

# ZIMBABWE 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic. The country elected Emmerson Mnangagwa president for a five-year term in July 2018 in general elections. Despite incremental improvements from past elections, domestic and international observers noted serious concerns and called for further reforms necessary to meet regional and international standards for democratic elections. Numerous factors contributed to a flawed overall election process, including: the Zimbabwe Election Commission's (ZEC) lack of independence; heavily biased state media favoring the ruling party; voter intimidation; unconstitutional influence of tribal leaders; disenfranchisement of alien and diaspora voters; failure to provide a preliminary voters roll in electronic format; politicization of food aid; security services' excessive use of force; and lack of precision and transparency around the release of election results. The election resulted in the formation of a government led by the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party with a supermajority in the National Assembly but not in the Senate.

The Zimbabwe Republic Police (ZRP) maintains internal security. The Department of Immigration and the ZRP, both under the Ministry of Home Affairs, are primarily responsible for migration and border enforcement. Although the ZRP is officially under the authority of the Ministry of Home Affairs, the Office of the President directed some ZRP roles and missions in response to civil unrest. The military is responsible for external security but also has some domestic security responsibilities. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces under the Minister of Defense. The police report to the Ministry of Home Affairs and the military reports to the Ministry of Defense. The Central Intelligence Organization, under the Office of the President, engages in both internal and external security matters. Civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings of civilians by security forces; torture and arbitrary detention by security forces; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; serious problems with the independence of the judiciary; the worst forms of government restrictions on free expression, press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, site blocking, and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of

association; restrictions on freedom of movement; restrictions on political participation; widespread acts of corruption; crimes involving violence or threats of violence targeting women and girls; and the existence of laws criminalizing consensual same-sex sexual conduct between adults, although not enforced.

Impunity remained a problem. The government took very few steps to identify or investigate officials who committed human rights abuses, and there were no reported arrests or prosecutions of such persons.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings. From January 14 to February 5, the military killed 17 unarmed civilians when it responded to a nationwide protest related to fuel price increases. Some civilians were killed during the protest, while others were killed during security forces' dragnet investigations of the protests' origins.

Impunity for past politically motivated violence also remained a problem. The government had not established an independent complaints mechanism to investigate allegations of security force misconduct as called for in the constitution. Investigations into violence from previous years continued, including state-sponsored postelection violence, which killed seven protesters in August 2018. By year's end there were no arrests or charges in these cases.

Unwillingness to acknowledge past atrocities or seek justice for victims continued to affect negatively relations between the Shona and Ndebele ethnic groups.

### **b. Disappearance**

There were no new reports of long-term disappearances by or on behalf of government authorities.

In 2018 the High Court ordered the government to provide updates on the 2015 disappearance of democracy activist Itai Dzamara, but officials failed to do so, without consequence. There were no reports of authorities punishing any perpetrators of previous acts of disappearance.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that security forces engaged in such practices with impunity and with the implicit support of government officials. Nongovernmental organizations (NGOs) reported security forces abducted, assaulted, and tortured citizens in custody, including targeted assault on and torture of civil society activists, labor leaders, opposition members, and other perceived opponents of the government. Throughout the year police used excessive force in apprehending, detaining, and interrogating criminal suspects. In some cases police arrested and charged the victims of violence rather than the perpetrators.

Human rights groups reported government agents continued to perpetrate physical and psychological torture. Reported torture methods included beating victims with sticks, clubs, cables, gun butts, *sjamboks* (a heavy whip), *falanga* (beating the soles of the feet), as well as pouring corrosive substances on exposed skin. As of September 23, there were more than 50 reports of short-term abductions and assaults allegedly performed by state security actors. These instances typically occurred at night. The abductors removed persons from their homes by force and assaulted them for hours before abandoning them, usually severely injured and naked, in a remote area.

Zimbabwe Human Rights NGO Forum reported 16 rapes, one sexual assault, 26 abductions, and a minimum of 586 assault and torture cases involving security forces from January 14 to February 5.

