collaboration with local NGOs, continued training workshops for traditional leaders in rural communities to create more awareness on women's issues. Women's Affairs Minister Oppah Muchinguri maintained "gender units" in every ministry. The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government. NGOs reported that anecdotal evidence indicated women experienced economic discrimination including access to employment, credit, pay, and owning or managing businesses. However, detailed information was not available.

Several active women's rights groups concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.

## Children

The government's commitment to children's rights and welfare did not improve during the year. Declining socioeconomic conditions, violence, and a dysfunctional education system continued to place more children at risk. According to statistics from UNICEF, one-quarter of the country's children were orphans, and 100,000 children lived in child-headed households. The education system experienced its worst year on record.

In 2007 the Ministry of Public Service, Labor, and Social Welfare and the UNICEF formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached just over 200,000 OVC with comprehensive support and protection since the beginning of the program. However, the government-imposed NGO ban between June and August negatively affected the program, putting vulnerable children at greater risk.

Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the government made improvements in 2007 by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country.

Primary education is not compulsory, free, or universal for any children. According to the UNICEF Humanitarian Action Report 2008: Zimbabwe, the educational system was "characterized by low enrolment rates, declining attendance and completion rates, low transition rate to secondary school and insufficient learning spaces, teachers and learning materials." Many schools attempted to charge school fees in foreign currency, fuel coupons, or even livestock, as the value of local currency continued to fall. Many parents complained that they did not have access to resources to pay school fees. In October the two main teachers' unions jointly called for the school year to be cancelled, labeling it a "wasted year." Election preparations, elections, election-related violence, teacher strikes, and teacher salaries that were lower than commuting costs contributed to repeated disruptions to effective learning during the year. One teachers' union estimated students averaged only 23 days of formal instruction in the entire academic year.

UNICEF estimated 82 percent net primary school enrollment through 2005; however, school attendance declined dramatically during the year. At year's end UNICEF estimated that just 20 percent of children attended school. This decline resulted from severe economic hardship, displacement of thousands of children from their homes as a result of election-related violence, emigration of qualified teachers, the inability to pay school fees, and Operation Murambatsvina. The highest level achieved by most students was primary level education. UNICEF figures through 2005 showed a net secondary school enrollment of 35 percent for boys and 33 percent for girls.

In most regions of the country, fewer girls than boys attended secondary school. If a family was unable to pay tuition costs, it was most often female children who left school. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In 2006, in collaboration with UNICEF and other partners, the government launched a National Girls' Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school.

Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. Police statistics showed that child rape tripled between 2005 and 2007. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network reported that girls believed to be virgins were at risk for rape due to the belief among some that having sex with a virgin would cure men of HIV and AIDS. In February UNICEF and the government launched the "Stand Up and Speak Out" child abuse awareness and prevention campaign.

The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year, as did arranged marriage of young girls. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF in 2006, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among orphans with HIV/AIDS.

The government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence.

With 1.6 million orphans with HIV/AIDS, the country had the world's highest percentage of orphaned children at one in four, and the number increased during the year. Ninety percent of orphans were cared for by the extended family. Many grandparents were left to care for the young, and, in some cases, children or adolescents headed families and were forced to work to survive. Orphaned children were more likely to be abused, not to be enrolled in school, and to suffer discrimination. Some children were forced to turn to prostitution as a means of income.

UNICEF estimated that at least 10,000 children were displaced in election-related violence. At year's end NGOs were uncertain how many children remained affected. The continuing economic decline and the government's lack of support for social welfare institutions contributed to a noticeable increase from the estimated 12,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

## Trafficking in Persons

No laws specifically address trafficking in persons, and the country was a source, transit, and destination country for trafficking in persons.

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

Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young men and boys were exploited by "guides" when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South Africa before their "employers" reported them to authorities as illegal immigrants. Traffickers often transported victims covertly across borders at unrecognized border crossing points. The use of child

laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members.

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

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

The primary government authority to combat trafficking was the ZRP which relied on NGOs to alert them to cases. During the year some traffickers were arrested, but none of the arrests resulted in prosecutions. The Interpol National Central Bureau Zimbabwe's "antitrafficking desk" was staffed with ZRP officers who assisted with international investigations.

There were reports suggesting that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The government took steps during the year to educate and train officials to combat trafficking. Government officials attended International Organization for Migration (IOM) seminars on trafficking during the year. IOM held numerous sector-specific training workshops during the year: four for law enforcement, three for social services professionals, three for faith-based organizations, and three for health and hygiene officials.

In January the government signed a memorandum of understanding with the South African government for a joint project to regularize the status of illegal Zimbabwean migrant farm workers in South Africa's Limpopo Province and ensure them proper employment conditions.

