

ZIMBABWE

	2009	2011
INTERNET FREEDOM STATUS	n/a	Partly Free
Obstacles to Access	n/a	16
Limits on Content	n/a	15
Violations of User Rights	n/a	23
Total	n/a	54

POPULATION: 12.6 million
INTERNET PENETRATION: 11 percent
WEB 2.0 APPLICATIONS BLOCKED: No
SUBSTANTIAL POLITICAL CENSORSHIP: No
BLOGGERS/ONLINE USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Not Free

INTRODUCTION

Internet and mobile-phone usage is nominally free from government interference in Zimbabwe, but there are indications that the government has a strong desire to control these communications technologies. There are also a number of practical obstacles that hinder citizens' access, including poor infrastructure in urban areas, and an almost total lack of infrastructure in rural areas. Over the past decade, the country has experienced a major economic decline, contributing to severe power shortages and accelerated deterioration of the telecommunications system.¹ Low bandwidth has also made internet connections extremely slow in Zimbabwe. Although internet access remains limited, since early 2009, the number of mobile-phone users has increased exponentially.²

The most worrisome development for the digital media sector has been the 2007 adoption of the Interception of Communications Act,³ which allows the government to monitor postal, telephonic, and internet traffic, and requires service providers to intercept

¹ Zimbabwe's economy contracted significantly between 1999 and 2009 due to a political crisis associated with President Robert Mugabe's controversial land-reform campaign, which entailed seizing white-owned farms and distributing them to black loyalists. Inflation shot to astronomical rates of several billion percent, and the exchange rate of the Zimbabwean dollar tumbled to more than 50 billion per U.S. dollar. See BuddeComm, "Zimbabwe—Telecoms, Mobile, Broadband and Forecasts: Executive Summary," <http://www.budde.com.au/Research/Zimbabwe-Telecoms-Mobile-Broadband-and-Forecasts.html>, accessed August 18, 2010.

² "Zimbabwe Cell Phone Boom Still Can't Beat Investor Fears," My Broadband News, September 28, 2010, <http://mybroadband.co.za/news/cellular/15445-Zimbabwe-cell-phone-boom-still-cant-beat-investor-fears.html>. ³ The Interception of Communications Act is available at http://www.kubatana.net/docs/legisl/ica_070803.pdf, accessed August 22, 2010.

³ The Interception of Communications Act is available at http://www.kubatana.net/docs/legisl/ica_070803.pdf, accessed August 22, 2010.

information on the state's behalf.⁴ The regime has committed rampant human rights abuses and exercised strict control over the traditional media, but no concrete evidence of systematic internet filtering has been reported.⁵ Nevertheless, with the spread of mobile phones and the use of text messages to disseminate information critical of President Robert Mugabe and his supporters, the authorities have imposed some content restrictions and registration requirements related to these technologies in recent years.

The internet was first introduced in Zimbabwe in 1997, following the establishment of the first internet-service provider (ISP), Data Control, in 1996. The medium's development has been rather uneven and erratic, owing to severe political and economic crises that have gripped the country since 2000.

OBSTACLES TO ACCESS

Internet access has expanded rapidly in Zimbabwe, from a penetration rate of 0.3 percent in 2000 to about 12 percent (or 1.4 million of the country's estimated 11.4 million people) by the end of 2009.⁶ The mushrooming of cybercafes in most of the country's urban centers, coupled with the forced migration of many Zimbabweans to South Africa, the United Kingdom, Australia, and other countries as a result of the political and economic crisis, created a favorable environment for increased internet usage, as the new expatriates sought to stay in touch with friends and family in Zimbabwe. High prices and limited infrastructure put access to the internet beyond the reach of most of the population, particularly in rural areas. But for those who want to communicate with friends and relatives abroad, the internet represents a faster, easier, and cheaper alternative to telephony and postal services. Furthermore, the restrictive traditional media environment, which is dominated by state-owned outlets, has made the internet popular with citizens seeking alternative information.

There is a vast divide between urban and rural areas with respect to internet penetration. Most rural communities are geographically isolated and economically disadvantaged, and have consequently failed to attract the interest of commercial service providers. Telephone penetration in rural areas is minimal, with lack of electricity representing a major challenge; radio remains the main communication medium in such regions. Many rural telephone connections are still shared or "party" lines, leading to poor

⁴ Nqobizitha Khumlo, "Zim Internet Service Providers Struggle to Buy Spying Equipment," Kubatana.net, August 10, 2007, http://www.kubatana.net/html/archive/inftec/070810zol1.asp?spec_code=060426commdex§or=INFTEC&year=0&range_start=1&intMainYear=0&intTodayYear=2010.