In January, February, August, and November, uniformed and plainclothes soldiers and police officers systematically assaulted civilians in the Harare central business district and suburbs. Soldiers accused many of the victims of participating in the January 14-16 and August 16-21 demonstrations. In November police officers assaulted civilians who gathered at an opposition party's headquarters to hear a speech. Another NGO reported 124 victims of organized violence and torture sought medical treatment and counseling after sustaining injuries in multiple incidents across the country in August. The abuses included 11 abductions and assaults, 34 assaults, 77 arrests, one tear gas victim, and one undetermined. Of the 47 cases requiring medical attention, the NGO classified the cases as 13 severe, 26 moderate, and eight mild.

There were also reports of short-term abductions during this same period during which victims were abused. On September 14, three men abducted and tortured Zimbabwe Hospital Doctors Association (ZHDA) president Peter Magombeyi for five days, abandoning him in a remote field on September 19. Magombeyi was the face of a nationwide doctors' strike. The abduction occurred after the ZHDA, through Magombeyi, rejected the government's offer to increase doctors' salaries by \$20 per month. Victims in several Harare suburbs reported assaults and hours-long interrogations in remote locations regarding opposition members' whereabouts and plans for demonstrations. For example, plainclothes state security agents abducted Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) leader Obert Masaraure in January and again in June. Masaraure claimed the agents ordered him to strip off his clothes and shoes, and then they beat him with whips while they forced him to roll around in mud and interrogated him about union activities, such as encouraging persons to participate in the January 14-16 demonstrations. The attackers abandoned him in a remote area on a winter night, with substantial injuries and no clothing.

On August 13, Tatenda Mombeyarara, a civil society activist, reported being abducted by individuals claiming to be police officers. The men interrogated him for hours about a civic engagement training he attended. He claimed the men undressed him and beat him with wooden rods on his buttocks, legs, and soles of his feet. They poured an unknown corrosive substance on him and left him with a broken tibia and finger in an abandoned quarry.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to overcrowding, food shortages, and inadequate sanitary conditions and medical care. The Zimbabwe Prison and Correctional Services (ZPCS) struggled to provide adequate food and sanitary conditions and worked with faith-based and community organizations to help address these problems. The 2013 constitution added prisoner rehabilitation and reintegration into society to ZPCS responsibilities. The ZPCS provided inmates with opportunities to participate in sewing, mechanics, woodworking, and agricultural activities. The ZPCS also allowed churches and other organizations to teach life-skills training.

Physical Conditions: Conditions in prisons, jails, and detention centers were often harsh. There were approximately 20,000 prisoners, spread across 46 main prisons and 26 satellite prisons. While some prisons operated below capacity, NGOs

reported that most were overcrowded, due to outdated infrastructure and judicial backlogs.

Prison guards occasionally beat and abused prisoners, but NGOs reported the use of excessive force by prison guards was not systematic. Relations between prison guards and prisoners improved during the year as part of a positive trend NGOs observed during the past several years. On October 18, a young street vendor, Hilton Tamangani, who had been arrested with 10 others for assaulting a police officer, was found dead in his cell in the Harare Remand Prison. His lawyers claimed he was severely beaten by police and then denied medical treatment. In a statement the Ministry of Information claimed he was unwell upon arrival and was attended by doctors. They also said his death would be thoroughly investigated. As of year's end, such an investigation had not begun.

NGOs reported female prisoners generally fared better than did male prisoners. Authorities held women in separate prison wings and provided female guards. Women generally received more food from their families than male prisoners. The several dozen children younger than age four living with their incarcerated mothers shared their mothers' food allocation, rather than receiving their own. NGOs were unaware of female inmates reporting rapes or other physical abuse. With support from NGOs, prisons distributed some supplies such as sanitary pads for women. Officials did not provide pregnant women and nursing mothers with additional care or food rations out of the ZPCS budget, but the ZPCS solicited and received donations from NGOs and donors for additional provisions.

There was one juvenile prison, housing boys only. Girls were held together with women. Authorities also held boys in adult prisons throughout the country while in remand. Officials generally tried to place younger boys in separate cells, but NGOs reported older prisoners often physically assaulted the younger boys when left together. Authorities generally sent juveniles to prison rather than to reformatory homes as stipulated in the law, as there was only one adequate reformatory home in the country, located in the Harare suburbs. Juveniles remained vulnerable to abuse by prison officials and other prisoners.

Prisoners with mental health issues were often held together with regular prisoners until a doctor was available to make an assessment. Psychiatric sections were available at some prisons for these individuals but offered little specialized care.

