Evicted and Forsaken
Internally displaced persons in the aftermath of Operation Murambatsvina

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I. Summary

We have been out in the open since the end of May when our house was demolished during Operation Murambatsvina. We are not getting any assistance from anyone. I have two children staying with me but I sent the other two to the rural areas. My husband does not have a rural home and I don't think he would appreciate it if we went to my rural home. I don't have the money to send my children to school. The kids have colds because of staying outside and in the cold. I can't afford medical assistance. Sometimes we sleep without eating a meal or anything. We don't know what's going to happen once the rains come.

Displaced mother of four living by the edge of a forest in Victoria Falls, September 26, 2005.

An unprecedented government campaign of forced evictions and demolitions in the urban areas of Zimbabwe known as Operation Murambtsvina, caused a massive internal displacement crisis. For the last six months, hundreds of thousands of displaced men, women and children have been denied basic protection and assistance, including shelter, food, sanitation and health services. The authorities have been blatantly violating human rights of the displaced, including by forcibly relocating them to rural areas, and have put their very survival at risk by deliberately obstructing the international humanitarian assistance.

Earlier this year, Human Rights Watch documented the human rights implications of the Zimbabwean government evictions campaign, the so-called Operation Murambatsvina (Clean the Filth). In September-October 2005, Human Rights Watch deployed a new research mission to Zimbabwe to look into the plight of the internally displaced persons (IDPs) in the aftermath of the operation. The researchers carried out site visits to numerous locations in four of Zimbabwe's provinces and conducted over fifty interviews with the internally displaced, human rights activists, local authorities, lawyers, church officials, representatives of local and international humanitarian agencies, and the U.N. staff in Zimbabwe.

This report, based on the findings of this investigation, documents the Zimbabwean government's denial of assistance and protection to hundreds of thousands of the internally displaced and further examines the role of international agencies, and in particular the U.N. country team, in addressing the humanitarian crisis in Zimbabwe.

In the immediate aftermath of the Operation Murambatsvina carried out by Zimbabwean authorities in May-June 2005, the international community strongly condemned the disastrous humanitarian and human rights consequences of the evictions. The United Nations Special Envoy deployed to Zimbabwe by the U.N. Secretary-General in June 2005, estimated that 700,000 thousands people lost their shelter, livelihood, or both as a result of the evictions, and that about 570,000 of them have been internally displaced.

The Special Envoy's report concluded that the operation "has precipitated a humanitarian crisis of immense proportions," and called on the government of Zimbabwe to "recognize the virtual state of emergency" and take urgent measures to ensure the provision of relief to the victims. The Special Envoy's appeal has been reiterated by other U.N. experts, including the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons.

The government of Zimbabwe, however, has ignored these appeals and recommendations, and continued to defy its obligations under international law. Up to this date, the government refused to acknowledge the scale of the crisis precipitated by the evictions campaign, and continued to blatantly violate the human rights of the people displaced by Operation Murambatsvina.

Six months into the crisis, the government has made no arrangements to provide temporary shelter to the internally displaced, many thousands of whom continue to live in the open, in

disused fields or in the bush; or rudimentary shelters made from the debris of destroyed houses; or who squeeze into tiny rooms with family members who have agreed to shelter them.

The government's Operation Garikai - reconstruction program, allegedly initiated to provide accommodation to those who lost shelter as a result of the evictions - in reality has little to do with an effort to assist the internally displaced. The criteria for allocation of housing under the program, which include a proof of formal employment, a specified salary, and the payment of the initial deposit and monthly installments, will make the housing unaffordable to the vast majority of the displaced.

The government has also taken few measures to provide the internally displaced with other vital forms of assistance, including food, potable water, sanitation facilities, and health services. It also failed to address the desperate situation of vulnerable groups - widows, orphans, female- and children-headed households, chronically ill and elderly persons - on whom the evictions took a particularly heavy toll.

In blatant disregard of the recommendations of the U.N. Special Envoy and the requirements of international law as reflected in the Guiding Principles on Internal Displacement, the government of Zimbabwe has denied international humanitarian agencies access to the majority of the internally displaced, and deliberately obstructed the provision of international assistance and protection to the IDPs. The authorities prevented the U.N. and other international agencies from providing tents or other temporary shelter to the displaced and prevented the distribution of food to people displaced by the evictions.

Zimbabwean authorities also engaged in a concerted effort to coerce the people displaced by the evictions to leave the cities and move to the rural areas. In different areas across the country Zimbabwe Republic Police threatened, harassed, or beat the IDPs, forcing them to relocate to the rural areas where many have no homes or family and where social service provisions and economic opportunities are minimal. Fearing further displacement, many have resorted to hiding during the day and only returning to the places of their temporary residence at night, to avoid detection and harassment by the police. In addition, the government tried to compel the relocation by ensuring that international assistance is not provided to those who choose to stay in the urban areas, meanwhile using the food packages as an incentive for families to move to the villages.

The government of Zimbabwe bears the primary responsibility to assist and protect the internally displaced within its jurisdiction, and the deliberate elusion from this duty constitutes a breach of its international obligations.

The government's refusal to acknowledge the crisis and its deliberate obstruction of humanitarian aid was the main obstacles preventing the U.N. country team in Zimbabwe from providing adequate assistance and protection to the internally displaced. At the same time, Human Rights Watch also found serious flaws within the U.N.-led humanitarian assistance program in Zimbabwe. The problems include the U.N. country team's failure to assess and monitor the situation of the internally displaced and devise a realistic response strategy that would take existing challenges into account; inattention to protection concerns both in the planning and implementation of programs and overall failure to structure the program in such a way as to place safeguards against human rights violations.

The U.N. agencies involved in humanitarian response in Zimbabwe have been reluctant to confront the government over its blatant disregard of the human rights of the displaced and protest the continued obstruction of humanitarian assistance.

While the U.N. cannot be held responsible for the Zimbabwean government's recalcitrance, it does bear a responsibility to protect and assist the hundreds of thousands of people whose fundamental rights have been violated as a result of Operation Murambatsvina, and the very survival of many currently at risk.

Human Rights Watch calls on the government of Zimbabwe to take urgent measures, in accordance with its international obligations, to ensure the provision of protection and assistance to people displaced by the evictions; to allow international agencies full and unimpeded access to the displaced; and stop any actions aimed at relocating the IDPs to rural areas against their will. African Union and African Commission on Human and People's Rights to impress upon the government of Zimbabwe its responsibilities with respect to human rights of the displaced, and urge the government to allow immediate access to the country to regional monitoring mechanisms.

The U.N. agencies in Zimbabwe and at the headquarters must engage in active and assertive advocacy with the authorities to ensure that the internally displaced persons fully enjoy their rights, including unhindered access to protection and humanitarian assistance.

Note on communication with the government and use of names in this report

In mid-October, Human Rights Watch wrote to the Zimbabwean government requesting clarification on the issues raised in this report, but so far has received no response from the government. In this report, names of displaced persons and other witnesses have been changed or withheld to protect their security.

II. Recommendations

To the government of Zimbabwe

- In line with the United Nations Guiding Principles on Internal Displacement, take urgent measures to provide protection and assistance to the internally displaced persons (IDPs), including shelter, food, water, sanitation and medical services. Prioritize the needs of vulnerable groups such as women, children, elderly and chronically ill persons. Access to humanitarian assistance should not be made conditional upon residence in specifically designated areas, but should be made available on the basis of need.

- Allow national and international humanitarian agencies full and unimpeded access to assist and protect the internally displaced.

- Desist from compelling the IDPs to move to rural areas. Ensure that security forces and other officials do not engage in any activities that would result in the forcible displacement, resettlement, or relocation of IDPs. Ensure that any restrictions on the freedom of movement of IDPs are in full compliance with the Zimbabwean government's obligations under international human rights law.

- Establish conditions and provide the means for those displaced to return voluntarily to their homes or places of habitual residence in conditions of safety and dignity, or to resettle voluntarily in another part of their country and facilitate their reintegration. Ensure participation of IDPs in the planning and management of their resettlement, relocation or return.

- Provide effective remedies to the victims of the evictions, including access to justice and appropriate forms of reparation and compensation.

- Make public the selection criteria for housing through Operation Garikai to ensure that it is nondiscriminatory and that the process is carried out with fairness, transparency, and accountability.

- Provide immediate housing and health care to evicted persons who suffer from tuberculosis, HIV/AIDS, and other communicable diseases. Provide immediate access to local health

centers in their current place of residence for displaced persons in need of TB therapy and anti-retroviral treatment, discontinued by reason of their eviction.

- Recognizing that the displacement prevents many parents or guardians from raising the money for school fees which in turn prevents children from attending school, temporarily waive school fees for all children affected by Operation Murambatsvina.

- Take urgent measures to prevent and halt cases of harassment and abuse of IDPs by the police or other state agents. Investigate any reports of such abuses and bring their perpetrators to justice.

To the African Union

- Urge the government of Zimbabwe to allow the Special Envoy of the African Union Commission, Tom Nyanduga, to return to Zimbabwe and fulfill his mandate and report to the African Union on the situation of internally displaced persons in Zimbabwe.

- Call on the government of Zimbabwe to permit full and unhindered access by national and international humanitarian agencies and human rights monitors to the victims of Operation Murambatsvina, including the internally displaced persons.

- Recommend and facilitate an independent observer mission to monitor the humanitarian operation in the aftermath of the evictions and ensure the protection of IDPs and other vulnerable groups.

To the African Commission on Human and Peoples' Rights (ACHPR)

Adopt a resolution on Zimbabwe at the 38th session of the African Commission on Human and Peoples' Rights (ACHPR). The resolution should:

- Strongly condemn the mass evictions and demolitions and urge the government of Zimbabwe to take immediate action to address the desperate plight of hundreds of thousands of people displaced by Operation Murambatsvina;

- Strongly condemn the obstruction of international humanitarian assistance for displaced persons by the Zimbabwean government.

- Call on the government to take urgent measures to provide assistance and protection to the internally displaced and to allow unimpeded international assistance to the displaced.

- Support the return to Zimbabwe of the Special Envoy of the African Union Commission and the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa, Tom Nyanduga, so that he can fulfill his mandate to undertake a fact-finding mission to investigate the situation of IDPs in Zimbabwe.

- Urge the government of Zimbabwe to cooperate with and assist the Special Rapporteur in the performance of his tasks and provide all necessary information for the fulfillment of his mandate.

- Call on the government of Zimbabwe to implement the recommendations contained in the 2002 ACHPR report of its fact-finding mission to Zimbabwe and the report of the U.N. Special Envoy on Human Settlement Issues.

To the United Nations agencies operating in Zimbabwe

1. Take urgent measures to provide humanitarian assistance to the internally displaced as follows:

- Immediately undertake a countrywide needs assessment including numbers, conditions and locations of the internally displaced; follow-up with periodic assessments to evaluate progress of the assistance program;

- Immediately initiate countrywide registration of the internally displaced persons, either directly or with the help of implementing partners;

- Start thorough monitoring of the situation either directly or through local NGOs and community-based organizations, including in the rural areas where the internally displaced have moved; increase field presence through regular visits to locations in urban areas where the internally displaced stay;

- Take urgent measures to provide temporary shelter, food, health services, water, sanitation and other vital assistance to the internally displaced; ensure the delivery of services to those living outside of government-recognized settlements;

- Consult and cooperate closely with local NGOs; take advantage of their data, possibilities for access and extensive networks especially where direct access is not possible; actively support their programs for the internally displaced.

2. Provide protection to the internally displaced. To this end:

- Ensure the inclusion of protection issues in the needs assessment and planning, and the integration of human rights concerns into all components of the program to assist the internally displaced;

- Formalize response to protection through the designation of a focal point on protection within the country team, tasked with bringing relevant U.N. and non U.N. actors together to develop and implement a protection strategy for the internally displaced;

- Regularly consult with protection-mandated agencies, specifically United Nations High Commissioner for Human Rights (UNHCR) and (United Nations Children's Fund) UNICEF, to identify and address protection concerns;

- Make timely and assertive interventions with the authorities to prevent and halt involuntary relocation, continued evictions and demolitions, police harassment and other abuses against the internally displaced;

- Incorporate a legal assistance component into the programs to help local NGOs and the displaced seek remedies for unlawful evictions and other violations of their rights;

3. Engage in active and assertive advocacy with the authorities for the rights of the IDPs, and enlist the support of senior U.N. officials with relevant mandates. To this end:

- Impress on the government its obligation to fully comply with human rights standards and policies on internally displaced persons, including the Guiding Principles on Internal Displacement; place human rights at the center of the U.N. country team's engagement with the government;

- Actively protest the government's deliberate obstruction of humanitarian programs, including through public representations;

- Through timely and regular reporting, ensure that Senior UN officials and donors are kept informed of the humanitarian situation and encouraged to advocate in support of protection and assistance for the displaced.

To Senior U.N. Officials, including the Secretary-General of the U.N., the Emergency Relief Coordinator, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, and the U.N. High Commissioner for Human Rights

- Urgently impress on the government of Zimbabwe its responsibility to assist and protect the internally displaced and the unacceptability of obstructing efforts of the international community to help the population in need; urge the government to comply with recommendations of the U.N. Special Envoy on Human Settlement Issues;

- Ensure that the U.N. agencies on the ground understand and diligently fulfill their responsibilities with respect to the protection of IDPs, as laid down in U.N. policy documents;

- The Emergency Relief Coordinator and the Inter-Agency Standing Committee should consider reinforcing the Zimbabwe country team with additional personnel with relevant expertise in IDP protection issues. The Emergency Relief Coordinator should encourage and support advocacy initiatives of the country team, and actively engage in negotiating access to the internally displaced;

- The High Commissioner for Human Rights should deploy a human rights advisor to the U.N. Resident Coordinator to help ensure that all the activities of the U.N. agencies in country are effectively coordinated to promote the human rights of IDPs;

- The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons should seek a visit to Zimbabwe to raise awareness of and attention to the plight of the internally displaced, and work with the government and the U.N. to ensure the delivery of assistance and protection to the IDPs.

To donor governments

- Thoroughly monitor the implementation of assistance programs; ensure that the programs contain a realistic assessment of needs and a feasible strategy which takes existing challenges into account;

- Encourage the U.N. country team to develop the protection component of its programs and follow-up on its implementation;

- Ensure that programs which they fund are not used by Zimbabwean authorities to infringe upon the rights of the internally displaced, e.g. by manipulating food assistance to impel relocation to the rural areas;

- Urge the government of Zimbabwe to fully abide by its international obligations toward the internally displaced and to stop its obstruction of international assistance;

- Respond generously to U.N. appeals for Zimbabwe, in order to enable agencies responding to the crisis to provide adequate levels of food, shelter, and other humanitarian assistance to the internally displaced.

