



Australian Government

Department of Foreign Affairs and Trade



# DFAT Country Information Report

Zimbabwe

[11 April 2016]

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# 1. Purpose and Scope

- 1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Zimbabwe.
- 1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision-makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision-makers.
- 1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the *Migration Act 1958* states that:
- Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision-maker, the decision-maker must take into account that assessment, where relevant, in making their decision. The decision-maker is not precluded from considering other relevant information about the country.
- 1.4 This report is based on DFAT's on-the-ground knowledge and discussions with government, non-government, community and international sources in Zimbabwe, including in Harare and Bulawayo. It takes into account relevant and credible open source reports, including those prepared by the African Institute for Strategic Studies, Amnesty International, Freedom House, Human Rights Watch, International Center for Not-for-Profit Law, International Crisis Group, International Organisation for Migration, media organisations, Outright International, RefWorld, Royal United Services Limited, Transparency International, UNESCO, UN High Commissioner for Refugees, US Department of State, World Bank, Zimbabwe Human Rights NGO Forum, Zimbabwe Lawyers for Human Rights and Zimbabwe Peace Project. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.
- 1.5 This Country Information Report replaces the previous DFAT Country Report on Zimbabwe dated 25 February 2014.

## 2. Background Information

### Recent History

2.1 The last fifty years in Zimbabwe have been characterised by political repression and economic instability. In 1965, the Rhodesian Front (RF) unilaterally declared independence (UDI) from Britain under white minority rule, sparking international outrage and triggering British, United Nations and Commonwealth economic sanctions. From 1965-1979, rebels in the Zimbabwe African People's Union (ZAPU) and the Zimbabwe African National Union (ZANU) waged a guerrilla campaign against the RF from Zambia and Mozambique. These hostilities ended following British-brokered peace negotiations and the signing of the 'Lancaster Agreement' in 1979. The parties also agreed a new Constitution, which established the conditions for democratic rule. Robert Mugabe's ZANU party won general elections in February 1980, and Zimbabwe formally gained independence from Britain on 18 April 1980.

2.2 President Mugabe has dominated post-independence politics in Zimbabwe. During the mid-1980s, political tensions between Zimbabwe's two largest political parties, ZANU and ZAPU, led to a period of extended violence, allegedly resulting in the deaths of many thousands of Ndebele in west Zimbabwe at the hands of State security forces. In 1987, ZANU and ZAPU signed a Unity Accord and the two parties merged, forming the Zimbabwe African National Union-Patriotic Front (ZANU-PF). In 2008, a group of former ZAPU members withdrew from the Unity Accord and re-established ZAPU.

2.3 From 1997-2008, Zimbabwe experienced political turmoil and severe economic decline – particularly following the government's implementation of a compulsory land redistribution policy in 1997, which escalated during the 2000s (see also 'Economic Overview' and 'Political Opinion' below). In March 2008, the main opposition party – the Movement for Democratic Change-Tsvangirai (MDC-T) – secured a parliamentary majority in national elections, sparking a wave of anti-MDC violence. Internationally-brokered negotiations led to the formation of the Government of National Unity (GNU), or Inclusive Government, in February 2009 – a power-sharing arrangement between the ZANU-PF, MDC-T and the other major opposition party, the Movement for Democratic Change-Ncube (MDC-N). This political settlement temporarily stabilised the economy and reduced the level of open political violence. Although marred by infighting, the GNU agreed the text of a new Constitution and held a referendum on constitutional change in March 2013. Approximately 95 per cent of voters approved the new Constitution, which entered into force in May 2013, though many elements of it have not been implemented.

2.4 The July 2013 presidential and parliamentary elections saw the end of the GNU. ZANU-PF and President Mugabe both claimed a landslide victory in these elections, with President Mugabe winning 61 per cent of the vote and ZANU-PF securing 160 of 210 seats in the National Assembly. Although less violent than the 2008 elections, the 2013 elections were judged by international observers to be neither fair nor credible.

2.5 During Mugabe's current and seventh term as President, Zimbabwe's economy has suffered. Internal divisions have distracted the ZANU-PF from key policy issues including the pressing need for political and socioeconomic reform. The MDC-T has splintered and is currently less of a threat to the ZANU-PF. Political violence – mostly in the form of harassment and intimidation – has remained a key feature of the country's landscape.

### Demography

2.6 Zimbabwe's current population is estimated to be approximately 14.2 million. The population is young and fast-growing: almost 60 per cent of people are under the age of 25 and the population is expanding by 2.21 per cent annually. Large numbers of Zimbabweans have historically migrated abroad in search of better economic opportunities – mostly to South Africa but also to other countries in southern Africa and further afield, including Australia. This trend continues.

2.7 Zimbabwe's population is largely rural, with around 67 per cent of people living outside major cities and towns. The capital, Harare, is the country's most populous province with a population of 2.1 million. The other nine provinces range in size from approximately 684,000 in Bulawayo to around 1.75 million in Manicaland.

2.8 Although Zimbabwe is ethnically and linguistically diverse, the Shona people constitute a clear majority of the population (approximately 82 per cent) and comprise Manyika, Zezuru, Karanga, Korekore and Ndau sub-groups. The Ndebele are the second-largest ethno-linguistic group (14 per cent) and also encompass sub-groups. There are smaller ethnic groups of Batonga (or Tonga), Shangaan (or Hlengwe), and Venda, as well as Zimbabweans of white or European descent and migrants from China and India. These groups variously speak English (the country's official language), Chewa, Chibarwe, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, Sotho, Tonga, Tswana, Venda, and Xhosa. The Constitution recognises all of these languages.

2.9 Certain rural areas in Zimbabwe remain tribally distinct. Mashonaland in the country's northeast is predominantly Shona; the Matabeleland provinces are mostly Ndebele; Batonga mostly reside in the Zambezi Valley; small populations of Shangaan populate the south-eastern Lowveld; and Venda live on the border with South Africa. Although cities and towns are generally mixed, Harare is predominantly Shona and Bulawayo, Zimbabwe's second-largest city, is mostly Ndebele.

2.10 Zimbabwe's population is majority Christian (around 93 per cent). Approximately 42 per cent of the Christian population is evangelical or Pentecostal, 33 per cent Catholic; 17 per cent Anglican, Methodist or Presbyterian; and 8 per cent Apostolic. A number of ethnic groups continue to practice traditional or ancestral forms of worship. There are also small groups of Hindus and Muslims, including Zimbabweans of Indian, Mozambican and Malawian descent.

## Economic Overview

2.11 At independence in 1980, and despite years of sanctions, Zimbabwe's economy was the second-most industrialised in Africa. The country was economically prosperous in the 1980s, expanding rapidly and utilising the industrial base established during the colonial and UDI periods.

2.12 Zimbabwe's formal economy has contracted sharply since the late 1990s and has been characterised by liquidity shortages, low investor confidence, financial sector concerns, a period of severe hyper-inflation, and poor mining and agriculture sector returns. The economy stabilised from 2009-2013 largely due to the formation of the GNU and Zimbabwe's adoption of the US dollar as its currency, with economic growth rates averaging 8.7 per cent. Since the re-election of ZANU-PF in July 2013, however, the economy has declined because of deteriorating terms of trade, political instability and a poor business environment (mainly due to government policy settings and the ongoing effects of drought). According to Zimbabwe Government figures, economic growth slowed to 3 per cent in 2014 and 1.5 per cent in 2015 - although many economists estimate that the economy actually actually contracted in 2015. Zimbabwe continues to import significantly more than it exports (in 2014, exports stood at USD 3.3 billion and imports at USD 5.1 billion), adding to the country's already significant levels of external debt. Remittances from Zimbabweans living abroad constituted approximately 15 per cent of gross domestic product in 2014.

2.13 Corruption in Zimbabwe is endemic – Transparency International's 2014 Corruption Perception Index ranked Zimbabwe 156 out of 175 countries. Despite this, the Government continues to shift blame for the poorly performing economy to Western nations which impose targeted sanctions (including Australia).

2.14 The United Nations 2014 Human Development Index ranked Zimbabwe 156 out of 187 countries. The World Bank classifies Zimbabwe as a low-income country – GDP per capita was around USD 1,031 in 2014. An estimated 72 per cent of the country's population lives in poverty and more than one-fifth in extreme poverty.