According to the ZPCS, remand prisons were overcrowded. Authorities often held pretrial detainees with convicted prisoners until their bail hearings. Due to fuel

shortages, the ZPCS was at times unable to transport pretrial detainees to court hearings, resulting in delayed trials and longer detentions.

According to NGOs, food shortages were widespread in prisons but not life threatening. Prisoners identified as malnourished received additional meals. The harvest of prison farm products provided meals for prisoners. Protein was in short supply, particularly meat. Prisoners' access to clean water varied by prison.

Diarrhea was prevalent in most prisons. Diseases such as measles, tuberculosis, and HIV/AIDS-related illnesses thrived in those with the poorest conditions. Lighting and ventilation were inadequate. There were insufficient mattresses, blankets, warm clothing, sanitary supplies, and hygiene products.

Prisoners had access to very basic medical care, with a clinic and doctor at nearly every prison. In partnership with NGOs, the ZPCS offered peer education on HIV/AIDS. The ZPCS tested prisoners for HIV only when requested by prisoners or prison doctors. Due to outdated regulations and a lack of specialized medical personnel and medications, prisoners suffered from routine but treatable medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. The ZPCS was at times unable to transport prisoners with emergency medical needs to local hospitals.

Administration: The inspections and audit unit of the ZPCS, intended to assess prison conditions and improve monitoring of prisoners' rights, did not release the results of such assessments. The Zimbabwe Human Rights Commission (ZHRC) continued to conduct monitoring visits. There was no prison ombudsman. There were statutory mechanisms to allow alternatives to incarceration for nonviolent offenders, but the number of nonviolent offenders benefitting from these mechanisms was unknown.

Prisoners and detainees had relatively unrestricted access to visitors, except in maximum-security prisons, where remoteness hampered access by prisoners' relatives. The ZPCS afforded prisoners the opportunity to practice their chosen religion. NGOs reported prisoners had sufficient access to chaplains, and most prisons offered minority religious services as well.

Independent Monitoring: The law provides international human rights monitors the right to visit prisons. Church groups and NGOs seeking to provide humanitarian assistance, including the International Committee of the Red Cross,

gained access. All organizations working in prisons reported that meetings with prisoners occurred without third parties present and with minimal restrictions.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, although other sections of the law effectively weaken these prohibitions. The government enforced security laws in conflict with the constitution. Security forces arbitrarily arrested and detained persons, particularly political and civil society activists and journalists perceived as opposing the government. Security forces frequently arrested large numbers of persons during and following antigovernment protests.

#### **Arrest Procedures and Treatment of Detainees**

The law stipulates that arrests require a warrant issued by a court or senior police officer and that police inform an arrested person of the charges before taking the individual into custody. Police did not always respect these requirements. A preliminary hearing must be held before a magistrate within 48 hours of an arrest. This was not followed consistently. According to the constitution, only a competent court may extend the period of detention.

The law provides for bail for most accused persons. The government amended the law to include provisions that allow prosecutors to veto judicial bail decisions and keep accused persons in custody for up to seven days, despite a prior Constitutional Court ruling declaring this power unconstitutional. Prosecutors relied on these provisions to extend the detention of opposition political activists, civil society activists, and labor leaders.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees or those with authority to grant access were unavailable. The government also monitored, harassed, intimidated, and arrested human rights lawyers when they attempted to gain access to their clients. An indigent detainee may apply to the government for an attorney in criminal cases, but these requests apply only in capital cases. This occurred with cases involving opposition party members, civil society activists, and ordinary citizens.

Arbitrary Arrest: The government regularly used arbitrary arrest and detention as tools of intimidation and harassment, especially against political activists, civil society members, journalists, and ordinary citizens asserting their rights. There

were NGO and media reports that security forces arbitrarily arrested political and civil society activists, including at least 1,000 persons from January 14 to February 5 and another 150 from August 16 to August 21 for their alleged involvement in planned demonstrations in Harare, Bulawayo, Mutare, and other cities. In May the government arrested seven civil society activists upon their return to the country from civic engagement training in the Maldives. The government alleged the seven planned to subvert a constitutionally elected government. As of year's end, the seven activists were still awaiting trial. They and their family members continued to receive threats and intimidation from unknown sources, and security services subjected them to onerous reporting requirements.