Although the government lacked resources to provide protective services on its own, the police Victim Friendly Unit, social services, and immigration officials utilized an established process for referring victims to international organizations and NGOs that provided shelter and other services. The government coordinated closely with the IOM-run migrant reception center in the town of Beitbridge on the border with South Africa, which provided social and reintegration services to the large number of illegal migrants repatriated from South Africa. In May IOM opened a second reception center in the town of Plumtree on the border with Botswana on government-allocated land.

Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception centers in Beitbridge and Plumtree for unaccompanied children and trafficking victims.

The government-run media prominently featured articles about trafficking in persons, and the government had prevention programs to provide alternatives for children at risk. The government also continued to cooperate with the IOM and Interpol in a public awareness radio campaign in five languages that led to the identification of several victims during the year. In December the IOM and local NGO Oasis Zimbabwe launched an antitrafficking hotline.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include persons with albinism in the definition of "disabled" under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched, and children with disabilities often were hidden when visitors arrived. In September the government announced it was reviewing the Disabled Persons Act, the Mental Health Act, and the constitution to align them with the Convention on the Rights of People with Disabilities; no further action was taken by year's end.

According to the National Association of Societies for the Care of the Handicapped (NASCOH), persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, the sector has largely been marginalized from HIV/AIDS intervention programs. Except for a short period in the 1990s, instructions on the use of condoms have never been distributed in Braille for the visually impaired, and no efforts were made to advertise condoms in sign language for the deaf. There was no HIV/AIDS information in Braille. The organization also reported that only 33 percent of children with disabilities had access to education.

Voter turnout by persons with disabilities in the March 29 election was low; only 245 of approximately 30,000 persons with disabilities in Harare voted. NASCOH reported that 48 persons with disabilities served as election observers in Harare in the March elections.

The amendments to electoral laws changed voting procedures for the disabled. On February 29, ZEC issued a notice explaining that "only the Presiding Officer and two other Electoral Officers or employees of the Commission will assist any voter who requests to be assisted." Some groups complained that this violated persons with disabilities' right to cast their votes in secret. Ahead of the June 27 run-off, there were widespread reports that ZANU-PF militias and war veterans instructed voters to claim blindness at the polling place in order to be assisted to vote for Mugabe.

In May NASCOH denounced the ongoing political violence, particularly because the violence was resulting in permanently disabling injuries. NASCOH stated that organizations providing support and rehabilitation for persons with disabilities were already overstretched and could not afford to also provide for persons who were newly disabled.

Operation Murambatsvina in 2005 severely affected persons with disabilities and, according to the UN special envoy's report on the operation, the government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population. The government broadcast a regular, prime-time program on state radio to promote awareness of the rights of persons with disabilities.

#### National/Racial/Ethnic Minorities

According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the white minority and other groups, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

The government continued its attempts to attribute the country's economic and political problems to the white minority and Western countries. On some occasions, President Mugabe, members of his government, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program.

On March 9, Mugabe signed the Indigenization and Economic Empowerment Bill into law. The bill's official purpose was to increase participation of indigenous citizens

in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980--the date of the country's independence--was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU-PF.

#### Other Societal Abuses and Discrimination

Over a period of years, Mugabe publicly denounced homosexuals, blaming them for Africa's ills. Although there was no statutory law proscribing homosexual practice, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In 2006 the 2004 amended criminal code became effective, broadening the definition of sodomy to include "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act."

The government had a national HIV/AIDS policy that prohibited discrimination against persons living with HIV/AIDS, and the law aims to protect against discrimination of workers in the private sector and parastatals. Despite these provisions, societal discrimination against persons affected by HIV/AIDS remained a problem. Although there was an active information campaign by international and local NGOs, the Ministry of Health, and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued.

#### Incitement to Acts of Discrimination

Throughout the year government-controlled newspapers, radio, and television stations continued to selectively vilify citizens of European ancestry and to blame them for the country's problems.

#### Section 6 Worker Rights

##### a. The Right of Association

While the law provides private sector workers with the right to form or join unions without prior authorization, and workers exercised these rights, they were not always respected in practice. The 2005 Labor Amendment Bill eliminated previous public sector worker rights and excluded such employees from protection under labor laws, placing them instead under the Public Service Act, which does not provide for the right to form and belong to trade unions, collective bargaining, strikes, or alternative dispute resolution mechanisms. These restrictions, however, were not enforced in practice. Public sector employees participated in unions and professional organizations. Some, particularly teachers and medical professionals, mounted increasingly vocal lobbies for improved wages and conditions during the year; however, union leaders and members were harassed, arrested, and beaten during the year. The government also restricted union activity indirectly by defining all senior employees as managers even though such employees did not enjoy benefits attached to the title; this was not widely enforced in practice. Employees in positions designated as managerial were excluded from general union membership. Unions must be registered with the Ministry of Public Service, Labor, and Social Welfare.