2.15 Estimates of unemployment vary greatly. The official unemployment rate in Zimbabwe is 11.3 per cent, although unofficial estimates put it as high as 90 per cent. In reality, most of the population is 'employed' in the informal sector. For example, as of 29 July 2015, there were an estimated 20,000 unlicensed street vendors in Harare.

2.16 Overall, DFAT assesses that the low-level of development in Zimbabwe acts as a significant 'push factor' for external migration. Close contact with South Africa and the collective memory of better, more prosperous times affect migration trends. Zimbabweans appreciate the country's economic potential and are keenly aware of its sustained economic decline.

## Health

2.17 Article 76 of the Constitution establishes a right to basic health-care services for all citizens and permanent residents. The public health system is the largest provider of health care services in Zimbabwe, although mission hospitals and non-government organisations (NGOs) also provide these services. Budget cuts and poor governance have reduced overall health care services, resulting in resource, personnel, medication and equipment shortages. Major disease outbreaks – such as the cholera and measles epidemics between 2008 and 2010 – place additional burdens on the health care system. The health care system is also severely tested by the HIV/AIDS crisis, which affects approximately 1.6 million Zimbabweans.

2.18 In 2011, the government introduced user fees for health care services. Varying from provider to provider, these fees act as a barrier to basic health services for many poor Zimbabweans. It costs between USD 3 and USD 50 to give birth in a government or municipal health facility, for example.

## Education

2.19 Article 27 of the Constitution provides for free and compulsory basic education for children. Article 75 states that every citizen and permanent resident has a right to basic, state-funded and further education. The Government must take reasonable legislative and other measures to enforce this provision ‘within the limits of available resources.’ The Ministry of Education, Sports, Arts and Culture and the Ministry of Higher and Tertiary Education have portfolio responsibility for education in Zimbabwe.

2.20 In practice, primary education in Zimbabwe is neither free nor universal. According to the Zimbabwe Peace Project, primary school fees are prohibitively expensive for many (approximately USD 20 per term) and access is problematic in remote areas, with some children walking as far as 20km to get to school. School attendance is slightly higher in urban than rural areas, although reported attendance rates vary depending on the source. A 2012 Demographic Health Survey (DHS) found that 94 per cent of female and 90 per cent of male children between the ages of 10 and 14 attended primary school, while only 52 per cent of girls and 64 per cent of boys aged 17 and over attended secondary school. Conversely, Freedom House reported in 2015 that one-third of girls did not attend primary school and two-thirds did not attend secondary school due to poverty, abuse, and discriminatory cultural practices. Attendance rates also vary between communities. For example, some apostolic religious groups do not believe in educating girls beyond the most basic level.

2.21 In addition to state schools, there are private religious schools and universities throughout Zimbabwe. Approximately one-third of all schools are Christian. Islamic, Hindu and Jewish primary and secondary schools also exist in major urban centres such as Harare and Bulawayo. Most religious schools admit students from different faiths.

## Political System

2.22 Zimbabwe is a unitary republic comprising ten provinces (Harare, Bulawayo, Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo, Matabeleland North and Matabeleland South and Midlands). Zimbabwe has a bicameral legislature. There are 270 seats in the lower house, the House of Assembly, with 210 members elected on a first-past-the-post basis and 60 female members elected through proportional representation. The 80-seat Senate includes six members from each of Zimbabwe’s provinces elected through proportional representation, and 20 appointments, including of 18 traditional leaders and two members representing the disabled. Members in both houses serve five-year terms.

2.23 Zimbabwe’s President is the Head of State and Commander in Chief of the Defence Forces. The President is elected directly by majority popular vote along with two Vice Presidential running mates. The Constitution also enables the appointment of a Vice President if one is removed from office under certain circumstances.

2.24 Article 3 and chapters 5, 6 and 8 of the Constitution broadly provide for the separation of powers in Zimbabwe, although this is complicated by article 116, which provides that the legislature comprises Parliament and the President. The Constitution also establishes limited parliamentary accountability mechanisms. In many respects, the executive controls the other branches of government.

## Human Rights Framework

2.25 Zimbabwe has ratified a number of international conventions, key provisions of which are enshrined in articles 48-84 of the Constitution. Although Zimbabwe has not ratified the *Convention Against Torture* or the *International Convention for the Protection of All Persons Against Enforced Disappearance*, articles 48-53 of the Constitution guarantee the rights to life, personal liberty, human dignity, personal security and freedom from torture and cruel, inhuman or degrading treatment or punishment.

2.26 Approximately 400 domestic laws are inconsistent with the Constitution. These include the *Access to Information of Privacy Act (AIPPA)* and the *Public Order and Security Act (POSA)*, which restrict media freedom and limit the rights to freedom of expression and association guaranteed in the Constitution. At the time of writing, Zimbabwe's Parliament is considering the *General Laws Amendment Bill*, which seeks to align 126 statutes with the Constitution. However, the Bill is largely procedural and will not introduce the substantive changes required to bring these Acts – including the AIPPA and POSA – into conformity with the Constitution. In the absence of meaningful change in this regard, civil society organisations continue to bring public interest proceedings under articles 166 and 167 of the Constitution. On 27 July 2015, a Zimbabwean magistrate ordered the release of three civil society activists – arrested for contravening the POSA – who were detained for longer than the constitutionally-prescribed 48-hour remand period.

2.27 The Constitution provides for the establishment of five independent commissions to 'support and entrench human rights and democracy'. These are the Zimbabwe Human Rights Commission (ZHRC); the Zimbabwe Electoral Commission (ZEC); the Zimbabwe Gender Commission (ZGC); the Zimbabwe Media Commission (ZMC); and the National Peace and Reconciliation Commission (NPRC). As of April 2016, these commissions were either non-existent or chronically underfunded.

## Security Situation

2.28 Since achieving independence in 1980, Zimbabwe has experienced a range of traditional and non-traditional security challenges. From 1982-1987, state security forces waged a low-intensity military campaign against ZAPU in Matabeleland North, Matabeleland South and Midlands provinces. The violence was worst in Matabeleland, where the state-sponsored (North Korean-trained) Fifth Brigade is estimated by historians to have killed more than 20,000 Ndebele civilians in the *Gukurahundi* massacres. These hostilities ended with a political settlement between the predominantly Shona ZANU and the predominantly Ndebele ZAPU, with the groups merging to form the ZANU-PF. Over the same period, South African-sponsored Renamo rebels fighting the Government of Mozambique periodically attacked Zimbabwean citizens and government installations on the country's eastern border.

2.29 The security situation was fairly stable in the 1990s, though it deteriorated in the late 1990s with food riots, veteran protests and the start of farm invasions. From the late 1990s onwards, state security forces became increasingly publicly aligned with ZANU-PF – a response to the MDC's growing popular support. This led to the implementation in 2005 of *Operation Murambatsvina* ('Drive Out Trash'), a police operation which saw the forced displacement of thousands of Zimbabweans under the pretence of preventing the emergence of slums in Harare and other urban areas. The operation is widely believed to have been politically-targetted and disproportionately affected MDC supporters.

2.30 Open political violence peaked during the presidential election run-off in 2008 and its aftermath, with state security forces and ZANU-PF sympathisers reportedly killing up to 300 people; beating and torturing approximately 5,000; and forcibly displacing around 36,000. The partisan stance of security forces remains a key feature of political life in Zimbabwe (see 'Political Violence' below).

2.31 The security situation in Zimbabwe is otherwise fairly benign. There are no known insurgent or rebel groups and there are no significant security threats in the country's border regions despite the porous nature of these borders.

# 3. Refugee Convention Claims

## Race/Nationality

3.1 Article 56 of the Constitution prohibits discrimination based on nationality, race, colour, tribe, place of birth, ethnic or social origin, custom or culture. Article 63 provides that 'Every person has the right to use the language of their choice, and to participate in the cultural life of their choice.' Despite these protections, however, ethnicity is a potential source of tension in Zimbabwe and an important aspect of political life. The country continues to suffer from the legacy of the colonial period, which affects relations between white and black Zimbabweans; voting patterns continue to reflect ethnic and racial affiliation; and there is evidence of inter-ethnic favouritism and marginalisation.