The law absolves individual security agents from criminal liability regarding unlawful arrests and detention. Police officers routinely argued that they merely followed orders in conducting arrests and were not responsible for compensating victims of unlawful arrests.

Pretrial Detention: Prolonged pretrial detention was limited for nonpolitical prisoners. Delays in pretrial procedures were common, however, due to a shortage of magistrates and court interpreters, poor bureaucratic procedures, and the low capacity of court officials. The constitution provides for the right to bail for detained suspects. Despite this provision, the government routinely opposed bail for political detainees, and judges often issued bail rulings after the court cashier closed on Fridays to ensure the suspects remained in prison over the weekend.

Other prisoners remained in prison because they could not afford to pay bail, which remained exorbitant in view of the country's economic conditions. Magistrates rarely exercised the "free bail option" that authorizes them to waive bail for destitute prisoners. Lawyers reported juveniles usually spent more time in pretrial detention than did adults because they could not attend court unless a parent or guardian accompanied them. Sometimes their parents could not be located or did not have the funds to travel to court. Authorities occasionally did not notify parents of a juvenile's arrest or the closest kin of an adult detainee's arrest.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but executive influence and interference remained a problem. There continued to be some instances where the judiciary demonstrated its independence despite being under intense pressure to conform to government policies.



The government often refused to abide by judicial decisions and routinely delayed payment of court costs or judgments awarded against it in civil cases. Judicial corruption was widespread, extending beyond magistrates and judges. For example, NGOs reported senior government officials undermined judicial independence, including by giving farms and homes to judges.

Magistrates heard the vast majority of cases. Legal experts claimed defendants in politically sensitive cases were less likely to receive a fair hearing in magistrates' courts than in higher courts. In lower courts justices were more likely to make politicized decisions due to the use of threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government's favor. In politically charged cases, other judicial officers such as prosecutors and private attorneys also faced pressure, including harassment and intimidation. Some high court justices demonstrated a greater degree of independence and granted opposition party members and civil society activists bail against the government's wishes.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, but political pressure and corruption frequently compromised this right. By law, defendants enjoy a presumption of innocence, although courts did not always respect this right. Magistrates or judges held trials without juries. Trials were open to the public except in cases involving minors or state security matters. Assessors--usually nonlawyers who sit together with a judge to provide either expert advice or guidance on local practices--in lieu of juries, could be appointed in cases in which conviction of an offense could result in a death penalty or lengthy prison sentence. Defendants have the right to a lawyer of their choosing, but most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but requests were rarely granted except in capital cases, in which the government provided an attorney for all defendants unable to afford one. Individuals in civil cases may request free legal assistance from the Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR). The Zimbabwe Women Lawyers Association also provided some free legal assistance to women and youth. The law provides for free interpretation, and Shona-English and Ndebele-English interpretation was generally available. The right to adequate time and facilities to prepare a defense is also provided for by law but was often lacking. Defendants have the right to present witnesses and evidence on their own behalf and to confront adverse witnesses.

Any person arrested or detained for an alleged offense has the right to remain silent and may not be compelled to confess. Authorities did not always respect these rights. Authorities sometimes denied or significantly delayed attorneys' access to their clients or falsely claimed the attorneys' clients were being held at another facility.

Conviction requires proof beyond a reasonable doubt, and the prosecution bears the burden of proof. The right to appeal both conviction and sentence exists in all cases, and it is automatic in cases in which the death penalty is imposed.

Unlike normal criminal proceedings, which move from investigation to trial within months, in cases of members of political parties or civil society members critical of the government, prosecuting agents regularly took abnormally long to submit their cases for trial. In many cases where authorities granted bail to government opponents, they did not conclude investigations and set a trial date but instead chose to "proceed by way of summons." This left the threat of impending prosecution remaining, with the accused person eventually being called to court, only to be informed of further delays.

Government officials sometimes ignored court orders, delayed bail and access to medical care, and selectively enforced court orders related to land disputes favorable to those associated with the government.

The public had fair access to the courts of law, particularly the magistrates' courts, although observers reported occasional physical and procedural impediments, such as limited available seating areas and arbitrary rules about note taking during hearings.

### **Political Prisoners and Detainees**

There were reports of individuals arrested for political reasons, including opposition party officials, their supporters, NGO workers, journalists, civil society activists, and labor leaders. Authorities sometimes held many such individuals for one or two days and released them without charge. Political prisoners and detainees did not receive the same standard of treatment as other prisoners or detainees, and prison authorities arbitrarily denied access to political prisoners. There were reports police beat and physically abused political and civil society activists while they were in detention.

