

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Are there any reports of "war veterans" or members of ZANU PF targeting white people in urban areas?**
- 2. Have there been any reports of white people in urban areas being forced to leave their homes or having their property confiscated?**
- 3. Is there any evidence to suggest that white people have faced discrimination in terms of accessing state protection?**
- 4. Have white people or anyone else been subjected to travel bans?**
- 5. Please provide information on the situation for women in Zimbabwe.**
- 6. Are there any reports suggesting that elderly people are targeted by criminals or others?**

RESPONSE

- 1. Are there any reports of "war veterans" or members of ZANU PF targeting white people in urban areas?**

While no recent information has been found of "war veterans" or members of ZANU-PF targeting white people in urban areas, a few 2001 reports indicate that the ZANU-PF supporters and war veterans attacked or threatened white people in urban areas in their efforts to stifle the opposition.

In 2001, *Amani Trust* commented that

The ruling party Zanu PF supporters are going around white owned factories in Bulawayo distributing leaflets denouncing whites and blacks suspected of supporting the opposition MDC. Employers and workers have been threatened and warned not to support MDC or factories will be closed. This is a continued harassment of residents suspected to have voted for MDC in the

just ended mayoral elections in Bulawayo (Amani Trust 2001, *Amani Trust - Statistical and Narrative Summary - September 2001*, 9
October <http://www.zwnews.com/print.cfm?ArticleID=2760> - Accessed 17 October 2001 – Attachment 1)

The International Crisis Group *Africa Report No. 32* of 13 July 2001 states that:

In April and May 2001 the war vets, led by Chinotimba, escalated their strategy by systematically attacking urban factories and businesses. They invaded scores of factories, abducted top managers, both black and white, and took them to Zanu PF provincial headquarters for beatings. The war vets used the excuse that they were settling old labour disputes. This urban campaign's real objectives, however, were threefold: to intimidate businesses suspected of supporting the MDC; to generate support among aggrieved urban workers, who overwhelmingly support the opposition; and to raise funds for the war vets and their activities (International Crisis Group 2001, 'Zimbabwe in Crisis: Finding a Way Forward', *Africa Report No. 32*, 13
July http://www.icg.org/library/documents/report_archive/A400356_13072001.pdf – Accessed 19 October 2004 – Attachment 2).

Another report also of 2001 quotes farming officials as saying that the political temperature remained high around the Chinhoyi courthouse (where white farmers faced a charge of allegedly assaulting supporters of Mugabe), with hundreds of youths from President Mugabe's ruling ZANU-PF party singing and chanting anti-white slogans outside the building ('Farmers flee in fear' 2001, *Hobart Mercury*, 11 August – Attachment 3; see also 'Mugabe appoints new ministers' 2001, *Irish Times*, 10 August – Attachment 4).

- 2. Have there been any reports of white people in urban areas being forced to leave their homes or having their property confiscated?**
- 3. Is there any evidence to suggest that white people have faced discrimination in terms of accessing state protection?**
- 4. Have white people or anyone else been subjected to travel bans?**

In a search through the sources consulted, no definitive information has been located of white people in urban areas being forced to leave their homes or having their property confiscated. However, there are several references to white people having difficulties including in accessing state protection and foreign travel.

The 2008 US Department of State *Country Reports on Human Rights Practices: Zimbabwe* comments that:

The Citizenship Act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals...

The government and ruling party infringed on rights to due process, citizenship, and property ownership in ways that affected the white minority disproportionately...

The constitution and law provide for freedom of movement within the country and foreign travel; however, the government restricted freedom of movement, foreign travel, and the rights of internally displaced persons (IDPs) in practice. ..

The government attempted to attribute the country's economic and political problems to the white minority and Western countries. On some occasions, President Mugabe, members of his government, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program (US Department of State 2008, *Country Reports on Human Rights Practices: Zimbabwe*, 11 March. <http://www.state.gov/g/drl/rls/hrrpt/2007/100512.htm> - Accessed 9 April 2008 – Attachment 5).

During the March 2005 parliamentary election, the white population was blamed for undermining the national liberation project and the economy. The UK Home Office comments that

6.120 Kubatana in “Development Denied: Autocratic Militarism in Post-Election Zimbabwe”, dated 28 July 2005, reported that during the 31 March parliamentary election campaign, ZANU-PF claimed that the white population was responsible for undermining the national liberation project and the economy. The report went on to note that whites were accused of being agents of Tony Blair in trying to destabilise the economy (Country of Origin Information Service, UK Home Office 2006, ‘Country of Origin Information Report: Zimbabwe’, UK Home Office website, April http://www.homeoffice.gov.uk/rds/pdfs06/zimbabwe_280406.doc – Accessed 10 May 2006 – Attachment 6).

In addition to travel difficulties faced by white people, critics of the regime are also subjected to a travel ban. A London-based opposition source notes that:

Fifteen Zimbabwean critics of President Robert Mugabe's regime have been hit with a travel ban on allegations of threatening the country's "national interest", New Zimbabwe.com can reveal.