III. Background

Operation Murambatsvina

On May 19, 2005, the government of Zimbabwe launched Operation Murambatsvina (Clear the Filth)[1], a campaign of forcible evictions and demolitions in urban areas throughout Zimbabwe. With little or no warning, often with great brutality and in complete contravention of national and international standards, tens of thousands of houses, and thousands of informal business structures were destroyed without regard for the rights or welfare of the evictees.[2]

Zimbabwean authorities claimed that the destruction of homes and other properties was part of a long-term plan to clean up the urban areas, restore order, rid the cities of criminal elements, and restore dignity to the people.[3] However, there were many alternative analyses of Operation Murambatsvina, several of which alleged that the operation was part of the government's efforts to debilitate the urban poor, force them to move to rural areas, and prevent mass uprisings against the deteriorating political and economic conditions in high density urban areas.[4]

The humanitarian consequences of this man-made disaster were catastrophic. There are few, if any precedents of a government forcibly and brutally displacing so many of its own citizens in peacetime. According to the United Nations estimates, 700,000 people - nearly 6 percent of the total population - have lost their homes, livelihood, or both as the result of the evictions, while 2.4 million people - some 18 percent of the population - have been either directly or indirectly affected by Operation Murambatsvina.[5] The operation took a particularly heavy toll on vulnerable groups—widows, orphans, female- and children-headed household, elderly and people living with HIV/AIDS.[6]

The United Nations Special Envoy, Anna Tibaijuka, deployed to Zimbabwe by the U.N. Secretary General in June 2005 to access the scope and impact of Operation Murambatsvina, reported that the operation was carried out in "an indiscriminate and unjustified manner, with indifference to human suffering and, in repeated cases, with disregard to several provisions of national and international legal frameworks."[7]

Operation Murambatsvina also entailed large-scale human rights violations. Zimbabwean authorities arbitrarily forced hundreds of thousands of people to destroy or cede their property without due notice, process or compensation; they restricted their freedom of movement by confining them to holding camps, and forcibly displaced many of the evictees to the rural areas where they had little or no access to basic services and means of economic support.. The

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[1] The official government translation for "Operation Murambatsvina" is "Operation Restore Order", however the word "Murambatsvina" literally means "clear the filth or dirt" in the Shona language.

[2] Although the government claimed that the demolished structures were "illegal," Human Rights Watch found that many legal housing and business structures were also destroyed during the evictions campaign. See Human Rights Watch, "Clear the Filth: Mass Evictions and Demolitions in Zimbabwe", *A Human Rights Watch Background Briefing*, September 11, 2005.

[3] See e.g., Briefing by Minister Counsellor P. Zhou of the Zimbabwe High Commission, Pretoria, July 7, 2005; George Charamba, Zimbabwe's Secretary of Information, "Zimbabwe: Operation Restore Order", *New Africa*, No. 442, July 2005.

[4] Human Rights Watch, "Clear the Filth"; see also U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-finding missions to assess the scope and impact of Operation Murambatsvina," July 22, 2005; Zimbabwe Human Rights NGO Forum, "Order out of chaos or chaos out of order? A preliminary report on Operation Murambatsvina," June 2005; International Crisis Group Report, "Zimbabwe's Operation Murambatsvina: The tipping point?", August 17, 2005.

[5] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, Mrs. Anna Kajumulo Tibaijuka, "Report of the Fact-Finding Missions to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina", July 22, 2005 [online], http://www.unhabitat.org/documents/ZimbabweReport.pdf (retrieved November 22, 2005).

[6] Human Rights Watch "Clear the Filth".

[7] United Nations Human Settlements Program (U.N. HABITAT), "Report of the Fact-Finding Missions to Zimbabwe".

Zimbabwean government also took no measures to investigate allegations of abuses during the operation and to provide adequate remedies to those whose rights had been violated.[8]

The humanitarian and human rights crisis precipitated by Operation Murambatsvina has exacerbated Zimbabwe's socio-economic situation which has been rapidly deteriorating over recent years. In September 2005, inflation reached 359.8 percent per annum and unemployment was at 80 percent.[9] An estimated 2.9 million people were in need of food aid by the end of September 2005. Although the rate of HIV infections has reportedly declined by 3 percent (from 24.6 percent to 21.3 percent between 2002 and 2004) more than 20 percent of adults - 1.6 million people nationwide - are infected with HIV/AIDS[10]

Internal displacement in Zimbabwe

The movement of populations in Zimbabwe has been widespread in the past few years. In 2004, a report by Global IDP Project of the Norwegian Refugee Council noted that "population movements [in Zimbabwe] have become an increasingly visible and common reality against a backdrop of political violence and a critical humanitarian situation."[11]

Between 1999 and 2004, large numbers of people were forced to move from their places of residence due to an escalation in political violence and state-sponsored human rights violations throughout the country.[12] At the end of 2003, the U.S. Committee for Refugees estimated that more than 100,000 people were internally displaced in Zimbabwe.[13]

Some of the violence that led to internal displacement was to a large extent linked to the government's "fast track" land reform program. The land reform program and resultant occupation of commercial farms led to a growing population of displaced farm workers.[14] In addition, large numbers of political activists have been displaced when during election periods, ruling party supporters in the rural areas targeted and assaulted opposition activists.[15]

Because of the political nature of the land reform program, the government of Zimbabwe denied that there was a problem of internal displacement in the country and restricted humanitarian

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[8] For detailed analysis of these and other human rights violations in the course of the Operation Murambatsvina, see Human Rights Watch, "Clear the Filth".

[9] "Zimbabwe Inflation Soars to 359.8 percent," *The Standard*, October 11, 2005, citing the Central Statistical Office.

[10] "HIV Rates Decline in Zimbabwe," *UNAIDS press statement*, October 10, 2005. While reporting the decline in HIV rates, UNAIDS stressed that the "evidence of declining rates is no reason for complacency" and that "HIV prevalence rates in Zimbabwe are still among the highest in the world." The organization further warned that "infection rates could start rising again if underlying vulnerabilities, which contribute to unsafe sexual behavior and fuel the epidemic, are not sufficiently addressed. Such vulnerabilities include gender inequality, poverty and population mobility."

[11] Global IDP Project, "Profile of Internal Displacement: Zimbabwe," September 7, 2004. Norwegian Refugee Council is the organization working for the assistance and protection of the internally displaced populations worldwide.

[12] See reports on political violence during this period including: Human Rights Watch, "Under a Shadow: Civil and Political Rights in Zimbabwe", *A Human Rights Watch Background Briefing,* June 9 2003; Amnesty International, "Zimbabwe: Toll of impunity," June 25, 2002, AI Index : AFR 46/034/2002, June 25, 2002; and the Zimbabwe Human Rights NGO Forum monthly political violence reports [online] http://www.hrforumzim.com/frames/inside_frame_monthly.htm (retrieved November 22, 2005).

[13] U.S. Committee for Refugees and Immigrants, "World Refugee Survey, Zimbabwe Country Report," 2003.

[14] For a detailed discussion of Zimbabwe's land reform and its' consequences, see Human Rights Watch, "Fasttrack Land Reform in Zimbabwe", *A Human Rights Watch Report,* vol. 13, no. 1(A), March 2002; IDP Unit, U.N. Organisation for the Coordination of Humanitarian Affairs (OCHA) "The IDP Situation in Zimbabwe: Current trends and a strategy for the U.N. System", May 27, 2002 [online], http://www.reliefweb.int/idp/docs/reports/Zimbaberep.pdf (retrieved November 22, 2005).

[15] For more details on incidents of political violence in the rural areas during this period see Zimbabwe Human Rights NGO Forum Monthly Political Violence Reports.

assistance for former farm workers.[16] The Global IDP project reported that a draft U.N. IDP strategy for Zimbabwe could not be finalized because it was never approved by the government and a revised U.N. Consolidated Appeals Process for Zimbabwe (April 2004) made no direct reference to IDPs.[17]

Protection and assistance for the displaced was therefore limited and U.N. agencies found it particularly difficult to carry out humanitarian operations in the highly polarized political environment.[18] A U.N. report on the IDP situation in Zimbabwe in 2002, concluded:

> The physical and/or economic displacement of farm workers, together with the displacement resulting from political violence…has created a serious problem of internally displaced population in the country. Response to this dilemma has been frustrated by the Government of Zimbabwe's reluctance to admit that there is a crisis and the belated mobilization of the international community in addressing the needs of the IDPs.[19]

During an assessment mission in June 2004, Refugees International reported that they had found displaced populations effectively abandoned due to Zimbabwean government obstruction of assistance efforts by international agencies and local nongovernmental organizations.[20]

In the context of egregious government obstruction of programs for IDPs, Operation Murambatsvina brought the problem of internal displacement in Zimbabwe to a critical level, having caused hundreds of thousands of people to join the ranks of the country's "abandoned" IDPs.

IV. Government's Failure to Assist and Protect the Displaced

Denial of vital assistance to the internally displaced

The Zimbabwean government's campaign of forced evictions and demolitions has led to massive internal displacement.[21] It is difficult to ascertain the exact number of persons who were displaced by the evictions. In her July 2005 report on the scale and impact of Operation Murambatsvina, the United Nations Special Envoy concluded that an estimated 570,000 people were displaced by the operation. U.N. rough estimates further indicated that out of 700,000 people directly affected by Operation Murambatsvina, 20 percent (114,000) were living in the open with no shelter; 20 percent (114, 000) had gone or were forced to go to the rural areas; 30 percent (170,000) were absorbed by families, friends or the extended family; and another 30 percent (170,000) sought refuge in the community in churches and other temporary accommodation.[22]

In September and October 2005, through site visits to numerous locations, Human Rights Watch found that thousands of people were displaced in Harare, Victoria Falls and Mutare. Reports by other organisations such as the Solidarity Peace Trust also indicated that tens of thousands of people were displaced in Bulawayo and in the rural areas of Matabeleland South and North.[23]

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[16] Refugees International, "An Analysis of Displaced Farm Workers in Zimbabwe", August 13, 2004.
[17] Global IDP Project, "Profile of Internal Displacement: Zimbabwe", September 7, 2004.
[18] Ibid.
[19] IDP Unit, OCHA "The IDP Situation in Zimbabwe".
[20] Refugees International, "An Analysis of Displaced Farm Workers in Zimbabwe".
[21] The United Nations Guiding Principles on Internal Displacement define internally displaced persons (IDPs) as "persons or groups who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters and who have not crossed an internationally recognized State border." The U.N. Guiding Principles on Internal Displacement, U.N. Document E/CN.4/1998/53/Add.2; November 11, 1998.
[22] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Mission".
[23] Solidarity Peace Trust, "Crime of poverty - Murambatsvina Part II," October 19, 2005.

Representatives of other local and international humanitarian organizations working with victims of the evictions suggested in interviews with Human Rights Watch that there were hundreds of thousands of displaced persons throughout the country.[24]

Under international law, as reflected in the United Nations Guiding Principles on Internal Displacement, the Zimbabwean government has the "primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."[25] This responsibility was reaffirmed by the U.N. Special Envoy's report that called on the government to immediately "create conditions for sustainable relief" and to ensure the provision of humanitarian assistance to population affected by Operation Murambatsvina.[26]

The government of Zimbabwe, however, has blatantly defied its international obligations and the recommendations of the United Nations Special Envoy. The government has refused to acknowledge the enormous scale of humanitarian crisis precipitated by Operation Murambatsvina, and the very existence of hundreds of thousands of displaced men, women, and children in need of immediate assistance. As one U.N. official put it, "Technically, most of the internally displaced don't exist as far as the government is concerned."[27]

The government has made no attempts to locate and register the internally displaced in order to assess their numbers and needs. As a representative of a local church, which was trying to assist some IDPs in the aftermath of the evictions, told Human Rights Watch:

> I don't think there is any will on the part of the government to help the people. The government doesn't have the details of where the people went and how many and who was affected. The government didn't take any information down.[28]

The overwhelming majority of IDPs interviewed by Human Rights Watch were in desperate need of shelter, food, health services and other forms of assistance. All of them reported having received absolutely no such assistance from the government. The government's failure to provide any form of temporary shelter to the displaced families was particularly striking. Throughout Zimbabwe, for the last six months people have been living outside on the porches or without any shelter in the bush; in rudimentary makeshift hovels made of pieces of tin and wood they found in the debris of the destroyed houses, or in overcrowded quarters with up to four families sharing one room in a house.[29]

For example, in one of the townships in Victoria Falls Human Rights Watch interviewed a family of four that has been living amidst their scanty belongings with no roof over their heads. Since their house was destroyed in end of May, the family has been staying in the open on the edge of the bush and dangerously exposed to wildlife.[30]

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[24] Human Rights Watch interviews with representatives of local and international humanitarian organizations, September 26 – October 7, 2005.

[25] The U.N. Guiding Principles on Internal Displacement, U.N. Document E/CN.4/1998/53/Add.2; November 11, 1998, Principle 3. The Guiding Principles provide an authoritative normative framework for the protection of IDPs. Although not legally binding, the Guiding Principles are a firm reinstatement of existing international human rights law, international humanitarian law and international refugee law relating to the internally displaced. They draw heavily on existing standards and provide additional guidance and explanation where there are gaps. They are intended to provide practical guidance to governments, other competent authorities, the U.N. and other governmental agencies and NGOs in their work with IDPs.

[26] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe".

[27] Human Rights Watch interview with U.N. official, Harare, September 28, 2005.

[28] Human Rights Watch interview with church official, Victoria Falls, September 26, 2005

[29] Human Rights Watch researchers witnessed these conditions in the vast majority of locations visited in the course of the research mission.

[30] Human Rights Watch interview, Victoria Falls, September 26, 2005.

In a high-density suburb of Harare, another family - "Mary O.", her husband and eight children - have been living on the site of a destroyed market place in a hovel made of pieces of tin and cardboard which, according to Mary O., the family has collected from a nearby dumping site. The woman told Human Rights Watch that the family used to own a brick house which the authorities had forced them to destroy during Operation Murambatsvina on May 25, 2005.[31]

"Thandi U.", whose house also was demolished in the end of May, told Human Rights Watch that she had to move in with her grandmother's family and now twelve of them were "sleeping in one room, including four children."[32]

Dozens of other families shared similar stories with Human Rights Watch.

In June 2005, Zimbabwean authorities announced the launch of Operation Garikai – a reconstruction program ostensibly initiated to provide accommodation to those who lost shelter as a result of the evictions.[33] The government claimed it had set aside U.S. $ 300 million to build altogether 1.2 million houses, and promised to build 4,900 houses within a few months. In her July report,[34] the U.N. Special Envoy expressed doubts at the success of the program and noted that Operation Garikai seemed to have been hastily implemented and did not account for the immediate shelter needs of people who had been rendered homeless by the evictions.[35]

Human Rights Watch's findings confirmed the Special Envoy's concerns. Human Rights Watch researchers saw a number of Operation Garikai construction sites in Harare, Victoria Falls and Mutare, and found that the number of houses being built was negligibly small compared to the hundreds of thousands of persons rendered homeless by the evictions and so far few houses had been completed. For example, only about 20 houses had been built at the only construction site in Victoria Falls where over 10,000 people were rendered homeless by Operation Murambatsvina.[36] A foreman on the site informed Human Rights Watch that people were unlikely to move into the houses before the end of the year.[37] On other sites, such as the one in Mbare, Human Rights Watch researchers found no signs of construction, although the site was being watched over by a building foreman. On some construction sites in Harare and Mutare, Human Rights Watch found the construction of houses and stands at various stages, but it was evident that operations were far from completion.

