

 <b>Australian Government</b> <b>Refugee Review Tribunal</b>	<b>Country Advice</b>
	<b>Zimbabwe</b>
	Zimbabwe – ZWE36639 – Movement for Democratic Change – ‘Coloured’ people (mixed race) – State protection – Asylum seekers 17 May 2010

### **1. What is the position in Zimbabwe for persons who are supporters of the MDC Party?**

Despite the implementation of the Global Political Agreement (GPA) in Zimbabwe in September 2008, the most current information maintains that factions of the Zimbabwe African National Union Patriotic Front (ZANU-PF) still engage in politically motivated violence against Movement for Democratic Change (MDC) supporters and any other people perceived to be opponents to their party.

As a result of the 2008 general elections, the political situation in Zimbabwe remains complex. A unity government, comprised of two opposing political parties - ZANU-PF and MDC is now engaged in a power sharing arrangement through the GPA. Under this agreement, Robert Mugabe, leader of the ZANU-PF, remained the President of Zimbabwe whilst Morgan Tsvangirai, leader of the MDC, became the Prime Minister.<sup>1</sup>

However, under the GPA the MDC and ZANU-PF were unable to reach agreement on several issues including the distribution of portfolio ministries between the parties. Therefore, the GPA did not create a government of unity but has instead led to a political stalemate. This is mainly due to the fact that the ZANU-PF has retained most of its power and continues to dominate the Zimbabwean government.

As a consequence, the possibility of MDC supporters in Zimbabwe being the subject of political violence still exists. This is because factions of the ZANU-PF still engage in politically motivated violence against Movement for Democratic Change (MDC) supporters and any other people perceived to be opponents to their party as stated in the following reports:

- The most recent US Department of State (USDOS) Country Report on Human Rights Practices in Zimbabwe for 2009 demonstrates that the ZANU-PF targets individuals considered to be opponents of the party and states that:
  - Politically motivated, arbitrary, and unlawful killings by government agents continued.
  - State-sanctioned use of excessive force continued, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity
  - Security forces, who regularly acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labour leaders, journalists, demonstrators, and religious leaders.
  - High-ranking government officials made numerous public threats of violence against demonstrators and members of the opposition.
  - Youth militia and "war veterans" trained by ZANU-PF were also deployed to harass and intimidate members of the opposition.

<sup>1</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Zimbabwe*, US State Department website, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135984.htm> – Accessed 23 March 2010 – Attachment 1.

- Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organisations generally were free of governmental interference only if the government viewed their activities as non-political. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organisations perceived to be associated with the opposition.<sup>2</sup>
- Human Rights Watch (HRW) reported in February 2010 that, notwithstanding the implementation of the power sharing agreement, the signing of the GPA did not bring to an end the ZANU-PF's attacks on its opponents and critics. The report states that "there has been no meaningful political transition, and that ZANU-PF continues to engage in political violence against perceived opponents."<sup>3</sup> This report indicates that political opponents, including MDC members, have continued to be targeted by different factions of the ZANU-PF as reported below:
 

Groups of war veterans and ZANU-PF youth, who have been deployed in the past to target the opposition, remain intact. For example, in the first week of February 2010, police disrupted MDC-organized constitutional reform meetings, beat up participants, and arbitrarily arrested 43 people in Binga, 48 in Masvingo, and 52 in Mt. Darwin.<sup>4</sup>
- In an earlier report by HRW titled *Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe*, it is reported that the ZANU-PF continued to use state institutions against MDC supporters, civil society activists and human rights defenders.<sup>5</sup>
- Information on the treatment of ordinary MDC supporters is also discussed in question one of *RRT Research Response 35590*<sup>6</sup> dated 10 November 2009. This response provides examples, since the implementation of the power sharing agreement, of attacks against MDC supporters in Zimbabwe.

## 2. Do coloured people in Zimbabwe face discrimination by the authorities or do the authorities fail to prevent such discrimination by others?