## Ndebele

3.2 The Ndebele are a Bantu-speaking ethnic group dispersed across southern Africa. There are approximately 1.82 million Ndebele in Zimbabwe, mostly in the Matabeleland and Midlands provinces. Bulawayo is also majority Ndebele. The Ndebele migrated to these areas from South Africa in the mid-18<sup>th</sup> century. Although the Ndebele are not physically different from Shona-speaking Zimbabweans, they are distinguishable because of their linguistic differences and use of Ndebele names.

3.3 The Shona people and the Ndebele have a long history of animosity, with records of inter-ethnic violence pre-dating the colonial period. This violence peaked in 1982-1987 (see 'Security Situation' above). The cessation of hostilities in 1987 brought an end to this open violence, with ZANU and ZAPU forming a political alliance under ZANU-PF.

3.4 The Ndebele are represented at all levels of society in Zimbabwe. Prominent Ndebele figures have included several Vice Presidents, Ministers and key opposition figures. There is generally a substantial degree of close contact between the Ndebele and Shona, and intermarriages are relatively common.

3.5 However, credible human rights organisations and prominent Ndebele leaders have told DFAT that Shona-speakers from Mashonaland occupy most senior political appointments in the Matabeleland provinces and Bulawayo; that these political appointees demonstrate bias in their selection of service providers from Mashonaland for infrastructure projects within Matabeleland; and that there are proportionately fewer ethnic Ndebele than native Shona speakers in the Zimbabwe Republic Police (ZRP). DFAT understands the concentration of development in Harare and continuing impunity of those responsible for the *Gukurahundi* massacres are ongoing sources of resentment for the Ndebele community.

3.6 Overall, DFAT assesses there is a moderate level of official discrimination against the Ndebele in Matabeleland and minimal official and societal discrimination against the Ndebele elsewhere in Zimbabwe.

## White Zimbabweans

3.7 According to the 2012 census, there were 28,732 white Zimbabweans, although this number may be an underestimation given some white Zimbabweans are believed to have classified themselves as 'African'. This represents a dramatic decline from the 296,000-strong white population recorded in 1975. Many white people emigrated to Australia, New Zealand, the United Kingdom, and other countries in Africa – particularly South Africa. Zimbabwe's remaining white population mostly lives in Harare or Bulawayo.

3.8 White Zimbabweans are mostly of British descent, with smaller groups of Afrikaans, Jews, Greeks and Portuguese. White Zimbabweans mostly work in the private sector. White small business owners (with the notable exception of farmers) do not generally tend to suffer more discrimination than other owners of small and medium enterprises.

3.9 Many white Zimbabweans have played a key role in Zimbabwean politics. They served as members of Parliament, including ministers, under the Government of National Unity (GNU). During this period, there was evidence of official discrimination against white politicians because of their perceived support for opposition parties.

3.10 The Government deliberately discriminates against commercial farmers through its land redistribution and indigenisation policies. This has significantly impacted on a large proportion of Zimbabwe's commercial farmers, the majority of whom were white. President Mugabe has regularly called for the removal of white farmers since 2000. On 28 February 2015, he threatened to 'invade' the 300 remaining white-owned farms and animal sanctuaries. As of early 2016, a number of these farmers had been removed or faced a threat of imminent removal. From 2000-2015, the Government seized control of over 4,000 farms in Zimbabwe – the vast majority of which were white-owned, comprising approximately 93 per cent of white Zimbabweans' total agricultural landholdings. Although the 2013 Constitution provides for compulsory acquisition of agricultural land for 'public purposes,' the Government has redistributed most of this land to private black landholders, often favouring the ZANU-PF elite. Despite article 72(3) of the Constitution, which allows for compensation for improvements made before acquisition, few dispossessed farmers have received any compensation.

3.11 These redistribution policies are ideologically and politically motivated. ZANU-PF deliberately targeted and undermined white farmers' property rights from 1997 in order to reduce their influence over the rural workforce (which in the late 1990s accounted for approximately 30 per cent of the total labour force and tended to be MDC supporters). Authorities have also targeted black farmers for political ends. In 2015, authorities barricaded black and white farmers; seized their land or crops; and prosecuted them for farming without approval.

3.12 The *Indigenisation and Economic Empowerment Act* limits the commercial space for white Zimbabweans, providing that black Zimbabweans must own 51 per cent of shares in all companies operating in the country. In practical terms, however, the Government enforces these provisions inconsistently. No businesses transferred ownership under the Act in 2014.

3.13 DFAT assesses there is a high level of official discrimination against white farmers and a low level of official discrimination against white business owners.

## Religion

3.14 The Constitution prohibits discrimination on the basis of religious belief. DFAT assesses that discrimination on the basis of religion is rare, although government authorities have targeted religious groups for political and other reasons. ZANU-PF has periodically sought to create pro-Government leaderships within some church groups, including the Catholic, Apostolic and Anglican churches. The authorities and ZANU-PF supporters have also occasionally targeted members of the Apostolic community, including by closing down and allegedly destroying an Apostolic church in Harare as well as the homes of several Apostolic leaders in Gomo.

## Political Opinion (Actual or Imputed)

3.15 The political environment in Zimbabwe remains repressive despite the country experiencing a period of relative calm since general elections in July 2013. This calm is largely attributable to the pervasive threat of the state security apparatus, and to the lack of strong political opposition because key opposition groups have splintered. However, the state-sponsored security apparatus remains intact and continues to harass and intimidate civil society organisations, activists and opposition party members.

## Attacks or restrictions on Government opponents, critics and civil society activists

3.16 The Constitution and the *Electoral Act 2004* establish citizens' rights to make political choices freely; form, join and participate in the activities of political parties and organisations; and participate in peaceful political activities, including campaigns and other gatherings. The Constitution also guarantees rights to freedom of assembly and association, and to demonstrate and petition.

3.17 A number of legislative provisions and security sector activities constrain these rights. Under the *Public Order and Security Act* (POSA), a person organising a public gathering must provide advance notice to the Zimbabwe Republic Police (ZRP). Failure to do so may result in civil or criminal sanctions, including

imprisonment. The ZRP may regulate public gatherings to prevent disorder, breaches of the peace, or obstructions of thoroughfares. ZRP personnel have used this law to prevent public gatherings perceived to be contrary to government interests. For example, the ZRP rejected an MDC-T application to demonstrate against youth unemployment on 5 May 2015 in Gweru, Midlands province.

3.18 Election management processes continue to operate as a barrier to free and fair elections. As of November 2015, the Zimbabwe Election Commission (ZEC) still lacked full and independent control of the voters' roll, which remained a management function of the Registrar-General. A key problem in the past has been the ZEC's failure to provide a copy of the voters' roll to opposition parties. At the time of writing, the voting list remains outdated, containing duplicate names or the names of deceased persons. Opposition parties and electoral observers have criticised these electoral deficiencies.

## Politically motivated violence

3.19 The level of politically motivated violence in Zimbabwe has declined significantly since 2008 as a result of the stabilising effect of the GNU; a deliberate change in tactics by ZANU-PF; and the MDC-T's loss in the 2013 elections, which fractured and severely weakened the country's main opposition party. But levels of politically motivated violence fluctuate and appear to have increased in 2015.

3.20 The MDC-T has splintered twice since 2005 and boycotted every by-election in 2015. In this context, the state-sponsored security apparatus has shifted its focus from overt physical violence to more subtle forms of intimidation. These new tactics include manipulating courts; vote rigging; intimidating journalists and civil society activists; manipulating the distribution of food and agricultural products in rural areas; and using land distribution and housing destructions to establish political and electoral influence.

3.21 According to the Zimbabwe Human Rights NGO Forum, there were 1,606 cases of harassment and intimidation in 2015, with more incidents in the lead-up to by-elections in June and September. The perpetrators were mostly ZANU-PF supporters targeting white farmers, MDC-T and MDC-N members, and ZANU-PF members perceived to be aligned with former Vice President Joice Mujuru. On 9 June 2015, ZANU-PF supporters threatened to kill and forcibly displace a 36 year old man in Karoi for supporting former ZANU-PF member, Themba Mliswa; on 13 July 2015, the Harare City Council demolished 11 'illegal' houses belonging to MDC-T supporters in Glen Norah, Harare; and on 15 September 2015, seven MDC-T Members of Parliament received death threats on their mobile phones warning them not to 'heckle' President Mugabe. This has continued in 2016, with 140 reported cases of harassment and intimidation in January alone.