These observations were corroborated by the authorities' statements. In September, Information Minister Chen Chimutengwende announced the extension of the deadline for completion of houses under Operation Garikai from August 31 to December, citing building delays caused by shortages of fuel and construction materials.[38]

Human Rights Watch research also indicates that Operation Garikai has little to do with humanitarian relief effort, as the vast majority of the internally displaced will not be among its beneficiaries, as they are unlikely to meet the criteria for ownership of the new houses.

Recent statements by government officials as well as testimony provided to Human Rights Watch by the internally displaced and local authorities indicate that in order to qualify for the housing, a

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[31] Human Rights Watch interviews with "Mary M." (not her real name), Harare, September 29, 2005.
[32] Human Rights Watch interview with "Thandi T." (not her real name), Harare, September 29, 2005.
[33] Michael Padera, "Spearhead Operation Garikai, councils told," *The Herald*, July 15, 2005 [online], http://www.zimbabweherald.com/index.php?id=45186&pubdate=2005-07-15 (retrieved November 22, 2005).
[34] Fortious Nhambura, "Garikai: solution to housing woes," *The Herald*, July 27, 2005 [online], http://allafrica.com/stories/200507270218.html (retrieved November 22, 2005)
[35] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Mission".
[36] Human Rights Watch interviews with senior local council officials, Victoria Falls, September 26, 2005.
[37] Human Rights Watch interview, Victoria Falls, September 27, 2005.
[38] "Zimbabwe: Govt extends deadline for floundering reconstruction program," *IRINnews*, September 5, 2005 http://www.irinnews.org/report.asp?ReportID=48910&SelectRegion=Southern_Africa&SelectCountry=ZIMBABWE (retrieved November 22, 2005).

family has to produce a proof of formal employment, earn a specified salary, be on municipal housing waiting list, and be able to afford the initial deposit and monthly installments.

A local council official in Victoria Falls told Human Rights Watch that the government required the council to produce a list of intended beneficiaries for housing, so that the government could "vet the names in terms of ability to pay."[39] A local human rights activist in Hatcliffe pointed out:

> The houses (under Operation Garikai) were meant for those who had their houses destroyed but now they are saying that you have to earn a government level income and then you qualify and get a stand. If you don't qualify, even if your house was destroyed on the stand, you won't get a house. Before getting into the house you have to pay a deposit.[40]

These concerns were confirmed by the statement of Gwanda mayor, Thandeko Mkandla, who stated in mid-October 2005, that the reconstruction program was no longer specific to the poor and vulnerable, who make up the majority of the internally displaced. The mayor reiterated the above-mentioned criteria for allocation of housing, and concluded:

> Many people who were affected are squatters who have never been employed – they cannot afford any of the requirements. The houses will only be available to the gainfully employed, and one has to be well paid to afford the installments.[41]

Several interviewees also shared with Human Rights Watch their concern that the houses built under Operation Garikai are more likely to be allocated to civil servants, army and police and other government employees. While Human Rights Watch did not find sufficient evidence to prove this allegation, these concerns appear credible, given the specified qualifications required for allocation of housing, and the fact that currently the reconstruction program is being overseen by senior army officials, with local authorities having little control of the situation.[42]

The government also made no effort to provide the vast majority of the internally displaced with food, water, sanitation, and health services. The lack of adequate shelter, nutrition and sanitation made the internally displaced more susceptible to life-threatening diseases.

For example, in one of the areas in Harare visited by Human Rights Watch, over 250 IDPs were living in makeshift shacks that they had built from plastic sheeting, tin, pieces of wood and cardboard. The conditions at the site were squalid and overcrowded, and the area had no water, electricity or sanitation facilities. The residents, who had been living in such dire conditions for months, told Human Rights Watch that they had only received food aid from the Roman Catholic Church once, in July, and that the government has offered them no food or other assistance. One of the displaced told Human Rights Watch:

> There are lots of people living with TB (tuberculosis) here. I am also sick. No one is receiving any medical assistance. When I was sick, the people here put together some money for my medicine.[43]

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[39] Human Rights Watch interview with local council official, Victoria Falls, September 26, 2005

[40] Human Rights Watch interview with human rights activist, Harare, September 29, 2005.

[41] Cited in: Ray Matikinye "Garikai Bears no Fruit for Homeless," *Zimbabwe Independent*, October 14, 2005 [online], http://www.theindependent.co.zw/news/2005/October/Friday14/3414.html (retrieved November 22, 2005).

[42] In her report, the U.N. Special Envoy expressed serious concerns regarding the army being in control of Operation Garikai. The Special Envoy made it clear that the involvement of the military was "inimical to ownership of the product and process by the community and the local authorities." See U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Mission". These concerns were echoed by a number of local council officials and housing rights organizations who told Human Rights Watch that they had very little say in the implementation of the operation.

[43] Human Rights Watch interviews with IDPs, Mbare, September 29, 2005.

A representative of an international humanitarian organisation working with the displaced informed Human Rights Watch that the organization had observed a "big increase in pneumonia, fevers, and scabies" among the displaced population, due to overcrowding, exposure to severe weather conditions and lack of sanitation. The representative also mentioned that the condition of people with chronic diseases, such as tuberculosis, worsened because they lost access to treatment they used to have before the displacement.[44]

The UN Guiding Principles on Internal Displacement stipulate the responsibility of national authorities to provide the IDPs - regardless of whether they stay in organized settlements or not - with access to essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.[45] The Guiding Principles further emphasize that, at a minimum, all IDPs should have access to primary health services, and urge the authorities to pay special attention to the prevention of contagious and infectious diseases.[46]

Government's obstruction of international humanitarian assistance

Following the evictions campaign, U.N. agencies and international nongovernmental organizations (NGOs) in Zimbabwe, in consultation with donors, have directed their efforts towards meeting immediate needs for food, clean water, and shelter to those who lost their homes or livelihood as the result of Operation Murambatsvina. However, contrary to recommendations of the U.N. Special Envoy, who called on the government to provide full and unimpeded access to local and international humanitarian organizations,[47] over the last six months, the government has been deliberately obstructing the efforts of international agencies to assist the internally displaced.

The government refused to sign a draft emergency appeal proposed by the U.N., which would have helped those hardest hit by the evictions, and refused to sign an agreement with the U.N. to mobilize much needed relief and reconstruction aid.[48] It also refused to endorse the U.N. Common Response Plan for assisting victims of evictions.[49]

In late August, the U.N. Under-Secretary General for Humanitarian Affairs Jan Egeland complained that a lack of cooperation from the government was hampering efforts to assist victims of the evictions.[50] Two months later, the government's continued obstruction of humanitarian assistance led to a heartfelt appeal by the U.N. Secretary-General Kofi Annan, who expressed "deep concern" about the humanitarian situation in Zimbabwe and urged the government to allow U.N. agencies and other humanitarian agencies access to the victims of Operation Murambatsvina.[51]

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[44] Human Rights Watch interview with representative of international humanitarian organization, Harare, October 6, 2005.
[45] U.N. Guiding Principles on Internal Displacement, Principle 18.
[46] U.N. Guiding Principles on Internal Displacement, Principle 19.
[47] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Mission".
[48] Augustine Mukaro and Godfrey Marawanyika, "Govt rejects UN aid for blitz victims," Zimbabwe Independent Newspaper, September 2, 2005 [online], http://www.theindependent.co.zw/news/2005/September/Friday2/3131.html (retrieved November 22, 2005).
[49] The U.N. country team in Zimbabwe had to submit the Plan to the donors without the government's signature.
[50] Press conference on U.N. Humanitarian assistance for victims of the evictions by Under Secretary for Humanitarian Affairs, Jan Egeland, New York, August 29, 2005.
[51] U.N. Press Statement, "Annan appeals to Zimbabwe to let U.N. help homeless after government rejects aid," New York, October 31, 2005.

Despite the desperate situation of the IDPs made homeless by the evictions, the government did not allow international agencies to provide temporary shelter to the displaced, claiming that there was no "compelling need to provide temporary shelter as there is no humanitarian crisis."[52]

Zimbabwean government refused to allow international agencies to provide tents or similar forms of temporary shelter to the internally displaced, fearing, according to one international staffer, that the erection of tent camps would expose the scale of humanitarian crisis precipitated by the evictions.[53] In August, shortly after several international agencies erected over a hundred tents for the displaced in the area of Headlands, Zimbabwe police took the tents down and explicitly told the U.N. country team that there should be no "tents of plastic sheeting."[54]

In mid-November, the Zimbabwean government reportedly finally accepted the U.N. offer to build 2,500 "units" for people made homeless by the evictions campaign. From media reports it was unclear, however, what kind of shelter will be provided and who the beneficiaries will be.[55]

The government also prevented international agencies from distributing food aid to people displaced as a result of the evictions. One U.N. official told Human Rights Watch:

> They [the government] do not recognize that there is a population affected by Operation Murambatsvina that are in need of food assistance. They have a problem with us targeting people that were affected by the operation. They don't want people receiving food assistance out in the open in the urban areas. We can't assist all the people evicted – especially those out in the open – directly because the government doesn't like it.[56]

A report by the International Federation of Red Cross and Red Crescent Societies (IFRC) also noted that assistance to the internally displaced presented "operational challenges because of the government directive of assisting only those within designated areas and with housing development approved by the city councils."[57]

Representatives of other international organizations and U.N. agencies also told Human Rights Watch that the government had explicitly told them not to provide food and other assistance to those staying in the open outside of the areas recognized by the government, namely, Hopely Farm and Hatcliffe.[58] While some humanitarian agencies were initially trying to continue the delivery of food assistance to the displaced, the government's non-cooperation has effectively paralyzed their operations, and since September 2005 food aid has not been provided to the vast majority of the internally displaced.

Zimbabwean authorities have made it clear to local and international humanitarian agencies that they will not allow them free access to the displaced or tolerate any attempts to do so. A representative of one international humanitarian organization described to Human Rights Watch his arrest in September, as he was trying to assess the needs of displaced people in Mutare:

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[52] U.N. Press Statement, "Annan appeals to Zimbabwe to let U.N. help homeless after government rejects aid,". The Statement cited official communication received form the Minister of Local Government, Public Works and Urban Development.

[53] Human Rights Watch interviews with a representative of an international organization, Harare, September 28, 2005

[54] Ibid.

[55] "Zimbabwe Agrees to U.N. Aid for Demolition Victims," *Mail and Guardian*, November 16, 2005.

[56] Human Rights Watch interviews with U.N. official, Harare, September 28, 2005.

[57] International Federation of Red Cross and Red Crescent Societies (IFRC), "Zimbabwe assistance to the population affected by the clean up exercise," October 18, 2005 [online], http://www.ifrc.org/cgi/pdf_appeals.pl?05/05EA01602.pdf (retrieved November 22, 2005).

[58] Human Rights Watch interviews with U.N. officials, Harare, September 28 – October 7, 2005.

> I was arrested in Mutare last week by intelligence officers. I was there to assess the needs of some of the victims with my team. I was interrogated for four hours. I was told that I had to ask for permission to visit the displaced from the local authorities.[59]

On a number of occasions, the government has targeted and further displaced those who received visits and assistance from local and international agencies. For example, IDP camps in Bulawayo and Harare were swiftly closed in the weeks after U.N. Special Envoy's visit in June.[60] Another camp in Mutare was closed just before the U.N. Special Envoy visited the area. "[61]

Local organizations and churches which the U.N. agencies have been using as implementing partners for distributing food assistance, also told Human Rights Watch that they were afraid to seek access to IDPs in the areas not recognized by the government. A representative of one local organization told Human Rights Watch, "We can't be too pushy (for further access) through the international organizations because we are scared of the government's reaction."[62] Another local organization pointed out,

> "Looking at the laws here, if you make too much noise, they (government) will make an excuse to shut you down."[63] A church official in one of the towns said, "If the government hears that we are assisting people with food or shelter, it may think we are working against them."[64]

The government's obstruction of international humanitarian assistance contravenes the U.N. Guiding Principles on Internal Displacement, which specifically establish the right of "international humanitarian organizations and other appropriate actors… to offer their services in support of the internally displaced" and call on the national authorities to consider such offer in good faith without refusing it arbitrarily, "particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance." The Principles further urge the authorities concerned to "grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced."[65]

Protection and assistance to vulnerable groups ignored

Six months after the evictions, the government has made few attempts to provide, or facilitate the provision of priority humanitarian assistance to a significant proportion of displaced vulnerable groups including children, female-headed households, chronically ill and elderly persons. The majority of vulnerable individuals interviewed by Human Rights Watch said they had received little or no humanitarian assistance from the government.[66]

Although international humanitarian organizations, such as IFRC and community-based NGOs have tried to provide humanitarian assistance to displaced vulnerable groups, the government's refusal to allow access to those living in the open significantly hindered their operations and limited the level of assistance.

The U.N. Guiding Principles on Internal Displacement put special emphasis on the government's responsibility to ensure that assistance is available to vulnerable groups such as widows, children

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[59] Human Rights Watch interview with a representative of an international humanitarian agency, Harare, October 6, 2005.
[60] See Human Rights Watch, "Clear the filth".
[61] Human Rights Watch interviews with U.N. official, Harare, September 28, 2005.
[62] Human Rights Watch interview with local NGO representative, Victoria Falls, September 26, 2005.
[63] Human Rights Watch interview with local NGO representative, Harare, October 3, 2005.
[64] Human Rights Watch interview with local NGO representative, Victoria Falls, September 26, 2005.
[65] Guiding Principles on internal displacement, Principle 25.
[66] Human Rights Watch interviews, Victoria Falls, Mutare and Harare, September 26 – October 7, 2005.

and chronically ill persons who may have difficulty obtaining food, shelter and other items.[67] The government's failure to assist vulnerable individuals, including women and children, also violates its obligations under the African Charter on Human and Peoples' Rights which calls on states to ensure "the protection of the rights of women and the child as stipulated in international declarations and conventions,"[68] and the African Charter on the Rights and Welfare of the Child.[69]

Persons living with HIV/AIDS

In June 2005, Human Rights Watch documented how Operation Murambatsvina disrupted access to medical treatment for a significant proportion of persons living with HIV/AIDS. As of October, many displaced persons living with HIV/AIDS were still unable to access anti-retroviral, tuberculosis or opportunistic infection treatment. Local NGOs working with those living with HIV/AIDS have been unable to trace or reach many of their clients and informed Human Rights Watch that the government had made no attempts to locate their displaced clients and facilitate access to treatment, food and shelter for those living with HIV/AIDS.[70]

According to an independent countrywide survey of the impact of Operation Murambatsvina carried out by ActionAid International Southern Africa Partnership Program (SAPP-Zimbabwe) in six urban areas of Zimbabwe in August 2005, less than 5 percent of households with people living with HIV/AIDS, who were homeless or lost their livelihoods due to Operation Murambatsvina, were receiving support.[71] This support was mainly from community based organizations such as churches. According to ActionAid, support from the government of Zimbabwe was almost non-existent.