Information suggests that 'coloured' people in Zimbabwe, who make up less than 1% of the population, do face discrimination by the authorities. Sources were also found to indicate that 'coloured' people are also discriminated against within Zimbabwean society - economically, politically and socially. However, as discussed in question one, the authorities (dominated by the ZANU-PF) are primarily concerned with people deemed to be political opponents, whatever their ethnicity.

In Zimbabwe, the use of the term 'coloured' people is defined below:

The term 'Coloured' was highly contested, although it is now an acceptable description of all persons of mixed descent. While the term was an invention of colonial racism, both the Coloured people themselves and their African counterparts played a role in the construction and reconstruction, definition and redefinition of this minority group. Further 'Coloured community' denotes the sum

<sup>2</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Zimbabwe*, US State Department website, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135984.htm> – Accessed 23 March 2010 – Attachment 1.

<sup>3</sup> Human Rights Watch 2010, *Zimbabwe One Year On, Reform a Failure*, 12 February <http://www.hrw.org/en/news/2010/02/12/zimbabwe-one-year-reform-failure> – Accessed 23 March 2010 – Attachment 2.

<sup>4</sup> Human Rights Watch 2010, *Zimbabwe One Year On, Reform a Failure*, 12 February <http://www.hrw.org/en/news/2010/02/12/zimbabwe-one-year-reform-failure> – Accessed 23 March 2010 – Attachment 2..

<sup>5</sup> Human Rights Watch 2009, 'Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe' January [www.hrw.com](http://www.hrw.com) Part V p.24 – Attachment 3.

<sup>6</sup> RRT Research Response 2009, *Research Response ZWE35590*, 10 November – Attachment 4.

total of people who are either Coloured in the social sense of the term or who are distinct from other racial communities like black, white and Asian.<sup>7</sup>

According to the US Department of State *Country Reports on Human Rights Practices for 2009 - Zimbabwe*, human rights violations continued against ethnic minorities. Further, the ruling party supporters were seldom arrested or charged for infringing upon minority rights.<sup>8</sup> Various sources reported that there were between 22,176 and 25,000 individuals of mixed race in Zimbabwe, who comprise, along with Asians, about one per cent of the total population.<sup>9</sup> This is in line with an estimate of 'coloured' people in Zimbabwe not constituting anything more than 0.5% of the total population at any given time.<sup>10</sup>

A comprehensive study by the Canadian International Development Agency titled *Baseline Study on the Situation of Coloured People in Zimbabwe* concluded that 'coloured' people in Zimbabwe remain on the by-lines politically, socially and economically for instance:

- restricted and limited political participation at all levels
- limited social interaction with both blacks and whites
- very few go beyond secondary education
- unemployment levels are among the highest in the country especially among women
- Coloureds continue to remain excluded in the land reform process.<sup>11</sup>

According to Edmund Monteiro, executive director of the National Association for the Advancement of Mixed-Race Coloureds (NAAC), (an organisation mandated to promote mixed race rights), in addition to being ignored during the land reform process, mixed race persons have had limited access to employment, education, and health services.<sup>12</sup>

This can be demonstrated further by a report published by the South Africa-based Institute for Justice and Reconciliation (IJR) concerning political injustice in Zimbabwe which says that hundreds of thousands of 'invisible minorities' and 'forgotten' Zimbabweans inside the country, were disenfranchised by the *Citizenship Amendment Act* of 2001 as this "act legally stripped them – black, coloured, white or Indian - of their Zimbabwean citizenship and their rights to participate in the decision-making processes and structures of governance because they are not indigenous enough."<sup>13</sup>

This report further claimed that the *Citizenship Amendment Act* of 2001 prevented anyone whose parents were born outside Zimbabwe from holding Zimbabwean citizenship unless he or she gave up any claims to a second citizenship. This has negatively affected many members of the mixed race community, by rendering them 'stateless'.<sup>14</sup>

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<sup>7</sup> Canadian International Development Agency 2003, 'Baseline Study on the Situation of Coloured People in Zimbabwe', p.24, Kubatana website [http://www.kubatana.net/docs/resour/naac\\_bls\\_0308.doc](http://www.kubatana.net/docs/resour/naac_bls_0308.doc) - Accessed 13 May 2010 - Attachment 5.

