

Zimbabwe: Country Reports on Human Rights Practices – 2004

Bureau of Democracy, Human Rights, and Labour

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Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union Patriotic Front (ZANU PF) have dominated the executive and legislative branches of the Government since independence in 1980. President Mugabe was reelected in March 2002 in elections that were deemed not free and fair, and which were preceded and followed by a government sanctioned campaign of violence. Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and security forces. The Movement for Democratic Change (MDC) was the country's only viable opposition party; it held 50 out of 120 elected parliamentary seats at year's end. During local and parliamentary elections held during the year, there were reports of violence in the pre election periods and other irregularities, and the election processes overall had serious flaws. Corruption among government officials was widespread. The Constitution provides for an independent judiciary; however, the Government installed judges sympathetic to government policies, sanctioned intimidation against sitting judges, and ignored judgments with which it did not agree.

The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice some roles and missions were controlled by the President's Office. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security; however, there were cases in which they were called upon for domestic operations. The Central Intelligence Organization (CIO), under the Minister of State for National Security in the President's Office, is responsible for internal and external security and has powers of arrest. While supposedly a youth service training program, some graduates of the National Youth Service were used for security related activities. Senior government and ruling party members tightly controlled the security forces and directed activities of security-related elements of National Youth Service graduates (youth militias). Members of the security forces and youth militias committed numerous, serious human rights abuses.

An estimated 60 percent of the population of approximately 12 million worked in agriculture. Political paralysis, a drought, corruption, a high prevalence of HIV/AIDS, excessive government spending, manipulation of interest rates, money supply growth in excess of 300 percent, and government sanctioned land occupations led to economic decline characterized by inflation, diminished agricultural harvests, reduced foreign investment and tourism, acute foreign exchange shortages, disruptions in the fuel and food supply, accelerating unemployment, and shrinking real incomes. During the year, the country's gross domestic product dropped 5 percent. Wages continually lagged behind inflation, which fluctuated during the year but was 150 percent at year's end. According to authoritative estimates, approximately 80 percent of the population lived below the poverty line.

The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. President Mugabe and his ZANU PF party used intimidation and violence to maintain political power. A systematic, government sanctioned campaign of violence targeting supporters and perceived supporters of the opposition continued during the year. Security forces committed at least one extrajudicial killing. Ruling party supporters, with material support from the Government, continued their occupation of commercial farms, and in some cases killed, abducted, tortured, intimidated, raped, or threatened farm occupants. Security forces, government-sanctioned youth militias, and ruling party supporters tortured, raped, and otherwise abused persons perceived to be associated with the opposition; some persons died from their injuries. Prison conditions remained harsh and life threatening. Official impunity for ruling party supporters who committed abuses was a problem. Arbitrary arrest and detention remained problems, and lengthy pretrial detention emerged as a problem. Infringements on citizens' privacy continued. The Government continued its far reaching "fast track" resettlement program under which most large scale commercial farms were designated for seizure without fair compensation.

The Government continued to restrict freedom of speech and of the press, academic freedom, freedom of assembly, and the right of association for political organizations. The Government at times restricted freedom of movement. Thousands of farm workers continued to be displaced internally due to the ongoing land resettlement policies, and the Government prevented international organizations and local nongovernmental organizations (NGOs) from assisting them on some occasions. Opposition supporters were displaced by threats of violence. During the first half of the year, there were reports that the Government's Grain Marketing Board (GMB) routinely and publicly denied handouts of maize meal to suspected MDC supporters; there were no such reports during the second half of the year. The Government attacked and arrested members of civil society and human rights NGOs and accused the NGOs of sponsoring opposition political activity. Societal violence against women remained widespread, and discrimination against women and persons with disabilities, abuse of children, and child prostitution remained problems. There

were occasional reports of trafficking in persons. The President and his Government promoted widespread resentment against the white minority. The Government violated worker rights. Child labor was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports of three political killings, one by a government official, one by a military official, and one by a ruling party supporter. All of those killed in political violence were MDC activists or supporters. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.

On January 4, ZANU-PF supporters beat to death Alexander Chigega while he was at home in Madziva. Approximately 30 ZANU-PF youths went around the village assaulting all known MDC supporters. His wife and children were also beaten while trying to protect him. Chigega died on the way to the hospital, and his wife and son were later admitted at Bindura Hospital after sustaining severe injuries in this assault. Chigega's wife reported that she identified several of the assailants, all from their village. No official action was taken by year's end.

On February 8, four war veterans and a soldier were ransacking the farm manager's home at a farm owned by MDC Member of Parliament (M.P.) Roy Bennett, when they were confronted by a large group of Bennett's farmworkers. According to witnesses, the intruders then retreated and fired several shots, and one of the shots hit Shemi Chimbarara, a farmworker, killing him instantly. A member of the Zimbabwe National Army was arrested and charged with murder. There were no further developments in the case by year's end.

On March 28, ZANU-PF supporters in three trucks arrived at the home of MDC candidate James Makore and threw stones at the MDC activists guarding Makore's premises. The MDC activists retaliated by throwing stones back at the ZANU-PF supporters. According to witnesses, Minister without Portfolio Elliott Manyika stood in the back of one of the trucks and shot MDC supporter Francis Chinozvina in the chest. Manyika also shot Arthur Gunzvvenzve, another MDC supporter, in the leg. Chinozvina died at the scene and Gunzvvenzve was taken to a hospital where he was treated and released. Police investigated, but no one was prosecuted by year's end. Chinozvina's parents filed a civil suit for wrongful death against Manyika, which was still pending at year's end.

According to reports from multiple organizations, including Amnesty International (AI), as many as 10 persons died in September after riot police tear gassed their homes during an eviction of farmers (see Section 1.f.).

A High Court acquitted eight MDC members, including MDC M.P. and Treasurer Fletcher Dulini Ncube, accused in the 2001 killing of Bulawayo War Veterans Chairman, Cain Nkala. Several trial witnesses alleged in court that the police used torture to extract confessions and desired testimony. Two of the six fled the country 1-month after giving an interview to a South African newspaper on their ordeal in jail while awaiting the trial; an MDC spokesman said they had been receiving threats and had been stalked since the publication of the article.

There were no developments in the following cases from 2003: The January killing of Tonderai Mangowiro, a ZANU-PF member, allegedly by MDC members; the March case of a suspected CIO abduction, torture, and killing of Steven Tonora, who was accused of burning a Zimbabwe United Passenger Company Bus in Hatfield; the reported government arrest, rape, torture, beatings, and deaths of MDC supporters including Richard Tonderayi Machiridza, involved in the MDC-organized stayaway in March; the May killing of MDC Secretary for Information and Publicity for Mufakose, David Matinyarare by ZANU-PF supporters; and the June killing of MDC member Tichaona Kaguru by ZANU-PF supporters.

There were no further developments in the reported 2002 killings.

Harsh prison conditions and a high incidence of HIV/AIDS were widely acknowledged to have contributed to a large number of deaths in prison; however, some deaths in custody and prison may have been due to abuse or other causes (see Section 1.c.).

During the year, officials uncovered mass graves of civilians killed by soldiers in the country's war of independence in the 1960s and 1970s as part of an effort to locate and bury victims individually. The Government found and reburied the remains of over 5,000 individuals.

b. Disappearance

During the year, there were multiple reports of politically motivated kidnapping committed by ZANU-PF supporters and one reported kidnapping committed by MDC supporters. Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions. Abductees were often tortured. The Government often did not investigate abductions and torture of MDC supporters.

On January 4, ZANU-PF youths abducted an MDC supporter in Dzivaresekwa. He reported that he and a colleague were interrogated, stoned, slapped, and beaten with sticks and that the assailants also tore at his clothes, tied a rope around his neck, and pulled him around the house, threatening to kill him. He sustained injuries to his head and hands. No official action was taken by year's end.

On May 19, seven MDC supporters reportedly abducted and then released Elias Mushavi, a ZANU-PF supporter, while he was buying some food with a colleague. Police arrested the suspects at the MDC Headquarters at Harvest House in Harare the following day; however, no trial dates had been set by year's end.

On July 26, youth supporters of ZANU-PF abducted Bob Makone, brother of senior MDC official Ian Makone and brother-in-law of MDC candidate for Parliament Theresa Makone. He was forced to attend a rally held by Minister of Education Aeneas Chigwedere, tortured, and held overnight. The same youths returned to the Makone home and threatened Theresa Makone with death for planning to run for Parliament. No official action was taken.

No action was taken against those responsible for the 2003 abduction of MDC member Mthulisi Mloyi, who was abducted while putting up MDC rally posters.

There were no further developments in the reported 2002 cases of disappearance.

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

The Constitution prohibits such practices; however, security forces tortured, raped, and otherwise abused persons. There continued to be reports that police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to torture suspected opposition members and farm laborers.

Human rights groups reported physical and psychological torture perpetrated by government supporters in parts of the country. Unlike the previous year, there were no reports that ruling party supporters set up torture chambers to brutalize opposition supporters. The Zimbabwe Human Rights NGO Forum reported 170 cases of torture during the first 11-months of the year. National youth training camps were a source of ruling party-directed youth militia forces, which were deployed to harass and intimidate suspected MDC supporters with impunity. There were reports of indoctrination against political opposition and conflicting reports on the camps' inclusion of paramilitary skills and torture methods in the curriculum (see Section 5).