A local NGO working with orphans and those living with HIV/AIDS in Victoria Falls told Human Rights Watch that 371 out of their 700 chronically ill clients had lost their shelter as a result of the evictions and had no place to stay. According to the NGO, their clients have not been receiving food for two months, and the government has done nothing to assist them."[72] The director of an NGO working with people living with HIV/AIDS in Greater Harare also told Human Rights Watch that the government has done nothing to assist their clients displaced by the evictions."[73]

The IFRC reported that a large number of National Red Cross Home-Based Care clients, including orphans and HIV/AIDS patients in Matabeleland and Mashonaland provinces, were displaced from their contactable residential addresses. According to the IFRC, a significant proportion of those who went to the rural areas were unable to benefit from Home Based Care services and were in desperate need of food, medication and other basic amenities.[74]

A representative of a Harare-based, international humanitarian NGO informed Human Rights Watch that they were particularly concerned about the impact of the lack of shelter on the condition of HIV/AIDS and tuberculosis patients living in cold dusty conditions, as well as about

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[67] U.N. Guiding Principles on Internal Displacement, Principle 4 (2).
[68] African Charter on Human and Peoples' Rights, Article. 18. [online], http://www.africaunion.org/Official_documents/Treaties_%20Conventions_%20Protocols/Banjul%20Charter.pdf (retrieved November 7, 2005). Zimbabwe ratified the African Charter on Human and Peoples' Rights in 1986.
[69] See the African Charter on the Rights and Welfare of the Child, in particular articles 4, 11, 18 and 23. [online], http://www.achpr.org/english/_info/child_en.html (retrieved November 7, 2005). Zimbabwe ratified the charter in 1995.
[70] Human Rights Watch interviews with local NGO representatives, Harare and Victoria Falls, September 26 – October 7, 2005.
[71] ActionAid HIV/AIDS fact sheet, "Events, Outcomes and Responses to Operation Murambatsvina," September 2005.
[72] Human Rights Watch interview with local NGO representative, Victoria Falls, September 26, 2005.
[73] Human Rights Watch interview with local NGO representative, Harare, September 29, 2005.
[74] IFRC "Zimbabwe: Assistance to the population affected".

the dispersal of patients who had been receiving antiretroviral, tuberculosis or opportunistic infection treatment.[75]

A number of people living with HIV/AIDS also told Human Rights Watch that due to the loss of livelihood they were no longer able to pay for their treatment. For example, "Priscilla Q.", a widow, informed Human Rights Watch that she could no longer afford treatment for infections stemming from her HIV positive status:

> As you can see, I am not well. I am HIV positive and now I have oral thrush. I went to the doctor and was given a prescription for the thrush but I can't afford the medicine. At least when I was renting out the cottages I could afford the medicine but now I can't. Most of my money now goes towards school fees for my children and not medicine for myself. I have no hope now. I think I am going to die soon. I am very sick so I can't go to any rural area. I am too sick to travel that far.[76]

Female-headed households and mothers of children with disabilities

The terrible plight of widowed women and mothers of children with disabilities displaced by the evictions has not improved since Human Rights Watch's previous report on their situation in the aftermath of Operation Murambatsvina.[77]

The director of a local organization working with widows and orphans told Human Rights Watch that, based on the organization's analysis there are many widows who lost their homes or livelihood as a result of the evictions.[78] The director said that the widows have received no assistance from the government, and her efforts to draw the government's attention to their problems proved futile.[79] Five members of the organization, all of them HIV-positive widows with children, confirmed to Human Rights Watch that their families have not been in any way assisted by the government after they lost their shelter and means of survival as a result of Operation Murambatsvina.[80]

Mothers of children with disabilities residing in the urban areas of Harare have also been heavily affected by Operation Murambatsvina. Before the operation, many of these families were able to access physiotherapy and other forms of treatment for their children, as the women were renting out cottages and selling vegetables to earn their living.

As a result of Operation Murambatsvina, some of these families lost their livelihood and could no longer afford to pay for medical assistance for their children or even for transport to take their children for treatment. Many of the women and their children have been displaced and for months have been staying outside, in inadequate shelter, or in overcrowded conditions with minimal assistance, which had a detrimental impact on their children's health. The families have received no assistance from the government. "Pamela Q." who brought her son, suffering from cerebral palsy, to Harare City Hospital, told Human Rights Watch:

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[75] Human Rights Watch interview, Harare, October 6, 2005.
[76] Human Rights Watch interview with "Priscilla P." (not her real name), Harare, September 29, 2005.
[77] See Human Rights Watch report, "Clear the filth".
[78] The particularly heavy toll on widows is largely explained by the prevalence of women in the informal settlements due to a plethora of abusive and discriminatory practices in Zimbabwe, including property grabbing after spouses' death, discrimination in inheritance, lack of equal property rights upon divorce, difficulties in obtaining credit to purchase property, and discriminatory attitudes of public officials handling issues such as the registration of deeds to property and the approval of land transfers.
[79] Human Rights Watch interviews with director and members of the organization, Harare, September 30, 2005.The director asked Human Rights Watch not to name the organization, fearing retribution from the government.
[80] Ibid.

> My son is suffering from diarrhoea and pneumonia… We were evicted from Mufakose four months ago. We now sleep at my uncle's house with my son, on the floor in the corridor. It's quite cold there and maybe that is why he is suffering from pneumonia. I have no money because I can't sell vegetables anymore. I have received no help from anyone.[81]

The situation of women and children living in the government-recognized settlement, Hopley Farm, has been no less precarious, as they have been deprived of any means of survival and the assistance provided was extremely limited. "Sandra T." told Human Rights Watch that at Hopley Farm she and her nine-year-old son who has cerebral palsy have been staying in the open, with no shelter. Human Rights Watch interviewed her at Harare City Hospital where she brought her son suffering from diarrhea. She said:

> [At Hopley Farm], we are sleeping out in the open. There is not enough water or proper sanitation there. There are no medical facilities and when someone gets sick we have to come all the way here. I think my son got sick because we have been drinking water from the Mukuvisi River.[82]

Local women's rights organizations also shared with Human Rights Watch their concern that displaced women and girls were also vulnerable to various forms of abuse and harassment including sexual abuse and domestic violence. As a representative of one of the women's organisation told Human Rights Watch:

> I am disturbed by the current status of women which has worsened [after the evictions]. If a family doesn't have enough resources, violence will be there and more often it is the woman who suffers. My fear is that the younger girls may go into prostitution to earn a living.[83]

Children

The report of the U.N Special Envoy on the impact of the evictions estimated that up to 223,000 children were directly affected by Operation Murambatsvina.[84] In the aftermath of the operation, the government has provided little to no assistance to displaced children living with their parents or guardians, children separated from their families, or child-headed households.

In some cases, the lack of assistance could have caused particularly grave consequences. Thus, one international humanitarian NGO reported that it had documented seven cases of severe malnutrition in under-five year olds displaced by the evictions, and three of the children died after referral.[85]

Many of the displaced children face significant hurdles in continuing their education. A survey on the effects of Operation Murambatsvina by ActionAid found that overall, 22 percent of children who had been attending school before Operation Murambatsvina, dropped out because of the evictions.[86] The displacement has also further hindered parents' ability to pay for schooling, causing more children to drop out of school. In addition, children have moved further away from their schools and many parents told Human Rights Watch that they could no longer afford to pay the transport costs for their children to go school.

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[81] Human Rights Watch interview with "Pamela P." (not her real name), Harare, October 6, 2005.
[82] Human Rights Watch interview with "Sandra S." (not her real name), Harare, October 6, 2005.
[83] Human Rights Watch interview with representative of women's organization, Harare, October 3, 2005.
[84] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Mission".
[85] Human Rights Watch interview with international NGO representative, Harare, October 6, 2005.
[86] ActionAid OVC fact sheet, "Events, Outcomes and Responses to Operation Murambatsvina," September 2005.

Many witnesses interviewed by Human Rights Watch confirmed that the families had to discontinue their children's education due to their displacement and inability to pay the fees. For example, "Mary O.", a mother of eight, said that she and her husband could no longer afford to send their children to school as the family had been displaced, and both parents lost their jobs."[87] Another witness, "Tafadzwa U.", also told Human Rights Watch that his seventeen-year-old brother stopped going to school after the house where the four orphaned siblings used to live had been destroyed during Operation Murambatsvina and they could no longer afford to pay the school fees."[88]

Restrictions on economic activities

The ability to generate income is particularly important for IDPs who will otherwise be dependent on humanitarian assistance.[89]

With unemployment in Zimbabwe at 80 percent,[90] most of those displaced by Operation Murambatsvina worked in the informal sector. Many lost their livelihoods when the government destroyed market stalls and other informal sector businesses as well as their homes.[91] Yet, not only has the government of Zimbabwe made few attempts to mitigate the effects of the loss of livelihood to those displaced by the evictions, it has worsened their plight by preventing them from engaging in informal business activities.

Informal traders displaced by the evictions in different areas of Zimbabwe told Human Rights Watch that police routinely harassed and arrested them, and took away their wares if they were caught selling items at the informal markets or by the side of the road.

For example, "Chipo D.", from one of the townships in Harare told Human Rights Watch, "I used to sell vegetables as a market vendor but my stall was destroyed. I still try to sell the vegetables but the police arrest me and make me pay a fine."[92] Another witness said:

> People whose market stalls were demolished have come back and are selling their vegetables in the open. Police come about five times a day to harass the vendors, and take their goods for free. One woman got tired of police harassment and threw stones at the policemen three weeks ago. She was arrested by the police, and I don't know what happened to her.[93]

Other witnesses told Human Rights Watch that having lost their trade as a result of Operation Murambatsvina, they do not dare to start selling goods again, fearing government retribution, and can hardly make ends meet. "Theresa U.", a single mother of four from Mutare, who lost both shelter and livelihood as a result of Operation Murambatsvina, told Human Rights Watch, "We were vegetables sellers, sellers of small wares and these have now stopped. We are banned

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[87] Human Rights Watch interview with Mary M., Harare, September 29, 2005.
[88] Human Rights Watch interview with Tafadzwa T., Victoria Falls, September 26, 2005.
[89] The U.N. Guiding Principles on Internal Displacement state that IDPs have the right to seek employment and participate in economic activities. See, U.N. Guiding Principles on Internal Displacement, principle 22 (b).
[90] IMF Country Report No: 04/297, September 2004.
[91] While the government claimed that the destroyed business structures were "illegal," a significant number of informal traders seemed to have legal authorization for their economic activities and have been paying council city rates every month before the evictions. Human Rights Watch interviews with senior local council officials and victims of evictions, Victoria Falls, Harare and Mutare, September 26 – October 7, 2005. Lawyers working for Zimbabwe Lawyers for Human Rights, informed Human Rights Watch that they had a court case pending against the government due to the illegal destruction of a number of informal market stalls in and around the city of Harare.
[92] Human Rights Watch interview with "Chipo C." (not his real name), Harare, September 29, 2005
[93] Human Rights Watch interview with a local official, Harare, September 29 2005.

from vegetable selling. We are now relying on relatives and friends who come by and give us something."[94]

Involuntary relocation to rural areas

The testimony of many interviewees leaves no doubt that the government is making a concerted effort to coerce the displaced staying in the cities and towns across Zimbabwe to move to the rural areas.[95] The methods used to compel the displaced to move range from overt police harassment and forcible relocation to denial and manipulation of humanitarian assistance.

On a number of occasions in recent months, Zimbabwe police harassed the IDPs staying in the urban areas, pressuring them to move to the rural areas.

In one case, after trying to coerce the displaced into moving to rural areas, the police forcibly relocated several hundred IDPs from Mbare, Harare to a holding camp at Hopley Farm. On October 2, policemen with dogs came to an informal IDP settlement in Mbare and threatened more than 250 men, women and children with physical violence and destruction of their property if they would not leave the area by October 5. Lawyers from the organization Zimbabwe Lawyers for Human Rights (ZLHR) managed to file an urgent application with the High Court preventing their further displacement.[96]

However, several weeks later, a representative of ZLHR informed Human Rights Watch that on November 14 at 2.00 a.m., Harare City Municipal Workers, accompanied by the police, forced the families onto trucks and took them to Hopley Farm in contempt of the High Court order.[97]

Several displaced families staying in the open in makeshift shelters in Mutare also told Human Rights Watch that on September 26, 2005, police visited them and told them to leave the area. "Theresa U.," recounted the experience:

> Because of the oncoming rains, we put plastic covers [over our belongings], but last Monday [September 26] the local authorities sent the police to take our covers and burnt them. They also burnt our beds and wardrobes. They said, 'We don't want you squatting here.' They told us to go back to the rural areas.[98]

The police also threatened the owner of the land on which the families were staying, with eviction if he did not force the families to leave.[99]

Over a hundred IDPs staying in the rubble of a destroyed market place in a high-density suburb of Harare, also told Human Rights Watch about the brutal methods police used trying to force them to leave for the rural areas. The witnesses said:

> We are constantly harassed by the police – sometimes they beat people up; the last time they came three weeks ago. They said, 'you must go to your remote rural areas.' We say, 'We can't go, there is no land,' besides many of us do not have a rural home to go, our parents were from other countries – Malawi, Zambia, Mozambique.[100]

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[94] Human Rights Watch interview with "Theresa T." (not her real name), Mutare, October 1, 2005.
[95] Human Rights Watch interviews, Victoria Falls, Mutare and Harare, September 26 – October 7, 2005.
[96] Human Rights Watch interview with Zimbabwe Lawyers for Human Rights, October 6, 2005. Human Rights Watch visited and interviewed the internally displaced on September 29, a few days before police visited the area.
[97] Human Rights Watch telephone interview with a representative of Zimbabwe Lawyers for Human Rights, November 15, 2005.
[98] Human Rights Watch interview with "Theresa T.", Mutare, October 1, 2005.
[99] Human Rights Watch interviews, Mutare, October 1 2005.
[100] Human Rights Watch interviews, Harare, September 29, 2005

Many IDPs told Human Rights Watch that fearing police harassment and further displacement they have resorted to hiding during the day and only returning to places where they found temporary shelter at night.