<sup>8</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Zimbabwe*, US State Department website, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135984.htm> – Accessed 23 March 2010 – Attachment 1.

<sup>9</sup> Immigration and Refugee Board of Canada 2006, ZWE100933.E – Zimbabwe: Racism, discrimination against "mixed race (coloured)" and the availability of state protection (2004-2006), 7 February – Attachment 6.

<sup>10</sup> Canadian International Development Agency 2003, 'Baseline Study on the Situation of Coloured People in Zimbabwe', p.28, Kubatana website [http://www.kubatana.net/docs/resour/naac\\_bls\\_0308.doc](http://www.kubatana.net/docs/resour/naac_bls_0308.doc) - Accessed 13 May 2010 - Attachment 5.

<sup>11</sup> Canadian International Development Agency 2003, 'Baseline Study on the Situation of Coloured People in Zimbabwe', p.76, Kubatana website [http://www.kubatana.net/docs/resour/naac\\_bls\\_0308.doc](http://www.kubatana.net/docs/resour/naac_bls_0308.doc) - Accessed 13 May 2010 - Attachment 5.

<sup>12</sup> Immigration and Refugee Board of Canada 2006, ZWE100933.E – Zimbabwe: Racism, discrimination against "mixed race (coloured)" and the availability of state protection (2004-2006), 7 February - Attachment 6.

<sup>13</sup> James Muzondidya and Karin Alexander 2005, 'The ghost voters, the exiles, the non-citizens: an election of exclusion', The Institute for Justice and Reconciliation website, 31 March [www.ijr.org.za/publications/copy\\_of\\_media/citizensm05](http://www.ijr.org.za/publications/copy_of_media/citizensm05) - Accessed 13 May 2010 - Attachment 7.

<sup>14</sup> James Muzondidya and Karin Alexander 2005, 'The ghost voters, the exiles, the non-citizens: an election of exclusion', The Institute for Justice and Reconciliation website, 31 March [www.ijr.org.za/publications/copy\\_of\\_media/citizensm05](http://www.ijr.org.za/publications/copy_of_media/citizensm05) - Accessed 13 May 2010 - Attachment 7.

Full details of the research carried out by the Immigration and Refugee Board of Canada dated 7 February 2006, including information on discrimination against people of mixed race in Zimbabwe and the availability of state protection, is available at Attachment 6.<sup>15</sup> An earlier Immigration and Refugee Board of Canada response dated 15 January 2002 is available at Attachment 8 which also provides information on the treatment of citizens of mixed race in Zimbabwe.<sup>16</sup>

An overview to the extent “coloured” people face discrimination in Zimbabwe is available in question seven of *RRT Research Response ZWE33158* dated 15 May 2008.<sup>17</sup>

### **3. Is there any evidence to suggest that Zimbabwean nationals returning from Australia who are suspected of having made a refugee claim in Australia will be persecuted?**

There is no evidence to suggest that Zimbabwean nationals returning from Australia, who were suspected of having made a refugee claim, would be adversely treated for this reason alone. There is limited information relating to Zimbabwe returnees from Australia as most information concerning this topic relates to Zimbabwean returnees from the UK.

Advice received from DFAT in 2007 in relation to Zimbabwean returnees who have studied overseas states that there is no evidence to suggest specific targeting of failed asylum seekers by Zimbabwean authorities based on the fact they are returning from Australia. Adverse attention from authorities was mainly due to perceived activism in the MDC, rather than the country they were returning from. The DFAT advice states that:

We are not aware of difficulties by Zimbabweans returning from study from overseas in countries critical of the Government of Zimbabwe (GOZ) such as Australia, the United States, Canada and the United Kingdom. We have seen no evidence that the simple fact of studying in those countries would attract punitive action by the GOZ. Officers of the Central Intelligence Organisation (CIO) have been working under cover for some time as Immigration Officers at Harare International Airport. If an individual student was active in organisations subject to harassment by the GOZ, such as the Movement for Change (MDC), trade unions or civil society organisations, it is possible that she might be identified on arrival at Harare Airport. If so, any punitive measures taken against her by the GOZ would be the result of such activism, not of simply having studied in Australia.<sup>18</sup>

