

## Zimbabwe

**Country:**Zimbabwe**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

5

**Civil Liberties:**

5

**Aggregate Score:**

32

**Freedom Rating:**

5.0

**Overview:**

Zimbabwe in 2015 continued to suffer from factionalization of the two major parties and a deepening economic malaise. Over the course of more than 20 by-elections, held mostly as a result of lawmakers being expelled from both major parties, the ruling Zimbabwe African National Union–Patriotic Front (ZANU-PF) greatly increased its share of seats in the National Assembly during the year. The main opposition party, the Movement for Democratic Change–Tsvangirai (MDC-T), boycotted these elections, leaving ZANU-PF to run against several small opposition parties and its own former members. Even with the lack of competition, some of the contests were characterized by voter-roll discrepancies, large numbers of assisted voters, and episodes of violence.

Former ruling party elites and those involved in the political struggle to succeed longtime president Robert Mugabe reported receiving threats or being subjected to surveillance by the Central Intelligence Office (CIO) during 2015.

Despite these signs of political turmoil, there were some marginal improvements in civil liberties. The courts ruled against the ruling party in several prominent cases, suggesting greater judicial independence than in the past. Political pressure on teachers and restrictions on the operations of nongovernmental organizations (NGOs), which in previous years included legal and extrajudicial harassment, also appeared to ebb in 2015.

**Political Rights and Civil Liberties:****Political Rights: 12 / 40 [Key]****A. Electoral Process: 3 / 12**

Zimbabwe has a bicameral legislature. In the lower chamber, the 270-seat National Assembly, 210 members are elected through a first-past-the-post system with one member per constituency, and 60 female members are elected by proportional representation. The 80-seat Senate includes 6 members from each of Zimbabwe's 10 provinces who are elected through proportional representation, and 20 appointed members, including 18 traditional leaders and 2 members representing people with disabilities. Members in both houses serve five-year terms.

The 2013 constitution limited the president to two five-year terms, removed the presidential power to veto legislation and dismiss Parliament, and devolved some powers to the provinces. The term-limit restriction was not retroactive, however, meaning Mugabe, who has been the country's leader since independence in 1980, could serve two more terms. The constitution also empowered the president's political party, not Parliament, to select a presidential successor in the case of a death in office—a critical provision given that Mugabe turned 91 in 2015. The 2013 constitutional referendum was deemed credible by a range of observers, though the vote was preceded by a crackdown on prodemocracy civil society groups.

Although far less violent than the 2008 elections, the 2013 presidential and legislative elections were marred by serious irregularities. Mugabe won the presidency with 61 percent of the vote; his opponent, MDC-T leader Morgan Tsvangirai, took 34 percent. ZANU-PF also captured 197 seats in the National Assembly, compared with 70 for the MDC-T. According to the Zimbabwe Electoral Coalition (ZEC), more than 300,000 voters were rejected at the polls over registration issues, and the Zimbabwe Election Support Network (ZESN) claimed that up to one million voters were omitted from the rolls or turned away at the polling centers. The ZEC also reported that 200,000 "assisted" votes were cast, leading to accusations that ZANU-PF supporters were casting votes for people not genuinely in need of assistance. Selective distribution of benefits to ruling party supporters and use of government institutions to campaign were also rampant.

The 2012 Electoral Amendment Act reconstituted the ZEC with new commissioners nominated by all political parties, but the ZEC president and much of the staff remained partisan and susceptible to political influence. Another Electoral Amendment Act passed in 2014 expanded the powers of observers and election agents and reduced ambiguities in the process for handling ballots. The amendments also reinstated postal voting, which was historically used to ensure that the armed forces collectively voted in favor of ZANU-PF. Legal loopholes that permit the printing of extra ballots, unfair media coverage, and interference of police officers in voter choice remain unrevised. In 2015, the MDC-T asked the Constitutional Court to rule on the question of holding elections before the electoral law has been brought fully into compliance with the new constitution, but the case was withdrawn at the end of September on a technicality. In December, the MDC-T, People First, and several other opposition parties signed a joint call for further electoral reforms.