Security forces were involved in incidents of political violence, including instances of soldiers and persons in military uniforms beating civilians, particularly in areas suspected of heavy support for the opposition.

In January, Roy Bennett, MDC M.P. for Chimanimani and owner of a large farm, claimed that the newly appointed Governor of Manicaland, Lieutenant General Mike Nyambuya, organized a violent looting spree by members of the army and government supporters at his farm and that several farm workers were hospitalized after soldiers beat them. In April, he said that Nyambuya had war veterans, CIO agents, and Agricultural Rural Development Authority workers occupy the farm. Army and police personnel sealed off the farm and prevented workers from leaving. ZANU-PF supporters forced farm workers to attend ZANU-PF rallies. Those suspected of being MDC supporters were beaten. No official action was taken by year's end.

On May 29, a mob of ZANU-PF activists who were armed with machetes and axes attacked an MDC activist while he and other MDC supporters were attending a colleague's memorial service. The MDC activist and other MDC supporters fought back and managed to overpower the assailants. The MDC activist claimed that the assailants reported the matter to the Machipisa Police and that police then arrested two of the MDC supporters. No further official action was taken by year's end.

In October, CIO agents kidnapped and beat the president of the Zimbabwe National Students Union, Philani Zamchiya. They accused him of organizing disturbances to coincide with the announcement of the verdict in MDC President Morgan Tsvangirai's treason trial. Zamchiya escaped by jumping out of the moving truck where he was held and beaten. Passersby discovered him unconscious and took him to the hospital. Three suspected CIO agents forced their way into his hospital ward, claiming to be investigating the attack and demanding information on his activities. His lawyers suspected the three CIO agents were the same ones who beat Zamchiya and moved him to a

private location while he recovered. He was released from the hospital in early December. The Government did not arrest anyone in connection with this incident.

On several occasions in the days leading up to the Zengeza parliamentary by-election youth militia attacked MDC-supporters (see Section 3).

Persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, were singled out for assault or intimidation by ruling party supporters. In March, three pregnant women were reportedly assaulted. One, who was 4 months pregnant, was allegedly assaulted by ZANU-PF youths based at the home of a ZANU-PF Women's Leader. The youths reportedly assaulted her with a chain on her back, buttocks, and legs and also broke her arm as she was trying to shield her face from a blow and protect her stomach. No official action was taken. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or investigate political crimes.

The Government prosecuted ruling party supporters for violence, mostly for intra-party violence. In October, at the instruction of Vice President Joseph Msika, police in Bulawayo opened an investigation into the kidnapping and torture of four ZANU-PF youths by CIO operatives who mistook the youths for MDC supporters. In November, 13 youths were arrested and charged for violent clashes between supporters of rivals for the ZANU-PF nomination for M.P. in Masvingo South. Also in November, the ZANU-PF youth chairman for Gokwe, Joseph Musekiwa, was sentenced to 8 ½ years for raping a woman in the campaign period prior to the 2002 presidential election. Musekiwa boasted in court that nothing would happen to him because of his membership in ZANU-PF. In December, two ZANU-PF M.P.s were arrested on charges of inciting or participating in intra-party violence (see Section 1.d.).

There were no developments in the following 2003 cases: The January arrest and beating of MDC M.P. for St. Mary's (near Harare) Job Sikhala, Gabriel Shumba, a human rights lawyer, and three other MDC members at Nyamutamba Hotel; the January abduction and beating of Barnabas Mangodza, Jameson Gadzirai, Joseph Rose, and Richard Mudekwe by youth militia members; the March abduction and beating of Raphinos Madzokere, the MDC district secretary for Mashonaland East; the March home invasion and beating of Margaret Kulinji, secretary of the MDC's women's league; the June attack by ZANU-PF supporters on mourners who attended the funeral wake of MDC official Tichaona Kaguru; and the October assault of a ZANU-PF official and subsequent attacks on MDC houses.

No further action was taken in the reported 2002 cases of torture and beatings by security forces, ZANU PF supporters, and war veterans.

War veterans and ZANU PF supporters continued to harass, intimidate, and abuse journalists considered to be sympathetic to the opposition during the year (see Section 2.a.).

Security forces repeatedly used force, including tear gas, to disperse nonviolent gatherings and demonstrations; security forces also beat participants and demonstrators, which resulted in injuries (see Section 2.b.).

Zimbabwe Human Rights NGO Forum reported that at least two politically motivated rapes were committed during the year but noted that the figure likely was grossly underreported due to cultural taboos. The attacks targeted MDC supporters and their families. For example, on February 6, a worker at MDC M.P. Roy Bennett's farm reported that she was raped by a war veteran residing on a section of Bennett's property. The war veteran then ordered her to go to her rural home and never be seen again at Bennett's farm. She reported her ordeal to the farm management but not to police.

There continued to be reports of rape at national youth service training camps (see Section 5).

Prison conditions remained harsh and life threatening. The Government's 47 prisons were designed for a capacity of 16,000 prisoners; however, they held approximately 25,000. Overcrowding continued to be a problem. Shortages of food and clothing and poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, and HIV/AIDS related illnesses. Researchers reported that the HIV prevalence rate among prisoners was estimated to be as high as 60 percent and that AIDS was a major cause of deaths in detention.

The estimated 2,000 female prisoners were held in separate cellblocks from male prisoners. Juveniles were not held separately from adults.

Pretrial detainees generally were held in group cells until their bail hearings. Once detainees were charged, if they were refused bail, they were held in a separate remand prison.

The law provides that international human rights monitors have the right to visit prisons; however, government procedures and requirements made it very difficult to do so. Permission was required from the Commissioner of Prisons and the Minister of Justice, which sometimes was not granted or took 1 month or longer to obtain. A local NGO and church groups were granted access on a number of occasions during the year, but at least one local NGO that deals with prisoners' issues was denied access.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly.

The police are centrally controlled, with the command center in Harare. The police are further divided with provincial headquarters overseeing two to three district headquarters, each of which supervise up to seven stations. Police effectiveness was reduced over the year because of an increase in crime and a decrease in resources, both human and material. It was difficult for police to remain impartial due to increased politicization within the force's upper echelons. There were also reports that untrained or unqualified personnel were placed in the lower levels solely because of their membership in ZANU-PF. Corruption, particularly within the traffic branch, increased due, in part, to low salaries.

The law requires that police inform an arrested person of the charges before being taken into custody. Warrants of arrest issued by the courts were required except in cases of serious crimes or where there was the risk of evidence disappearing. Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law was disregarded if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Fridays, which permitted them to be detained legally until Monday. In several cases, police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release.

There was a continuing problem, particularly in rural areas, in which victims or witnesses of crimes who reported to the police were charged themselves with the crimes of the perpetrators or other crimes. In May, ZANU-PF supporters abducted and beat Demadema Ntinti Ncube and Luke Sibanda, MDC activists in Lupane. Upon their release, Ncube and Sibanda went to the Lupane police station to report the abduction. There, they were arrested for reported violence against ZANU-PF supporters.

The Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents; however, in practice a circular issued by the Attorney General giving a general authority to grant bail lessened the negative effect of the law. High Court judges granted bail independently.

In June, Parliament passed the Criminal Procedure and Evidence Amendment Act, which allows the police to hold persons suspected of committing economic crimes for up to 4 weeks without bail. In February, James Makamba, a senior ZANU-PF Central Committee member, was arrested and charged with illegally dealing in foreign currency; Makamba's extended detention prompted the Act. Makamba pled guilty at his trial. In April, Finance Minister Christopher Kuruneru was arrested, also charged with dealing illegally in foreign currency. His applications for bail were deferred or denied, and he remained in custody awaiting trial at year's end.

Detainees often were not allowed prompt or regular access to their lawyers. Authorities often informed lawyers who attempted to visit their clients that detainees were "not available." Family members sometimes were denied access unless accompanied by an attorney. Detainees, particularly those from rural areas without legal representation, sometimes were held incommunicado. Family members and attorneys often were not able to verify that a person had been detained until the detainee appeared in court.

The Official Secrets Act and Public Order and Security Act (POSA) grant the Government a wide range of legal powers, and give extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not defined clearly.

Police continued to detain farmers in connection with seizing their land despite court orders confirming their title.

Police arbitrarily arrested journalists during the year (see Section 2.a.).

Police arrested persons holding meetings and during the forcible dispersal of gatherings (see Section 2.b.).

Police arrested religious leaders during the year (see Section 2.c.).

M.P.s, both from MDC and ZANU-PF were arrested during the year. MDC M.P. Roy Bennett was sentenced to prison by Parliament for an incident in which he pushed a Cabinet Minister, an offense that normally would be punished by a fine. ZANU-PF M.P. Chris Kuruneri was arrested and being held on charges of externalizing foreign currency, a practice that was common.