⁵ OpenNet Initiative, "Country Profile: Zimbabwe," September 30, 2009, <http://opennet.net/research/profiles/zimbabwe>.

⁶ International Telecommunications Union (ITU), "ICT Statistics—Internet," http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&ReportFormat=HTML4.0&RP_intYear=2009&RP_intLanguageID=1&RP_bitLiveData=False.

or unreliable transmission quality, slow connection speeds, and difficulty initiating dial-up internet connections.⁷

Even in urban areas, electricity is regularly rationed, and the penetration of both the internet and mobile phones is uneven. In practice, internet access is limited largely to the few Zimbabweans with formal employment or positions in institutions of higher learning. There is little if any internet penetration in the poor townships surrounding cities, where much of the population lives, as few township residents can afford it. Internet penetration is highest in the central business districts of the country's two major cities, Bulawayo and Harare. However, with newly licensed data carriers starting to roll out fiber-optic networks across the country and establish links to international undersea cables, the situation is expected to improve.⁸

The prices for internet access in Zimbabwe are set by owners of cybercafes and ISPs; the state has so far not interfered on this issue. But with the majority of Zimbabweans surviving on wages of around US\$1,800 per year, a cost of living of more than US\$6,000 per year, and access prices set at some US\$600 per year for one hour of usage per day, the internet in Zimbabwe is mainly for the affluent.⁹ For those seeking home access, the general cost of a computer is US\$1,300, a modem costs US\$175, and the annual local telephone charges for dial-up access are around US\$208.¹⁰ Fast and reliable satellite connections to the internet are also very expensive. Even those who have access to the internet at work can only use it for a limited amount of time, as companies seek to contain the high monthly fees they pay for broadband.

Mobile-phone penetration is far higher than internet penetration, at almost 50 percent of the population (more than five million people) as of September 2010, an increase from 9 percent in early 2009.¹¹ Econet Wireless introduced third-generation (3G) technology in July 2009 and fourth-generation (4G) technology in May 2010, after two years of waiting for an allocation of frequencies by the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ). Given the monthly subscription fee of US\$25, the 3G service is only affordable for the few who are still gainfully employed in a country where the jobless rate is estimated at 94 percent.¹² In fact, some observers fear that

⁷ Zimbabwe has one fixed-line telephone operator, the publicly owned TelOne (formerly the Posts and Telecommunications Corporation, or PTC), which has failed to provide universal access. TelOne boasts just 386,000 subscribers, 50 percent of whom are in the capital, Harare. Only 17 percent of the lines are in rural areas, and 92 percent of the total lines have been digitalized. See "An Overview of Zimbabwe's Telecommunications—Potraz Presentation Download," *Technology Zimbabwe* (blog), March 5, 2010, <http://www.techzim.co.zw/2010/03/zimbabwe-telecoms-overview/>.

⁸ BuddeComm, "Zimbabwe."

⁹ OpenNet Initiative, "Country Profile: Zimbabwe"; "Review: Ecoweb's 4G Mobile WiMax," *Technology Zimbabwe*, May 30, 2010, <http://www.techzim.co.zw/2010/05/review-ecoweb-4g-mobile-wimax/>.

¹⁰ Getrude Gumede, "Websites for Zimbabwean Cabinet Ministries," *Zimbabwe Telegraph*, July 2, 2009, <http://www.zimtelegraph.com/?p=1249>.

¹¹ BuddeComm, "Zimbabwe."; "Zimbabwe Cell Phone Boom Still Can't Beat Investor Fears."

¹² UN Central Emergency Response Fund, "CERF Allocates \$5 Million for Protracted Relief and Recovery Operation in Zimbabwe," news release, January 14, 2010, <http://ochaonline.un.org/CERFaroundtheWorld/Zimbabwe2010/tabid/6430/language/en-US/Default.aspx>.

rather than enhancing access to the internet for the general public, advanced mobile-phone service may sharpen the digital divide by improving access for the few who already have it. Because of inadequate infrastructural development, the current 3G internet is frustratingly slow. 4G mobile internet access is even more expensive. Initial equipment costs about US\$175, and the current monthly subscription stands at US\$115 per month.¹³ The rate for pre-paid mobile web access is US\$0.20 per megabyte, with “bundles” ranging from 1 to 1000 megabytes.¹⁴ Despite the high costs, during the first week of re-launching its mobile broadband package in October 2010, Econet reported 100,000 new subscribers, and the number continued to grow through to year’s end.¹⁵

Dial-up internet services have been negatively affected by the collapse of the landline infrastructure, with the state-owned telecommunications firm TelOne failing to upgrade or repair its network. Broadband in Zimbabwe consists mainly of direct satellite connections through VSAT. Other access technologies include GSM, WiMax, and fiber-optic or copper-wire ADSL. Broadband is available in major urban areas, particularly in Harare, Bulawayo, and Mutare, and there are plans to extend coverage to other cities.¹⁶ However, in addition to the prohibitive cost, broadband is still very slow at 256 kbps. It is largely used by companies, nongovernmental organizations (NGOs), and universities, as most households cannot afford it. The cost of broadband is expected to fall when Econet finishes laying fiber optic cables in late 2010.