During the year approximately 300,000 persons belonged to the 36 unions that form the Zimbabwe Congress of Trade Unions (ZCTU); approximately 65 percent of industries were unionized. The overall size of the formal sector shrank, but no estimates were available at year's end.

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to support splinter unions in each economic sector; however, there was no evidence that either employers or employees viewed the splinter unions as legitimate. In addition to fostering confusion among workers, splinter unions forced existing unions to spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education, and were not particularly influential during the year.

The government openly targeted the ZCTU, declaring it aligned with the opposition MDC. Some pro-ZANU-PF employers declared their shops off-limits to the ZCTU. The government continued to use POSA to limit the ZCTU and its affiliates' ability to meet with and consult their constituencies, although the law does not apply to labor unions. For example, unions were prevented from holding meetings with their members, sometimes by the police and under threat of arrest. In preparation for Worker's Day celebrations on May 1, ZCTU submitted requests to hold events at 34 venues; five were denied. In some cases, police did not provide a justification for the refusal.

On May 7, ZCTU President Lovemore Matombo and Secretary General Wellington Chibebe were arrested and charged with communicating falsehoods prejudicial to the state at a Worker's Day celebration. The two were granted bail on May 19. Matombo and Chibebe appealed their case, asserting their right to free speech; the case was referred to the Supreme Court and was pending at year's end. Other unions were also targeted. For example, on February 18, nine members of the Progressive Teachers Union of Zimbabwe (PTUZ) were detained and beaten by police officers and ZANU-PF youths after three PTUZ members were accosted by ZANU-PF youths while distributing flyers. Initially, the nine were taken to a ZANU-PF office where they were beaten with iron bars and forced to recite ZANU-PF slogans; they were subsequently taken to Harare Central Police Station. Lawyers and the Chairperson of the Zimbabwe Association of Doctors for Human Rights (ZADHR) negotiated their release to a hospital under police guard. All nine sustained injuries including broken bones and serious bruising. No action was taken against the perpetrators. On February 26, five of the assaulted union members were arrested on charges of creating a criminal nuisance and were subsequently released; no further action was taken.

Throughout the country, teachers had served as poll officials in the March election. In the period between the March election and the June run-off, PTUZ members were targeted for their perceived support for and role in the MDC's victories on March 29. For example, on June 6, war veterans abducted a PTUZ member in Gokwe and held him captive and beat him for nine hours. On June 7, war veterans beat up PTUZ Gokwe coordinator Moses Mhaka and stole his identity card. On June 9, ZANU-PF supporters and war veterans stormed and ransacked PTUZ's Gokwe office. Similar incidents occurred in other areas.

In June the International Labor Organization's (ILO) Application of Standards Committee, in its report on trade union rights abuses, included cases filed by the ZCTU concerning violations of freedom of association and protection of the right to organize for the second consecutive year. Zimbabwe was one of two countries the committee criticized regarding implementation of ILO Convention 87, which deals with freedom of association. The committee called on the government to halt arrests, detentions, and threats, and criticized it for refusing to appear before the committee for two consecutive years to face the allegations. The International Trade Union Confederation also criticized government harassment of unions during the year.

Although the Labor Relations Amendment Act (LRAA) explicitly recognizes the right to strike, it is circumscribed with procedural limits including 14-day advance-notice requirements, mandated 30-day reconciliation periods, possible mandatory referral to binding arbitration. It also requires that at least 50 percent of employees vote for a strike, although workers protesting health and safety standards or lack of equipment may strike without the notification and arbitration procedure. The act prohibits essential services employees from striking on the grounds that it "endangers immediately the life, personal safety, or health of the whole or any part of the public." The law also allows that "any nonessential service may be declared an essential service by the minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety, or health of the whole or part of the population is endangered." Managers were also prohibited from striking, and, in some industries, the government defined most employees as managers.

In practice, the government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes. Government-imposed delays prevented most employees and their unions from declaring legal strikes, and those who participated in strikes deemed illegal faced government

intimidation and sentences of up to five years in prison.

On September 18, three weeks into a nationwide teachers strike, PTUZ President Takavafira Zhou was arrested and charged with "insulting the president" for allegedly describing an employee in the president's office as a dog. His jailers accused him of ruining their children's education through his role in calling the strike. The officer responsible for the arrest told the press, "if he interferes with the education of our children, we will deal with him and his group...we will not allow criminals to destroy the education system." The case was pending at year's end.

#### b. The Right to Organize and Bargain Collectively

The LRAA provides workers with the right to organize and permits unions to bargain collectively over wages and conditions of employment, and workers exercised this right in practice; however, government harassment of union leaders and interference by ZFTU sometimes made such negotiations difficult. Collective bargaining agreements applied to all workers in an industry, not just union members. Public sector employees do not have the right to collective bargaining, strike, or alternative dispute resolution mechanisms; however, these restrictions were not enforced in practice. For example, the Apex Council, which represents civil servants, negotiated with the government over salaries. Teachers, the largest civil servant sector, engaged in labor actions during the year.