Police arrested seven other MDC M.P.s including Evelyn Masaiti, Tichaona Munyanyi, Priscilla Misihairabwi-Mushonga, Job Sikhala, Bennie Tumbare Mutasa, Nelson Chamisa, and Paul Madzore. Most were held for a short time then released. Police arrested two ZANU-PF M.P.s, Phone Madiro and Kindness Paradza, for intra-party violence between their supporters and those of other contestants vying for ZANU-PF candidacy in their constituencies, and ZANU-PF M.P. Philip Chiyangwa was detained by CIO and charged with selling state secrets to a foreign government.

At year's end, a trial date had not been set in the case of Justice Benjamin Paradza. In February 2003, police detained him overnight and charged him with obstruction of justice for trying to influence a fellow judge in a murder case. The Supreme Court ruled that his arrest was unconstitutional since the law requires investigations of judges to be carried out by a tribunal of judges. A tribunal composed of judges from the region was to try Paradza in April to determine if he should be removed as a judge, but the tribunal was postponed. Separately, a criminal trial before the High Court was postponed because the presiding judge in the case recused himself due to the fact that he and Paradza fought together in the liberation war.

There were no developments in the May 2003 arrest of students accused of distributing prohibited material and inciting student arrest.

There were no further developments in the 2002 reported cases.

Prolonged pretrial detention remained a problem and some detainees were incarcerated up to 4 years before their trials because of a critical shortage of magistrates and court interpreters. There was a backlog of up to 60,000 cases.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions.

The law provides for a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The Constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons. Unlike in previous years, there were no reports that the Government arrested judges or coerced them to resign. However, magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases and continued to come under intense political pressure after some of their decisions were interpreted as running counter to government interests.

The Government and police routinely failed to enforce court decisions that went against their interests, and the Government routinely continued to delay payment of court costs or judgments awarded against it.

In December 2003 Judge President of the Administrative Court, Justice Michael Majuru resigned from the court. Majuru, who was the presiding judge in a controversial case involving the Government and the Associated Newspapers of Zimbabwe (ANZ), publishers of The Daily News, was forced to resign after the official press reported that he was under probe for having told a member of the public that he would rule in favor of the ANZ. In July, Majuru, who was in exile at year's end, claimed publicly that Justice Minister Patrick Chinamasa had asked him what the judgment in the case would be and expressed concern that Majuru would rule against the Media and Information Commission. Majuru also claimed that he was offered a farm by Enoch Kamushinda, chairman of the GMB and Zimbabwe Newspapers.

Other judicial officers such as prosecutors and private attorneys also faced political pressure. In April 2003, war veterans attacked Levison Chikafu, a senior public prosecutor at the Magistrate's court in Mutare, after they forced their way into his office and demanded to know why "he had granted bail to MDC supporters." Despite this pressure, Chikafu was promoted to the position of prosecutor in the Attorney General's office in Harare.

The Constitution provides for the right to a fair trial; however, this right frequently was compromised due to political pressures. Every defendant has the right to a lawyer of his choosing; however, according to a local attorney,

most defendants in magistrates' courts did not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this was rarely granted except in capital cases where the Government provided an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation or Zimbabwe Lawyers For Human Rights. All litigants were represented in the High Court.

Attorneys sometimes were denied access to their clients during the year. For example, in April, police assaulted and arrested University of Zimbabwe (UZ) professor Tinashe Chimedza, who was addressing students on the topic of academic freedom. His lawyers witnessed the assault, then were denied access to Chimedza after his arrest. While the lawyers were waiting, police detained one for inappropriate dress. In September, attorneys were denied access to a foreign citizen and two others who were detained after conducting a workshop on peace-building.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials were open to the public, except in certain security cases. Defendants enjoy a presumption of innocence, the right to present witnesses, and the right to question witnesses against them, and defendants and their attorneys generally had access to government held evidence relevant to their cases; however, some defendants were denied the right to wear civilian attire to court. In January, ZANU-PF M.P. Phillip Chiyangwa was forced to appear in court in a prison uniform. In March, businessman and ZANU-PF Politburo member James Makamba was brought in to court in shackles and leg irons. In each case the court eventually recognized the rights of the defendants and permitted them to wear civilian attire.

On October 15, the High Court issued a verdict in the first treason trial of MDC President Morgan Tsvangirai. Tsvangirai was found not guilty of plotting a military coup and assassination of President Mugabe. At year's end, MDC President Morgan Tsvangirai faced a second charge of treason for his role in the 2003 MDC-organized stayaways. Tsvangirai's passport was returned to him at the first trial's conclusion and was not confiscated in connection with the second charge (see Section 2.d.).

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

The Zimbabwe Women's Lawyers Association (ZWLA) reported that most magistrates in the country were not aware of some of the contents of the Sexual Offenses Act (SOA) or that the law was in effect. ZWLA's research illustrated that many magistrates continued to make judgments based on old laws.

There was a large volume of rape cases in the Harare victim friendly courts, which consisted of individual magistrates designated to try family cases. These courts were understaffed, in part because many magistrates sought more lucrative employment outside the country.

There was one political prisoner, Roy Bennett (see Section 1.d.). He was permitted to see his wife for 20 minutes every other week. There were no reports of international humanitarian organizations being given access to him.

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

The Constitution prohibits such actions; however, the Government did not respect these provisions. Security forces searched homes and offices without warrants; the Government was believed to monitor some private correspondence and telephones, particularly international communications; and the Government forcibly dispersed persons from their homes.

During the year, soldiers, police, war veterans, and other ruling party supporters repeatedly entered the Chimanimani farm of MDC M.P. Roy Bennett in violation of several High Court orders prohibiting them from doing so. The ruling party supporters beat and abducted farm workers, in one instance raped a worker, killed cattle and wildlife, and threatened and harassed and prevented Bennett from returning (see Section 1.c.).

Unlike previous years, police did not conduct house to house searches in the suburbs of Harare and Bulawayo.

The law permits the Government to monitor and intercept e mails entering and leaving the country, and security services reportedly have used this authority to monitor e mail communication, although the extent of this monitoring was unknown.

The Land Act permits the immediate government seizure of all commercial farming land. Since 2002, the Government has dispossessed approximately 4,000 of 4,500 white commercial farmers. Most of the remaining 500 white-owned commercial farmers entered into business agreements with blacks to protect their farms from land

reform. During the year, the Government attempted to seize some farms by attacking the black business partners. The Government seized some of these farms, most notably Kondozi Farm, whose black part owner, Edwin Moyo, was vilified in the government-controlled press. The Government has issued acquisition notices on most of the remaining 500, but the process was often lengthy, and acquisition has been at the rate of approximately 1 farm per week during the year. The Land Acquisition Amendment, which passed Parliament in January, scales back due process protections for property owners and expands the categories of properties that may be confiscated under the Government's land reform program.

There were numerous reports that government officials had acquired multiple farms and evicted previously resettled small scale farmers from the land.

According to a local NGO, ZANU PF supporters attacked and damaged or destroyed the homes of more than 100 opposition supporters and commercial farmers.

In May, there were reports that 30 MDC supporters and their families in Chipinge were living in the bush following attacks at their homes by ZANU-PF activists. Twenty of the MDC supporters were treated for minor injuries at local health centers and two others were treated at a private hospital for more serious injuries. Police in Chipinge confirmed the attacks, but no arrests had been made by year's end.

In September and October, the Government evicted and burned the homes thousands of families accused of squatting on farms acquired by the Government in Mashonaland West, Mashonland East, and Manicaland. Amnesty International and other organizations reported that as many as 10 persons died as the result of tear gassing of farmers' homes at one of the farms. The Government blocked international organizations from assisting the newly displaced farmers.

There was no action taken, nor was any likely, in the reported 2003 or 2002 cases of arbitrary interference with citizens' homes.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression; however, legislation limits this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. A semi-independent newspaper was closed during the year. Security forces arbitrarily detained and harassed journalists; however, unlike the previous year, there were no reports that security forces beat journalists. Journalists practiced self censorship.

The Government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. POSA also makes it an offense to make statements that will engender feelings of hostility towards the President. In November and December, three individuals were arrested under POSA for criticizing Mugabe in public. They were fined and released.

Several major daily newspapers and one local language tabloid belonged to the Mass Media Trust (MMT), a holding company heavily influenced by the ZANU PF. The Government, through the MMT, controlled two daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, negatively portrayed opposition parties and other anti-government groups, and also downplayed events or information that reflected adversely on the Government. The government controlled media generally portrayed President Mugabe and the Government favorably, although rivals of the Minister for Information and Publicity within ZANU-PF rarely received favorable coverage. The Daily Mirror, a daily semi-independent newspaper owned by ZANU-PF interests, offered increasingly critical coverage of government policy and ruling party interests and aired the views of the opposition and critics of the Government. The Ministry for Information and Publicity controlled the Zimbabwe Inter Africa News Agency wire service.

There were two independent major weeklies (the Independent and the Standard), a semi-independent weekly (the Financial Gazette) and three monthlies that continued to operate despite threats and pressure from the Government. The major independent newspapers continued to monitor government policies and publish opposition criticism; however, most of them also continued to exercise self censorship in reporting due to growing government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

During the year, the Government closed down The Tribune, a semi-independent weekly owned by ZANU-PF member Kindness Paradza when the newspaper became increasingly critical of the Government.