The government's denial of shelter, food and other basic assistance to the internally displaced as well as restriction of their economic activities which has essentially left the IDPs with no means of support, have also forced some of the displaced families to move to the rural areas.

Moreover, representatives of a U.N. agency providing food assistance and church officials involved in food distributions indicated to Human Rights Watch that the government has been using food aid to compel the relocation to rural areas. Thus, a representative of a local church in one of Harare's provinces told Human Rights Watch that the government only allowed the church to provide food packages to families who have agreed to move to the rural areas, while at the same time prohibiting food distributions to other IDPs. The representative was convinced that this tactics has been deliberately used by the government to force the displaced to leave the urban areas.[101]

While compelling the relocation to rural areas, the government made no effort to ensure that basic assistance would be available to the displaced after the relocation, or even to track down those who chose to move. Church officials who were assisting the displaced with relocation told Human Rights Watch that many of the displaced were unaware of poor conditions in the rural areas, and some have come back to the cities after seeing "that the situation in the rural areas was very bad."[102]

In its September report on the impact of the evictions, Human Rights Watch highlighted the problems victims of the evictions face in the rural areas, including lack of access to proper medical facilities, lack of land to cultivate and live on, and severe food shortages.[103]

These concerns were confirmed during a Human Rights Watch visit to a rural area in Matabeleland South. The villagers complained about difficult conditions in the area. One of them said, "The hospital is far away and people have to travel to Victoria Falls to get medical help. Food is scarce and there are no international organizations which come here to provide food aid or other assistance."[104] The village headman also said that the village had no means to assist the people relocating from the towns, and there was no land available for them to cultivate."[105]

"Ellen F.", a mother of two who was evicted from Victoria Falls and later moved to the village, told Human Rights Watch that her family had to stay in a local pastor's house, as there was no land in the village where they could have built their own house. "Ellen F." said that while she used to make her living by selling vegetables in the city, there was no work for her in the village. She also found it very difficult to get medical assistance for her two children, both of whom suffer from asthma, as there were no medical facilities in the area.[106]

By coercing people to relocate to the rural areas, the government of Zimbabwe has also ignored the fact that many of the displaced do not have rural homes to return to, as some were born and brought up in the urban areas and have no relatives in the rural areas, and others are of foreign origin.

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[101] Human Rights Watch interview with a church representative, September 26, 2005. Place withheld to protect the identity of the witness.
[102] Human Rights Watch interview with church officials, September 26, 2005. Place withheld to protect the identity of the witness.
[103] Human Rights Watch report, "Clear the filth".
[104] Human Rights Watch interview with villager, Matabeleland South, September 27, 2005.
[105] Human Rights Watch interview with village headman, Matabeleland South, September 27, 2005.
[106] Human Rights Watch interview with "Ellen E." (not her real name), Matabeleland South, September 27, 2005.

Involuntary relocation constitutes a serious violation of the rights of IDPs. The U.N. Guiding Principles on Internal Displacement reaffirm the rights of IDPs to liberty of movement and freedom to choose their place of residence.[107] The government cannot force or compel the relocation of the internally displaced against their will, and has the duty to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.[108]

Forcible displacement also infringes on the right to liberty of movement and freedom to choose one's residence as guaranteed in the International Covenant on Civil and Political Rights (ICCPR) and by the African Charter on Human and Peoples' Rights.[109] Forcible displacement also violates the right to protection from interference with one's home, and may violate the right to an adequate standard of living (including adequate housing), set forth in the International Covenant on Economic, Social and Cultural Rights (ICESCR).[110]

Denial of access to legal remedies

The U.N. Special Envoy report concluded that during the evictions campaign the government of Zimbabwe has "breached both national and international law," and that it should compensate the victims for illegally destroyed property as well as redress the suffering caused by the evictions and their aftermath. The report further called on the government to identify and prosecute "all those who orchestrated this catastrophe."[111]

Despite these clear recommendations, and its international obligations to provide effective remedies to victims of human rights violations under the ICCPR and the African Charter on Human and People's Rights, the Zimbabwean government has not carried out any inquiries into the manner in which the evictions were carried out or investigated reports of use of excessive force by the police during and after the evictions.[112] In addition, no steps seem to have been

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[107] U.N. Guiding Principles on Internal Displacement, Principle 14.

[108] U.N. Guiding Principles on Internal Displacement, Principle 28.1.

[109] See International Covenant on Civil and Political Rights (ICCPR), U.N. Doc. A/6316 article 12 (1) to which Zimbabwe is state party; and the African Charter on Human and Peoples' Rights which Zimbabwe ratified in 1986.

[110] The right to protection from interference from one's home is set forth is the Article 17 of ICCPR; Article 11(1) of the ICESCR establishes the right to an adequate standard of living. Under Article 4 (1) of ICCPR, the rights to protection from arbitrary or unlawful interference with one's home is subject to derogation "[i]n time of public emergency which threatens the life of a nation and the existence of which is officially proclaimed... to the extent strictly required by the exigencies of the situation," provided that the limitations imposed are not inconsistent with other international obligations and "do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin." Article 4 of ICESCR emphasizes that "the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject the enjoyment of rights provided in conformity with the Covenant "only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society." Zimbabwe acceded to ICESCR in 1991.

[111] U.N. Special Envoy on Human Settlement Issues in Zimbabwe "Report of the Fact-Finding Missions to Zimbabwe ", p. 77.

[112] See ICCPR, article 17 and African Charter on Human and Peoples' Rights, article 7. U.N. expert bodies have recently developed and adopted the Principles on Housing and Property Restitution for Refugees and Displaced Persons, also known as the Pinheiro Principles, E/CN.4/Sub.2/2005/17, June 28, 2005 [online], http://daccessdds.un.org/doc/UNDOC/GEN/G05/146/95/PDF/G0514695.pdf?OpenElement (retrieved November 22, 2005). The Principles call on states to prioritize the right to restitution as a remedy for displacement and as a key element of restorative justice. According to principle 2, "All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal". Although not legally binding, the 'Pinheiro' Principles set comprehensive guidelines to "assist all relevant actors, national and international, in addressing the legal and technical issues surrounding housing, land and property restitution in situations where displacement has led to persons being arbitrarily and unlawfully deprived of their former

taken to change the legislation to provide for improved housing rights and security of tenure for those in danger of eviction and displacement.

The government also failed to provide access to effective legal remedies to the victims of Operation Murambatsvina. According to lawyers from the organization Zimbabwe Lawyers for Human Rights (ZLHR), the courts, run by politically compliant judges, have been extensively using delaying tactics in processing cases related to Operation Murambatsvina. In addition, few people were inclined to demand compensation as they did not believe that they would receive justice or effective remedy. ZLHR staff believed that the vast majority of the victims are unlikely to receive any compensation or other forms of reparations from the government.[113]

V. International Response to the Crisis

In the immediate aftermath of Operation Murambatsvina, statements by a number of key U.N. agencies signaled the international community's recognition that the evictions caused a large-scale humanitarian and human rights crisis that must be urgently addressed.

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons characterized the situation as a "massive internal displacement," expressing hope that "with rapid action on the part of the United Nations in conjunction with the Government of Zimbabwe, ongoing violations of human rights on the massive scale… can be quickly brought to an end."[114] A group of ten U.N. experts, including eight Special Rapporteurs, issued a joint statement deploring the evictions and their "grave human rights implications."[115] In the report of her fact-finding mission to Zimbabwe, the U.N. Special Envoy emphasized "an immediate need for the Government of Zimbabwe to recognize the virtual state of emergency that has resulted and to allow unhindered access by the international and humanitarian community to assist those that have been affected."[116]

However, these statements have not been translated into an effective response by the U.N. country team and non-U.N. agencies - such as the International Organization for Migration (IOM) - on the ground.

Human Rights Watch did not attempt to perform a full-scale assessment of the U.N. humanitarian assistance program in Zimbabwe. However, numerous site visits and interviews with the internally displaced, as well as interviews with a broad range of national and international NGOs, local authorities and representatives of U.N. and other international agencies revealed that the U.N.-led program had failed to reach the majority of the internally displaced with basic assistance, or to take decisive action to provide protection to the vulnerable population.

One of the main obstacles preventing the U.N. from fulfilling its obligations is indisputably the government's refusal to acknowledge the crisis and its deliberate obstruction of aid delivery documented in detail in this report. Yet Human Rights Watch found serious flaws in the U.N. program itself, which have undermined the fulfillment of its humanitarian objectives. The problems

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homes, lands, properties or places of habitual residence." General Comment 7, paragraph 13, of the Committee on Economic, Social and Cultural Rights (CESCR) on forced evictions (1997) also requires state parties to "…see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real which is affected", [online] http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument (retrieved November 22, 2005).

[113] Human Rights Watch interview with Arnold Tsunga and Irene Petras, Zimbabwe Lawyers for Human Rights, September 28, 2005.

[114] U.N. Press Release, "U.N. Representative Calls Zimbabwe Crisis Massive Internal Displacement," July 29, 2005.

[115] U.N. Press Release, "U.N. Experts Deplore Zimbabwe's Campaign of Forced Eviction," June 24, 2005.

[116] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe", p. 8.

include the U.N. county team's failure to assess and evaluate the situation on the ground and devise a realistic response strategy that would take existing challenges into account; inattention to protection concerns both in the planning and implementation of programs and the absence of safeguards against human rights violations within the program.

Human Rights Watch acknowledges that the U.N. country team in Zimbabwe works under challenging circumstances and has to carefully choose the means for advancing its goals without endangering the ongoing humanitarian involvement in the country. Members of the country team indicated to Human Rights Watch that they had to resort to quiet negotiations with the government, fearing that any public criticism would put their operations at risk. While accepting that quiet diplomacy can, on occasion, be an effective strategy for promoting human rights, it does seem clear that six months into the crisis precipitated by Operation Murambatsvina, the strategy of quiet diplomacy has produced few tangible benefits for those displaced by the evictions.

While the U.N. cannot be held responsible for the Zimbabwean government's recalcitrance, it does bear a responsibility to the hundreds of thousands of people whose fundamental rights have been continuously violated as a result of Operation Murambatsvina, and whose very survival is currently at risk. In situations where the governments defy their international obligations to respond to the protection and assistance needs of the internally displaced, the international community bears the task of becoming meaningfully involved.[117] In relation to the situation in Zimbabwe this obligation was further reiterated by the U.N. Special Envoy who concluded in her report on the impact of Operation Murambatsvina that "the international community has a responsibility to protect those affected."[118]

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[117] This responsibility was repeatedly emphasized by the Secretary-General of the United Nations, Representative of the Secretary-General on internally displaced persons and the Representative of the Secretary-General on the human rights of internally displaced persons. See e.g., "Strengthening of the coordination of emergency humanitarian assistance of the United Nations," Report of the Secretary-General to the 60th session of the General Assembly, U.N. Doc. A/60/87–E/2005/78, June 23, 2005; U.N. Economic and Social Council, Commission on Human Rights, 60th session, provisional agenda item 14(c), Specific Groups and Individuals: Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, U.N. Doc. E/CN.4/2004/77 (2004); U.N. Economic and Social Council, Commission on Human Rights, 61st session, provisional agenda item 14(c), Specific Groups and Individuals: Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, submitted pursuant to Commission on Human Rights resolution 2004/55, U.N. Doc. E/CN.4/2005/84 (2005). The Report by Francis Deng states, inter alia:

> [W]here the needs of sizeable populations over whom sovereignty is exercised are unmet and large numbers of people suffer extreme deprivation and are threatened with death, the international community, itself obligated by humanitarian and human rights principles, cannot be expected to stand by and watch passively.

The responsibility is also reaffirmed by the Humanitarian Charter and SPHERE standards to which the U.N. country team in Zimbabwe itself repeatedly refers in its program documents, including in the Interim United Nations Multi Sectoral Response Plan to the Recent Evictions in Zimbabwe, July 15, 2005, Harare. See *Humanitarian Charter and Minimum Standards in Disaster Response* (Geneva: The Sphere Project, 2004), Common Standard 3. The Sphere Humanitarian Charter and Minimum Standards in Disaster Response have been developed by humanitarian NGOs and Red Cross and Red Crescent movement as an operational framework for accountability in disaster assistance efforts. Humanitarian Charter is based on the principles and provisions of international humanitarian law, international human rights law, refugee law and the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief.

[118] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe", p. 67.

Planning and coordination

Failure to incorporate protection issues in the response plan

Response to the humanitarian crisis precipitated by Operation Murambatsvina was elaborated in two planning documents produced by the U.N. country team - a threemonths "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe" (Interim Plan) prepared in mid-July 2005, and the following "Common Response Plan," finalized in early September.[119]

Neither plan meaningfully incorporates protection objectives and activities into the program. While the failure to incorporate protection concerns in humanitarian assistance programs is not unique to Zimbabwe, it has been repeatedly addressed and criticized in the U.N. policy documents and extensive research materials on the matter.[120]

The Interim Plan mentions that "besides the broader protection issues such as health, water, and sanitation" there are also "specific protection issues for the most vulnerable populations." However, it does not elaborate on the issues any further and does not describe the specific action that needs to be taken to address them. The Common Response Plan declares that "protection… will be mainstreamed into all the sectors," yet does not explain what this mainstreaming would mean in practical terms. The only groups whose protection needs in both plans have been addressed more specifically are children and, to a lesser extent, women at risk of sexual violence.[121]

Significantly, despite the U.N. Special Envoy's conclusion that "hundreds of thousands of people have had their basic rights infringed upon and their dignity violated" as a result of the evictions,[122] and the Interim Plan's supposition that the "evictions and demolition… could prima facie constitute serious human rights violations,"[123] the response plans do not even mention the term

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[119] "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe," Harare, July 15, 2005; United Nations Country Team Zimbabwe, "Common Response Plan for the Needs of Vulnerable Persons Affected by "Operation Murambatsvina/ Restore Order: September to December 2005," Harare, September 5, 2005. The plans mention the following agencies as participants in the response program: International Organization on Migration (IOM), World Food Program (WFP), United Nations Children's Fund (UNICEF), United Nations Development Program (UNDP), United Nations Population Fund (UNFPA), Joint United Nations Program on HIV/AIDS (UNAIDS), United Nations Development Fund for Women (UNIFEM), United Nations High Commissioner for Refugees (UNHCR), World Health Organization (WHO), International Labor Organization (ILO) and Food and Agriculture Organization of the United Nations (FAO).

[120] See, e.g., "Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons," The Brookings-SAIS Project on Internal Displacement and the U.N. office for the Coordination of Humanitarian Affairs, Inter-Agency Internal Displacement Division, November 23, 2004.