The 2015 parliamentary by-elections featured a number of shortcomings. There were reports of violence, particularly in the Hurungwe West constituency, where Temba Mliswa, who had been expelled by ZANU-PF, ran to reclaim his seat as an independent. Candidates in several constituencies said they were threatened by ZANU-PF supporters, who also allegedly visited voters to record their registration numbers and threaten repercussions if they failed to vote. Reports that traditional leaders were both threatened and provided with assistants to campaign and monitor voting behavior, combined with allegations that CIO agents were deployed to by-election constituencies, suggest that such illegal campaigns were overseen by central authorities. Election monitors and non-ZANU-PF candidates also widely reported the use of fraud, including manipulation of the voter roll and fabrication of votes.

ZANU-PF has dominated politics since Zimbabwe's independence in 1980, though infighting over who will succeed Mugabe has led to the formation of splinter groups. Joice Mujuru, who was replaced as vice president in December 2014 and expelled from ZANU-PF, emerged as the leader of a breakaway faction, People First, during 2015. The main opposition party, the MDC, has also split into multiple factions—first over whether to contest the 2005 Senate elections, and then after its defeat in the 2013 elections—but the MDC-T remains the largest opposition grouping.

The ruling party uses state institutions as well as violence and intimidation to punish opposition politicians, their supporters, and critical political activists. Itai Dzamara, a journalist and activist who had called for Mugabe to resign, was abducted in March 2015, allegedly by government agents. The authorities denied any knowledge of his whereabouts, and he remained missing at year's end. In September, seven MDC-T lawmakers reportedly received death threats via mobile-phone text messages that appeared to warn them against disrupting Mugabe's annual speech to Parliament. Also that month, ZANU-PF politicians received threatening text messages that were thought to have come from factional rivals.

Youth brigades affiliated with ZANU-PF factions led by First Lady Grace Mugabe and Saviour Kasukuwere, on the one hand, and Vice President Emmerson Mnangagwa, on the other, engaged in brawls around the capital during the year. CIO agents were said to be watching the movements of current and former ZANU-PF elites on behalf of Mnangagwa, a former CIO chief and presidential aspirant. The CIO also continued to threaten opposition leaders.

Zimbabwe's ethnic Shona majority dominates both major political parties, and some members of the Ndebele minority have complained of political marginalization. An MDC splinter party headed by Welshman Ncube, an Ndebele, has been accused of tribalism by its rivals. The small white minority has faced years of hostile speeches and policies from ZANU-PF.

### **C. Functioning of Government: 3 / 12**

The civilian leadership has only partial electoral legitimacy, and the commanders of the highly partisan military, police, and intelligence agencies continue to play a central role in government decision making. The CIO remains closely tied to the presidency and free from any substantial regulation by the legislature or civilian bureaucracy.

Government effectiveness has been undermined by the use of appointments for political patronage. The president regularly reshuffles the cabinet, increasing the number of ministers in 2015 to more than 72, each of whom receives large salaries and allowances, vehicles, housing, and special staff. Other state and party officials were dismissed during the year as part of an effort to purge allies of former vice president Mujuru.

Corruption has become endemic since 2000, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid have made the problem ubiquitous at the local level as well.

The Zimbabwe Anti-Corruption Commission, which was enshrined in the 2013 constitution, has little independent investigative or enforcement capacity. Zimbabwe was ranked 150 out of 168 countries and territories assessed in Transparency International's 2015 Corruption Perceptions Index. According to another Transparency International report released in 2015, some 77 percent of Zimbabweans thought that the country had grown more corrupt over the past two years.

### **Civil Liberties: 20 / 60 (+4)**

## **D. Freedom of Expression and Belief: 8 / 16 (+2)**

Freedom of the press is restricted. Although the constitution protects freedoms of the media and expression, the country's repressive legal framework—including the Access to Information and Protection of Privacy Act, the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act (CLCRA)—has yet to be reformed. These laws restrict who may work as a journalist by requiring journalists to register with the state. They also severely limit what journalists may publish and mandate harsh penalties, including long prison sentences, for violations.

Constitutional Court rulings in 2013 and 2014 found that key CLCRA provisions—on criminal defamation, undermining the authority of the president, and publishing falsehoods detrimental to the state—were harmful and unconstitutional under the old constitution. At the end of 2015, a case brought by the Media Institute of Southern Africa arguing that the CLCRA's media restrictions are unconstitutional under the new constitution was pending before the Constitutional Court. Journalists and others who criticize the government continue to be jailed and charged with violating provisions of the CLCRA.