The only independent daily newspaper, The Daily News, which was closed by the Media and Information Commission (MIC) in 2003, remained closed at year's end. The Supreme Court has reserved judgment on all appeals related to this case, and the MIC continued to refuse to register The Daily News. At year's end it only published an on-line edition from South Africa, with a smaller, core staff.

Radio remained the most important medium of public communication, particularly for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Ministry for Information and Publicity. There were credible reports that the Minister of Information routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government. There were two independent short-wave radio broadcasts to the country during the year; however, they were not widely listened to because few citizens had access to short-wave radios. Voice of America (VOA) broadcast a 1 hour program daily on short wave and AM featuring interviews with local opinion makers on a range of topics in English, Shona, and Ndebele. Short Wave Radio Africa broadcast daily from the United Kingdom, using local sources and reporters. Voice of the People, whose offices were bombed in 2002, broadcast daily from the Netherlands.

The Government controlled all domestic television broadcasting stations, and the ZBC owned and operated television broadcasting facilities. ZBC banned all international programs and permitted only programs produced locally or by Africans. Throughout the year, ruling party music videos were aired regularly during the day, promoting the fast track land redistribution program.

At year's end, the Government continued to refuse to lease broadcast time to Joy TV, the only privately licensed television station, and it remained off the air. Although the Government invited applications for a second national television network in March 2003, application and license fees were prohibitively expensive.

International television broadcasts were available freely through private satellite firms; however, the expense and the requirement that payment must be made exclusively in foreign currency made it unavailable to most citizens.

Journalists were arrested during the year. The Government arrested and prosecuted editors and journalists who contributed to published stories critical of government policies or security force operations.

On January 10, Zimbabwe Independent editor Iden Wetherell, news editor Vincent Kahiya, and reporter Dumisani Muleya were arrested and charged with criminal defamation for publishing a story that President Mugabe commandeered an Air Zimbabwe plane for travel on personal business. They were all released on bail. No trial had taken place by year's end. On January 14, another reporter, Itai Dzamara, and the general manager, Raphael Kumalo, were arrested; both were released and only Dzamara was charged. No trial had taken place by year's end.

On May 19, The Standard editor Bornwell Chakaodza and reporter Valentine Maponga were arrested and charged under POSA with publishing false statements prejudicial to the state following an article that stated the family of a killed mining company executive blamed senior government officials for plotting his death. The journalists were charged then released. Police rearrested them 2 days later; they were released on bail, and no further action was taken by year's end.

During the year, ANZ Directors Brian Mutsawu, Michael Mattison, Pfungwa Kupara, and Washington Sansole were acquitted on all charges related to their September 2003 arrest for operating a media business without MIC registration. Sixteen Daily News reporters were also arrested and charged in 2003 for allegedly breaching the Access to Information and Protection of Privacy Act (AIPPA) for practicing journalism without accreditation from the MIC; however, there were no developments on their case during the year.

In October, the Government announced that opposition parties would be allowed access to the state media in the run up to the March 2005 parliamentary elections, but the government-controlled Zimbabwe Broadcasting Corporation rejected MDC radio advertisements. The Government subsequently indicated that the MDC would be afforded access to the state media should it end its boycott of elections and agree to participate in the 2005 parliamentary elections. At year's end, opposition parties did not have access to state media.

There were no developments in the January 2003 detention of journalists and an MDC councilor investigating the food crisis.

On February 16, the Herald fired sports editor Robson Sharuko and journalists Tendai Ndemera and Rex Mphisa, for writing for VOA.

There were no new developments in the reported 2003 or 2002 cases of harassment, abuse, and detention of journalists.

The Broadcasting Services Act, which Parliament's legal committee found to be unconstitutional but is still in force, gives the Minister of Information final authority in issuing and revoking broadcasting licenses. The Act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government controlled signal carrier. Legal rights groups criticized the Act for limiting free speech.

The Government continued to deny broadcasting licenses to independently owned Radio Dialogue and Capitol Radio.

POSA makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the Constitution. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, anti defamation laws criminalize libel of both public and private persons.

Under AIPPA, mass media companies and journalists must register for accreditation. Companies must pay burdensome application fees, and journalists were often required to pay application fees in U.S. dollars, which were difficult to obtain.

In November, Parliament passed an amendment to AIPPA, which, among other provisions, imposes penalties, including jail time, on journalists operating without accreditation. There were no developments in Peta Thornycroft's Supreme Court challenge of the legality of the charge against her under the AIPPA, for "posing as a journalist."

No arrests were made in the 2002 bombing of Voice of the People's offices by year's end.

Unlike the previous year, there were no reports of citizens being banned from entering the country as journalists; however, foreign correspondents were regularly denied visas during the year. A Sky News television crew invited by ZANU-PF to conduct an interview of President Mugabe was initially detained in their hotels by the Ministry of Information for not obtaining press visas; however, they were eventually able to conduct the interview.

The Government banned the satirical play "Super Patriots and Morons," about an intolerant dictator. The play had already been staged when it was banned. The Government gave no justification for the banning.

The Government did not restrict access to the Internet; however, the law permits the Government to monitor all international e mail messages entering and leaving the country (see Section 1.f.).

The Government restricted academic freedom. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricts the independence of universities, making them subject to government influence, and extends the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controlled the state universities and appointed their Chancellors and Vice Chancellors; the Ministry also appoints the Deans of Faculty, and most members of the University Council.

There continued to be reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice through laws such as POSA, which many legal experts believed were unconstitutional. The police repeatedly used force to break up nonviolent demonstrations by its critics and erect roadblocks in urban areas to prevent public gatherings from taking place. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although most groups that conducted meetings did not seek permits, some groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings, and they disrupted many events whether or not permission was sought. Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. Reportedly, the CIO also routinely sent personnel undercover to monitor meetings perceived as being anti-government.

Police frequently refused to permit campaign rallies and meetings by the MDC.

In February, police arrested Sifiso Mpofo, MDC Councilor for Nkayi, reportedly for inviting politicians to his victory celebrations despite having obtained police clearance. He was detained overnight and then arrested and held for 3 days later that week for holding a residents' meeting without police clearance. The Government declined to prosecute.

On May 29, riot police prevented the MDC from holding its provincial assembly meeting for Midlands South. MDC party officials claimed that they sought police clearance the previous week to hold the meeting but had not received a response.

On July 2, ZANU-PF youths attacked an MDC provincial assembly attended by several MDC leaders, including Morgan Tsvangirai, in Mvurwi. The MDC applied for and received permission to hold the meeting; however, police provided no support. Police later blamed MDC youths for provoking the attack. Police had not made any arrests by year's end.

In July and August, police barred MDC President Morgan Tsvangirai from addressing several meetings convened for grassroots officials throughout the country.

In September, police broke up a dinner at MDC M.P. Nelson Chamisa's residence and arrested the M.P. and several guests for holding a meeting without proper authorization. All were released, and the case was not prosecuted.

Unlike previous years, police did not prevent public meeting of religious members.

Police arrested numerous demonstrators during the year. For example, on February 4, police arrested 118 protestors and beat approximately 50 in an afternoon demonstration organized by the National Constitutional Assembly (NCA) in support of a new constitution. NCA president Lovemore Madhuku was beaten severely and dumped, semi-conscious, on a road near the edge of town. Those arrested were later released. Authorities took no further action on the matter. There were no developments in the October 2003 arrest of NCA demonstrators.

On September 1, police arrested approximately 30 demonstrators and injured others in an NCA demonstration to protest the Non-Governmental Organizations Bill. NCA had notified police of the demonstration but did not receive permission.

Police arrested several female members of Women of Zimbabwe Arise! (WOZA) several times in Bulawayo. Each time the women were released after a few days and usually had to pay a fine. In September, police arrested several members of WOZA on a march from Bulawayo to Harare to protest the NGO Bill, then under consideration by Parliament. In August, 48 women went on trial for participating in a demonstration against POSA in July 2003; the women were all acquitted. There were no developments in the May 2003 arrest of WOZA members.

There were no developments in the March 2003 arrest of 80 persons under POSA for displaying posters critical of President Mugabe during 3 World Cup cricket matches in Bulawayo.

There was no action taken against police who used excessive force to disperse a number of demonstrations or rallies in 2003 or 2002.

The Constitution provides for freedom of association; however, the Government restricted this right in practice for political organizations. Organizations generally were free of governmental interference as long as their activities were viewed as nonpolitical. ZANU PF supporters, sometimes with government support or acquiescence, intimidated and abused persons perceived to be associated with the opposition (see Sections 1.a., 1.b., 1.c., 1.d., and 1.f.). The Government harassed some NGOs it believed were opposed to government policies with raids on their offices, inquiries into their activities, and obstacles to renewing work permits of foreign employees (see Section 4).

The formation of political parties and unions was not restricted; however, the Government interfered with activities of political parties and unions during the year (see Sections 6.a. and 6.b.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, a law that criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.