[121] The Interim Plan emphasizes the need for "assessing" cases of abuse and for continuing a "dialogue with the government on protection issues, to ensure better access to affected children and for the immediate release of children who have been detained during this operation." The section of the Common Response Plan entitled "Protection needs of the displaced population" also addresses the protection of women and children from violence, yet does not mention any other groups or protection issues. A table of activities and responsible agencies attached to the Common Response Plan also designates Resident Coordinator/Humanitarian Coordinator as an authority responsible for "protection of vulnerable men, women and children" as well as "protection advocacy," and specifies the amount of funds required for these activities, yet the substance of these activities is not described anywhere in the plan. See "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe;" United Nations Country Team Zimbabwe, "Common Response Plan for the Needs of Vulnerable Persons Affected by 'Operation Murambatsvina/ Restore Order.'"

[122] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe".

[123] "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe," Harare, July 15, 2005; United Nations Country Team Zimbabwe.

"human rights" in the protection context, do not address the broad range of protection needs generated by the evictions and their aftermath, and do not list any protection-related objectives among the priorities. This is particularly troubling given the human rights causes of the displacement crisis. The one provision in the Interim Plan that is apparently supposed to reflect the human rights protection strategy states the need to:

> [c]arry out a legal analysis of the ongoing evictions with the view to ascertaining their conformity or otherwise with applicable national, regional and international human rights standards, and to be carefully employed as an advocacy tool by the [Resident Coordinator/Humanitarian Coordinator] in the policy dialogue with the Government of Zimbabwe and other stakeholders.[124]

The U.N. Special Envoy's report indeed contained such detailed legal analysis of the evictions, concluding that they have been carried out with disregard to international and national law and calling for immediate measures to redress the large-scale human rights violations.[125] The U.N. country team, however, did not seem to have taken due notice of this conclusion and recommendation in its further programming. The September Common Response Plan does not mention the term "human rights" at all.

The absence of a commitment to protection in the plans is contrary to U.N. policy, which emphasizes the *responsibility* of humanitarian agencies "to ensure that protection features are integrated in their programmes and operations."[126] The policy interprets protection as "all activities aimed at ensuring full respect for the rights of the individual," including the rights related to physical security and integrity and to basic necessities of life, as well as other political, civil, economic, social and cultural rights.[127] In his recent report, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons again reiterated that "human rights protection goes beyond the mere provision of assistance insofar as it aims at ensuring that violations cease, do not reoccur and that victims of violations are provided with effective remedies including reparation."[128]

Lack of coordination and limited involvement of protection-oriented agencies

The failure to meaningfully incorporate human rights concerns and corresponding protection goals in the planning documents is related to a larger problem of coordination and division of labor within the country team and a very limited involvement of agencies with protection mandates.

In their response to the humanitarian crisis precipitated by Operation Murambatsvina, U.N. and non-U.N. agencies in Zimbabwe are working within the framework of the "collaborative

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[124] "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe," Harare, July 15, 2005; United Nations Country Team Zimbabwe.

[125] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe".

[126] *Protection of Internally Displaced Persons,* Inter-Agency Standing Committee Policy Paper, (New York: December 1999). The IASC policy paper contains detailed guidelines for building "protective environment" and integrating "protection features into operational response and remedial action." It underlines the importance of the Guiding Principles on Internal Displacement as a basis for conceptualizing and implementing an effective protection strategy.

[127] Ibid. The paper adopts the definition used in 1999 Workshop of the International Committee of the Red Cross (ICRC) on Protection, see International Committee of Red Cross, "Third Workshop on Protection", *Background paper*, January 7, 1999.

[128] U.N. Economic and Social Council, Commission on Human Rights, 61st sess., provisional agenda item 14(c), Specific Groups and Individuals: Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, submitted pursuant to Commission on Human Rights resolution 2004/55, U.N. Doc. E/CN.4/2005/84 (2005).

approach,"[129] which suggests that a "broad range of U.N. and non-U.N., governmental and non-governmental actors (including humanitarian, human rights and development actors) work together in a transparent and cooperative manner," with a Humanitarian or Resident Coordinator being responsible for the strategic coordination of protection and assistance as well as for "negotiating unimpeded humanitarian access."[130]

However, specific roles assigned by the planning documents to various agencies raise serious concerns. For example, IOM is designated as the lead agency for provision of food (supplied by the World Food Program) and non-food items (including shelter) to the internally displaced, with more than 50 percent of the Common Response Plan budget directed to this agency.

Based on its previous research of IOM's field operations across the world, Human Rights Watch has identified serious problems in the organization's response to humanitarian crises. The problems include a lack of expertise in providing emergency assistance, such as delivery of food and shelter; absence of a formal mandate to monitor human rights abuses and to protect the rights of beneficiaries; unwillingness to engage with experienced humanitarian and human rights actors to ensure that operations reflect sensitivity to the human rights dimension; failure to meaningfully engage with non-governmental organizations and other civil society actors; and the lack of effective accountability mechanisms to answer criticism with respect to field practice's impact on human rights.[131] Many of these problems appear to have affected IOM's humanitarian operations in Zimbabwe, as illustrated below in this report.

The limitations of the IOM's leading role are exacerbated by the very limited involvement of agencies with specific protection mandates - primarily the UNICEF and UNHCR - in the humanitarian response to the internal displacement crisis in Zimbabwe.

In their public statements following Operation Murambatsvina, UNICEF representatives spoke about the enormous humanitarian crisis precipitated by the evictions and repeatedly called on donor countries to provide additional resources to support UNICEF's emergency programs in the country.[132] The statements, however, did not acknowledge that the main reason for UNICEF's inability to reach the majority of its intended beneficiaries was the government obstruction of humanitarian assistance and did not advocate for the need to provide human rights protection to the displaced.

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[129] The collaborative approach was initially outlined in 1999 and further reaffirmed by the United Nations Inter-Agency Standing Committee (IASC). See *Protection of Internally Displaced Persons,* Inter-Agency Standing Committee Policy Paper, (New York: December 1999); Inter-Agency Standing Committee, "Supplementary Guidance to Humanitarian/Resident Coordinators on their Responsibilities in Relation to IDPs," April 5, 2000; Inter-Agency Standing Committee, *Implementing the Collaborative Response to Situations Of Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams* (Geneva: 2004). The Inter-Agency Standing Committee was established in June 1992 in response to General Assembly Resolution 46/182 that called for strengthened coordination of humanitarian assistance. The primary role of the IASC is to formulate humanitarian policy to ensure coordinated and effective humanitarian response to both complex emergency and to natural disasters.

[130] Inter-Agency Standing Committee, Implementing the Collaborative Response to Situations Of Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams (Geneva: 2004), p. 7-8.

[131] For a detailed discussion of Human Rights Watch concerns regarding IOM's field operations see: "The International Organization for Migration (IOM) and Human Rights Protection in the Field: Current Concerns," Human Rights Watch submission to the IOM Governing Council Meeting, 86th Session, November 18-21, 2003, Geneva.

[132] See e.g., "UNICEF Calls for Donor Support to Assist Thousands Displaced by Forced Evictions," UNICEF press release, July 1, 2005, [online] at http://www.unicef.org/infobycountry/zimbabwe_27559.html (retrieved November 10, 2005); "In Wake of Zimbabwe Demolitions, UNICEF Calls for Global Support to Alleviate Crisis Facing Children," UNICEF press-release, July 26, 2005, [online] at http://www.unicef.org/media/media_27773.html (retrieved November 10, 2005).

For its part, UNHCR has strictly limited its role to assisting refugees in the Tongogara camp and, as indicated to Human Rights Watch by other members of the U.N. country team, the agency has not been involved in any aspects of the assistance program related to IDPs.[133]

Devising a realistic strategy for addressing the needs of the internally displaced

While the Zimbabwean government has persistently obstructed humanitarian operations and demonstrated no willingness to cooperate with international agencies, the U.N.'s plans proceeded from a false assumption of the government's collaboration and thus could not devise a realistic strategy that would take the existing challenges into account and enable the agencies to adjust their operations accordingly.

The government's non-cooperation was evident at the time the Interim Response Plan was devised and was noted both in the plan itself and in the U.N. Special Envoy's report.[134] The Interim Plan spoke about the need to improve cooperation with the government and to build "a shared understanding on the priorities for delivery of assistance to the populations affected."[135]

By September, very little had been achieved with respect to the improved cooperation with the government, and the government obstruction of humanitarian assistance had not only intensified but also effectively prevented the country team from fulfilling most of the objectives set out in the Interim Plan.

Nonetheless, the Common Response Plan ignored this reality, citing instead the government's welcoming of the "assistance of the United Nations and other partners to address the humanitarian effects of the operation," and adding that "access to those affected by the operation has increased, allowing the U.N. and its partners to expand ongoing assistance."[136]

These assertions, however, did not reflect the situation on the ground. All U.N. staff interviewed by Human Rights Watch in September and October consistently cited the government's continuous obstruction of operations as the main reason for the international agencies' inability to implement their programs. Moreover, Zimbabwean government officials continued to deny the existence of the crisis and the need for international assistance.[137]

U.N. officials acknowledged to Human Rights Watch that in the absence of the government's cooperation, which the Common Response Plan was heavily relying on, the chances of the Plan being implemented are now very slim.[138]

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[133] Human Rights Watch interviews with representatives of the U.N. country team, September 28, 2005, Harare; October 3, 2005, Harare; phone interview October 23, 2005.

[134] The Special Envoy reported that "the Government has, on several occasions, prevented humanitarian actors from providing shelter and basic services to the displaced population, particularly near the demolition sites, even though many of the affected persons remain without any form of shelter or ready means of sustenance. It has also impeded data collection." See United Nations Human Settlements Program (UN-HABITAT), Report of the Fact-Finding Missions to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina by the U.N. Special Envoy on Human Settlement Issues in Zimbabwe, Mrs. Anna Kajumulo Tibaijuka.

[135] "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe."

[136] United Nations Country Team Zimbabwe, "Common Response Plan for the Needs of Vulnerable Persons Affected by "Operation Murambatsvina/ Restore Order: September to December 2005."

[137] See, for example, statements by Deputy Information and Publicity Minister Bright Matonga and by Security Minister Didymus Mutasa, cited in: "Zimbabwe: Government Refuses to Endorse Emergency Appeal," *IRINnews*, August 29, 2005, [online] at http://www.irinnews.org/report.asp?ReportID=48804&SelectRegion=Southern_Africa&SelectCountry=ZIMBABWE (retrieved November 22, 2005).

[138] Human Rights Watch phone interview with a U.N. official, October 23, 2005.

Assessment and monitoring

Another important factor which significantly complicated the implementation of humanitarian programs in the aftermath of the evictions was the U.N. country team's failure to carry out a comprehensive needs assessment, to establish a procedure for registering the internally displaced, and to engage in monitoring of the situation, either directly or through implementing partners.

In the absence of government cooperation, and given the government's deliberate actions aimed at restricting the access of the international actors to the internally displaced described above in this report, these tasks were certainly not easy to accomplish. Yet, Human Rights Watch found that in these challenging circumstances the U.N. country team and other international agencies involved in humanitarian response appeared not to have undertaken even the steps that were well within their capacity. For example, they did not visit many locations throughout the country in order to assess and monitor the situation of the IDPs and register the displaced, although access to most of these areas is not restricted. Neither did the agencies make use of data, possibilities for access and extensive networks of local and international NGOs active on the ground in Zimbabwe.

Absence of comprehensive data

In July, the U.N. Special Envoy noted in her report that "nearly two months into the crisis, the United Nations has been unable to survey humanitarian needs in coordination with the authorities" and that the "lack of information on the number of people affected, their profile, and their whereabouts" made "programming, coordination and resource mobilization extremely difficult and onerous."[139] Six months into the crisis, the U.N. country team has yet been unable to produce any comprehensive data on the overall numbers of people in need of humanitarian assistance, let alone any disaggregated data on the internally displaced and their specific needs.

In interviews with Human Rights Watch, U.N. staff explained the absence of data by their lack of access to the displaced population and the government's unwillingness to cooperate in the process.[140] While acknowledging the enormous difficulties inherent in working in Zimbabwe, Human Rights Watch is concerned that the documents produced by the U.N. country team contain often wildly inconsistent figures and make no effort to explain the discrepancies.

For example, the Interim Response Plan concluded in July, based on an "informal assessment in selected areas," that approximately 74,000 households (370,000 individuals) have been "affected" by the evictions, noting that the figure was likely to increase, since the evictions were still ongoing. While referring also to the figures cited by the U.N. Special Envoy, which - based on the information received from the government - put the number of the "affected" households at a figure almost two times higher (133,000), the Plan, with no real explanation, designated only 40,000 households as the population targeted for humanitarian assistance.[141]

In September, the Common Response Plan, in turn, identified the population in need of "emergency assistance" to be "in the region of 300,000" explaining neither how this figure corresponded to the one in the previous plan nor giving a basis for this estimate.[142] IOM representatives provided Human Rights Watch with yet another document, also compiled in

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[139] U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe", p.51-53.

[140] Human Rights Watch interviews with members of the U.N. country team in Zimbabwe, September 29 - October 3, 2005, Harare.

[141] "Interim United Nations Multi-Sectoral Response Plan to the Recent Evictions in Zimbabwe."

[142] United Nations Country Team Zimbabwe, "Common Response Plan for the Needs of Vulnerable Persons Affected by Operation Murambatsvina/ Restore Order: September to December 2005."

September, which gives a figure of 462,745 as an estimated number of the individuals "affected" by Operation Murambatsvina.[143]

An independent countrywide survey carried out by ActionAid in six urban areas of Zimbabwe in August 2005 concludes that in Harare alone out of 850,000 individuals "affected" by the evictions, 71 percent - or approximately 600,000 people - lost their homes.[144] One of the UNICEF statements also mentioned in late July that 585,000 were made homeless by the evictions.[145] The six-fold discrepancy between the ActionAid's and UNICEF's figures and the Common Response Plan estimates raises serious concern regarding the accuracy of the needs assessments being carried out by humanitarian agencies.

The figures contained in the U.N. planning documents are of questionable accuracy, considering that the country team has also not yet undertaken a countrywide registration process of persons displaced by the evictions. The vast majority of the internally displaced interviewed by Human Rights Watch said that no agency had ever taken down their names and other details, although a few individuals mentioned that church representatives wrote down their names during the food distribution.

The importance of comprehensive data collection cannot be overestimated. The absence of data on the numbers and needs of the displaced population prevents the agencies involved in humanitarian response from setting realistic objectives and makes their fulfillment virtually impossible. Moreover, in the absence of an accurate assessment, it is impossible to evaluate the impact of the humanitarian operation and ensure that the programs reach out to the vulnerable populations and meet their needs, as well as to engage in meaningful advocacy with the authorities.[146]

Monitoring the situation

During their stay in Zimbabwe, Human Rights Watch researchers were able to visit numerous locations in four of the country's provinces where large numbers of people displaced by the evictions were staying. In each location, local NGOs, community- and faith-based organizations, and, in three of the provinces, local authorities all assisted the researchers with locating the internally displaced, and also willingly shared their information on the numbers and needs of the IDPs. In most locations, Human Rights Watch researchers were able to conduct extensive interviews with the displaced as well as take photographs without any interference from the authorities.

