

Figures on the death penalty remain a state secret. Consequently, the Vietnamese authorities are reluctant to share any data with members of the international community. However, by December media sources had reported that at least 73 people had been sentenced to death in 2009, although the actual numbers may have been much higher.

We continue to urge the Vietnamese government to adopt a more transparent approach to its application of the death penalty, and to consider the introduction of a moratorium on its use.

Freedom of Religion

Freedom of religion has improved over recent years. In May, the Vietnamese government accepted the UK's UPR recommendation to consider re-engaging with the UN Special Rapporteur on Religion, which we judge to be a positive sign. The government has also put in place a legislative framework, which aims to protect freedom of religion although implementation can be patchy, particularly at the provincial level. The ineffective handling by local authorities of the expulsion of a group of monks and nuns from the Bat Nha Monastery in September and their subsequent removal from the Phuoc Hue Monastery in December is an example of this. In November, the EU sent a delegation to the region to assess the situation and we raised our concerns with the government's Commission for Religious Affairs and the Ministry of Foreign Affairs on a number of occasions.

Governance and Accountability

The Vietnamese government has made some progress in developing a framework for tackling corruption by agreeing a National Anti-Corruption Strategy in May and ratifying the UN Convention on Anti-Corruption in August. However, there is no effective measure of implementation and government efforts tend to focus on prevention and enforcement, rather than tackling the root cause of weak accountability. Protection of whistleblowers, in particular, needs to be guaranteed. This includes journalists reporting on state corruption.

With financial and technical support from the international community, the Vietnamese government is continuing its comprehensive programme of legal and judicial reforms. Securing a more independent judiciary through longer and more secure tenures of judges remains a priority, along with increasing the number of practising lawyers.

We also continue to engage with the Vietnamese

government through high-level visits. Parliamentary dialogue was enhanced through the May visit to Vietnam by the All-Party Parliamentary Group on Vietnam, and several National Assembly delegations have visited the UK during the course of 2009. These visits all included discussions on human rights. Lord Davidson of Glen Clova, Advocate-General for Scotland, visited Hanoi in April and October to discuss legal and judicial reform and Vice-Minister of Justice, Mr Nguyen Duc Chinh, visited the UK in November to learn from the UK's experience of handling civil and criminal judgments, including the management of prisons following the transfer of responsibility from the Home Office to the Ministry of Justice. This is part of our ongoing support for the Vietnamese government's legal and judicial reform process.

Zimbabwe



Zimbabwe has seen lower levels of violence in 2009 than the widespread political violence of 2008. The power-sharing government established in February has resulted in economic stabilisation and a reduction in human rights violations. But the progress achieved this year is not irreversible and serious abuses continue.

Supporters of the Movement for Democratic Change (MDC) and members of civil society continue to suffer abuse and intimidation at the hands of the police and the army. Courts do not guarantee a fair and transparent trial. Farm invasions have increased, with police often actively complicit, and human rights abuses have continued at the Marange diamond mining area. The power-sharing "Inclusive Government" is formally committed to improving human rights in Zimbabwe; we are doing what we can to support it in achieving this aim through our increased and carefully calibrated re-engagement.

Inclusive Government

The start of 2009 saw Zimbabwe on the point of collapse. The rate of inflation was the second highest in global history and essential public services had ceased to function. Following months of stalemate after the disputed elections of 2008, a power-sharing "Inclusive Government" was formed in February with Robert Mugabe of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) as President and Morgan Tsvangirai of MDC-Tsvangirai (MDC-T), the main opposition party, as Prime Minister. However,



The power-sharing “Inclusive Government” was formed in February

ZANU-PF retained control of the key instruments of power – the police, army and judiciary – which were largely responsible for the shocking human rights abuses of 2008.

All political parties in Zimbabwe signed a Global Political Agreement (GPA) in September 2008, which committed the Inclusive Government to a package of reforms designed to restore security and welfare to Zimbabwe’s people and promote respect for human rights and the rule of law. We support the Inclusive Government in its efforts to realise peace, democracy and economic prosperity for the Zimbabwean people. Some progress has been made: the scrapping of the Zimbabwe dollar has brought an end to hyperinflation, public sector workers are being paid, and many basic services have resumed. Civil society is also now largely able to operate openly. But there has been minimal progress on fundamental improvements to human rights, governance and political freedoms. The continued harassment of human rights defenders, arbitrary arrests and intimidation, the increase in farm invasions since the advent of the Inclusive Government and the lack of press freedom all remain a concern.