Church leaders and members who criticized the Government continued to face intimidation, arrest, detention, and possible deportation, in the case of foreigners.

In March, the Government charged the Catholic diocese of Hwange and the Catholic Mater Dei Hospital in Bulawayo for allegedly exchanging foreign currency illegally. Observers suggested that the charges were intended to put pressure on the Church to desist from criticizing the Mugabe regime.

The Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas.

In August 2003, the Islamic Convent of the Strict Observance complained that the Lord's Prayer in the school curriculum contravened the Constitution, which protects freedom of conscience; however, it withdrew its complaint the same month.

Witchcraft widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

The Criminal Law (Codification and Reform) Act, passed in November, incorporated the previous Witchcraft Suppression Act (WSA), which criminalized purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches. The new Act removes the prohibitions on witch hunting and accusing another person of being a witch. The law defines witchcraft as "the use of charms and any other means or devices adopted in the practice of sorcery," and provides punishments for intending to cause disease or injury to any person or animal through the use of witchcraft.

There was some tension between the Government and some of the indigenous African churches, and between mainstream Christian churches and practitioners of traditional indigenous religions, because of the latter's preference for prayer over science-based medical practices. Some members of the indigenous churches believed in healing through prayer only and refused to have their children vaccinated or treated. Human rights activists also criticized these indigenous churches for their sanctioning of marriages for underage girls.

Muslims complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government at times restricted them in practice.

During the year, police continued to routinely erect armed roadblocks in and around cities and rural districts, especially during election periods, before demonstrations, and before opposition meetings. Police claimed that they were looking for criminals, smuggled goods, or illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition organizing. Roadblocks established by the Zimbabwe Revenue Authority (ZIMRA) along the main highways from South Africa and Botswana to search for foreign currency remained in place. Police also searched for and confiscated smuggled maize at roadblocks on major roads. Under the law, the quasi-governmental GMB was the only purchaser of grain in the country; however, prompted by the increasing price of maize meal in stores, some city-dwellers began purchasing grain privately in the rural areas.

Unlike in the previous year, there were no reports that opposition supporters had difficulty obtaining passports or were questioned by immigration officials.

During the year, travel bans and visa requirements on a variety of persons remained in effect. Among those affected were British government officials, members of the British Parliament, a foreign human rights activist, and journalists. Foreign correspondents were denied visas during the year.

After MDC President Morgan Tsvangirai was found not guilty in the first charge of treason against him, authorities returned his passport. He immediately left the country but was detained at the airport and his passport photocopied upon his return. At year's end, his passport remained in his possession.

The Constitution prohibits forced exile and, unlike the previous year, there were no reports that the Government employed it. A number of persons, including former government officials, left the country, claiming to escape repression, and remained in self imposed exile at year's end.

According to local NGOs, up to 500,000 farm workers were internally displaced at year's end due to the ongoing land resettlement policies, and the Government prevented international organizations and local NGOs from assisting them on some occasions. The Government told IOM and ICRC not to assist newly displaced farmers because it would discourage them from returning to their home villages (see Section 1.f.). Some displaced farm workers reportedly were living on other farms or on previously unsettled land without reliable sources of food and water; others with relatives or friends in urban areas. In most cases, ZANU PF supporters who were farm squatters ordered the farm workers to leave so that they could plant their own crops on the property. Other internally displaced persons (IDPs) were persons forced to leave their homes by government supporters because of perceived support for the opposition.

According to the human rights NGOs, more than 115 MDC supporters were displaced internally during the year; however, the number of unreported cases likely was higher. The Government has condoned and even encouraged an environment of lawlessness that permits war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators (see Section 1.f.). In most cases, police did not intervene.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to certain individuals who did not qualify as refugees under the 1951 Convention/1967 Protocol and provided it to 39 persons in 2003, according to UNHCR.

According to UNHCR, there were 13,090 refugees and 637 asylum seekers in the country in 2003. The largest groups of refugees and asylum seekers continued to be from the Democratic Republic of the Congo, Rwanda, and Burundi.

The 2002 case of sexual abuse of female refugees at the Tongogara Camp remained pending at year's end.

Section 3

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

The Constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favor of ZANU PF, which has ruled continuously since independence in 1980. The Government manipulated the electoral process to effectively disenfranchise voters and to skew elections in favor of ruling party candidates.

There were many reports of violence in the days leading up to the Zengeza parliamentary by-election held March 27 and 28 (see Section 1.c.). ZANU-PF youths were present at some polling stations and driving around the area during the election. There were reports that MDC voters were intimidated away from polling stations.

There were fewer reports of violence in the Lupane parliamentary by-elections; however, intimidation was widespread. There were reports that the government-appointed District Administrator gave traditional village leaders instructions to organize residents to vote and to keep track of how they voted. There were also reports that ZANU-PF campaign meetings were advertised as community meetings.

For the first time since the 2002 presidential elections, the Electoral Supervisory Commission (ESC) formally accredited Harare-based diplomats to observe parliamentary by-elections, but diplomats did not have full access to campaign events. Diplomatic observers reported several instances of voting irregularities during the voting days.

In March 2002, President Mugabe was declared the winner of a presidential election after a campaign in which violence and intimidation were used nationwide against MDC supporters, and in which the electoral rules were manipulated to favor the ruling party. International observer missions from the Commonwealth and the South African Development Community (SADC) Parliamentary Forum described the electoral process as fundamentally flawed, while a large mission from the European Union (EU) withdrew before the election when the Government refused to accredit the delegation leader.

On June 10, the High Court dismissed without explanation the first phase, which revolved around constitutional and legal objections, of the MDC's 2002 lawsuit, which sought nullification of the election results and a repeat of the election due to claims of numerous electoral irregularities. The second phase, involving factual evidence and witness testimony regarding the election's conduct, had not commenced by year's end.

In 2002, the High Court nullified the results of the 2000 parliamentary election in four constituencies but upheld the results in four others. The respective parties appealed all eight cases to the Supreme Court. In November, two ZANU-PF M.P.s lost their appeal in the Supreme Court of a High Court decision nullifying their elections. The two continued to occupy their seats at year's end. In December, the Supreme Court upheld the election of ZANU-PF MP Saviour Kasukuwere, dismissing the appeal of MDC candidate Godfrey Mumbamarwo. The other five cases were not heard by year's end.

During the first half of the year, there were reports that the Government's GMB continued to restrict distribution of maize meal to ruling party supporters in some areas. There were no reports of this in the second half of the year.

The President may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister; and directly appoints 20 of the 150 M.P.s, including 12 non-constituency M.P.s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.s. All 30 of the appointed M.P.s have been consistent ZANU PF supporters.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that called on the Government to be accountable and transparent. Parliamentary question time was used to force debate and disclosure, and parliamentary committees held public hearings on a range of issues, produced reports critical of the executive branch, and induced meaningful changes to government legislation.

There were reports that the Government removed from the civil service and the military persons who were perceived as opposition supporters.

On April 16, Minister of Local Government, Ignatius Chombo, fired the elected MDC mayor of Harare, Elias Mudzuri, and subsequently fired 19 MDC councilors. Mudzuri had been suspended in April 2003 and a commission was set up to investigate him. A November 2003 High Court ruling declared that the commission had been improperly formed and that the evidence it gathered could not be used to fire Mudzuri. Under the law, an election must be held within 90 days of a mayor vacating the office. Instead, Chombo appointed the deputy mayor, Sekesayi Makwavarara, who was elected as MDC but switched in August to ZANU-PF, as acting mayor. The remaining MDC councilors, who had remained on the Council after Mudzuri's and 19 colleagues' firing, resigned in protest. On December 9, Chombo appointed an eight-member commission, led by Makwavarara, to run the city.

On December 9, Parliament passed the Zimbabwe Electoral Commission Bill, despite an adverse report from the committee in Parliament that determines the constitutionality of all bills. The Bill establishes an electoral commission, largely appointed by the President, and regulates the provision of voter education. The Bill was initially criticized by the MDC and human rights NGOs for not establishing an independent commission and for restricting voter education. However, according to the final legislation, the commissioners are to be recommended by Parliament and appointed by the President, and the Bill allows their dismissal only for cause.

On December 16, Parliament passed a separate, Electoral Bill to replace the current Electoral Act. The Electoral Bill clarifies some of the functions of the Electoral Supervisory Commission and the Registrar-General, both constitutional bodies; sets of the procedures for registration of voters; creates an Electoral Court to deal with registration disputes; and details some aspects of the conduct of elections. The MDC and human rights groups criticized the Bill for disenfranchising many citizens. The Bill, as did the previous Electoral Act, requires citizens to be resident in a particular constituency in order to vote, thus preventing expatriate citizens from voting. Absentee ballots are only provided for diplomats and armed forces.

Despite these criticisms, the Government proclaimed that these two laws made it compliant with SADC standards and principles for democratic elections. The President had not signed either bill by the end of the year, but he was expected to sign both in early 2005.