Criticizing the government in some cases is also punished extrajudicially, particularly when it involves Mugabe. Journalists are subject to beatings or arrests while reporting on demonstrations. In August 2015, police temporarily detained three journalists covering a union-led protest over job cuts and warned them that they could share the fate of Itai Dzamara, the journalist and activist who was abducted in March.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) continues to dominate broadcast media. The government also controls the two main daily newspapers, though there are a number of independent print outlets. Satellite television services based abroad are available, but access is still prohibitively expensive for many Zimbabweans. Commercial radio licenses issued to date have generally gone to companies that are either state controlled or owned or operated by individuals with close links to the ruling party. While the law allows for the licensing of community radio stations, the government has not offered such licenses since 2001, nor has it taken steps to license private television broadcasters.

Internet access and usage have expanded rapidly in recent years despite frequent power outages, and access is rarely blocked or filtered, allowing online news sources to gain popularity. However, as with traditional media, those who disseminate critical content online face criminal sanctions and the threat of violence.

Freedom of religion is generally respected in Zimbabwe, though the ruling party favors certain religious leaders, which at times has led to confrontations with other groups. No major incidents of this kind were reported in 2015.

Political pressure on teachers and academics has eased in recent years, though the state still responds with force to student protests. Prominent academics rank among the government's most vociferous critics, and some are allowed to operate with little interference. Mugabe serves as the chancellor of all eight state-run universities, and the Ministry of Higher Education supervises education policy at universities. Nevertheless, there is respect for academic freedom in many government institutions.

Zimbabweans enjoy some freedom and openness in private discussion, but official monitoring of public gatherings, prosecution of offenses like insulting the president, and the threat of political violence serve as deterrents to unfettered speech.

## **E. Associational and Organizational Rights: 4 / 12 (+1)**

Freedom of assembly is limited, though protests do occur. POSA requires police permission for public meetings and demonstrations, allows police to impose arbitrary curfews, and forbids criticism of the president. In 2015, a number of assemblies by perceived government opponents were blocked or violently dispersed through the deployment of police and soldiers. Those affected included women's rights activists, street vendors protesting tighter state regulation, and MDC-T supporters.

NGOs are active and generally professional. They remain subject to legal restrictions under POSA, the CLCRA, and the Private Voluntary Organisations Act, despite the rights laid out in the constitution. Historically, these laws have often been implemented in a partisan manner; NGOs, human rights lawyers, and civil society workers also face extralegal harassment and arbitrary arrest by security services. However, with the prominent exception of Dzamara's abduction and the short-term arrest of activists who protested on his behalf, few episodes of legal or police harassment aimed at NGOs were reported in 2015. Some groups that are critical of the government said they were allowed to operate more or less freely in urban areas, so long as they did not organize public demonstrations.

The Labor Act allows the government to veto collective-bargaining agreements that it deems harmful to the economy. Strikes are allowed except in "essential" industries. Because the Zimbabwe Congress of Trade Unions (ZCTU) has led resistance to Mugabe's rule, it has become a particular target for repression. It has also seen its membership decline due to closure of companies and liberalization of collective bargaining. In 2015, the ZCTU began staging protests over proposed wage freezes and a widespread loss of jobs linked to the weakening economy and relatively strong currency. Many of these protests were either banned by the police or led to police violence.

An amendment to the labor law intended to make it harder for firms to dismiss workers was hastily passed in August 2015 following the loss of an estimated 25,000 jobs in July. The rash of dismissals was precipitated by a Supreme Court ruling that firms were not required to provide redundancy payouts or give more than three months' notice to fired workers. The new law requires firms to pay a minimum of one month's pay for every two years worked, and was backdated to mid-July.