3.22 Credible sources have told DFAT that inter-party harassment and intimidation currently largely targets low-profile opposition party members and supporters and is most prominent in Mashonaland province. In rural areas, ZANU-PF uses its patronage network of village chiefs to manipulate the distribution of government-funded food and agricultural products. There are regular and credible reports of ZANU-PF distributing these goods at party meetings or requiring recipients to possess ZANU-PF identity cards. This has occurred throughout Zimbabwe, particularly in Mashvingo province and areas where there is perceived support for opposition parties, including Matabeleland and Midlands provinces. On 21 November 2015, village leaders and a ZANU-PF ward chairperson in Bindura North distributed fertilizer exclusively to those who attended ZANU-PF meetings. This form of harassment reportedly increases during election periods.

3.23 In urban and peri-urban areas, government authorities have demolished so-called 'illegal' households in order to dilute political opposition in high density suburbs. This constitutes a significant form of harassment of 'ordinary' people in Zimbabwe, and is most prominent in Mashonaland Central and high density areas in Harare (see also 'Zimbabwe Republic Police' below).

3.24 Despite this change in tactics, physical violence – and the threat thereof – remains a feature of the political landscape in Zimbabwe. Inter-party violence is most common during election periods and political rallies – particularly those perceived to be contrary to ZANU-PF interests. On 1 November 2015, MDC-T supporters and ZANU-PF youths clashed in Hopley, South Harare, destroying a number of homes and businesses in the area despite the reported presence of ZRP personnel. Official rhetoric also highlights the on-going threat of violence from the state-sponsored security apparatus. On 29 September 2015, Zimbabwe's National Army Director for Civil-Military Relations, Colonel Charles Matema, publically announced that the Zimbabwe Defence Force (ZDF) was prepared to 'eliminate' insurgent threats, highlighting the 2007 'attempt by the MDC to topple' President Mugabe as an example of such a threat.

3.25 Intra-party violence affects ZANU-PF and the MDC-T, which have both suffered from heightened levels of infighting and factionalism since the 2013 elections. On 15 February 2014, MDC-T party youths assaulted then MDC-T Secretary-General, Tendai Biti, and Deputy Treasurer-General, Elton Mangoma, for

challenging the leadership of MDC-T President, Morgan Tsvangirai; on 14 November 2015, two ZANU-PF officials died in a politically-motivated axe attack in Chitungwiza, Harare; and on 30 January 2016, ZANU-PF members clashed during a party meeting in Glen View, Harare.

### Movement for Democratic Change-Tsvangirai

3.26 The MDC-T remains the main opposition party in Zimbabwe despite suffering two significant splits since 2005 (the MDC-Ncube broke away from the MDC-T in 2005 and MDC-Renewal separated from the MDC-T in 2014-15). Headquartered in Harare, the MDC-T has offices in most major population centres in Zimbabwe. MDC-T membership is strongest in Harare, Bulawayo, and the Matabeleland North and South provinces. Party recruitment occurs at the branch level.

3.27 Credible sources have told DFAT that MDC-T members are subject to a greater level of official discrimination than members of other opposition parties because of the MDC-T's status as the country's main opposition party. This affects senior and low-level party members. On 8 October 2015, the ZRP arrested an MDC-T supporter for publically criticising President Mugabe for reading the wrong speech during the State of the Nation Address in Parliament in August; and on 8 November 2015, the ZRP arrested a MDC-T MP, Eric Murai, and 16 party supporters for holding an unlawful public gathering. Harassment of senior MDC-T party members currently mostly takes the form of legal proceedings targeting their economic interests, such as court proceedings against party Secretary-General Mwonzora.

3.28 MDC-T members are subjected to occasional violence, mostly from ZANU-PF youths and supporters. The situation in 2016 therefore contrasts with practices in earlier years, when senior members were at greater risk of physical violence. In March 2007, ZRP personnel arrested and assaulted MDC-T leader, Morgan Tsvangirai, in Harare for attempting to attend a prayer meeting authorities had deemed to be an illegal gathering.

3.29 DFAT assesses that all MDC-T members face a moderate level of official discrimination throughout Zimbabwe. MDC-T members and their families also suffer indirectly from the government's partisan distribution of food and agricultural products, as well as its demolition of illegal households. MDC-T members face a moderate threat of violence from ZANU-PF supporters.

### People First

3.30 In September 2015, the former ZANU-PF member and Vice President, Joice Mujuru, released the manifesto (called the 'Blueprint to Unlock Investment and Leverage for Development') for a new opposition party – People First. The party itself would largely be comprised of former-ZANU-PF members, including many purged from the party during 2014 and 2015. Joice Mujuru established People First on 11 February 2016.

3.31 ZANU-PF supporters allegedly abducted and violently assaulted six People First supporters in Chitungwiza in December 2015. DFAT assesses that supporters of People First face a moderate risk of violence from ZANU-PF supporters and a moderate level of official discrimination because of the party's potentially wide support base.

### Movement for Democratic Change-Renewal (MDC-Renewal), Renewal Democrats Zimbabwe (RDZ) and People's Democratic Party (PDP)

3.32 MDC-Renewal formed on 26 April 2014 as a breakaway faction from the MDC-T. Led by the former MDC-T Secretary General, Tendai Biti, and the former MDC-T Deputy Treasurer-General, Elton Mangoma, MDC-Renewal formed a coalition with the MDC-Ncube under the United Movement for Democratic Change (UMDC) on 1 March 2015. But the UMDC swiftly splintered on 24 March 2015 because of ideological differences between the groups' leaders.

3.33 MDC-Renewal split on 3 June 2015, with Elton Mangoma leaving the party to form and lead the Renewal Democrats of Zimbabwe (RDZ). On 10 September 2015, Tendai Biti established the People's Democratic Party (PDP) to replace MDC-Renewal. The PDP has described itself as a social democratic party committed to a broad range of socioeconomic and electoral reforms.

3.34 DFAT assesses that the PDP and RDZ face a low risk of official discrimination because they do not presently pose a significant threat to ZANU-PF. However, like all opposition parties, the PDP and RDZ are subjected to official discrimination in the form of restrictions on their freedom of expression and assembly.

## Movement for Democratic Change – Ncube (MDC-N)

3.35 The MDC-N is one of two parties to emerge from the Movement for Democratic Change (MDC) following the MDC's split in 2005 (the other party was the Movement for Democratic Change-Tsvangirai). Led by Welshman Ncube, the MDC-N's power base is in Bulawayo. The MDC-N has become a fractured and marginalised political force since the July 2013 elections, where it gained one parliamentary seat based on proportional representation of women and its leader, Welshman Ncube, received only 2.68 per cent of the Presidential vote.

3.36 Credible sources have told DFAT that Zimbabwean authorities occasionally arrest MDC-N members but generally regard the MDC-N as a defeated political force. DFAT assesses that MDC-N members are subject to a low level of official discrimination because they do not presently pose a significant threat to ZANU-PF.

## Other Opposition Parties

3.37 The National Constitutional Assembly (NCA) formed in March 2014 as a coalition between the NCA and the Movement for Democratic Change 99 (MDC-99). The NCA emerged as a political party in September 2013, advocating for constitutional and land law reform. MDC-99 formed in 2010 as a breakaway faction from MDC-N.

3.38 As with the PDP and RDZ, DFAT assesses that these opposition parties presently face a low level of official discrimination because they do not presently pose a significant threat to ZANU-PF, but are subjected to the same restrictions on their freedom of expression and assembly.

## Groups of Interest

### Civil Society Organisations

3.39 Although Zimbabwe has an active civil society sector, NGOs are subject to a range of legal restrictions under the POSA, AIPPA, *Criminal Law (Codification and Reform) Act* (CLCRA) and *Private Voluntary Organisations Act* ('PVO Act'). According to Zimbabwe Lawyers for Human Rights, police arrested 1,390 female human rights defenders between March 2013 and March 2015 for staging street protests or advocating for political and socioeconomic reform. Authorities have also used state-controlled media organisations to undermine NGOs which criticise government policies. On 8 August 2015, *The Herald* published an article claiming that Western countries are using NGOs to 'impose puppet governments in Africa.' On 16 October 2015, Zimbabwe's First Lady, Grace Mugabe, publically accused NGOs of being involved in 'sinister' activities.