There were institutional problems with the management and supervision of elections, and the ESC, the Elections Directorate, the Ministry of Justice, Legal and Parliamentary Affairs, and the Registrar General's Office had overlapping mandates. Although the Ministry of Justice technically administered the Electoral Act, the Registrar-General's Office fell under the Ministry of Home Affairs. The ESC generally was hampered by an insufficient budget and an overburdened staff seconded from the Ministry of Justice. It also lacked authority to order the

correction of irregularities, including of the voters' roll, which contained a large number of redundancies and errors. The Government invested immense powers in the presidency through the Electoral Act, including full control of voters' rolls and registration, and the ability to change district lines without notice on the eve of an election. Electoral officers often did not operate in a fully open and transparent manner. Civil society groups and the opposition called for a creation of a new voters' roll because of problems with the current roll.

During the year, the Registrar-General gave the MDC access to the voter rolls used in the 2002 presidential election.

The ruling party's candidates continued to benefit from the ZANU PF's control of the state owned firms that dominated the country's economy, from its control of the state monopolized broadcast media (see Section 2.a.), and from its control over state funds granted to political parties.

The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country by January 2002 to retain their citizenship and the right to vote. The Act also revokes the citizenship of persons who fail to return to the country in any 5 year period. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 500,000 commercial farm workers, many of whom have origins in neighboring countries; and the approximately 30,000 mostly white dual nationals. Many persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. The Citizenship of Zimbabwe Amendment Act of 2003, which went into effect early in the year, removes the renunciation requirement for persons born in the country with parents from SADC countries or who were born in SADC countries with parents from Zimbabwe.

There was perceived widespread corruption in government. Government efforts to combat corruption were selective and generally seen as politically motivated. Targeted persons, including senior ZANU-PF Central Committee member James Makamba and Finance Minister Christopher Kuruneru, were often charged with externalizing foreign currency, which was a common practice among the political and business elites (see Section 1.d.).

In June 2003, the President announced that any official who used his or her official position to acquire more than one farm under land reform must surrender all but one. The Presidential Land Resettlement Committee, chaired by Minister for Lands, Land Reform, and Resettlement John Nkomo attempted to recover the excess properties, but the committee reported during the year that most officials found ways to keep multiple farms.

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

There were 16 women in the 150 seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one female governor. Women participated in politics without legal restriction; however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU PF congress allotted women 1 out of every 3 party positions and reserved 50 positions for women on the party's 180 member Central Committee, which was one of the party's most powerful organs.

There were 7 members of minority groups in the Cabinet, including Vice President Joseph Msika. There were 33 members of minority groups in the 150-seat Parliament, including 29 Ndebele, 3 whites, and 1 Tonga.

Section 4

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

A number of domestic and international human rights groups operated in the country with government restrictions, investigating and publishing their findings on human rights cases. The Government monitored their activities closely and was generally unresponsive to their concerns.

The Non-Governmental Organizations Bill replaces the Private and Voluntary Organizations Act. The NGO Bill requires a much more rigorous process of registering, requires that NGOs open their financial records to a government-appointed NGO council, and prohibits activities related to human rights and governance if the organization is foreign or receives funding from outside of Zimbabwe. Despite an adverse report from the committee in Parliament that evaluates the constitutionality of all bills, Parliament passed the bill on December 9. The President still had not signed the Bill by year's end.

Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA, increasing poor women's access to the courts, constitutional and electoral reform, raising awareness of the abuse of children, conducting voter education, preserving the independence of the judiciary, and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. The Zimbabwe Human Rights NGO Forum continued to take the lead in coordinating reports on human rights violations and abuses.

Several NGOs reported difficulties in carrying out their programs in rural areas. Rural district councils began implementing "the NGO policy," although the NGO bill was still in draft. The councils were requiring that NGOs working in their districts register with the council, seek a council resolution authorizing their operations, seek clearance from the provincial governor, and establish a memorandum of understanding with the relevant ministry.

The Government canceled a U.N. food assessment, and instructed all international donors and NGOs to cease general feeding programs because the Government claimed there would be a surplus of food. NGOs were only permitted to operate targeted programs, such as school feeding programs.

During the year, the Government closed down some of the HIV/AIDS programs run by NGOs and churches.

NGO members were arrested or detained during the year, often in connection with demonstrations or marches (see Section 2.b.).

The Government harassed some NGOs it believed were opposed to government policies with raids on their offices, inquiries into their activities, and obstacles to renewing work permits of foreign employees. For example, police raided the NCA and WOZA offices multiple times during the year and removed records and pamphlets and posters. Police usually kept the confiscated material, and no charges were brought against the organizations.

The Government continued to obstruct the activities of organizations involved in humanitarian activities. In September, the U.N. Resident Representative and Humanitarian Coordinator announced that the Government had requested that the U.N. close its relief and recovery unit, which focused on coordinating humanitarian activities. Several international NGOs reported that they were having difficulties renewing Temporary Employment Permits for their international staff.

In July, the African Union (AU) suppressed a report by the African Commission on Human and People's Rights (ACHPR), which reports to the AU, based on a human rights fact-finding mission the ACHPR performed in the country in June 2002. The report, which contained allegations of government complicity in or acquiescence to a wide range of rights abuses, including torture and arbitrary arrest of opposition M.P.s and human rights lawyers, was due to be presented to an Executive Council meeting in July, but the Executive Council chose not to release it when Foreign Minister Stan Mudenge objected that the Government had not been given the opportunity to review the report.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides that "every person in Zimbabwe" cannot be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, or sex; however, the Constitution allows for discrimination, primarily against women, on the grounds of "customary law." Domestic violence and discrimination against women, abuse of children, and discrimination against persons with disabilities remained problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.

Women

Domestic violence against women, especially wife beating, continued to be a serious problem and crossed all racial, ethnic, and economic lines. The Musasa Project, which sought to empower abused women through support groups and counseling, saw a steep rise in its counseling service from 3,259 in 2001 to 4,338 in 2002, and the trend continued during 2003 and during the year. There is no legislation that specifically addresses domestic abuse. Authorities often condoned wife beating. Musasa Project and the Women's Coalition reported that wife killings remained a problem during the year.

The Sexual Offenses Act (SOA) makes nonconsensual sex among married partners a crime. The Act provides penalties for up to 10 years in prison for sexual crimes. It also defines sexual offenses as rape, sodomy, incest, indecent assault, or an immoral or indecent act with a child or person with mental disabilities.

There continued to be reports of rape, incest, and sexual abuse of women. Many cases were not reported because of the social stigma attached to the crimes and wives' fear that husbands would disown them. Approximately 1,100

rapes were reported in Harare in 2002. Although the Government refused to supply figures for 2003 and 2004, the rates were reportedly higher than in 2002. Human Rights NGO Forum reported two cases of politically motivated rape during the year; human rights groups estimated that the actual number of politically motivated rapes may be much higher (see Section 1.c.). Growing evidence suggested that authorities took little action to address rapes at National Youth Service Camps. Musasa Project ran a shelter and a support group for abused women.

Police had little training in investigating domestic abuse, and it was usually treated like any other case of common assault or not investigated to respect the "privacy of the home." If police became involved, perpetrators were often leveled a minimal fine. When cases went to court, lengthy sentences for rape and wife beating generally were imposed; however, women faced many obstacles in filing reports of rape due to the lack of police training. A "binding over" order (an order to appear in court to respond to an accusation of violent behavior) was issued based only on actual physical abuse and not on threats of violence. Courts also did not have the power to oust an abusive spouse from a couple's home. Systemic problems and lack of education often meant that police did not respond to women's reports or requests for assistance.

Unlike previous years, there were no reports of sexual abuse of female refugees.

Prostitution is illegal; during the year, there were numerous media reports regarding concerted efforts by police to halt prostitution in the city center. Police arrested both prostitutes and their clients, and the government-sponsored Herald newspaper published the names of arrestees.

There are laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband's brother.

The law recognizes women's right to own property independently of their husbands or fathers. Although unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows; however, the Constitution allows discrimination against women under customary law and provides that a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. For example, in the event of a man's death, the brother's claim to the inheritance takes precedence over the deceased's wife. In March, the Supreme Court ruled that, according to customary law, women's rights to inheritance, ownership of property, and custody of children were inferior to men's. "The woman's status is... basically the same as that of any junior male in the family, or a teenager," the Court stated in its judgment, which disinherited Vania Magaya, 52, of her father's estate in favor of her younger half-brother. Divorce and maintenance laws were favorable to women, but women generally lacked awareness of their rights under the law.

According to a government land audit, approximately 17.2 percent of resettled land was allocated to women by 2003, although they comprised nearly 80 percent of the rural population. Authorities sometimes asked married women who were allocated land to register the land in their husband's names.

Although labor legislation prohibits sexual harassment and discrimination in employment on the basis of gender, women were concentrated in the lower echelons of the workforce and commonly faced sexual harassment in the workplace.

The Ministry of Youth Development, Gender, and Employment did little to advance the cause of women. The Government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions.