By year's end the government charged 22 persons with subversion for their participation in organizing demonstrations or attending civic engagement trainings. In November courts dismissed charges against three of the defendants. The government alleged the defendants intended to take over a constitutionally elected government. The government has never successfully prosecuted anyone for subversion, but those charged with subversion must surrender their passports and report to local police stations weekly.

In January and February, police arrested more than 1,000 persons alleged to be involved with the January 14-16 nationwide "stay away" demonstrations. The majority of these individuals lived in high-density suburbs in districts that historically supported opposition Movement for Democratic Change (MDC) candidates in elections. Some of the suspects were incarcerated for up to two weeks before receiving bail.

In August authorities arrested a minimum of 150 persons allegedly involved with the opposition party's planned protests from August 16 to August 21. Many were released without charge; some had to pay 300 RTGS dollars (\$20) in penalty and bail fees.

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports that for politically motivated purposes the government attempted to exert bilateral pressure on another country aimed at having the country take adverse action against specific individuals or groups. Media reported the government pressured Mozambique to return labor leaders and activists to the country to face prosecution for their alleged roles in the January 14-16 demonstrations. There were also reports the government used bilateral pressure on Tanzania in August to disrupt a civil society event that regularly occurs on the margins of Southern African Development Community (SADC) summits.

### **Civil Judicial Procedures and Remedies**

Civil judicial procedures allow for an independent and impartial judiciary, but the judiciary was subject to political influence and intimidation, particularly in cases involving high-ranking government officials, politically connected individuals, or individuals and organizations seeking remedies for violations of human rights.

### **Property Restitution**

The constitution stipulates the government must compensate persons for improvements made on land taken by the government, but it does not set a timeline for the delivery of compensation. The government rarely provided restitution or compensation for the taking of private property, and police generally did not take action against individuals who seized private property without having secured authorization from the state to do so.

Support was uneven and inconsistent for more than 1,800 households resettled in the past decade from the diamond mining fields of Marange in Chiadzwa to a government-owned agricultural estate outside Mutare. Each household was entitled to receive \$1,000 for relocation, although reportedly only a handful received the money. Most of the relocated families had not received compensation of any kind, including agricultural land, while the government classified them as “people with no recognizable legal rights or claim to the land they are occupying,” stating that their former land became state land, despite customary and traditional rights to the contrary.

A majority of commercial farmers reported the government had not compensated them for losses suffered from the land resettlement program that began in 2000. According to the attorney general and Ministry of Lands, beginning in 2000 a description of every white-owned farm in the country was published in state media and the farms effectively became state property. According to the Commercial Farmers Union of Zimbabwe (CFU), after authorities published a description of the property, it was transferred to a politically connected individual at the first available opportunity.

The CFU reported that since 2000 most titleholders who lost their homes or properties, where most of their life earnings were invested, were not compensated. As a result of evictions, there were scores of destitute elderly former farmers and former farm workers. In April the CFU reported accepting the government’s offer of an interim payment of 53 million RTGS dollars (\$17 million at the time of the award in April, \$3.8 million in October due to currency depreciation) as part of the government’s effort to compensate for the nationalization of farms. As of September 10, approximately 170 of 800 original applicants reported receiving interim relief payments; however, the real value of the settlement was drastically reduced as the value of the country’s currency continued to fall.

The CFU estimates put the number of active white commercial farmers still living in the country at fewer than 400, although the exact number was unknown. Those

remaining continued to be targeted, harassed, and threatened with eviction by unemployed youth and individuals hired by politically connected individuals standing to benefit.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit arbitrary or unlawful interference with privacy, family, or home, but local NGOs reported the government did not respect these rights. Throughout the year government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF. Through threats and intimidation, local chiefs and ZANU-PF loyalists also compelled individuals, mostly in rural areas, to contribute money and public resources, such as school buses and school meeting spaces, toward ZANU-PF political rallies.

Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to education and other assistance programs to exclude suspected political opposition supporters and to compel support for ZANU-PF. ZANU-PF supporters threatened to withhold food aid to citizens in Glenview, Mangwe, and Nyanga during the period preceding each area's constituency by-election.