The group, which includes opposition officials, businessmen and journalists, are the first to face such an order following an amendment to the Zimbabwe constitution in September. [Passage omitted]

Immigration sources told New Zimbabwe.com that a memo has been sent to all exit points and border posts for immigration officials to seize the passports of the people on the travel ban list (Zimbabwe: Zimbabwe reportedly imposes travel ban on 15 “critics” of Mugabe’ 2005, *BBC Monitoring Alert*, source: Newzimbabwe.com, 6 December – Attachment 7).

Referring to the difficulties faced by white people in Zimbabwe, the 2002 US Department of State *Country Reports on Human Rights Practices: Zimbabwe* similarly notes that:

On June 4 [2001], a second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), began to function after a long period of inactivity. Joseph Chinotimba, a prominent war veteran leader, appeared to lead the organization. Most observers noted that the ZFTU was reformed by ZANU-PF to spearhead its campaign to force mostly white-owned businesses to resolve individual wage and employment disputes and grant higher wages to their workers...

On August 6, during a conflict between commercial farmers and farm occupiers near Chinhoyi, at least four persons were injured seriously (see Section 1.f.). On August 7, ZANU-PF youth

indiscriminately beat white persons in the area. Following the conflict, 24 white farmers and their relatives, including 5 persons who were making inquiries at police stations, were charged with assault and public violence. All of those arrested were released on bail...

The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership (US Department of State 2002, *Country Reports on Human Rights Practices: Zimbabwe*, 4 March <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8411.htm> - Accessed 9 April 2002 – Attachment 8).

5. Please provide information on the situation for women in Zimbabwe.

The 2008 US Department of State *Country Reports on Human Rights Practices: Zimbabwe* gives a good summary of the current situation for women in the country. It states that:

... however, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities remained problems...

The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and, feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases, and the government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to infect anyone knowingly with HIV.

Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes.

On October 25, the government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in December 2006. The government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 15 killing of his wife (US Department of State 2008, *Country Reports on Human Rights Practices: Zimbabwe*, 11 March. <http://www.state.gov/g/drl/rls/hrrpt/2007/100512.htm> - Accessed 9 April 2008 – Attachment 5).

The *Country Reports* further comments on the government's efforts to promote women's rights, the effects of women's economic dependency and continued disadvantages suffered by them as follows:

During the year the government conducted a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women's rights groups

reported that awareness of domestic violence increased following the October enactment of the Domestic Violence Act.

Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's worsening economic problems were forcing more women and young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the border with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year.

Labor legislation prohibits sexual harassment in the workplace and an employer may be held liable for civil remedies if found in violation of provisions against "unfair labor practices" including sexual harassment; however, women commonly faced workplace sexual harassment, and there were no reports of any prosecutions during the year.

Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.

The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights.

Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.

Women and children continued to be adversely affected by the government's forced evictions and demolition of homes and businesses in several cities and towns. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband's family when married and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband's family in rural areas where resources were already strained.

The Ministry of Women's Affairs, Gender, and Community Development showed some improvement in efforts to advance the cause of women. The ministry, through collaboration with local NGOs, introduced training workshops for traditional leaders in the rural communities to create more awareness on women's issues. Women's Affairs Minister Oppah Muchinguri also established "gender units" in every ministry to advance women's rights. The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government.

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 (.US Department of State 2008, *Country Reports on Human Rights Practices: Zimbabwe*, 11

March. <http://www.state.gov/g/drl/rls/hrrpt/2007/100512.htm> - Accessed 9 April 2008 – Attachment 5).

Similarly, the US Department of State commented in 2002 that:

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, domestic violence and discrimination

against women, abuse of children, and discrimination against persons with disabilities remained problems (US Department of State 2002, *Country Reports on Human Rights Practices: Zimbabwe*, 4 March <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8411.htm> - Accessed 9 April 2002 – Attachment 8).

In examining the obstacles impeding improvement of the status of women in Zimbabwe, the UN Committee on the Elimination of Discrimination against Women (CEDAW) comments that:

... “negative attitudes towards women and discriminatory customary laws and practises continue to contribute to the slow pace in advancing the status of women” in Zimbabwe (paragraph 121 of CEDAW Report A/53/38). The report lists as a principal area of concern “that discriminatory traditional practices, such as lobola, polygamy and female genital mutilation, are still accepted”. CEDAW expresses concern that constitutional provisions are not sufficient and that tradition and customary law ensures continued discrimination (Paragraph 141 of CEDAW Report A/53/38) (Amnesty International 2000, ‘Zimbabwe. Constitutional Reform - an Opportunity to Strengthen Human Rights Protection’, AFR 46/01/00, January <http://www.amnesty.org/en/library/asset/AFR46/001/2000/en/dom-AMR460012000en.html> - Accessed 3 February 2002 – Attachment 9).