3.40 Under the PVO Act, NGOs must register with the Registrar and PVO Board. Credible sources have told DFAT that registration procedures are complex, lengthy and partisan, with the PVO Board often giving vague reasons for rejecting applications. Penalties for operating an unregistered organisation include fines and imprisonment. The Act also allows authorities to suspend the activities of NGOs or inspect 'any aspect of their affairs or activities.'

3.41 The type and level of harassment and intimidation of CSOs, activists and human rights lawyers has changed since 2008. Earlier, individuals at all levels were more likely to experience harassment, arbitrary arrest and enforced disappearance. While this has declined, the National Prosecution Authority has brought legal proceedings against all major CSOs in Zimbabwe, and regularly prosecutes individual human rights lawyers for contempt of court and obstruction of justice. Human rights organisations have told DFAT that since 2013 authorities have mostly targeted high-profile human rights advocates through surveillance, arrests and spurious legal proceedings. ZRP personnel assaulted and detained the leaders of the October 2014 'Occupy Africa Unity Square' movement in Harare. The disappearance in March 2015 of Occupy Africa Unity Square leader, Itai Dzamara, is significant given Dzamara's vehemently anti-Mugabe stance during the protests (see 'Enforced or Involuntary Disappearances' below).

3.42 The Government has also harassed and intimidated prominent members of vendors' advocacy groups, which have become increasingly vocal in their attacks on the Government for failing to follow through election promises to create millions of new jobs. On 12 July 2015, Municipal Police arrested the Director, Chairperson and other members of the National Vendors Union Zimbabwe (NAVUZ) in Harare for allegedly defying a Government directive to vacate land they were using for 'illegal' markets.

3.43 DFAT assesses prominent human rights activists are subject to a high level of official discrimination. High profile members of vendor advocacy groups face a moderate level of official discrimination. These individuals are regularly arrested and subjected to spurious legal proceedings.

## Media

3.44 Zimbabwe's media environment is oppressive. Reporters Without Borders ranked Zimbabwe 131 out of 179 countries in its 2015 *Press Freedom Index*. Although article 61 of the Constitution provides for freedom of expression and the media, a number of laws constrain these rights. The *Access to Information and Privacy Act* provides for the registration and regulation of journalists and media organisations. Unlicensed journalists are liable to criminal charges punishable by up to two years in prison. The POSA, the *Official Secrets Act* and the *Criminal Law (Codification and Reform) Act* limit what journalists may publish and prescribe harsh penalties for violators, including imprisonment for up to 20 years. On 19 June 2014, police charged the editor of the state-owned *Sunday Mail* with insurgency and terrorism in his alleged role as an administrator for the online government critic, *Baba Jukwa*; and on 6 January 2016, authorities arrested two *NewsDay* journalists for their role in publishing an article about the Central Intelligence Organisation. However, DFAT understands that there has been an overall decline in the number of arrests of journalists in the past few years.

3.45 Radio is the primary source of information in Zimbabwe – particularly in rural areas – with most of the population unable to afford satellite television or, increasingly, print media publications. The state-owned Zimbabwe Broadcasting Corporation (ZBC) and the *New Ziana* news agency, which is also state-owned, continue to dominate broadcast media. Since 2001, the Broadcasting Authority of Zimbabwe (BAZ) has granted only ten broadcasting licenses, most of which went to government-linked figures. All of the recipient companies are either government-owned or have close links to ZANU-PF. At least 28 community radio initiatives are awaiting licenses. Authorities also closely monitor radio broadcasting, particularly during elections. During the constitutional referendum in 2013, the government banned radios capable of receiving on every frequency. Despite these restrictions, informal and unlicensed community radio stations provide an important and independent source of information. The Bulawayo-based *Radio Dialogue* has a listenership of approximately 1.5 million Zimbabweans.

3.46 The Information Ministry controls the main pro-government dailies (the Harare-based *Herald* and *H-Metro*, and the Bulawayo-based *Chronicle* and *B-Metro*) and the government exerts significant pressure on the private press (such as *NewsDay* and the *Daily News*). On 16 September 2015, President Mugabe accused the independent media of declining standards and threatened to tighten the country's media laws. He was responding to media coverage of plans by the former Vice-President, Joice Mujuru, to launch a new political party.

3.47 DFAT assesses that journalists who criticise the government face a moderate risk of arrest and subjection to legal proceedings.

## Women and Girls

3.48 The Constitution provides for the full participation and equal representation of women in all spheres of society, as well as equal access to resources. It also prohibits discrimination on the basis of sex, gender, marital status, pregnancy or culture. Section 124 of the Constitution provides for an additional 60 National Assembly seats reserved for women on a proportional representation basis for the first two terms of Parliament (i.e. until 2023).

3.49 Women have served as ministers in the national and local governments. According to the US State Department, however, women remain under-represented at the national, provincial and local levels of government; men hold most senior positions in the public sector; and less than one-third of Supreme Court and High Court judges are women. There are only 38 women directly elected to the National Assembly and 36 elected to the Senate.

3.50 Although the CLCRA and the *Domestic Violence Act* criminalise rape and domestic violence, societal discrimination and domestic violence persist, and sexual abuse is widespread. A 2013 Gender Links survey found that 33 per cent of Zimbabwean women have experienced physical intimate partner violence (IPV) and 22 per cent sexual IPV. Over 1,000 women registered domestic violence cases at a single women's rights centre in Harare every month from January – November 2015.

3.51 Prominent women's rights organisations attribute a rise in the level of domestic violence throughout the country to Zimbabwe's ongoing economic decline. Other causal factors include dowry payments, which

give men a sense of ownership over their wives; cultural factors, including broad societal acceptance of domestic violence; and neglect by authorities, which treat domestic violence as a 'private matter' and are often 'bought off' by the perpetrators. Many women who experience domestic violence remain in abusive relationships because they are financially dependent on their husbands. Single and divorced women are also stigmatised. Single female MPs have been told to sit down in Parliament because of their marital status, or mocked as recipients of Constitution-based positive discrimination.

3.52 A 2012 report by the Msasa Project found that one in three girls in Zimbabwe are raped before they reach the age of 18. In a public statement, the then Minister for Women's Affairs, Oppah Muchinguri, said there were 4,379 reports of rape from June to October 2014. The number of rapes reportedly increases during elections, although there have been no reports of politically motivated rape of women since national elections in 2008. Despite media coverage of high profile rape cases, prosecutions and convictions are rare. Although under-resourced, two adult rape clinics in Harare and Mutare receive referrals from police and non-government organisations; administer HIV tests; and provide medication to prevent infection, diseases and pregnancy.

3.53 There is no evidence to indicate gender-based violence (GBV) in Zimbabwe is racialised. DFAT understands that before the 2013 elections, women who were politically active or related to men who were politically active were subjected to higher levels of GBV. This was most prominent in Manicaland and Masvingo provinces.

3.54 The Constitution states that 'no person may be compelled to enter into marriage against their will' and provides that spouses have equal rights in relation to marriage and divorce. The *Domestic Violence Act 2007* prohibits forced wife inheritance. Credible sources have told DFAT that there are fewer reports of forced wife inheritance in rural areas where this may once have been acceptable, but that there is a lack of reliable statistical data which makes it difficult to conduct accurate trend analysis. These sources attributed this decline to the activities of women's rights groups in raising awareness about forced wife inheritance and helping women to enforce their rights; changes in society, with village leaders having spoken out against the practice; and general concerns about HIV/AIDS. They also noted that inheritance laws require women to be married in order to inherit property, which might encourage women to accept a forced marriage.

3.55 On 20 January 2016, the Constitutional Court outlawed child marriages in Zimbabwe, ruling that section 22(1) of the Marriages Act was unconstitutional. This decision means that no male or female may enter into any type of marriage before the age of 18. According to Freedom House, approximately one-third of girls are married before the age of 18 and five per cent before the age of 15. Credible sources have told DFAT that forced child marriage predominantly affects girls in religious sects such as the Apostolic community. Dowry payments are a key motivating factor for the families involved, as is general awareness of the lack of economic and other opportunities for women and girls. These marriages are most prominent in Mashonaland Central, Manicaland and Masvingo provinces, although they also occur in urban areas. Prominent religious leaders have spoken out against forced child marriage and the authorities have pushed to institute legal proceedings against alleged perpetrators, although few cases have been pursued to date.