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

Children

The Government's commitment to children's rights and welfare remained weak during the year. The Government completed a National Plan of Action for Orphans and Vulnerable Children (NPA for OVC), which is designed to ensure that orphans and vulnerable children are able to access education, food, health services, and birth registration and are protected from abuse and exploitation through coordinated efforts by government and civil society; however, the NPA for OVC had not been instituted by year's end because it did not have a budget. Children,

especially those in the rural areas but also an increasing number of urban dwellers, suffered greatly. Although legislation was in place to protect children's rights, it was difficult to administer and enforce.

There was no compulsory education, and schooling was not free. School fees continued to increase during the year, and enrollment declined. Many families could not afford to send all of their children to school. According to the 2002 census data and age specific population distributions, roughly 72 percent of school age children attended school. The highest level achieved by most students was primary level education. The Government continued a program of social welfare grants for needy children, including funds to assist them with their education; however, it was underfunded and corruption undermined the beneficiary selection process. The members of selection committees in some communities gave grants to their relatives and friends and denied them to the children of opposition supporters.

In most regions of the country, fewer girls than boys attended secondary schools. If a family was unable to pay tuition costs, it most often was female children who left school. The literacy rate for women and girls over the age of 15 was estimated to be 80 percent, while the male rate was approximately 90 percent.

The Government sometimes ordered that students entering college, teacher training schools, or the civil service must present a diploma from one of the National Youth Service training camps (see Section 6.d.). The stated purpose of the training camps was to instill a sense of pride in the youths, highlight the history of the struggle for independence, and develop employment skills; however, a Parliamentary committee conducted an investigation into conditions at camps and found that conditions were poor, trainees were subjected to political indoctrination, and there was no real vocational training.

Child abuse, including incest (long a taboo), infanticide, child abandonment, and rape continued to be problems during the year. The Parents and Family Support Network, a local NGO, reported that one in three children in the country was at risk of physical or emotional abuse. Another local NGO said that reports of child sexual abuse had increased to nearly 4,000 between January and August, up from 1,500 for all of 2003.

Incidents of witchcraft-related child deaths and mutilations were on the rise during the year. Newspapers reported several instances of missing children being found murdered with body parts missing, which led police to suspect the murders were related to witchcraft. The perpetrators believed that the body parts of young children would bring good luck. Newspapers reported that persons starting new businesses in particular would pay for ritual murders to bring luck to their ventures.

Musasa Project worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations of rape at the Government's National Youth Service training camps. Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many girls came to the camps because of the economic suffering in the country. In addition, members of government-sanctioned militias gang raped adolescent girls as young as 12.

The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year. Arranged marriage of young girls also continued during the year.

Local and regional NGOs had some reports of trafficking of children (see Section 5, Trafficking).

There were continuing reports of child prostitution (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

The SOA makes it a crime to infect anyone knowingly with HIV/AIDS, and the Government prosecuted some individuals for the crime. International experts estimated that HIV/AIDS infected one quarter of the adult population and killed approximately 3,000 persons every week. According to an international NGO working with AIDS orphans, deaths from HIV/AIDS left 980,000 orphans by year's end, and the number was on the rise. Government funded and private orphanages were filled to capacity, and the number of street children or those living in adoptive homes continued to rise dramatically and visibly during the year and was expected to put a tremendous strain on both formal and traditional social systems.

At the household level, there was an increased burden on the extended family, which had traditional responsibility for caring for orphans. AIDS orphans comprised nearly one-tenth of the country's population. Many grandparents were left to care for the young, and in some cases, children or adolescents headed families and were forced to work to survive. AIDS orphans and foster children were at high risk for child abuse. Some children were forced to turn to prostitution as a means of income. According to local custom, other family members inherit before children, leaving

many children destitute. Many of these children are unable to obtain birth certificates, which then prohibits them from accessing social services.

At the provincial and national levels, the governments faced increasing demands for community orphan projects, orphanages, health care, and school fees. Monies from a universal AIDS levy automatically deducted from the paychecks of all formal sector wage earners have been allocated through the National Aids Council to District Action Committees for some specific programs, including orphan assistance, income generating projects for children or orphans of AIDS patients, research for identifying orphan needs and problems and, through the Basic Education Assistance Module (BEAM), for school expenses; however, BEAM paid no school fees for these children during the year.

Several active children's rights groups concentrated on promoting the well being of children, including protection against child abuse, and advocating for children's rights.

Trafficking in Persons

No laws specifically address trafficking in persons, and there continued to be infrequent reports that persons were trafficked, particularly women and children, from and through the country to South Africa for prostitution and forced labor. Common law prohibits abduction and forced labor, and the SOA makes it a crime to transport persons across the border for sex. Traffickers also can be prosecuted under other legislation, such as immigration and abduction laws. The primary government authority to combat trafficking is the ZRP, which relied on NGOs to alert them to any cases.

The SOA provides for a maximum fine of \$5.60 (Z\$35,000) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for a maximum fine of \$8.06 (Z\$50,000) and a maximum prison sentence of 10 years for "procuring another person to become a prostitute and have sex whether inside or outside Zimbabwe." However, the Act had little impact on the status of children.

A few NGOs, including South Africa based Molo Songololo, Harare based Save the Children Norway-Zimbabwe, and Connect had some reports of both trafficking and child prostitution. Trafficking in children occurred only in isolated instances. Prostitution was on the increase with more female pimps and male prostitutes. There were reports that women and children were internally trafficked to southern border towns for commercial sexual exploitation, as well as to South Africa. Save the Children Norway-Zimbabwe conducted a study at border areas and found children were sometimes sexually abused by police or immigration officials when they were being deported back to the country from Botswana or South Africa. There were unconfirmed reports that girls trafficked from Malawi to South Africa sometimes transited the country.

The Government funds no protection activities for victims, and no NGOs have programs specifically designed to work with trafficking victims. No specific victims of trafficking were identified during the year. A trafficked person had the option to take his or her case before the victim friendly courts; however, no cases were filed during the year.

Persons with Disabilities

The law specifically prohibits discrimination against persons with disabilities in employment, in access to public places, or in provision of services; however, in practice the lack of resources for training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings should be accessible to persons with disabilities; however, implementation of this policy has been slow. NGOs continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities faced harsh customary discrimination. According to traditional belief, persons with disabilities were considered bewitched, and reports of children with disabilities being hidden when visitors arrived were common.

The Government broadcast a regular prime-time show on state media dedicated to promoting awareness of the rights of persons with disabilities.

National/Racial/Ethnic Minorities

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

Racial tensions have subsided since independence and remained relatively low despite the Government's ongoing attempts to blame whites for the country's economic and political problems. On many occasions, President Mugabe, members of his Government, and the state controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries. The Government's

far reaching fast track resettlement program since 2000 has designated most large scale, white owned commercial farms for seizure with no clear means for providing compensation, and government supporters assaulted commercial farmers in their homes and forced hundreds from their property (see Sections 1.a., 1.c., and 1.f.). Ruling party supporters seldom were arrested or charged for infringing upon minority rights.

The disproportionate number of Shona-speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government's unequal distribution of national resources and the Government's failure to compensate victims of the 1980s Matabeleland killings of an estimated 10,000 to 20,000 Ndebele civilians.

Other Societal Abuses and Discrimination

President Mugabe publicly denounced homosexuals, blaming them for "Africa's ills." Although there is no statutory law proscribing the activities of homosexuals, common law prevents gay men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and in some cases, criminalizes the display of affection between men.

On August 4, a mob chased members of the Gays and Lesbians Association of Zimbabwe (GALZ) from the GALZ stand at the Zimbabwe International Book Fair. A group of youths approached GALZ officials at the stand and threatened to beat them, after which the GALZ members fled.

The Government has a national HIV/AIDS policy that prohibits discrimination against persons living with HIV/AIDS, and the law aims to protect against discrimination of workers in the private sector and parastatals; however, societal discrimination against persons affected by HIV/AIDS remained a problem. Despite an active information campaign by international and local NGOs and the Government through its Ministry of Health and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued.

Incitement to Acts of Discrimination

Throughout the year, government controlled newspapers, radio, and television stations continued to selectively vilify citizens of European ancestry and to blame them for the country's problems. Materials used at National Youth Service Camps identified enemies of the state in racist terms and demonized whites. During a cash shortage in 2003, the government controlled newspapers often accused Asians of hoarding millions of dollars to the detriment of the economy.

Section 6 Worker Rights

a. The Right of Association

The Labor Relations Amendment Act (LRAA) provides private sector workers with freedom of association and the right to form or join unions without prior authorization, and workers exercised these rights; however, some pro-Zanu-PF employers declared their shops off-limits to the Zimbabwe Congress of Trade Unions (ZCTU), the national umbrella labor confederation. The LRAA allows members of the Public Service, as well as other government employees (with the exception of members of the Disciplined Services) to form and join unions; however, the Act also retains a prohibition of strikes by disciplined and "essential services" (see Section 6.b.). Employees in positions designated as managerial were excluded from general union membership.

At the end of 2003, approximately 25 percent of the formal sector work force belonged to the 31 unions that form the ZCTU. During the year, approximately 65 percent of industries were unionized.