Although there is no clear evidence that the government blocks access to digital media, there are structural constraints that suggest indirect blocking. For instance, it is a requirement for every ISP to allow the government to monitor certain traffic at any given time, and all licensed ISPs must connect through the limited internet-access provider (IAP) infrastructure. The government has allocated few frequencies to IAPs, which require expensive equipment. For those who are able to get online, social-networking, video-sharing, and microblogging sites such as Facebook, YouTube, and Twitter are freely available, as are international blog-hosting platforms.

ISPs and mobile-phone companies are licensed and regulated by POTRAZ, whose leaders are appointed by the president in consultation with the minister of transport and communication. POTRAZ has been widely accused of partisanship and making politicized decisions, such as the cancellation of TeleAccess’s operating license in 2005.¹⁷ The regulator has not directly blocked the establishment of ISPs, but the exorbitant application fees it

¹³ “Review: Ecoweb’s 4G Mobile WiMax,” *Technology Zimbabwe*.

¹⁴ “Mobile Internet Revolution Takes Zimbabwe by Storm,” *The Zimbabwean*, October 27, 2010, http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=35162:mobile-internet-revolution-takes-zimbabwe-by-storm&catid=69:sunday-top-stories&Itemid=30.

¹⁵ “Econet Connects 100,000 to Internet,” *Bulawayo*, <http://bulawayoonline.com/latest-news/econet-connects-100-000-to-internet.html>, accessed March 5, 2011.

¹⁶ See GlobalTT.com, “Zimbabwe,” http://www.globaltt.com/coverage_countries/Zimbabwe, accessed August 25, 2010.

¹⁷ “Potraz Just Playing Dirty Politics—Shumba,” *Zimbabwe Independent*, November 18, 2005, <http://www.theindependent.co.zw/business/13372.html>.

charges have hindered the proliferation of such businesses. The fees for IAPs and ISPs range from US\$2 million to US\$4 million, depending on the type of service to be provided. This is in addition to the 3.5 percent of annual gross income that the provider must pay to POTRAZ.¹⁸ Application fees for operating a mobile-phone service are equally steep. There are currently 12 licensed IAPs and 17 ISPs in Zimbabwe.¹⁹ Only one of the IAPs, CommIT, has a Class B license, which entitles it to offer internet-based voice services in addition to the normal services that the rest provide.²⁰ Before the IAPs install their equipment, it has to be vetted and approved by the regulator. In addition, the Post and Telecommunications Act of 2000 requires that ISPs renew contracts with TelOne for access to its fixed-line network. However, there are no stringent regulations that hinder the establishment of cybercafes.

LIMITS ON CONTENT

Despite reports of continued human rights abuses and government control over the traditional media, there has been no concrete evidence of systematic internet filtering in Zimbabwe. However, some instances of surveillance and censorship have been reported. For example, in previous years, e-mail messages to central bank employees were allegedly blocked if they contained references to the main opposition party, the Movement for Democratic Change (MDC), or its leader, Morgan Tsvangirai. There have also been cases in which the authorities apparently traced antigovernment e-mail content to its source and arrested suspected senders.²¹

The government has from time to time exhibited a desire to control mobile-phone communications, for instance by warning operators not to let subscribers use their networks for political purposes, especially during elections or in other potentially volatile situations. The authorities issued such a warning in response to the mass circulation of text messages castigating the ruling Zimbabwean African National Union–Patriotic Front (ZANU-PF) during its December 2009 party congress. Econet has in turn warned all its subscribers that their service would be cut off if they sent political messages.²² In June 2010, just days after a column in the government-controlled *Herald* newspaper threatened Econet with the loss of its operating license, the company complained to the MDC about its use of the network for political purposes, and announced that it was installing software that would identify and block problematic messages.

¹⁸ The POTRAZ website can be found at <http://www.potraz.gov.zw/>.