The law permits the interception and monitoring of any communication (including telephone, postal mail, email, and internet traffic) in the course of transmission through a telecommunication, postal, or other system in the country. Civil liberties advocates claimed the government used the law to stifle freedom of speech and target political and civil society activists (see section 2.a.).

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedoms of expression and of the media, but the law limits these freedoms in the “interest of defense, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.” The government continued to arrest, detain, and harass critics, and journalists practiced self-censorship.

Freedom of Expression: There were no official restrictions on individuals criticizing the government or discussing matters of general public interest. Authorities, however, remained sensitive to criticism in general, particularly when directed at President Mnangagwa. Persons accused of insulting the president and his office are charged under section 33 (2) (b) of the criminal law (Codification and Reform Act), undermining authority of or insulting a president, but this was contested in the Supreme Court on the basis that the section infringed on the right to freedom of expression. The court did not make a final determination on its constitutionality, however, and the law remained in force. On August 28, the ZLHR reported assisting 10 individuals charged under the law since January. Additionally, 22 activists or government critics were charged with violating other sections of the same law for attempting to subvert a constitutionally elected government or criminal nuisance.

In February, Tendai Biti, former finance minister and senior official of the MDC, the largest opposition party, was convicted and fined 200 RTGS (\$15) for unlawfully announcing that MDC leader Nelson Chamisa had won the 2018 presidential election over ZANU-PF candidate Emmerson Mnangagwa. According to the decision, Biti's announcement was "false and unlawful."

Press and Media, Including Online Media: Independent newspapers and commercial radio stations were active and expressed a wide variety of views, although with some restrictions. State-sponsored media, however, were the most prevalent. The Ministry of Media, Information, Publicity, and Broadcasting Services exercised control over state-run media.

Independent newspapers continued to operate freely, although journalists reported practicing self-censorship.

On April 4, police intentionally shot three teargas canisters into the offices of a local media organization, @263Chat, in Harare and then barricaded the doors, preventing staff from exiting. Lovejoy Mutongwiza, a reporter with @263Chat, had been filming the police arresting vendors. Police officers chased him to the media outlet's offices and then fired a teargas canister directly at Mutongwiza, striking him in the abdomen. Two other canisters were thrown into the offices while police officers barricaded the doors. The @263Chat staff fled the offices through second floor windows. Police also confiscated a mobile phone used to record the attack.

On March 21, police arrested documentary filmmaker Zenzele Ndebele and charged him with “possession of offensive weapons at public gatherings.” Security officers claimed they found an empty tear gas canister in the journalist’s car when he arrived for a meeting between President Emmerson Mnangagwa and civil society organizations in Bulawayo.

The government used accreditation laws to monitor international media journalists’ entry into the country. The government required foreign journalists to obtain permits 60 days before travelling to the country in order to report from the country.

Foreign reporters paid more for permits and accreditation than did their local counterparts. The Zimbabwe Media Commission charged 200 RTGS (\$15) for a foreigner’s 60-day accreditation, while local journalists paid 10 RTGS dollars (\$0.63) for a one-year accreditation.

On January 29, state media criticized foreign media after President Mnangagwa stated he was “appalled” by an attack by the British station Sky News broadcast of Zimbabwe security officials attacking a protester. *The Herald* newspaper reported authorities were worried about “surreptitious reporting by Sky News and company.” It alleged a Western embassy was working with local media to besmirch the country and accused the television station of “manufacturing” stories about police brutality. It quoted Information Ministry Permanent Secretary Nick Mangwana as stating the journalist who reported the story did not have accreditation to work in the country.

International media outlets such as al-Jazeera and the BBC continued to operate in the country.

Radio remained the principal medium of public communication, particularly for the rural majority. All urban commercial radio stations licensed in 2015 were operating during the year. Despite their perceived allegiance to ZANU-PF, these stations included independent voices in their programming. The government did not license any community radio stations during the year.

The government-controlled Zimbabwe Broadcasting Corporation (ZBC)--the country’s only domestically based television broadcasting station--operated one channel. International satellite television broadcasts were available through private firms but were too expensive for most citizens.