There is further information from 2008 that relates to Zimbabwean returnees from the UK, who are suspected by Central Intelligence Officers to have made asylum claims there. The UK Asylum and Immigration Tribunal found in 2008 that Intelligence Officers for the CIO act as immigration officers at Harare Airport as stated below:

The Central Intelligence Organization (CIO) continues to be in charge of monitoring returns to Harare airport. This increases the risk of persecution for those who are not pro-government because the CIO keep records and are highly networked and resourced.<sup>19</sup>

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<sup>15</sup> Immigration and Refugee Board of Canada 2006, ZWE100933.E – Zimbabwe: Racism, discrimination against “mixed race (coloured)” and the availability of state protection (2004-2006), 7 February – Attachment 6.

<sup>16</sup> Immigration and Refugee Board of Canada 2002, ZWE38306.E – Zimbabwe: Update to ZWE37570.E of 27 August 2001 on the treatment by the government, its supporters and war veterans of citizens of mixed race and those referred to as “coloured” (people of south Asian descent); whether they are considered by blacks as members of the white minority (January-December 2001), 15 January – Attachment 8.

<sup>17</sup> RRT Research Response 2008, *Research Response ZWE33158*, 15 May – Attachment 9.

<sup>18</sup> Department of Foreign Affairs and Trade 2007, *DFAT Report ZWE32420 – Zimbabwe: RRT Information Request: ZWE32420*, 23 October – Attachment 10.

<sup>19</sup> UK Asylum and Immigration Tribunal 2008, ‘RN (Returnees) Zimbabwe v The Secretary of State for the Home Department’, CG [2008] UKAIT 00083, UNHCR Refworld website, 19 November <http://www.unhcr.org/refworld/docid/49243bcb2.html> – Accessed 30 October 2009 – Attachment 11.



In respect of those returning to the airport there is no evidence that the state authorities have abandoned any attempt to distinguish between those actively involved in support of the MDC or otherwise of adverse interest and those who simply have not demonstrated positive support for or loyalty to Zanu-PF.<sup>20</sup>

A report also from 2008 by the US Council on Foreign Relations (CFR) in regards to the CIO having a network that operates within Zimbabwean Diaspora reported that:

Experts say the most powerful arm of Zimbabwe's security apparatus is the Central Intelligence Organization (CIO). It is the 'brains behind the regime,' ... and [is] deeply feared by Zimbabweans inside and outside the country. There is no public record of the CIO's size, but it is thought to have thousands of operatives. Many Zimbabweans think the organization has a network of informers that extends into the Zimbabwean diaspora. Within Zimbabwe, CIO agents have infiltrated the MDC... Organizations such as Human Rights Watch have documented systematic acts of violence and intimidation committed by the CIO and the police against opposition members or individuals suspected of allegiance to the opposition.<sup>21</sup>

A 2008 media article from *The Independent*, demonstrates that MDC supporters residing in other countries such as the United Kingdom have also been targeted and subjected to harassment by the ZANU-PF. The article, although prior to the signing of the power sharing GPA, reports on the threats being made to known MDC members in London against their family members in Zimbabwe. The media article states that:

Agents of Robert Mugabe's regime are harassing and intimidating Zimbabwean dissidents in Britain in an attempt to silence his political rivals and disrupt vital fundraising for Morgan Tsvangirai's opposition Movement for Democratic Change.