We have intensified political dialogue, in recognition of the opportunity for reform provided by the Inclusive Government. The Prime Minister, Foreign Secretary and Development Secretary welcomed Prime Minister Tsvangirai and accompanying Zimbabwean Ministers to London in June. Ministers have met key members of the Inclusive Government several times this year and senior officials visited Zimbabwe to develop contacts with the government and learn more about their plans. These meetings reflect our concern to promote and support the ongoing progress of reform in Zimbabwe. We have been working with our EU and international partners closely to monitor the changing human rights dynamics on the ground, looking for signs of real change beyond the superficial improvements that have been made.

We coordinate our approach to Zimbabwe with other international donors. International donor meetings to discuss Zimbabwe in Washington on 20 March and in Berlin on 26 October reconfirmed international preparedness to support Zimbabwe’s transition from crisis to recovery in line with progress on the ground. Our Embassy in Harare works with diplomatic counterparts to ensure effective monitoring

of the human rights situation and coordination of humanitarian aid. It is encouraging that the Inclusive Government has also begun its own direct dialogue with major international partners, such as the EU and the International Monetary Fund (IMF).

Implementation of the Global Political Agreement

The reluctance of ZANU-PF to implement the political and human rights reforms agreed in the GPA led MDC-T to withdraw from cabinet on 16 October and to appeal to the Southern African Development Community (SADC), as the broker and guarantor of the GPA, to enforce its implementation. We were encouraged by the outcomes of the SADC Maputo Summit on 5 November, at which leaders signalled their clear support for GPA implementation. Following South African mediation, an announcement on 21 December confirmed that the political parties had reached agreement on the formation of human rights, electoral and media commissions, and on media and land reform. Full implementation of the agreements will remain the key challenge. Negotiations are continuing on other deadlocked issues.

Following the MDC-T's withdrawal from cabinet, some elements of ZANU-PF resumed heightened levels of harassment and intimidation of civil society, although this abated following South African intervention.

We support the efforts of the southern African region to secure implementation of the GPA. The Prime Minister, Foreign Secretary and Minister for Africa regularly discuss Zimbabwe with their counterparts in the region.

Political Detainees

When the Inclusive Government was formed approximately 70 political detainees, including high profile MDC-T figures and human rights defenders, were in custody. Due court process for political detainees was a key MDC-T demand and most political detainees were released on bail within the following weeks. However, their bail conditions were extremely strict, severely restricting the ability of human rights defenders to continue their work effectively.

In May, 18 former detainees were temporarily re-arrested, and in October there was a fresh wave of politically motivated arrests. Human rights activists continue to live in fear. On 5 May, the Foreign Secretary expressed his disappointment at the return

Farm Invasions: Disregarding the SADC Tribunal Protections

The Southern African Development Community (SADC) is an inter-governmental organisation of 15 countries, including Zimbabwe. In 2005, SADC set up a Tribunal, which was to be the court of last appeal within the region. Its purpose was to give SADC citizens access to justice where it did not prevail in their own countries.

In 2007 and 2008, the SADC Tribunal gave protection to 78 farmers and their workers in Zimbabwe, after the government forcibly seized farms from many commercial farmers and displaced the workers. On 28 November 2008, the SADC Tribunal ruled that the land-seizure programme in Zimbabwe breached the country's international law obligations. The Tribunal ruled that the farmers were denied access to justice and subjected to racial discrimination. The Zimbabwean government was ordered to ensure the protection of those on the farms and to pay compensation. *Mugabe and the White African*, a documentary that tells the story of the SADC Tribunal case, has received critical acclaim and a British Independent Film Award.

The protection given by the Tribunal, however, has not been respected in 2009. Farm invasions have intensified since the formation of the Inclusive Government, with farm owners subject to the looting and burning of property, and the shooting and beating of workers. Police have, in some cases, been actively complicit, including by transporting thugs to farms and effectively "standing guard".

The Minister of Justice of the Zimbabwean government, Mr Patrick Chinamasa MP, declared in August that any decisions in the past or future made by the Tribunal with regard to Zimbabwe were null and void. Mr Chinamasa announced that Zimbabwe was unilaterally withdrawing from the jurisdiction of SADC.