At the same time, the vast majority of the internally displaced interviewed by Human Rights Watch said that they had never been visited by any representatives of the U.N or other international agencies. Members of nongovernmental organizations and local authorities corroborated this testimony, saying that U.N. representatives have never contacted them for information or assistance with access to the internally displaced.

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[143] IOM shared with Human Rights Watch a print out of the figures related to the organization's assistance program; the cited figure is listed under the section "Households Affected by "Operation Restore Order" in Zimbabwe, Summarized by Province." The document is on file with Human Rights Watch.

[144] ActionAid International Southern Africa Partnership Program, "The Impact of 'Operation Murambatsvina/Restore Order' in Zimbabwe," August 2005.

[145] "In Wake of Zimbabwe Demolitions, UNICEF Calls for Global Support to Alleviate Crisis Facing Children," UNICEF press-release, July 26, 2005, [online] at http://www.unicef.org/media/media_27773.html (retrieved November 10, 2005).

[146] In relation to IDPs, UNDP has repeatedly emphasized the importance of developing better information systems for assessment and registration of IDP number and needs which form "the foundation for coherently shaping comprehensive programs from the activities of different agencies." See "Further Elaboration on Followup to Economic and Social Council Resolution 1995/56: Strengthening of the Coordination of Emergency Humanitarian Assistance," U.N. Doc. DP/1997/CRP.10, February 28, 1997, para. 18.

For example, a representative of a Harare-based NGO, which has been closely monitoring the situation of the internally displaced in the city and its surroundings since the beginning of Operation Murambatsvina, told Human Rights Watch:

> [The U.N.] could have come just like you, and we would have taken them around to see all these places where people are sleeping in the open without any help, and to talk to people about their needs. But they never asked. You are the first internationals who approached us for assistance.[147]

One of the U.N. officials in Zimbabwe interviewed by Human Rights Watch claimed that his agency has in fact sent monitors to various areas, and specifically mentioned Victoria Falls as an area where the agency made several trips and "identified 600 people who were still living in the open and required assistance."[148] These figures indicate that the U.N. monitoring managed to reach and identify only a small fraction of the displaced, while the majority remains undetected and unassisted. Human Rights Watch visited several different areas in Victoria Falls and its surroundings and was informed that they had never been visited by a representative of any international organization.[149]

Moreover, as mentioned above, local authorities in Victoria Falls indicated that Operation Murambatsvina resulted in the destruction of 6,000 structures in the city, while about 10,000 people have been directly "affected."[150] According to the ActionAid survey, over 17,000 people in Victoria Falls were "affected" by the evictions.[151]

The U.N. staffer also confirmed that up to now, they have been unable to perform any monitoring of families relocating to the rural areas. As the official described it, "with those who moved to the rural areas, it's a bit of a black hole," explaining that the agency has not yet attempted to track down the relocating families.[152] In practical terms this "black hole" means that the internally displaced moving to the rural areas throughout Zimbabwe have been deprived of any and all forms of assistance and protection on the part of the international community.[153]

A more active involvement by the U.N. country team in field monitoring would not only have enabled it to adequately assess humanitarian needs, but would also have served an important protection function. The very presence of international humanitarian staff often helps to prevent abuses against the internally displaced and to promote accountability.[154]

Human Rights Watch interviews with U.N. staff also revealed that the restrictions on them have not prompted them to explore a variety of methods for monitoring and assessing the situation on the ground. For example, when Human Rights Watch suggested the possibility of using group leaders in the informal IDP settlements for collecting information about the group and preliminary registration, the U.N. staff met the suggestion with overt skepticism.[155] Meanwhile, Humanitarian

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[147] Human Rights Watch interview with representatives of a local NGO, September 30, 2005, Harare.
[148] Human Rights Watch interview, September 28, 2005, Harare.
[149] Human Rights Watch interviews with the internally displaced persons in several townships in Victoria Falls, September 26-27, 2005.
[150] Human Rights Watch interview with local authorities, September 26, 2005, Victoria Falls.
[151] ActionAid International Southern Africa Partnership Program, "The Impact of 'Operation Murambatsvina/Restore Order' in Zimbabwe," August 2005.
[152] Human Rights Watch interview with a U.N. official, September 28, 2005, Harare.
[153] In some areas, such as Victoria Falls, international organizations through their implementing partners have provided a one-time food package to families who agreed to relocate to the rural areas, however they did not collect any information that would allow to track down and assist these families after relocation.
[154] The IASC policy paper reaffirms this important function served by field presence and monitoring. See "Protection of Internally Displaced Persons", *Inter-Agency Standing Committee Policy Paper*.
[155] Human Rights Watch meeting with the U.N. country team members, October 3, 2005.

Charter as well as several studies on the subject mention this approach as one of the main methods for collecting information in situations with limited access to the displaced population.[156]

Lack of coordination with local and international NGOs

The failure to utilize the resources of local NGOs and civil society groups to enhance its knowledge of the situation on the ground is indicative of the U.N. country team's overall insufficient cooperation with local groups and international NGOs in response to the humanitarian crisis precipitated by Operation Murambatsvina.

Although the U.N. Interim Response Plan emphasized the importance of "developing strategic partnerships, capacity, and a productive dialogue" among all relevant humanitarian actors, "including… International and National NGOs," this intention has remained unfulfilled. In reality, U.N. agencies and IOM most often used churches and a few local NGOs as implementing partners for the delivery of humanitarian assistance, while a broader cooperation or even communication with local and international NGOs has been virtually non-existent.

A number of local organizations actively involved in addressing the needs of people who lost their shelter, livelihood, or were otherwise affected by the evictions, told Human Rights Watch that the U.N. country team never made use of their information and networks, and ignored both their offers of assistance and their appeals for help. For example, the head of a Harare-based NGO, which has been working with over 5,000 people living with HIV/AIDS in Greater Harare, told Human Rights Watch that although the organization shared the data on their clients who lost housing, livelihood or medical care as a result of the evictions with the U.N. country team, they received no response. The head of the organization said:

> During the U.N. Envoy's visit the U.N. country team asked us for all the data - what we needed, who needed it, etc. We spent three days with the U.N. Envoy. We also gave information - numbers of our clients, numbers of those affected by the evictions and their names - to the IOM, WFP, ActionAid and HIVOS. We told them about what we regarded as the implications and what input was required. But we had no reply or feedback. There was simply no response and no communication.[157]

When Human Rights Watch asked the U.N. country team about the information received from the group, the team claimed to have heard nothing from or about the organization.[158]

The staff of another organization, which works with over 500,000 widows and orphans countrywide also expressed to Human Rights Watch their disappointment over the country team's failure to use their resources and extensive network for reaching out to the displaced. The head of the organization said:

> In June, UNICEF inquired about our needs – we gave them the lists of families in need of assistance: widows, orphans, HIV-positive. They promised assistance, and brought non-food items once, but then we never heard back from them. IOM and WFP delivered food once, but then… everything stopped. Widows keep coming to us asking for assistance but we cannot help them at the moment. We see more than 500 women come weekly - we could have been easily distributing assistance here.'[159]

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[156] Humanitarian Charter contains a comprehensive list of suggested primary and secondary sources that can be used in the process of assessment of humanitarian needs. A comprehensive guidance on the matter is also provided in: J. Telford, Good Practice Review 5: Counting and Identification of Beneficiary Populations in Emergency Operations: Registration and its Alternatives, (London: Relief and Rehabilitation Network/Overseas Development Institute, 1997)

[157] Human Rights Watch interview, September 29, 2005, Harare.

[158] Human Rights Watch interview with members of the U.N. country team, October 6, 2005, Harare.

[159] Human Rights Watch interview, September 30, 2005, Harare.

Several international NGOs and humanitarian organizations have also seen little support from the U.N. country team. A staff member of an international NGO also emphasized that the lack of support from the U.N. made the work of NGOs increasingly difficult, as civil society groups trying to access the displaced despite government's obstruction are being seen "as mavericks." The person said, "The U.N. could have been innovative and dispersed their resources through other organizations. International agencies are at the point where they don't feel they have the protection from the U.N."[160] The representative also said that the extensive data on the impact of Operation Murambatsvina gathered by his organization and specifically the information about the numbers of HIV/AIDS patients who lost medical assistance as the result of the evictions, "has not been warmly received by the U.N."[161]

Implementation of humanitarian programs

Lack of protection

The absence of human rights concerns and corresponding protection activities in the U.N.'s humanitarian response plans inevitably has led to a failure on the part of the country team to address the protection needs of the internally displaced. The situation was exacerbated by the apparent reluctance of the U.N. country team to confront the government over its blatant disregard of the human rights of the displaced - or indeed of Zimbabweans generally. Until such time, as human rights protection is placed at the center of the U.N.'s engagement with the Zimbabwean government, it is difficult to imagine how improvements can be achieved.

While the majority of the internally displaced continued to face a wide range of human rights violations documented earlier in this report, including continued evictions, police harassment, and involuntary relocation, no agency within the U.N. country team has been involved in monitoring, documenting and reporting on the ongoing human rights violations of the internally displaced.

Notably, the summary of activities compiled by the U.N. agencies in October 2005 (a so-called "Humanitarian who-where-what matrix") did not report on any protection activities aside from those related to children and gender-based violence.[162]

Prevention of further evictions was one of the very few protection-related objectives mentioned in U.N. country team response plans. In October, representatives of the U.N. agencies and IOM acknowledged in interviews with Human Rights Watch that the evictions were still going on.[163] However, it was not at all clear, what, if anything, U.N. agencies were doing in response. Specifically, the U.N. country team failed to adequately respond to the above-described incident of forcible relocation of 252 displaced persons from Mbare. Although the U.N. country team requested information on the incident from the Zimbabwe Lawyers for Human Rights, it did not take any action to advocate for the protection of the displaced or support the ZLHR's. Since early October, when the ZLHR informed the country team of threat of the IDPs' forcible relocation, the U.N. had a month-and-a-half to intervene on behalf of the displaced; however, a statement of protest came from the country team only after the government followed through with its threat and forcibly removed the displaced from the site.[164]

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[160] Human Rights Watch interview with a representative of an international NGO, October 6, 2005, Harare.
[161] Human Rights Watch interview with a representative of an international NGO, October 6, 2005, Harare.
[162] It is unclear to what extent the protection activities mentioned in the October matrix have indeed been implemented. For example, the matrix mentions that UNICEF is "reaching to 334 children with disabilities and their caregivers." At the same time, Human Rights Watch interviews with representatives of the group corroborated by a testimony from a U.N official suggest that in fact UNICEF referred the group of families with disabled children to another organization, Christian Care, and so far no assistance has been provided to the families.
[163] Human Rights Watch interview with an IOM representative, Harare, September 28, 2005.
[164] According to media reports on November 16, the top U.N. official in Zimbabwe, Agostinho Zacarias, sent a protest note to the Zimbabwean Foreign Ministry expressing his "deep concern" over the new evictions, which he said "make it hard for the provision of humanitarian assistance to the affected populations." See

Testimonies of representatives of the U.N. and non-U.N. agencies indicated that they were well aware of the government's persistent efforts to compel the relocation of the displaced to the rural areas, as well as the government's strategy to ensure that assistance is only available to those who agree to move, and not to those who stay in the urban areas. However, in the six months after the evictions, the question of the government's manipulation of international aid to facilitate involuntary relocation has not been raised by the U.N. country team as a protection issue. If any "quiet diplomacy" on the issue has occurred between U.N. representatives of the country team and government officials, it has clearly not yielded tangible results.

On the contrary, U.N. agencies, including the WFP, have continued to provide food packages to areas where assistance has been used as a means for involuntary relocation, as assistance to the IDPs who choose to stay in urban areas has not been permitted. Provision of one-time food supplies for families who agreed to relocate did not provide a long-term solution for their food needs, as no process was in place to track down their movement and ensure that they continue to receive food aid after the relocation. At the same time, it allowed the government to send a strong message to the IDPs that their refusal to move to rural areas would prevent them from receiving any food assistance whatsoever.

The numerous cases of police harassment of the internally displaced also triggered no reaction on the part of the U.N. country team, even when the country team members were directly informed of the incidents. For example, the earlier described case of several families from Mutare, whom local police had been forcing to leave their makeshift shelters by burning their possessions, remained overlooked by the U.N. country team. Although at its October 3, 2005, debriefing with the U.N. country team, Human Rights Watch drew the attention of the U.N. agencies to this particular incident. Nonetheless, by the time of this writing no representative from the country team has visited the area or arranged for any measures to be taken to protect the families.[165]

Problems with delivery of assistance

The deficiencies of planning and coordination within the U.N. country team combined with the lack of clarity regarding the scale of the displacement and specific needs of the IDPs made the implementation of the assistance program highly problematic.

In early July, during and immediately after the Special Envoy's visit, international agencies distributed initial emergency assistance, such as food packages and blankets, to the internally displaced in some areas. Since then, however, the entire operation has been characterized by major disruptions, failures to secure access to the displaced population and a resultant inability to deliver vital assistance to the majority of the IDPs.

The failure of the assistance program was evident in all of the sites visited by Human Rights Watch and was further confirmed by numerous testimonies by the internally displaced persons, local authorities, NGOs and representatives of the U.N. agencies
themselves.

In addition, the analysis of the October Humanitarian matrix against the objectives set out in the three-month Interim Response Plan also sheds light on the lack of progress of the humanitarian assistance operation.

Shelter

Stella Mapenzauswa and MacDonald Dzirutwe, "Update 2-Rights Groups Petition Africa over Zimbabwe," *Reuters*, November 16, 2005.

[165] A local official contacted Human Rights Watch to report that the situation on the ground has not changed and nobody visited the families.

Six months into the crisis, international agencies have been unable to overcome the resistance of the government and provide temporary shelter to any of the people displaced by the evictions, leaving hundreds of thousands of the internally displaced in appalling conditions amidst the rainy season. U.N. officials suggested in interviews with Human Rights Watch that the major reasons for the Zimbabwean government emphatic opposition was related to the government's fear that extensive tent camps throughout the country would reveal the true scale of the humanitarian crisis and that the availability of temporary shelter would allow the displaced to stay in cities instead of moving to the rural areas in accordance with the government's plan.