Mr Mugabe's feared security force, the Central Intelligence Organisation (CIO), is waging a highly-organised campaign to terrify the 4,000 MDC members living in the UK. It involves surveillance, threats against family members in Zimbabwe, menacing late-night phone calls and bogus messages saying that fundraising activities are cancelled or disrupted. The existence of the campaign was confirmed last night by British security sources, who said the targeting of dissidents and MDC members was stepped up in recent weeks as Mr Mugabe sought to maintain his grip on power.<sup>22</sup>

For further reading please see question four of *RRT Research Response ZWE35970*<sup>23</sup> dated 5 January 2010 which also discusses conflicting reports of Zimbabwe's regime's attitude towards failed asylum seekers from Australia and other Western countries. Some refugee advocacy organisations representing refugees suggested that failed Zimbabwean asylum seekers from Western countries would be targeted upon return due to being seen as traitors, or agents of regime change for Western Governments. However, Government sources from Australia and the UK state that there is no evidence to suggest specific targeting of failed asylum seekers by Zimbabwean authorities based on the fact they are returning from a Western country.

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<sup>20</sup> UK Asylum and Immigration Tribunal 2008, 'RN (Returnees) Zimbabwe v The Secretary of State for the Home Department', CG [2008] UKAIT 00083, UNHCR Refworld website, 19 November <http://www.unhcr.org/refworld/docid/49243bcb2.html> - Accessed 30 October 2009 – Attachment 11.

<sup>21</sup> Hanson, S. 2008, 'Zimbabwe's Security Sector' Council on Foreign Relations website <http://www.cfr.org/publication/15793/> – Accessed 9 April 2010 – Attachment 12.

<sup>22</sup> Milmo, C. & Sengupta, K. 2008, 'Mugabe's secret war in Britain', *The Independent* <http://www.independent.co.uk/news/world/africa/mugabes-secret-war--in-britain-856068.html> - Accessed 23 March 2010 - Attachment 13.

<sup>23</sup> RRT Research Response 2010, *Research Response ZWE35970*, 5 January - Attachment 14.

## Attachments

1. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Zimbabwe*, US State Department website, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135984.htm> – Accessed 23 March 2010.
2. Human Rights Watch 2010, *Zimbabwe One Year On, Reform a Failure*, 12 February <http://www.hrw.org/en/news/2010/02/12/zimbabwe-one-year-reform-failure> - Accessed 23 March 2010.
3. Human Rights Watch 2009, 'Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe' January [www.hrw.com](http://www.hrw.com) Part V p.24.
4. RRT Research Response 2009, *Research Response ZWE35590*, 10 November.
5. Canadian International Development Agency 2003, 'Baseline Study on the Situation of Coloured People in Zimbabwe', p.24, Kubatana website [http://www.kubatana.net/docs/resour/naac\\_bls\\_0308.doc](http://www.kubatana.net/docs/resour/naac_bls_0308.doc) - Accessed 13 May 2010.
6. Immigration and Refugee Board of Canada 2006, ZWE100933.E – Zimbabwe: Racism, discrimination against "mixed race (coloured)" and the availability of state protection (2004-2006), 7 February. (CISNET)
7. James Muzondidya and Karin Alexander 2005, 'The ghost voters, the exiles, the non-citizens: an election of exclusion', The Institute for Justice and Reconciliation website, 31 March [www.ijr.org.za/publications/copy\\_of\\_media/citizensm05](http://www.ijr.org.za/publications/copy_of_media/citizensm05) - Accessed 13 May 2010.
8. Immigration and Refugee Board of Canada 2002, ZWE38306.E – Zimbabwe: Update to ZWE37570.E of 27 August 2001 on the treatment by the government, its supporters and war veterans of citizens of mixed race and those referred to as "coloured" (people of south Asian descent); whether they are considered by blacks as members of the white minority (January-December 2001), 15 January. (CISNET)
9. RRT Research Response 2008, *Research Response ZWE33158*, 15 May.
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12. Hanson, S. 2008, 'Zimbabwe's Security Sector' Council on Foreign Relations website <http://www.cfr.org/publication/15793/> – Accessed 9 April 2010.
13. Milmo, C. & Sengupta, K. 2008, 'Mugabe's secret war in Britain', *The Independent* <http://www.independent.co.uk/news/world/africa/mugabes-secret-war--in-britain-856068.html> - Accessed 23 March 2010.
14. RRT Research Response 2010, *Research Response ZWE35970*, 5 January.