3.56 The *Immovable Property (Prevention of Discrimination) Act* prohibits discrimination in the sale, lease or disposal of immovable property. In practice, however, few women in Zimbabwe own property because of rigid patriarchal customary practices. Less than 20 per cent of female farmers are official landowners or have their names on government lease agreements.

3.57 DFAT assesses that women face a moderate level of official discrimination given their limited access to senior bureaucratic and other official posts, and the ineffectiveness of state protection for women subjected to IPV and GBV. Women face a moderate level of societal discrimination because of broad societal tolerance of sexual and other violence against women.

## Sexual Orientation and Gender Identity

3.58 While the Constitution guarantees rights to non-discrimination, privacy, and freedom of expression, thought and association, ZANU-PF firmly opposed the inclusion of constitutional rights for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons. The Constitution specifically prohibits same sex marriage. Section 73 of the *Criminal Law Act* criminalises homosexuality, which the Act refers to as 'sodomy.' Those found guilty of sodomy are liable to a fine, imprisonment for up to one year, or both.

3.59 In practice, prosecutions of consensual same-sex sexual conduct are rare. The authorities more commonly harass LGBTI persons using loitering, indecency and public order statutes, although violations are under-reported because of the stigma attached to the LGBTI community. In 2014, Gays and Lesbians Zimbabwe (GALZ) reported 41 cases of arbitrary arrest, violence, harassment, unfair dismissal and forcible

displacement involving LGBTI persons. On 21 December 2014, armed men attacked 35 people at a party at which homosexuals were present in Harare. A civil servant who attended the party was subsequently dismissed from his job. In September 2015, the employee successfully challenged his dismissal, although he has not yet been reinstated to his previous role.

3.60 Official rhetoric on homosexuality is strongly homophobic. On 28 September 2015, President Mugabe rejected calls from the UN to implement gay rights in Zimbabwe, saying 'We (Zimbabweans) are not gays.' Mugabe has previously described homosexuals as 'worse than pigs and dogs.' Allegations of homosexuality are commonly used to sully the personal or professional reputations of business or political rivals, particularly men. On 18 October 2015, a ZANU-PF MP brought defamation proceedings against a ZANU-PF member aligned with a different party faction for allegedly calling him gay. Lesbians, bisexuals and transsexuals are also stigmatised.

3.61 This official rhetoric limits people's ability to openly express their homosexuality. LGBTI persons generally do not openly express their sexuality or identity in their workplaces, or within their families. DFAT understands that more privileged LGBTI persons are possibly able to be more open about their sexual orientation and identities, but still only within their like-minded social circles. Deeply embedded, traditional cultural (and religious) factors also inhibit the free expression of sexuality in any form, whether an individual identifies as homosexual, heterosexual or otherwise. The authorities are more sympathetic towards intersex persons; intersex issues have been covered in the media and are generally treated as medical rather than identity issues.

3.62 DFAT assesses that there is a high level of official discrimination and a moderate degree of societal discrimination against LGBTI persons in Zimbabwe. Reported cases of violence against LGBTI persons are infrequent and do not appear to follow a set pattern of victimisation.

## Teachers

3.63 There are approximately 140,000 teachers in Zimbabwe. This represents a significant increase from the 30,000-40,000 recorded in 1980. Teachers in Zimbabwe have historically been well-regarded and predominantly middle-class. Since 2000, however, the ruling party has discriminated against teachers because of their actual or perceived support for opposition parties. These perceptions have reportedly emerged because schools have been used to hold political meetings during election periods and because teachers appointed as electoral officers reported cases involving ZANU-PF electoral fraud during national elections from 2000-2008.

3.64 There has been a significant reduction in the level of official discrimination against teachers since 2008. This discrimination has also changed from overt violence (no teachers have been killed since 2008) to other forms of harassment and intimidation. The authorities reportedly removed several teachers from their positions during the 2013 elections; and police allegedly arrested and assaulted three members of the Rural Teachers Union of Zimbabwe on 4 January 2016. Credible sources have told DFAT this harassment and intimidation is most prominent in Mashonaland East, West and Central, Masvingo, and Manicaland provinces.

3.65 DFAT assesses that teachers are subject to a low level of official discrimination. Harassment and intimidation of teachers increase during election periods.

## 4. Complementary Protection Claims

### Arbitrary Deprivation of Life

#### Extra-Judicial Killings

4.1 There has been a substantial reduction in the number of extrajudicial killings since 2012. This is consistent with the downward trend in politically motivated violence in Zimbabwe since 2008, particularly following the 2013 elections. According to the US State Department, there was one reported extrajudicial killing in 2014 and none in 2013, compared with eight in 2012. The perpetrators of these killings have reportedly included ZRP and ZDF personnel, as well as ZANU-PF supporters. The victims have been opposition party members (in 2012) and criminal suspects (2012 and 2014).

#### Enforced or Involuntary Disappearances

4.2 The 2013 Constitution guarantees the rights to life, human dignity, personal liberty and security, and the right to a fair trial. Although there has been a decline in the number of enforced or involuntary disappearances since 2008, there are ongoing and credible reports of politically-motivated abductions in Zimbabwe. From January-September 2015, there were two widely reported enforced or involuntary disappearances. On 31 January 2015, ZANU-PF supporters reportedly abducted (but later released) Tendai Maritimi in Kumbudzi. On 9 March 2015, unidentified men abducted a pro-democracy activist and leader of the October 2014 Occupy Africa Unity Square protests, Itai Dzamara. Police and ZANU-PF supporters assaulted Dzamara on several occasions prior to his abduction, which occurred two days after Dzamara addressed an MDC-T political rally calling for mass protests against worsening repression and economic decline. Mr Dzamara's whereabouts remain unknown.

#### Deaths in Custody

4.3 According to the US State Department, there have been no new deaths in police custody since the 2012 killing of Blessing Matanda, who was shot and killed while being held on remand for suspected theft. On 13 March 2015, three inmates in Harare's maximum security prison died during a riot over the continuing lack of food and other services.

#### Death Penalty

4.4 The Constitution limits the death penalty to cases of aggravated murder committed by men aged between 21 and 70. At the time of writing, the Government is planning to amend the Criminal Procedure and Evidence Act and Criminal Law Code to align them with the Constitution. While there have been no executions in Zimbabwe since July 2005, 95 people were on death row as of 22 July 2015.

#### Torture and Cruel, Inhuman or Degrading Treatment or Punishment

4.5 Article 53 of the Constitution provides that 'no person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.' However, Zimbabwe has yet to pass domestic legislation criminalising torture. There are regular credible reports of Zimbabwe's security forces using torture to intimidate, and obtain confessions from, suspects. According to the US State Department, 204 people sought treatment for injuries and trauma inflicted by security forces and ZANU-PF supporters from January-September 2014. From January-September 2015, the Zimbabwe Human Rights NGO Forum

reported a total of nine torture cases involving ZPF, ZDF, Central Intelligence Organisation and Zimbabwe Prison Service personnel. The victims included alleged criminals, MDC-T members, and people who participated in political protests against xenophobia and official corruption in Harare, Bulawayo and Matabeleland South. Credible sources have told DFAT that there has been a shift away from targeting political opponents in line with the broader decline in politically motivated violence.

### Arbitrary Arrest and Detention

4.6 Article 49 of the Constitution prohibits arbitrary arrest and detention. Article 50 protects the rights of arrested and detained persons. This includes the right to counsel, human dignity, pre-trial release, and protection from self-incrimination. Despite these protections, there were 22 cases of arbitrary arrest and detention reported from January-September 2015. On 13 January 2015, Chegutu police arrested three Church of Christ pastors and accused them of participating in MDC-T activities. Many detainees are held on remand for long periods because of delays in the court system.