The Government and the ZCTU regularly clashed sharply over economic policy. The Government often did not consult with either the ZCTU or employers before implementing policy decisions that affected the workplace, which disrupted labor relations, but the Tripartite Negotiating Forum (TFN) resumed (see Section 6.b.). During the year, the Government openly targeted the ZCTU, declaring it aligned with the opposition MDC. The Government arrested and detained ZCTU leaders at various labor rallies during the year.

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to work closely with ZANU PF. ZFTU created splinter unions in each sector of the economy, with some sectors containing up to five splinter unions. In addition to fostering confusion among workers, splinter unions forced existing unions to spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education. ZANU PF/ZFTU again sponsored May Day commemorations during the year and attendance at the ZFTU's event was much higher than the previous year. However, ruling party supporters assaulted organizers of ZCTU May Day festivities, beating one person severely.

The LRAA prohibits discrimination by employers against union members; however, in practice, union members faced discrimination and harassment. For example, ZCTU President Lovemore Matombo was dismissed from his job at the postal service, for attending a union conference in the Sudan. ZCTU appealed the dismissal on the grounds that management did not follow its own procedures, but Matombo had not been reinstated by year's end. Complaints of such discrimination were handled by a Labor Court under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to anti union discrimination should be reinstated, although this did not happen in practice.

On October 25, a delegation of the Congress of South African Trade Unions (COSATU) visited Harare on a fact-finding mission. After being delayed by immigration at Harare International Airport for 2 hours, the delegation was admitted to the country. The delegation intended to hold meetings with both parties, civil society, and ZCTU. On October 26, while the delegation was in a meeting with ZCTU representatives, police and immigration officials broke up the meeting and detained the delegation pending a decision by the Cabinet, which subsequently decided to deport the group. Immigration officials drove the delegation members overnight to the Beitbridge border where they were left.

There were no reports of any other labor organizations being denied entry or being deported.

The International Labor Organization (ILO) continued to criticize the Government for ongoing interference with the unions' freedom of association.

b. The Right to Organize and Bargain Collectively

The LRAA provides workers with the right to organize and permits unions to bargain collectively over wages and conditions of employment and workers exercised this right in practice; however, government harassment of union leaders and interference by ZFTU sometimes made such negotiations difficult. Collective bargaining agreements applied to all workers in an industry, not just union members. The ZCTU rejoined the Tripartite Negotiating Forum (TNF) discussions, which included representatives of Government, labor, and business, after the Government acceded in principle to certain demands by the labor body.

The Minister of Labor retained the power to veto agreements that he believed would harm the economy; however, he did not involve himself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represented a specific sector, representatives of the organized workers, such as the professional associations, met with the employer associations, under the mediation of labor officers from the MPSLSW. Some employment councils had yet to reach an agreement or were deadlocked awaiting court-supervised arbitration at year's end.

Employees in positions designated as managerial were excluded from the collective bargaining process.

The Government continued to use POSA as an excuse for limiting unions' abilities to meet with and consult their constituencies. For example, unions were prevented from holding meetings with their memberships, sometimes with heavy police presence and under threat of arrest. Although the High Court ruled in 2002 that police could not monitor ZCTU meetings, the police did not respect that judgment and continued to monitor ZCTU meetings.

There is no right to strike in the Constitution. Although the LRAA explicitly recognizes this right, it has been circumscribed with procedural hurdles including advance notice of 14 days, attempt for conciliation for 30 days, and possible mandatory referral to binding arbitration. The Act prohibits "essential services" employees from striking on the grounds that it "endangers immediately the life, personal safety or health of the whole or any part of the public." The law defines essential services broadly and includes: Fire personnel, employees engaged in the supply and distribution of water, employees providing some veterinary services, revenue agents at ports of entry, persons in the health care field, transport and communications employees, railway engineers, licensed electricians, and broadcast personnel during a state of emergency. The law also allows that "any nonessential service may be declared an essential service by the Minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety or health of the whole or part of the population is endangered," and labor groups were concerned this could negatively impact them. In practice, the Government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes.

The ICFTU criticized government harassment of unions during the year.

Managers also were prohibited from striking, and, in some industries, the Government defined most employees as managers. For the remaining nonessential employees legally to conduct a strike, more than 50 percent of the company's employees must vote in favor of the action. If a majority voted to strike, the dispute was referred to a labor officer, who was given the mandate to attempt mediation for at least 30 days. If mediation was unsuccessful

and if the employees were engaged in an "essential service," and the dispute was a dispute of right (i.e., interpretation of the collective bargaining agreement, not wages or conditions of work), either side could refer the dispute to a government appointed arbitrator. If the employees were not engaged in an essential service, the labor officer could refer the case to arbitration if he or she obtained the permission of both parties, or if the dispute was a dispute of right. Employees could only strike after the arbitration process was concluded unsuccessfully, and a subsequent 14 day notification process of the intent to strike was concluded. However, workers protesting health and safety standards or lack of equipment may strike without the notification and arbitration procedure.

These government imposed delays prevented most employees and their unions from ever declaring legal strikes; there were limited labor actions during the year, including strikes at the national telephone company and at several golf courses.

No action was taken against security forces who tortured the Secretary General of the ZCTU in 2002, or against ZFTU members who beat persons during a strike in May 2002.

ZCTU members were arrested during the year. For example, in February, four members of the ZCTU Western Regional Committee were detained by police on a rumor that the ZCTU was organizing a stay-away that day. The four were interrogated about their involvement in organizing the stay-away and later released without any charges. The police threatened to re-arrest them if it turned out that some form of action had been organized by the ZCTU.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.d.). The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued in rural areas (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Under the LRAA, child labor is punishable by a maximum fine of \$5 (Z\$30,000), 2 years' imprisonment, or both and forced labor is punishable by an undefined fine, 2 years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education.

According to the 2000 National Child Labor Survey, approximately 25 percent of children between the ages of 5 and 17 were involved in some form of labor. The unemployment rate continued to grow, with some estimates as high as 80 percent, decreasing the number of children employed in the formal sector; however, the incidence of children working in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, and there were reports that children worked as domestics and as car watchers. As a result of the land redistribution program, there were fewer instances of child labor on commercial farms. Many children sold simple wares on the streets; others worked in the growing illegal gold panning industry. In addition, there were reports of an increasing number of girls engaged in prostitution. Although child labor in the agricultural, domestic, and informal sectors increasingly was discussed, the Government and NGOs were unable to gather concrete data on the number of cases.

Several NGOs reported instances of children working. Child Protection Society reported that new farmers used children as cheap labor because they could not complain about working conditions. UNICEF reported children working as independent contractors so employers could evade the appearance of employing children. Zimbabwe Domestic and Allied Workers Union observed employers bringing children from their rural homes to work as domestics with parental consent. Save the Children Norway-Zimbabwe reported that sugar businesses along the Mozambique border at Catiyo used children to sell sugar across the border, often with the complicity of their parents. Children in the sugar business were paid less than adults and did not attend school. Save the Children Norway-Zimbabwe also reported children working on tea estates, which sent children to school in the morning and to work in the afternoon and evening.

Nonpayment of wages occurred mostly in the domestic worker sphere where some employers believed they were doing a child from a rural home a favor. In addition, employers paid the parents for the child's work. Relatives often used AIDS-orphaned children as domestics without pay. There were also unconfirmed reports that police rounded up street children and took them to work on a farm without pay.

Few new government initiatives to prevent child labor were implemented. The Ministry of Labor and Social Welfare promoted its BEAM and Children in Difficult Circumstances (CDC) programs, which were designed to pay for school fees (BEAM) and other items such as uniforms and books (CDC) for children who could not afford to go to school. Fewer than 18 percent of children benefited from this program. The Central Statistics Office conducted a labor survey; however, the results were not released by year's end.

e. Acceptable Conditions of Work

There is no national minimum wage, except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures; however, the minimum wage did not provide a decent standard of living for a worker and family, and approximately 80 percent of the population lived below the Government's poverty line. Due to an ineffective monitoring system, many agricultural and domestic workers were remunerated below the minimum wage.

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the high inflation rate. Domestic worker minimum wages were specifically separated from others; in July, the following monthly minimum wages were published: Gardener, \$14.79 (Z\$83,000); cook/housekeeper, \$13.39 (Z\$90,300); child or disabled minder, \$17.62 (Z\$109,245); and child or disabled minder with Red Cross certification, \$21.14 (Z\$131,094). The minimum wage did not provide a decent standard of living for a worker and family.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24 hour rest period per week. In addition, no worker is allowed to work more than 12 continuous hours. The Constitution provides the Public Service Commission with the authority to set conditions of employment in the public sector.

Many of the basic legal protections did not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards were determined on an industry specific basis. The National Social Security Authority (NSSA) reported an increase during the year in the number of fatal accidents in the construction, electrical, and telecommunications industries and cited unskilled contract personnel performing jobs formerly done by professionals. Labor relations officers from the MPSLSW were assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations were observed; however, in practice these offices were understaffed, could not afford to inspect workplaces routinely, and relied on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council, a quasi governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The NSSA continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close down shops and factories not in compliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risked the loss of their livelihood if they did so.