A lack of protection available for women is well illustrated in a 2002 report stating that:

Hundreds of women and girls were being raped in rural Zimbabwe by President Robert Mugabe's youth brigades, a British newspaper said today.

Girls as young as 12 were being raped, tortured and forcibly kept as concubines in camps in what human rights lawyers had branded "systematic political cleansing" of the population, The Sunday Telegraph reported (‘Hundreds 'raped' in Zimbabwe’ 2002, *The Australian*, 26 August – Attachment 10).

A 2006 Human Rights Watch publication, 'No bright future: Government failures, human rights abuses and squandered progress in the fight against AIDS in Zimbabwe' lists difficulties faced by women in their fight against AIDS in the country (Human Rights Watch 2006, 'No bright future: Government failures, human rights abuses and squandered progress in the fight against AIDS in Zimbabwe', HRW website, pp 32-38 in Section VI, July <http://www.hrw.org/reports/2006/zimbabwe0706/zimbabwe0706webwcover.pdf> - Accessed 2 August 2006 – Attachment 11).

6. Are there any reports suggesting that elderly people are targeted by criminals or others?

While no recent information has been found suggesting that elderly people are targeted by criminals or others in Zimbabwe, the Human Rights Watch reported in 2002 that

In Mashonaland East, elderly women and their families were the target of war veterans militia based on an adjacent commercial farm. These villagers from communal areas have been subjected to repeated beatings and cannot return to their homes because of the presence of war veterans (Human Rights Watch 2002, ‘Use of farms as bases to harass opposition supporters’ March – Attachment 12).

A *Sydney Morning Herald* report also of 2002 quotes an elderly refugee status applicant in Australia as saying that elderly people are targeted by the government-backed mobs. It continues that:

... white farmers are being murdered and their farms are being seized by government-backed mobs... "I fear for my life if I go back. I am white and I am a soft target being elderly. The[y] pick out the elderly... (Walker, Frank 2002, 'Woman, 78, seen as refugee test case', *The Sydney Morning Herald*, 2 September <http://www.smh.com.au/articles/2002/09/01/1030508159603.html> - Accessed 9 April 2008 – Attachment 13).

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

Office of the High Commissioner for Human Rights (OHCHR) <http://www.ohchr.org/english/countries/cn/index.htm>

International News & Politics

BBC News <http://news.bbc.co.uk>

Search Engines

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. Amani Trust 2001, *Amani Trust - Statistical and Narrative Summary - September 2001*, 9 October <http://www.zwnews.com/print.cfm?ArticleID=2760> - Accessed 17 October 2001.
2. International Crisis Group 2001, 'Zimbabwe in Crisis: Finding a Way Forward', Africa Report No. 32, 13 July http://www.icg.org/library/documents/report_archive/A400356_13072001.pdf – Accessed 19 October 2004.
3. 'Farmers flee in fear' 2001, *Hobart Mercury*, 11 August. (FACTIVA)
4. 'Mugabe appoints new ministers' 2001, *Irish Times*, 10 August. (FACTIVA)
5. US Department of State 2008, *Country Reports on Human Rights Practices: Zimbabwe*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2007/100512.htm> - Accessed 9 April 2008.
6. Country of Origin Information Service, UK Home Office 2006, 'Country of Origin Information Report: Zimbabwe', UK Home Office website,

April http://www.homeoffice.gov.uk/rds/pdfs06/zimbabwe_280406.doc – Accessed 10 May 2006.

7. 'Zimbabwe: Zimbabwe reportedly imposes travel ban on 15 "critics" of Mugabe' 2005, *BBC Monitoring Alert*, source: Newzimbabwe.com, 6 December. (CISNET Zimbabwe CX142200)
8. US Department of State 2002, *Country Reports on Human Rights Practices: Zimbabwe*, 4 March <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8411.htm> - Accessed 9 April 2002.
9. Amnesty International 2000, 'Zimbabwe. Constitutional Reform - an Opportunity to Strengthen Human Rights Protection', AFR 46/01/00, January <http://www.amnesty.org/en/library/asset/AFR46/001/2000/en/dom-AMR460012000en.html> - Accessed 3 February 2002.
10. 'Hundreds 'raped' in Zimbabwe' 2002, *The Australian*, 26 August. (CISNET Zimbabwe CX66832)
11. Human Rights Watch 2006, 'No bright future: Government failures, human rights abuses and squandered progress in the fight against AIDS in Zimbabwe', HRW website, pp 32-38 in Section VI, July <http://www.hrw.org/reports/2006/zimbabwe0706/zimbabwe0706webwcover.pdf> - Accessed 2 August 2006.
12. Human Rights Watch 2002, 'Use of farms as bases to harass opposition supporters' March. (CISNET Zimbabwe CX64296)
13. Walker, Frank 2002, 'Woman, 78, seen as refugee test case' *The Sydney Morning Herald*, 2 September <http://www.smh.com.au/articles/2002/09/01/1030508159603.html> - Accessed 9 April 2008.