¹⁹ “An Overview of Zimbabwe’s Telecommunications—Potraz Presentation Download,” *Technology Zimbabwe*.

²⁰ “POTRAZ Calls ICT Providers to Help Define IAP/ISP Roles,” *Technology Zimbabwe*, May 6, 2010, <http://www.techzim.co.zw/2010/05/potraz-iap-isp-roles/>.

²¹ OpenNet Initiative, “Zimbabwe.”

²² “Zanu PF Texts Sent from Sweden: Econet,” *New Zimbabwe*, December 17, 2009, <http://www.newzimbabwe.com/news-1491-Zanu+PF+texts+sent+from+Sweden/news.aspx>.

The various obstacles to access in Zimbabwe limit the utility of the internet as a means of mass mobilization. Even within the fraction of the population that accesses the medium regularly, there is no coordinated use of social-networking sites to build support for political change. However, overseas-based independent news websites and other digital media have emerged as an important source of alternative information for those able to access them. Sites such as www.newzimbabwe.com and www.zimonline.co.za publish independent information often obtained from stringers or other contacts based inside Zimbabwe, at times generating news later picked up by mainstream media outlets. Thus, during the hotly contested 2008 elections, Zimbabweans used mobile-phone text messages and blogs to disseminate oppositionist and independent versions of events that were not addressed in the severely restricted traditional media. Civic organizations such as Kubatana have been using specialized software to disseminate bulk political text messages to their subscribers and receive feedback from them.²³ By contrast, sites like Facebook are mainly used for friendly chats and renewing lapsed social contacts, possibly because of the lack of anonymity on such sites, and fear of repercussions if politically-oriented statements are traced back to those expressing them. Debates on the country's political and socioeconomic issues and reactions to internet stories on Zimbabwe are mostly confined to chat rooms and feedback sections of online news sites. Even in those cases, the base of contributors is fairly narrow, and the quality of the discussion is often poor.

Blogging offers community organizations, minorities, and individuals the opportunity to express their views, but few internet users know how to establish a blog or have sufficient access to properly maintain one. While some journalists have had training on creating blogs and using various internet tools, they have only rarely shown both the desire and the practical ability to sustain their own sites. Many individuals blogging from inside the country publish under their own names even when harshly criticizing the government, though some retain anonymity for fear of reprisals. Though their overall number is relatively small, blogs have nevertheless become critically important in Zimbabwe as an alternative space for debate, particularly due to the large number of bloggers based outside of the country.

VIOLATIONS OF USER RIGHTS

The constitution provides for freedom of expression, including freedom from interference with personal correspondence. However, Section 20(2) of the constitution places a number of limitations on these rights in the interests of national defense, public safety, public order, public morality, public health, and town or country planning.²⁴ Currently, there are no laws

²³ Ken Banks, "Mobile Phones Play Role in Zimbabwe," *PCWorld*, April 14, 2008, http://www.pcworld.com/businesscenter/article/144535/mobile_phones_play_role_in_zimbabwe.html.

²⁴ The text of the constitution is available at <http://www.parl.zim.gov.zw/cms/UsefulResources/ZimbabweConstitution.pdf>.

that specifically protect online modes of communication. Bloggers are not recognized by law as eligible for accreditation as journalists.

Judicial independence is compromised by an appointment process that allows for high levels of executive interference. The judiciary has sometimes demonstrated a degree of autonomy through rulings that are not necessarily favorable to the state, including on freedom of expression, but the government often ignores such decisions.

While most of the charges against journalists in the past few years have either been withdrawn or have resulted in acquittals, continuous harassment of journalists by the authorities has often induced self-censorship, even among those writing for online publications. The country's civil and criminal defamation laws, the Interception of Communications Act (ICA), and the Criminal Law Codification and Reform Act (CODE) all apply equally to online journalists and reporters for traditional media.

The CODE punishes anyone who publicly undermines the authority of or insults the president in any printed or electronic medium with up to 20 years in prison.²⁵ In one recent case, business executive John Norman Alfred Rusthon was arrested in March 2010 for allegedly circulating an e-mail message with photographs purporting to show the lavish interior of the president's house. He was charged with undermining the office of the president under Section 33(2) (a)(i) of the CODE, and was released on US\$200 bail several days later.²⁶ The case was apparently still pending as of the end of 2010.