# 5. Other Considerations

## State Protection

5.1 Political manipulation and corruption operate to constrain the rule of law in Zimbabwe. Although citizens have been able to enforce some constitutional rights, victims of abuse have few avenues for effective recourse against state perpetrators. There has been limited support and insufficient funding for constitutionally mandated human rights and democracy-supporting institutions, such as the Zimbabwe Human Rights Commission, the National Prosecuting Authority and the Legal Aid Directorate.

## Zimbabwe Republic Police (ZRP)

5.2 Article 207 of the Constitution and the *Police Act (1995)* provide for the establishment of the ZRP. Article 208 of the Constitution provides for the establishment of a Police Service Commission, which is to ensure ZRP personnel do not act in a partisan manner or violate the fundamental rights or freedoms of any person. The ZRP is mandated to preserve internal security, maintain law and order, and protect life and property. It falls under the Ministry of Home Affairs and is commanded by the ZRP Commissioner-General, who is appointed by the President.

5.3 Headquartered in Harare and organised provincially, estimates of the size of the ZRP, including reserves, range from 40,000-60,000, though there are no official figures. Specialist and support roles include the ZRP Law and Order Section (riot police); the Police Support Unit (a paramilitary branch); the Criminal Investigation Department; and the Police Internal Security and Intelligence unit. Numerous ZRP units suffer from inadequate training and chronic under-funding, which has resulted in equipment and personnel shortages. Corruption in the ZRP is likely to exist at all levels.

5.4 The ZRP serves as the entry point for any matter concerning the criminal justice system. ZRP personnel receive statements from complainants; investigate cases; apprehend suspects; compile 'dockets' (or briefs of evidence known as 'Form 242's'); and present suspects to court. ZRP officers have been seconded to courts as public prosecutors to help clear the backlog of cases. Some also have quasi-judicial roles, responsible for assessing bail applications in minor cases; accepting admissions of guilt on behalf of the court; warning accused persons for minor cases; and summoning witnesses to court.

5.5 Reliable sources inform DFAT that the ZRP is a highly partisan force. Top police commanders are appointed, and expected to support ZANU-PF; political affiliation can impact on the effectiveness of police investigations, particularly in cases involving criminal and political violence; and ZRP personnel regularly use the POSA to restrict freedom of assembly and expression in support of ZANU-PF interests. There are regular and credible reports of ZRP personnel using excessive force to disperse demonstrators and when making arrests. On 21 October 2015, ZRP personnel reportedly assaulted a MDC-T member, Tazviona Marima, at the Rusape Police Station; and on 22 October 2015, police in Harare assaulted and detained *NewsDay* reporter Tapiwa Zivira for allegedly filming ZRP raids on 'illegal' households in the capital.

5.6 Prosecutions in police brutality cases are rare, with the majority of investigations into past allegations of security force brutality still pending. Sentences upon conviction are also generally lenient. On 28 October 2015, a court in Harare ordered two ZRP officers to pay fines of \$100 each for brutally assaulting and permanently disabling a Harare man in May 2012.

5.7 ZRP roadblocks constitute another and more prevalent form of police harassment. These checkpoints are scattered throughout each city or town, and also on country roads. It is possible for a driver to encounter three or four roadblocks on even a relatively short drive in the city. Checkpoint personnel often demand payment of on-the-spot fines for alleged non-compliance with road rules, seeding corruption. The 2015-16 budget flagged an increase of these fines from around USD10-20 to USD100, which will provide even greater opportunities for corruption and place pressure on motorists.

## Informal Militias

5.8 The state-sponsored Zimbabwe National Liberation War Veterans Association (ZNLWVA) and the Youth Brigades are the country's main militia groups. Members of these groups were the 'shock troops' for farm invasions, assaults on farm labourers, and attacks on opposition party members during the 2000s, particularly in rural areas. The ZNLWVA comprises approximately 30,000 active and 10-15,000 inactive members. The Youth Brigades, also known as 'Green Bombers', were established as part of the National Youth Training Service in 2001. There are approximately 15,000 Green Bombers.

5.9 DFAT understands that these organisations remain intact and continue to form key elements of the state's control over the population. DFAT is aware of recent media reports which indicate that ZANU-PF is seeking to increase the size of the Youth Brigades. A number of militia groups are allegedly linked to key political players. Many of these groups are reported to include security personnel, and they have been widely used to protect individual and party political and economic interests.

## Judiciary

5.10 Article 164 of the Constitution provides for the independence of the judiciary and prohibits interference with the independent functioning of courts. The Supreme Court is Zimbabwe's final court of appeal, except in matters over which the Constitutional Court has jurisdiction. The Constitutional Court is the highest court in all constitutional matters. It has jurisdiction to advise on the constitutionality of proposed legislation; hear disputes relating to the election of the President and qualifications of the Vice President; and determine whether Parliament or the President has failed to fulfil a constitutional obligation.

5.11 Courts in Zimbabwe have been willing in some recent cases to uphold citizens' constitutional rights. On 22 July 2014, the Constitutional Court declared criminal defamation laws to be unconstitutional; on 6 August 2014, the Harare High Court held that a police ban on planned railway union demonstrations violated the Constitution; on 27 May 2015, the Constitutional Court found that police cannot arrest women for 'loitering;' and on 30 October 2015, the Constitutional Court threatened to arrest and imprison the country's chief prosecutor for refusing to allow an action against a ZANU-PF legislator accused of raping a child. High court judges have overturned the convictions of some opposition party members in magistrates' courts.

5.12 Despite these outcomes, political pressure continues to constrain judicial and prosecutorial independence. President Mugabe has unilaterally appointed judges to superior courts despite constitutional provisions requiring the President to make these appointments based on nominations by the Judicial Service Commission; prosecutors are known to deliberately delay cases involving ZANU-PF defendants; the state regularly proceeds 'by way of summons,' unnecessarily prolonging the threat of impending prosecution; the Constitutional Court is cautious when dealing with politically sensitive cases; and enforcement of court decisions is generally weak – particularly when these decisions concern the Executive. DFAT is aware of cases where courts have been unwilling to make a judgement based on the involvement of political personalities.

## Detention and Prison

5.13 The Constitution guarantees the fundamental rights of arrested and detained persons. These include the right to liberty and to the protection of the law, which includes the right to a fair trial within a reasonable period and the right to innocence until proven guilty, as well as freedom from torture or cruel, inhuman or degrading treatment or punishment. Zimbabwe's *Criminal Procedure and Evidence Act* further guarantees accused persons' basic rights while in police custody, regulating the conduct of police to ensure that they do not violate due legal process. Prisons in Zimbabwe have female-only sections. Although the *Prisons Act* does not provide for the establishment of separate detention places for children, children must be kept in separate holding cells from adults.

5.14 Despite these legal safeguards, prison conditions in Zimbabwe are generally very poor. Detention facilities suffer from overcrowding, poor sanitation, and food shortages – conditions which contribute to the spread of HIV, tuberculosis and other communicable diseases. In June 2014, the Constitutional Court held that the conditions in the Harare Central Detention Center violated prisoners' constitutional rights.

## Zimbabwe Human Rights Commission (ZHRC)

5.15 The government established the ZHRC in 2012 pursuant to the *Zimbabwe Human Rights Commission Act* and entrenched it in the 2013 Constitution (s242-244). Section 9 of the Act limits the

jurisdiction of the ZHRC to matters arising after 13 February 2009, although the Constitution states that the commission is to receive and consider complaints from the public and take such action 'as it considers appropriate,' as well as investigate the conduct of any authority or person alleged to have violated the human rights and freedoms of any person. The President is responsible for appointing Commissioners despite the legislative guarantees concerning the independence and impartiality of the ZHRC and its Commissioners. Under the Act, the ZHRC may receive funding from Parliament and donations, grants or loans from any individual, organisation or government. According to Human Rights Watch and International Crisis Group, however, the ZHRC remains seriously under-funded and under-staffed.

## Internal Relocation

5.16 The Constitution guarantees the right to freedom of movement and residence within Zimbabwe. Credible sources have told DFAT that internal relocation involving opposition party members was most prevalent in 2008, when up to 300 MDC members were killed, although there were some reports of political opponents relocating from the Mashonaland provinces during national elections in 2013. DFAT assesses that opposition party members who relocate within Zimbabwe would not be subjected to adverse attention solely because of their place of residence, including in Harare and Bulawayo. DFAT understands that opposition party members in Bulawayo are less subjected to harassment and intimidation than elsewhere in Zimbabwe.