On July 23, High Court Judge Justice Joseph Mafusire ruled the state-controlled ZBC and Zimbabwe Newspapers Group (also known as Zimpapers) had, during the 2018 election campaign, “conducted themselves in material breach of section 61 of the constitution,” which governs freedom of expression and freedom of the media. The judge ordered the two organizations to produce impartial and independent broadcasts and ensure communications did not favor any political party or candidate over another.

Violence and Harassment: Security forces, officials, and supporters from the majority political party routinely harassed journalists.

On January 17, police arrested and detained Gift Phiri, an editor with the *Daily News* newspaper, for reporting that members of the Zimbabwe National Army (ZNA) assaulted delivery drivers as they left Harare to distribute the newspaper. The ZNA accused them of writing negative stories about the government. The incident occurred after the government crackdown on the public, following protests in Harare and Bulawayo the same week.

On August 16, police assaulted local journalist Talkmore Fani Mapfumo for filming police officers dispersing protesters in Harare. Video footage showed officers in full antiriot gear charging toward Mapfumo and demanding that he stop filming. The journalist produced his accreditation card, but the officers took turns assaulting him with batons.

Censorship or Content Restrictions: The government maintained censorship through media registration and accreditation laws, although many provisions of the law are inconsistent with the constitution. The law provides the government with extensive powers to control media and suppress free speech by requiring the registration of journalists and prohibiting the “abuse of free expression.” Government-controlled media practiced self-censorship and bias in favor of the ruling party.

In February independent media research organization Media Monitors published a report, *Change of Guard*, alleging the country’s military takeover of ZBC in 2017 still had a chilling effect on ZBC operations, a government-controlled broadcaster.

Libel/Slander Laws: The Constitutional Court ruled the constitution prohibits criminal defamation. Civil defamation laws remained in force.



Newspapers exercised self-censorship due to government intimidation and the prospect of prosecution under civil libel laws.

On March 12, police detained Tinashe Jonasi, leader of Ideal Zimbabwe political party, for undermining the authority of or insulting President Mnangagwa. On April 3, the High Court freed him on 500 RTGS dollars (\$30) bail and ordered him to report twice a week at a police station.

National Security: The law grants the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. For example, the extremely broad Official Secrets Act criminalizes the divulging of any information acquired by government employees in the course of official duties. Authorities used these laws to restrict publication of information critical of government policies or public officials.

### **Internet Freedom**

The law permits the government to monitor all communications in the country, including internet transmissions. Internet and mobile phone communication in the country was widely available. The government, however, regulated internet and mobile phone communication to curb dissent and increased its share of the information and communications technology market and international gateways.

In mid-January the government used the Interception of Communications Act to suspend internet access for three days. On January 21, a High Court ruling declared the directive illegal. The government allowed internet service providers to increase fees, which limited internet access.

The government regularly monitored and interfered with use of social media. On August 15, police arrested human rights activist Pride Mkono for tweeting “Fellow Zimbabweans, let us all join hands and fight the regime head on...until the government concedes to our demands or leaves office.” Mkono was charged with subverting a constitutional government. On August 23, a High Court justice freed Mkono on 200 RTGS dollars (\$15) bail with reporting conditions. The case remained pending as of year’s end.

The communications laws facilitated eavesdropping and call interception by state security personnel. The law allows law enforcement officers to apply to the responsible minister for a warrant authorizing them to intercept communications, including calls, emails, and other messages. Regulations permit officers to apply

for interception warrants if they know the identities of individuals whose calls and messages they want to intercept.

### **Academic Freedom and Cultural Events**

The government did not restrict academic freedom during the year; however, the law restricts the independence of universities, subjecting them to government influence and providing disciplinary powers over staff and students to university authorities. The country's president is the chancellor of all eight state-run universities and appoints their vice chancellors. The government has oversight of higher education policy at public universities through the Ministry of Higher and Tertiary Education.

On June 27, Harare Polytechnic suspended Amos Dauzeni, a lecturer in the tourism department, for criticizing the president, according to ZLHR. The lecturer was accused of “misconduct for allegedly denigrating President Mnangagwa by stating he had mismanaged the country's economy, resulting in the payment of poor salaries to government workers.”

The Censorship and Entertainment Controls Board (CECB) approves scripts by playwrights. Artists who violated provisions of the Censorship and Entertainment Control Act (CECA) received fines and prison sentences.