The CODE has also been applied to internet-related activities outside Zimbabwe. For example, Andrew Meldrum, an American journalist writing for Britain's *Guardian* newspaper, was prosecuted in Zimbabwe in 2002 on charges of abusing journalistic privilege by publishing falsehoods on the paper's website. Prosecutors took the position that Zimbabwean courts have jurisdiction over content published on the internet so long as it can be accessed in Zimbabwe. Meldrum was acquitted, but immediately received a deportation order. Another judge then ruled that he had legal status to stay in the country, since he held a permanent residency permit. Nevertheless, he was reportedly abducted by state authorities in May 2003 and expelled to South Africa.²⁷

Website owners, bloggers, and internet users in general are not required to register with the government. However, a July 2010 POTRAZ directive called for all mobile-phone users to register with the government by the end of August 2010, ostensibly to combat crime and threatening or obscene messages or calls.²⁸ In September, POTRAZ announced

²⁵ The law is available at http://www.kubatana.net/docs/legisl/criminal_law_code_050603.pdf.

²⁶ "Manager Arrested for Insulting the President," *Herald* (Zimbabwe), March 2, 2010, available at <http://allafrica.com/stories/201003020057.html>.

²⁷ "Andrew Meldrum's Video Diary," *Guardian*, <http://www.guardian.co.uk/zimbabwe/subsectionmenu/0,,960624,00.html>; Dave Gilson, "Hoping Against Hope: An Interview with Andrew Meldrum," *Mother Jones*, June 28, 2005, <http://motherjones.com/politics/2005/06/hoping-against-hope-interview-andrew-meldrum>.

²⁸ "Zim to Register Cell Phone Lines," *Southern Times*, June 21, 2010, <http://www.southerntimesafrica.com/article.php?title=Zim%20to%20register%20cell%20phone%20lines%20%20&id=4290&sid=ba3950cf283bab09bb9dc934b7836a1c>.

an indefinite extension of the deadline as it became clear that many users had been unable to register in time.²⁹

The Post and Telecommunications Act of 2000 allows the government to monitor e-mail usage and requires ISPs to supply information to government officials when requested. The law obliges ISPs to report any e-mail with “offensive or dangerous” content. The Interception of Communications Act of 2007 (ICA) enabled the establishment of a monitoring center to oversee, among other things, traffic in all telecommunications and postal services.³⁰ The law requires telecommunications operators and ISPs to install the necessary technology at their own expense. Failure to comply can be punished with a fine or up to three years in prison. There have been unconfirmed reports that the government has received surveillance technology and training from China.³¹

The ICA allows the state to intercept any communication when there is a reasonable suspicion of threats to public safety or national security, among other situations. Intercepted information can in some instances be used as evidence in criminal proceedings. While there are no specific laws regulating the encryption of documents or communications, the ICA allows the government to request any key or code necessary to make a communication readable once there is reasonable suspicion that, for example, national security is at stake and an administrative warrant has been granted.

Warrants allowing monitoring and interception of communications are issued by the minister of information at his discretion, meaning there is no substantial judicial oversight or other independent safeguards against abuse. The frequency and extent of monitoring in practice remains uncertain.

There have been no known cases of physical attacks against bloggers or online journalists in particular, but they remain at risk in Zimbabwe’s general climate of political violence and impunity. In 2006, then security minister Didymus Mutasa warned that the authorities would “soon close in on” journalists using pseudonyms to report in the exiled private media, including websites and internet radio stations.³² Similarly, while many NGO activists and human rights defenders have been targeted by the regime, there are no known cases of such figures being physically harassed in relation to online or text-messaging activities.

²⁹ “Telecoms Regulator in Zimbabwe Extends Cell Phone Registration Exercise,” Net News Publisher, September 1, 2010, <http://www.netnewspublisher.com/telecoms-regulator-in-zimbabwe-extends-cell-phone-registration-exercise/>.

³⁰ The law is available at http://kubatana.net/docs/legisl/icb_070508.pdf.

³¹ Lance Guma, “Too Much to Monitor for Snooping Squads,” SW Radio Africa, August 7, 2007, <http://www.swradioafrica.com/news070807/snoop070807.htm>; Reporters Without Borders, “All Communications Can Now Be Intercepted under New Law Signed by Mugabe,” news release, August 6, 2007, <http://en.rsf.org/zimbabwe-all-communications-can-now-be-06-08-2007.17623.html>.

³² Media Monitoring Project Zimbabwe (MMPZ), “Government Continues to Threaten Journalists,” from *Weekly Media Update* 2006, no. 4 (January 23–29, 2006), available at Kubatana.net, <http://www.kubatana.net/html/archive/media/060202mmpz1.asp?sector=MEDIA>.

The websites of both government-controlled and private media have been hacked, but not on a large scale or with great frequency. The government has reportedly used Chinese assistance to bolster its efforts to instigate such attacks against opposition-oriented websites.