5.17 Women's rights organisations have told DFAT that women in Zimbabwe are generally less able to relocate internally than men. This is because they have less access to financial resources, which impacts their ability to find shelter and food. They are also bound by cultural expectations that they will look after their children.

5.18 DFAT assesses that there are no major restrictions on internal relocation for MDC-T members and LGBTI persons. Internal relocation is generally less feasible for women, who face greater financial barriers than other groups.

## Treatment of Returnees

5.19 The Constitution establishes rights to enter and leave Zimbabwe, and to obtain a passport and other travel documents. The *Immigration Act* makes it an offence to enter, remain in, or depart from Zimbabwe in contravention of the Act. Sections 24 and 26 of the Act provide that no person shall depart from Zimbabwe without a valid travel document or other than through a mandated port of exit.

## Exit and Entry Procedures

5.20 Although the Constitution allows Zimbabwean citizens to possess dual nationalities, authorities may question dual nationals in possession of two passports at an airport. Under the *Immigration Act 1996*, a person loses their domicile status if they voluntarily depart from and reside outside Zimbabwe with the intention of making their home elsewhere. Taking up residence outside Zimbabwe is regarded as *prima facie* evidence of such an intention. Immigration officers may photograph, and take the fingerprints and palm-prints of, any person suspected of being a 'prohibited person' under the Act. This includes anyone who enters Zimbabwe in contravention of the Act. Zimbabwean immigration officers may question anyone who desires to enter or leave Zimbabwe; arrest and detain those suspected of contravening the Act for a period not exceeding 14 days; and refuse entry to suspected prohibited persons. The Minister for Immigration may exempt any person from being declared a prohibited person.

5.21 According to Freedom House, immigration and border authorities are underfunded and lack the capacity to effectively enforce travel restrictions. Domestic and international travel is less restricted than it has been in the past, when the government would seize passports of domestic opponents or expel or deny entry to foreign critics. Credible sources have told DFAT that, although Central Intelligence Organisation (CIO) personnel are stationed at the country's major airports, they only take an interest in high profile individuals, including human rights activists, senior opposition party members, and anyone accused of committing a crime overseas. This could include involuntary returnees because of their actions in lodging protection claims overseas, although DFAT is aware of third country returns who have not been subjected to adverse attention by Zimbabwean authorities. DFAT assesses that only high profile involuntary returnees would bear this risk.

## Documentation

### Birth and death certificates

5.22 Citizenship is derived from birth, descent or registration. Births must be registered with the Births and Deaths Registry within 42 days of birth. The Births and Deaths Registry has offices in districts throughout Zimbabwe and a Central Registry in Harare, which maintains all birth records. These records sometimes contain errors and registry records are incomplete, though these records can sometimes be verified with checks. Fraudulent birth certificates can be obtained by bribing officials.

5.23 Data from the 2012 Demographic Health Survey indicates that children are more likely to have their births registered and possess birth certificates if they are older or from urban areas (particularly Bulawayo), and if they have wealthy or older parents. According to the US State Department, failure to register a birth might indicate that the birth occurred outside a hospital; the father was absent; the parents did not understand registration requirements; or the parents were unable to travel to the nearest place of registration. Orphaned children and children whose parents are unregistered are less likely to obtain birth certificates. This can impede access to public services, such as education and health care.

### MDC Membership Documents

5.24 Credible sources have told DFAT the MDC-T lost its membership records in 2007. As of December 2015, the party still has no electronic database containing the details of party members. These sources have also indicated that MDC-T membership cards are used as a fund-raising or recruitment tool rather than as a reliable form of identity or as proof of party membership. Anyone who pays the annual membership fee of USD 6 (which is payable on a monthly basis of USD 0.50) can obtain an MDC-T membership card at MDC-T branch offices and receive a receipt as proof of payment. MDC-T authorities are also aware of inauthentic MDC-T membership cards.

5.25 Senior MDC-T leaders wrote letters of support for party members during the height of political unrest in 2008 as part of a deliberate strategy to allow the party to 'regroup' overseas. Signed by the MDC-T Secretary General, these are verifiable proof of party membership, although party leaders acknowledge the potential for document fraud.

### National Identity Cards

5.26 Every citizen and permanent resident aged 16 and over must register for, and acquire, a national identity card. These cards are required to obtain a passport, open a bank account, or obtain a drivers' licence. Registration applications are lodged with the Registrar-General's Office closest to the applicant's place of residence. The cards are plastic and feature two logos: the Zimbabwean Soapstone bird with a red star in the upper left-hand corner; and the Ministry for Home Affairs logo in the upper right-hand corner. There is also an oval-shaped hologram on the left-hand side of the card beneath the photo. More recent cards also have fingerprints, although cards are sometimes issued without these because fingerprinting facilities are unavailable at the time of card issuance (and the fingerprints remain on file regardless).

5.27 Before the introduction of plastic national identity cards, the cards were metal. Many Zimbabweans still use metal cards as their primary means of identification.

### Passports

5.28 The Central Registry is responsible for issuing passports. Zimbabweans need a valid birth certificate and a National Identity Card (NIC) to apply for a passport. Those living abroad can apply for a passport through a Zimbabwean Embassy (which takes approximately 1-2 months) or, if they have relatives in Zimbabwe with the same surname, the relatives can apply for a passport on their behalf. The Central Registry takes approximately four weeks to issue a standard passport, which costs USD 50; two weeks for a fast-track passport, which costs USD 250; and three days for an emergency passport, which costs USD 350.

## Zimbabwean Police Clearance Certificates

5.29 Although Zimbabwean Police Clearance Certificates are not used as forms of identity, they contain information about a person's criminal history and list their previous names. Issued by the the ZRP Criminal Investigations Headquarters (CIH) in Harare, these certificates are valid for a period of six months, after which they are deemed invalid and a new certificate needs to be applied for. The certificates have a ZRP crest at the top and centre; the signature of the officer commanding the CIH office at the time of issue; an official stamp; and a record number in the top right-hand corner.

## Prevalence of Fraud

5.30 Fraud is a criminal offence in Zimbabwe punishable by a fine, imprisonment for up to 35 years, or both. The *Immigration Act* makes it an offence to produce or use fraudulent travel documents. Those found to have produced or used fraudulent travel documents may face a fine and/or imprisonment for up to 12 months.

5.31 Despite these provisions, fraud is widespread – particularly in relation to birth and death certificates. DFAT understands that it would be difficult to verify a claim that someone's relatives were deceased, for example. Fraud is less common in relation to passports. Zimbabwean authorities commonly seek to investigate cases of passport fraud but do not provide information about the outcome of subsequent prosecutions. Banks generally investigate inauthentic bank statements. Document verification takes place through the Ministry of Foreign Affairs because the Government of Zimbabwe does not permit foreign government officials to deal directly with the Central Registry.

## 6. List of Acronyms

Access to Information of Privacy Act	AIPPA
Criminal Investigations Headquarters	CIH
Gender-based violence	GBV
Government of National Unity	GNU
Intimate Partner Violence	IPV
Lesbian, Gay, Bisexual, Transexual and Intersex	LGBTI
Movement for Democratic Change 99	MDC-99
Movement for Democratic Change-Ncube	MDC-N
Movement for Democratic Change-Renewal	MDC-Renewal
Movement for Democratic Change-Tsvangirai	MDC-T
National Constitutional Assembly	NCA
National Identity Card	NIC
People's Democratic Party	PDP
Private Voluntary Organisations Act	PVO Act
Public Order and Security Act	POSA
Renewal Democrats of Zimbabwe	RDZ
Rhodesian Front	RF
Unilateral Declaration of Independence	UDI
United Movement for Democratic Change	UMDC
Zimbabwe African People's Union	ZAPU
Zimbabwe African National Union	ZANU
Zimbabwe African National Union-Patriotic Front	ZANU-PF
Zimbabwe Defence Force	ZDF
Zimbabwe Election Commission	ZEC
Zimbabwe Human Rights Commission	ZHRC
Zimbabwe National Liberation War Veterans Association	ZNLWVA
Zimbabwe Republic Police	ZRP