Gertrude Hambira, General Secretary of the Union for Agricultural and Plantation Workers, toured the SADC region showing the film *House of Justice* in October. The film highlights the plight of individual farmers and workers in Zimbabwe and is being used as an advocacy tool to publicise the pressing difficulties in Zimbabwe and urge SADC leaders to uphold the Tribunal's ruling. We support Gertrude Hambira and other efforts to uphold the Tribunal's ruling.

to custody of the 18 political detainees, highlighting the reform needed in the judicial sector and making clear that “the release of all political detainees is one of the principal conditions for full international re-engagement”.

The state security apparatus has also used the judiciary to target MDC-T Members of Parliament, potentially eroding their parliamentary majority. A number of MPs have been arrested on apparently trumped-up charges. Some have been suspended from parliament as a result. The performance of the country’s judiciary and magistracy is variable, due in part to political interference and the patronage system that characterises Zimbabwe. We are encouraged by some evidence of professionalism by individual judges. The most notable example was the Supreme Court’s ruling in September that Jestina Mukoko’s (Director of the Zimbabwe Peace Project) constitutional rights were violated through her abduction and subsequent torture.

Of the group of MDC activists missing since a spate of abductions in late 2008 (their cases detailed in last year’s report), five activists have yet to be found. Despite calls from human rights groups for an investigation into their disappearance, there has been no investigation.

Freedom of Association

Political space for civil society organisations and non-governmental organisations expanded during the year. They were largely able to operate freely across the country, hold workshops, including on the constitutional reform process, research reports and deliver humanitarian assistance.

The right to assembly has not been respected consistently in 2009. Some marches and demonstrations were held successfully, but two peaceful marches conducted by Women of Zimbabwe Arise in Bulawayo and Harare in June were broken up by riot police with batons. Protesters were beaten and denied medical treatment while in custody. In late October, senior figures of the National Association of Non-Government Organisations and Zimbabwe Congress of Trades Unions were arrested under the often misused Public Order and Security Act for holding meetings without permission. In response to the increase in politically motivated arrests in November, the EU issued statements, condemning these actions and urging the SADC to act in its capacity as guarantor of the GPA.

Media

The Access to Information and Protection of Privacy Act, passed in 2002, led to the closure of independent newspapers and television networks and continues to be used to restrict freedom of expression in Zimbabwe. The state television network, Zimbabwe Broadcasting Corporation, remains the only national network in Zimbabwe. Despite the inauguration of the Inclusive Government, the state media remains heavily biased in favour of ZANU-PF. Proposed new independent publications have not yet been awarded licences. The BBC, CNN and other international outlets have been broadcasting openly from Harare since July.

The Renewal of ICRC Access to Prisons

Overcrowding, unhygienic conditions, and inadequate bedding, sanitation, food and medical care typify Zimbabwe’s prisons. Malnutrition compounded by diseases, such as cholera and HIV, added to record prison mortality rates. The little food that was provided consisted mainly of starch with little nutritional value. In Harare Central Prison, eight heads of cabbage mixed with water, shared between 1,500 inmates, served as the prisoners’ daily vegetable ration. Prisoners in urban prisons, such as Harare, were getting just one “meal” a day. Children living alongside their incarcerated mothers and pregnant and breastfeeding women were of particular concern.

The formation of the Inclusive Government and the impact of media reporting, including a South African documentary entitled *Hell Hole*, led to a growing acceptance by the authorities of the seriousness of the situation. After years of negotiation, the International Committee of the Red Cross (ICRC) was granted access to the Zimbabwean detention system in April. We are supporting the ICRC in improving the food supply, access to healthcare, and in providing clothing, blankets and hygiene items. As elsewhere in Zimbabwe, cholera in prisons is now under control, and the ICRC are working on improving water and sanitation conditions in preparation for any future cholera outbreaks.

Along with the ICRC, we are supporting local groups in Zimbabwe who work to improve prisoners’ welfare, by reporting on the needs of prisoners in specific prisons and providing legal advice to inmates.

Although President Mugabe agreed to an amnesty for 1,500 prisoners, which helped ease overcrowding in prisons, long-term solutions have not yet been implemented.