## **F. Rule of Law: 3 / 16 (+1)**

The executive branch has exerted considerable pressure on the courts or sought to circumvent their authority over the years, but a series of rulings in 2015 demonstrated an increased degree of judicial independence, building on a trend from 2014. For example, in May, the Constitutional Court barred police from arresting women on unsubstantiated charges of soliciting for prostitution, an apparently common abuse. In June, the High Court barred the government from evicting legal street vendors and held that eviction of illegal vendors needed to comply with due process and could not involve the military. In October, the High Court ordered Local Government Minister Saviour Kasukuwere to reinstate the mayor of Gweru and 11 city councilors, finding that the clause of the Urban Council Law under which he had suspended them was unconstitutional. Also that month, the Labour Court ruled in favor of a civil servant who was unfairly dismissed on the grounds of his presumed sexual orientation.

The government has so far failed to fully implement new and update standing legislation as mandated by the 2013 constitution. At the end of 2015, the General Laws Amendment Bill was scheduled for a vote in Parliament in early 2016. However, this bill would bring only 126 statutes out of more than 400 into alignment with the constitution. Meanwhile, the judiciary has been left to struggle with interpreting contradictions between the new constitution and existing law.

The constitution gives arrested suspects the right to contact relatives, advisers, and visitors; to be informed of their rights; and to be released after 48 hours unless a court orders them to remain detained. However, these rights are often violated in practice. Security forces abuse citizens, frequently ignoring basic rights regarding detention, searches, and seizures. In September 2015, the Constitutional Court struck down a section of the Criminal Procedures and Evidence Act that allowed prosecutors to override court decisions granting bail to detainees for seven days by stating an intent to appeal. This provision had been routinely used to block bail for political detainees.

Lengthy pretrial detention remains a problem, and despite some improvements in recent years, prison conditions are harsh and sometimes life-threatening. By official estimates, 17 percent of detainees have not yet been convicted, and the prison population is 12 percent larger than the intended capacity. Overcrowding, poor sanitation, and food shortages have contributed to the spread of HIV/AIDS, tuberculosis, and other illnesses among inmates.

Discrimination on the basis of a broad range of characteristics is prohibited under the 2013 constitution. However, notwithstanding the 2015 Labour Court ruling, discrimination on the basis of sexual orientation or gender identity is not expressly prohibited. Sex between men is a criminal offense and can be punished with a fine and up to one year in prison. Mugabe has been vocal in his opposition to same-sex sexual relations, and LGBT (lesbian, gay, bisexual, and transgender) groups have been subject to regular harassment by security forces.

## **G. Personal Autonomy and Individual Rights: 5 / 16**

High passport fees inhibit legal travel abroad. At the same time, badly underfunded immigration and border authorities lack the capacity to effectively enforce travel restrictions. Politicized enforcement is also less of a problem than in the past, when the government would seize passports of domestic opponents and expel or deny entry to foreign critics.

Property rights are not respected. In January 2015, police officers demolished the homes of at least 200 families living in an area where Grace Mugabe reportedly planned to create a wildlife sanctuary, although the courts have shown independence in multiple rulings against the interests of the first lady in this venture. The authorities also continued to demolish, without court orders, homes around Harare that were deemed to have been built illegally, affecting thousands of residents.

In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure. Farmers without title to their land have little collateral to use for bank loans. Seizures of land owned by the country's few remaining white commercial farmers, as well as some ZANU-PF elites involved in factional struggles, continued in 2015.

The 2007 Indigenization and Economic Empowerment Act stipulates that 51 percent of shares in all large companies operating in Zimbabwe must be owned by black Zimbabweans. Since the 2013 elections, ZANU-PF has courted international investors and indicated that it will apply the indigenization laws selectively. In 2015, the government continued to grant exemptions to private investors and allow noncompliant companies to operate.

Women enjoy extensive legal protections, and women serve as ministers in the national and local governments. However, societal discrimination and domestic violence persist, and sexual abuse is widespread. Female members of the opposition have faced particular brutality at the hands of security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education. According to a UN Children's Fund (UNICEF) survey published in 2015, approximately one-third of women aged 20 to 49 were married before they turned 18, and 5 percent of those aged 15 to 49 were married before age 15.

Zimbabwean women and girls are subjected to sex trafficking and forced labor, particularly in border areas, and both adults and children from rural districts are trafficked into domestic servitude in cities or forced agricultural labor. Officials do not actively combat trafficking, and some are complicit in such activities.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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