None of the shelter-related objectives set forth in July by the Interim Response Plan have been met by the U.N. country team or by the IOM, leading the U.N. team to conclude in September that of people displaced by the evictions, "the majority are still homeless in either a relative or absolute sense of the word."[166]

On July 30, 2005, U.N. Habitat, UNDP, and IOM launched a "pilot project" in Headlands, Manicaland, providing "shelter packages," including tents and food "to some 123 families."[167] UNICEF spokesman James Elder described the project as "a case of U.N. best practice, with all U.N. agencies and IOM pushing in the same direction under difficult circumstances to help the people of Zimbabwe."[168]

The pilot project, however, did not last long - on September 28, 2005, an IOM representative told Human Rights Watch that the tents in Headlands "had been put down by the police," and that the government "said 'no' to any tents or plastic sheeting."[169] The IOM representative interviewed by Human Rights Watch did not provide any details of the incident when asked about the project, but mentioned that the IOM "wrote a protest letter through the U.N. country team," to which the government never responded.[170]

A new plan proposed by IOM to government suggested providing temporary shelter in the form of wooden cabins to the people who had been allocated stands by the government through Operation Garikai; 2,500 cabins were supposed to be built during the first phase of the program.[171]Although the plan was devised to fully accommodate the requests of the Zimbabwean government rather than to effectively address the needs of the displaced population, it was not until mid-November that the government reportedly finally accepted the U.N. offer to build 2,500 "units" for people made homeless by the evictions campaign.[172]

However, given the realities of Operation Garikai described earlier in this report, the vast majority of the displaced are not likely to benefit from the plan. Moreover, formally, the proposed wooden cabins will be no more legal than houses destroyed during Operation Murambatsvina, as they

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[166] "Common Response Plan for the Needs of Vulnerable Persons Affected by Operation Murambatsvina/Restore Order: September to December 2005," Harare, September 5, 2005.

[167] IOM Harare newsletter, No 2, September, 2005; "Zimbabwe: Pilot project provides shelter to cleanup victims," *IRINnews*, August 17, 2005, [online] at http://www.irinnews.org/report.asp?ReportID=48627 (retrieved October 23, 2005).

[168] Cited in: "Zimbabwe: Pilot project provides shelter to cleanup victims," *IRINnews*, August 17, 2005, [online] at http://www.irinnews.org/report.asp?ReportID=48627 (retrieved October 23, 2005).

[169] Human Rights Watch interview with an IOM representative, September 28, 2005, Harare. The IOM September newsletter, which described the pilot project at length, also contained a tiny footnote saying that "reports from the field indicate that the Headlands pilot project has been suspended." See IOM Harare newsletter, No 2, September, 2005.

[170] Human Rights Watch interview with an IOM representative, September 28, 2005, Harare.

[171] Human Rights Watch interview with an IOM representative, September 28, 2005, Harare.

[172] "Zimbabwe Agrees to U.N. Aid for Demolition Victims," *Mail and Guardian*, November 16, 2005.

would hardly conform with the existing housing regulations, and the beneficiaries may thus be still vulnerable to further evictions.[173]

Some U.N. officials also admitted to Human Rights Watch that "this will not be a comprehensive program at all."[174] Indeed, the 2,500 shelter units would at best accommodate a little over 10 percent of the "approximately 100,000 most vulnerable individuals" in need of shelter mentioned in the September Common Response Plan.

Food

In the vast majority of places visited by Human Rights Watch, internally displaced persons said that they had either received no food assistance whatsoever, or had received assistance once in July, and have received nothing since. Only in one of the townships in Harare, a local official told Human Rights Watch that Catholic Relief Services (CRS) had distributed food on a monthly basis from July to September. Yet, according to the official, when she asked CRS about further distributions in late September, she was informed that there was no food left and that from then on food packages would be provided only to families relocating to rural areas.[175]

A number of organizations involved in distributions as implementing partners to the U.N. agencies and IOM also confirmed the major disruptions in food distribution after July 2005.[176] An IOM representative clarified that "two months ago [in August 2005] the Minister of Social Welfare requested that food distributions stop," and the agency followed the order. According to the IOM representative, there was no further communication with the government on the issue of the suspension of food distribution.[177]

A representative of another U.N. agency expressed hope that its general program of addressing food insecurity in Zimbabwe would also reach at least some of the people displaced by Operation Murambatsvina, yet admitted that the program does not specifically address the internally displaced as the government explicitly banned the agency from distributing food to the victims of evictions in urban areas. The agency's plan conformed with the government's preference and indeed did not contain any reference to the food needs of hundreds of thousands of people displaced by the evictions.[178]

The U.N.'s own figures provide little clarity regarding the number of people who have thus far been reached with food assistance. The September Common Response Plan repeats word for word the goal set in the Interim Response Plan "to provide pulses and vegetable oil to some 27,000 households considered most food insecure as a result of the displacements," providing no clarification as to whether the same item remained on the agenda because the designated beneficiaries had not been reached yet, or because the same number required continued assistance. The September Plan, however, accepts the government's requirement that no food

[173] The U.N. Special Envoy, who witnessed the launch of Operation Garikai, also questioned in her report the "sustainability of this intervention in terms of security of tenure," and repeatedly emphasized that any assistance with shelter on the plots allocated through Operation Garikai would be meaningful only if the program also addresses the security of tenure and is combined with "a relaxation of the provisions of the Regional Town and Country Planning Act to enable affected households to gradually rebuild their homes." See U.N. Special Envoy on Human Settlement Issues in Zimbabwe, "Report of the Fact-Finding Missions to Zimbabwe".

[174] Human Rights Watch interview with a representative of a U.N. agency involved in humanitarian response in Zimbabwe, September 28, 2005.

[175] Human Rights Watch interview, September 30, 2005, Harare.

[176] Human Rights Watch interview, September 26, 2005, Victoria Falls.

[177] Remarks by an IOM representative at the Human Rights Watch meeting with international agencies involved in humanitarian response in Zimbabwe, October 3, 2005, Harare.

[178] Human Rights Watch interview with a U.N. official, September 28, 2005.

should be distributed specifically to the displaced, noting that "the targeting of the affected population will be within the wider context of national food insecurity."[179]

The IOM, which has been the lead agency responsible for food distribution, provided Human Rights Watch with a datasheet which suggests that from June to September 2005, the food distribution program has reached 45,280 household, or 49 percent of households in need of assistance according to IOM's estimates. The accuracy of the statistics is, however, questionable, as the monthly breakdown of figures does not make clear whether or not the same families receiving assistance on a monthly basis may have been counted several times in the calculation of the total, and the total number would thus refer to the number of packages distributed rather than families assisted.[180]

The October humanitarian response matrix does not add clarity to the matter, citing the above-mentioned IOM statistics. In addition, it mentions food assistance programs carried out by WFP, UNICEF and other organizations, but does not specify whether any of these programs have been reaching the population displaced by the evictions, and does not show whether the goals set by the Interim Response Plan have been met.

Health and sanitation

As described in the previous chapter, in areas visited by Human Rights Watch, no health facilities or arrangements for the provision of medical care were in place. Most of the IDPs interviewed by Human Rights Watch reported having health problems, resulting from their stay in the open as well as chronic life-threatening diseases. Not a single person in places visited by Human Rights Watch has received any medical assistance from any international organization. In all of the areas visited by Human Rights Watch, potable water has not been distributed to the internally displaced, and they had no access to sanitation facilities.

In most locations, the spread of diseases has been unavoidable, given the congestion of the population and the absence of sanitation, sewage systems, waste disposal facilities, and access to water or water purification equipment.

The U.N. country team documents designate World Health Organization (WHO) as the lead agency for delivery of health services, and UNICEF as responsible for water and sanitation. However, based on the documents, it is hard to determine whether any progress has been made in the delivery of health services and sanitation to the displaced population. The Interim Response Plan contained no quantitative assessment of the health needs, listing instead only the intended activities, including "a rapid assessment to determine the health needs of the affected population" and stating that "an immediate response (6-8 weeks) will be arranged for." Ironically, the September Common Response Plan once again repeated the same set of objectives, and again promises the "immediate (6-8 weeks) response," containing no clarification as to what happened to the immediate response planned back in July.

The October humanitarian response matrix mentions one mobile clinic established by WHO "to benefit 1,000 in Hopley farm;" "mobile health services" provided by MFSHolland in Chitungwiza, Epworth and Hatcliffe Extension (the number of beneficiaries is not specified); and 467 female beneficiaries who received reproductive health kits/sanitary wear provided by United Nations Population Fund (UNFPA).

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[179] "Common Response Plan for the Needs of Vulnerable Persons Affected by "Operation Murambatsvina/Restore Order: September to December 2005," Harare, September 5, 2005.

[180] One of the IOM representatives admitted to Human Rights Watch that this flaw in the IOM datasheet "is possible." Another representative, in a separate interview, denied that this might be the case, claiming that each household had only been counted once in the collection of the data. If this is true, however, it is impossible to tell from the IOM statistics whether any of the families who had received assistance in June or July continued to receive it in the following months. Human Rights Watch interviews with representatives of the IOM, Harare, September 28 and October 6, 2005.

Human Right Watch observation regarding the lack of potable water are corroborated by the October humanitarian response matrix, which reports UNICEF delivering water and sanitation facilities only to Hopley farm and Hatcliffe Extension, thus making it clear that as of yet the provision of water and sanitation has been limited to these government-recognized IDP settlements, while vast majority of IDPs are being deprived of these services.

Advocating for the rights of the displaced

Five months into the crisis, despite the Zimbabwean government's deliberate obstruction of humanitarian assistance, which effectively stalled U.N. activities and deprived the internally displaced of their basic rights, there has been very little public criticism by U.N. officials, in country or at headquarters, of the government's treatment of and violations of the rights of the displaced population.

The U.N. agencies involved in humanitarian response in Zimbabwe chose to avoid any public denunciation of the government's overall detrimental role and specific abuses, claiming that quiet representations are more effective for achieving its operational goals. As a result, the U.N. has not assumed the responsibility of being "an advocate for assistance and protection" and of impressing "upon authorities their primary responsibility for the protection of and assistance to" the internally displaced in conformity with international human rights and humanitarian law, as elaborated in the U.N. Guiding Principles on Internal Displacement."[181]

Though U.N. officials have legitimate concerns at the likely response of the government to public criticism, the U.N.'s unwillingness to publicly raise concerns about the government's obstruction of its programs and to take a firm stand on protection issues also significantly undermined its credibility in the eyes of local NGOs and donors – two forces which could have become its main partners. Local NGOs, some of which were openly and actively criticizing the government, expressed feeling betrayed in their hopes to secure international support for their cause. For their part, donors started raising growing concerns regarding the U.N.'s ongoing negotiations with the government which "are driven predominantly by what was deemed to be acceptable to the government," with the U.N. "failing to recognize the risks of this approach."[182]

A comprehensive survey on the U.N. response to IDP crises in nine countries across the world undertaken several years ago by the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) and the Brookings Institution-Johns Hopkins SAIS Project on Internal Displacement in fact concluded that situations "where access is denied and the displacement problem ignored or minimized… require exposure to public scrutiny and a more assertive response from U.N. agencies on the ground and from U.N. headquarters and the Security Council."[183]

At the same time, the decision to keep quiet out of fear that access might be denied "is a trade-off which… serves only to favor the government concerned, enabling it to continue to evade public scrutiny and U.N. pressure or influence."[184] The survey also questioned the validity of concerns regarding possible expulsion of a U.N. team from the country in retaliation for its principled position, concluding that there have not been many examples in history where the U.N. teams

[181] See "Protection of Internally Displaced Persons"*, Inter-Agency Standing Committee Policy Paper*, (New York: December 1999); Inter-Agency Standing Committee, "Supplementary Guidance to Humanitarian/Resident Coordinators on their Responsibilities in Relation to IDPs," April 5, 2000.
[182] Human Rights Watch interview, September 28, 205, Harare.
[183] "Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons," The Brookings-SAIS Project on Internal Displacement and the U.N. office for the Coordination of Humanitarian Affairs, Inter-Agency Internal Displacement Division, November 23, 2004.
[184] Ibid.

were actually threatened with expulsion, let alone expelled, and that in fact some U.N. missions "may have exaggerated this risk to avoid raising the hard issues."[185]

The conclusions seems to be particularly relevant for the situation in Zimbabwe, as the access of the country team to the population in need has already been limited to such an extent that the vast majority of the internally displaced are not being reached with basic forms of assistance, and under the present circumstances the country team seems to have little to loose.

As this report was being prepared for publication, a number of statements from senior U.N. officials and donor governments signaled the renewed attention of the international community to the humanitarian crisis in Zimbabwe. Thus, on October 31, 2005, U.N. Secretary-General Kofi Annan expressed his deep concern about the humanitarian situation in Zimbabwe and the government's refusal to cooperate with the U.N. agencies. Secretary-General Annan made a "strong appeal to the government of Zimbabwe to ensure that those who are out in the open, without shelter and without means of sustaining their livelihoods, are provided with humanitarian assistance in collaboration with the United Nations and other aid agencies."[186] The Secretary-General's appeal was supported by thirteen donor nations and the European Union.[187]

Zimbabwe state media responded indignantly to the appeal, accusing the U.N. Secretary-General of being a puppet in the hands of Western governments, and publishing an opprobrious cartoon to illustrate this point.[188]

VI. Conclusion

The political, economic, humanitarian and human rights conditions in Zimbabwe are all in precipitous decline. While drought and the devastating HIV/AIDS pandemic have influenced these conditions to some extent, the actions of the Zimbabwean government and its indifference to the dignity and well-being of its citizens lie at the heart of Zimbabwe's current crisis.

Ruling through intimidation and with no respect for the rule of law or the rights of his citizens, President Mugabe's latest outrage - the forced eviction and displacement of hundreds and thousands of mostly poor people from the urban areas throughout Zimbabwe - has attracted international condemnation but been defended with characteristic bluster. As the report documents in detail, those displaced by Operation Murambatsvina have continued to suffer the cruel indifference of their government: no real protection or assistance; no compensation; no accountability; restrictions on freedom of movement and other continuing abuses.

United Nations efforts to assist and protect the displaced have had little impact given an almost complete lack of cooperation from the government and its own difficulties in making human rights protection a central part of its humanitarian response in the face of a hostile and abusive government. The plight of people displaced by the Zimbabwean government as a result of Operation Murambatsvina cannot be overlooked any further. It must generate a sense of outrage sufficient to trigger concerted action to protect and assist the displaced.

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[185] Ibid.

[186] "Annan 'Concerned' with Government Refusal of Aid," *IRINnews*, November 1, 2005, [online] at http://www.irinnews.org/report.asp?ReportID=49892&SelectRegion=Southern_Africa&SelectCountry=ZIMBABWE (retrieved November 11, 2005).

[187] "13 Donor Nations Appeal to Government 'To Ensure That Those Who Are Out in the Open, without Shelter, Are Provided with Humanitarian Assistance,'" *VOA news*, November 4, 2005.

[188] The cartoon portrayed Annan as a puppet being asked by Prime Minister Tony Blair to repeat after him, "We are deeply concerned with the humanitarian situation in Zimbabwe." See "Zimbabwe Media Says Prince Charles Lobbied U.N." *Reuters*, November 4, 2005.

VII. Acknowledgements

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