The repeal of repressive legislation, such as Access to Information and Protection of Privacy Act and Public Order and Security Act, is stipulated in the GPA, and will be necessary to secure a significant and sustained reduction in human rights abuses in Zimbabwe.

Humanitarian Situation and UK Aid

The humanitarian situation stabilised in 2009 following a better harvest, the end of the cholera epidemic and sustained international aid. However, Zimbabwe continues to experience serious humanitarian challenges.

In early 2009, over seven million Zimbabweans were receiving food aid. Although this year’s harvest was better, the World Food Programme (WFP)

estimates that up to 2.8 million people may still need some assistance with food security at the peak of Zimbabwe’s “hungry season” in February–March 2010. DFID contributed £9 million in financial year 2008–09 to the WFP-led response and has allocated a further £4m to WFP to strengthen food security this year.

In 2008–09, Zimbabwe suffered its worst recorded outbreak of cholera. Official UN figures recorded nearly 100,000 cases of cholera and approximately 4,200 deaths. International assistance, including a £10 million package from the UK, played a critical role in tackling the epidemic. DFID has provided a further £4.7 million to UNICEF to prepare and respond to further outbreaks of cholera during the rainy season of 2009–10, by providing cholera kits for vulnerable households, promoting safer hygiene practices, and repairing water and sanitation systems throughout the country.

The UK is the second largest bilateral donor after the US, giving £60 million in aid in 2009–10, the largest-ever UK aid programme to Zimbabwe. Our bilateral aid is channelled through the UN and NGOs, not the Zimbabwean government. It is both a response to immediate needs and an investment in Zimbabwe’s future. It comprises essential food aid and healthcare, including support for the national response to HIV/AIDS, work in the water and sanitation sectors to reduce the risk of further cholera outbreaks, and the provision of seeds, fertilisers, technical assistance and school textbooks.

EU Action

The EU, through the European Commission, contributed a total of €90 million in assistance and humanitarian aid to Zimbabwe this year. The EU began direct dialogue with the Inclusive Government in June, to coincide with the visit of Prime Minister Tsvangirai to Brussels.

In response to the increase of the harassment and intimidation of civil society members in October, the



Relief agencies struggled to provide for seven million Zimbabweans in need of food aid in 2009

Tackling Conflict Diamonds and Promoting Human Rights through the Kimberley Process

In 2006, large deposits of diamonds were discovered in the Marange area in eastern Zimbabwe. As a result, thousands of jobless and homeless Zimbabweans went to the region to pan illegally for diamonds. State forces took control of the illegal diamond mining activity, reportedly using forced labour, violence and extrajudicial killings. Between November 2008 and January 2009, the Zimbabwean government stepped up efforts to control mining areas by launching "Operation Hakudzokwi" (you will not return), and an estimated 200 people were killed.

The Kimberley Process, which includes a Certification Scheme for trading diamonds, is one of the international community's main responses to

tackling "conflict diamonds". A Kimberley Process team of experts visited Zimbabwe in July and reported serious non-compliance with Kimberley Process procedures and confirmed reports of human rights abuses at the Marange diamond fields. In November, the Kimberley Process Plenary agreed an Action Plan for Zimbabwe, stipulating that no diamonds from Marange should be traded until an independently appointed monitor was in place.

We are concerned by reports of ongoing human rights abuses in the diamond fields. The UK, within the EU, will continue to monitor Zimbabwe's compliance with the Kimberley Process and the human rights situation in Marange.

EU expressed its concern about the arrests of civil society members, the re-arrest of Deputy Minister of Agriculture designate Roy Bennett, and the expulsion of the UN Special Rapporteur on Torture on 28 October.

EU-targeted measures remain in place – targeted against the individuals most closely associated with human rights abuses in Zimbabwe. The UK worked with EU partners to first agree a set of measures in 2002. They have been extended over subsequent years in response to increasing human rights abuses in

Zimbabwe. EU measures were most recently extended on 26 January, to cover a further 65 individuals and companies. A total of 203 individuals and 40 companies are covered by the targeted measures, which comprise an asset freeze and EU travel ban. There is also an arms embargo. The targeted measures do not harm ordinary Zimbabweans, do not affect the development of legitimate trade or business, and do not affect humanitarian assistance. These measures are intended to put pressure on hardliners to implement the reform they signed up to in the GPA.