The minister of labor retained the power to veto agreements that he believed would harm the economy, but he did not involve himself directly in labor negotiations unless requested to do so by one of the parties.

Although the law prohibits antiunion discrimination, in practice union members faced discrimination and harassment. A labor court handled complaints of such discrimination under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination be reinstated, although this did not happen in practice.

The Export Processing Zones Act states the LRAA does not apply to workers in export processing zones (EPZs); however, according to the ZCTU, employers generally applied the same wages and standards in the EPZs as in the general economy. The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, with the exceptions of working for parents or the national youth service; however, such practices occurred. Forced labor is punishable by a fine, two years' imprisonment, or both. Forced labor by children occurred. Child labor occurred across a wide range of sectors; however, no detailed information was available on the extent of forced child labor. Although many children may not have been physically forced to engage in economic activities, economic realities and the lack of public education forced many to work.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Under the LRAA, child labor is punishable by a fine, two years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age remains the minimum for light work, work other than apprenticeship, or work associated with vocational education.

The government released the 2004 Child Labor Report in March 2006. According to the survey, approximately 46 percent of children between the ages of five and 17 were engaged in economic activity. The unemployment rate continued to grow, with some estimates as high as 90 percent, which decreased the number of children employed in the formal sector. However, the incidence of children who worked in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, underemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, as domestics, in illegal gold and diamond mining, as street vendors, and as car-watchers. In addition there were reports of an increasing number of girls engaged in prostitution. Although the government and NGOs increasingly discussed the problem of child labor in the agricultural, domestic, and informal sectors, concrete data on the number of cases remained difficult to evaluate and confirm. An August 2007 survey by a domestic NGO documenting child labor reported that approximately one-third of children were working. Given the continued economic downturn and reduction in school hours, the organization believes the percentage of children working was higher during the year.

Most economically active children still worked in the agriculture industry and were also involved in mining, domestic labor, and the informal economy. Children worked in all aspects of tobacco farming, from planting to preparation of leaves for sale; in the forestry regions of the eastern highlands; and on tea and coffee plantations and small farms. Children worked on cotton farms; one NGO reported that school attendance rates declined in cotton growing areas during the harvest. In cities, children commonly worked as street vendors and as guards for parked automobiles. Throughout the country, children, particularly girls, worked as domestic laborers, often for family members. Information on the extent to which child labor occurred in the production of commercial products was not available. At year's end reports emerged that children as young as twelve living near the Chiadzwa diamond mine in Manicaland were working under the guard of security forces in diamond fields. It was unclear if this labor was forced. There was no evidence that children were subjected to some of the worst forms of child labor, including slavery, production of pornographic material, or illicit activities. Children working in agriculture, mining, and as street vendors faced threats to their health and safety.

Some employers did not pay wages to child domestic workers, believing they were assisting a child from a rural home by providing housing and board. In addition some employers paid the parents for the child's work. Relatives often used AIDS-orphaned children as domestics without pay. There were also reports from NGOs that police rounded up street children and took them to work on farms without pay.

The Department of Social Welfare in the Ministry of Labor is responsible for enforcing child labor laws, but the department lacked the human resources to carry out inspections or any other monitoring. In 2007 the Ministry of Public Service, Labor and Social Welfare signed a memorandum of understanding with the ILO to collaborate on a multiphase program for the elimination of the worst forms of child labor. The program was expected to address child labor issues and the implementation of ILO Convention 182, including identifying the worst forms of child labor and implementing activities pertaining to the prevention of child labor and the protection of working children. In July the government and the ILO launched a nationwide survey on the worst forms of child labor; the survey had not yet been released at year's end.

#### e. Acceptable Conditions of Work

There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and more than 85 percent of the population continued to live below the government's poverty line. The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. Minimum wages in the formal sector changed continuously as a result of the high inflation rate. During the year, the ILO reported that four of five jobs in the country were in the informal sector, 78 percent of which were in the agriculture. These jobs generally provided extremely low cash income and poor working conditions and did not offer adequate worker protections.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The government designated the Zimbabwe Occupational Safety Council, a quasi-governmental advisory body made up of six representatives each from the government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The National Social Security Authority (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. The NSSA reported in 2007 that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to monitor an estimated 14,000 registered factories. In 2007 government media reported 64 workplace fatalities and 5,568 injuries through November. By year's end the government had not taken action to address health risks in the workplace. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment but in practice risked the loss of their livelihood if they did so.

Information on the treatment of foreign and migrant workers was not available. The government considered many commercial farm workers foreigners, due to foreign-born heritage.