On July 27, police raided the offices of Rooftop Promotions; on July 28, they arrested director Daves Guzha, theater manager Peter Churu, producer Tendai Humbasha Maduwa, and scriptwriter Kudakwashe Brian Bwititi after they showed the film *The Lord of Kush* without CECB approval, allegedly in contravention of the CECA. Magistrate Barbra Mateko freed each artist on bail of 200 RTGS dollars (\$15) and postponed the case repeatedly. The next hearing was set for January 6, 2020. Information Ministry Permanent Secretary Nick Mangwana told media the film, which is set in Pakistan and deals with religious fundamentalism, had “security implications for a foreign power.”

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, but the government restricted these rights.

### **Freedom of Peaceful Assembly**

The government restricted freedoms of peaceful assembly, association, or both. In August parliament passed the Maintenance of Peace and Order Act (MOPA) to replace the Public Order and Security Act (POSA), and President Mnangagwa signed it into law in November. MOPA, like POSA, requires organizers to notify police of their intention to hold a public gathering, defined as 15 or more individuals, seven days in advance. Failure to do so may result in criminal prosecution as well as civil liability. The law allows police to prohibit a gathering based on security concerns but requires police to file an affidavit in a magistrate's court stating the reasons behind the denial. MOPA stipulates the government must respond to notifications to demonstrate within three days, whereas POSA provided no time limit. By year's end MOPA had been invoked to restrict free peaceful assembly in a manner similar to POSA.

Although many groups did not seek permits, other groups informed police of their planned events, and police either denied permission or gave no response. Police issued prohibition orders against dozens of planned, nationwide MDC demonstrations in August, citing reasonable suspicion the protests would result in violence and property damage. Police also charged the MDC national organizing secretary and deputy secretary for violating POSA's clause about complying with a prohibition order when protesters gathered in downtown Harare on August 16, despite the ZRP's last-minute prohibition.

Authorities often denied requests by civil society, trade unions, religious groups, or political parties other than ZANU-PF to hold public events if the agenda conflicted with government policy positions. A small group of persons, however, protesting U.S. sanctions received a permit to camp in front of the U.S. embassy in Harare from March to September.

On August 23, police forcibly dispersed a small protest by the ARTUZ at the Ministry of Finance building in Harare. The ZRP arrested the union's president, Obert Masaraure, and seven other members, as well as ARTUZ attorney Doug Coltart, after he protested the arrests and filmed police actions.

In late November police used batons and tear gas to disperse groups of citizens who had gathered downtown to listen to a speech by MDC leader Nelson Chamisa.

### **Freedom of Association**

The constitution and law provide for freedom of association, but the government restricted this right. Although the government did not restrict the formation of

political parties or unions, ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and harassed members of organizations perceived to be associated with other political parties. For example, a Bulawayo-based NGO reported that on August 30, police used tear gas to break up a training session it held for its members, claiming it was “unsanctioned.” Local NGOs provided multiple similar reports.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted these rights.

In-country Movement: Police interrupted freedom of movement with checkpoints less frequently than in 2018 but continued to operate regular checkpoints nationwide along most major routes. They used these checkpoints to screen vehicle occupants for potential participation in antigovernment protests.

Foreign Travel: The constitution provides the right for citizens to enter and leave the country and the right to a passport or other travel documents. In July the government announced a shortage of special imported paper and ink supplies used to make passports. The Office of the Registrar General reported a 50,000-passport shortage in July, and applicants reported the office advised them to reapply in 2022.

In February the cabinet approved amendments to the Zimbabwe Citizenship Bill to allow dual citizenship as prescribed in the constitution. There were reports the Office of the Registrar General sometimes imposed administrative obstacles in the passport application process for dual citizens, particularly Malawian, Zambian, and Mozambican citizens.

In September the ZRP prohibited alleged abduction victim Peter Magombeyi from departing the country to seek medical care in South Africa. Magombeyi’s relatives obtained a High Court order allowing him to depart; ZRP officials defied this ruling and filed a petition to find the order erroneous. The High Court dismissed the ZRP’s petition. Magombeyi departed the country on September 26.

Exile: The constitution prohibits expulsion from the country for all citizens. A number of persons, including former government officials, prominent businessmen, human rights activists, opposition party members, and human rights lawyers, left the country and remained in self-imposed exile due to fear of persecution.

Citizenship: The 2013 constitution provides for three different classes of citizenship: by birth, by descent, or by registration. The government deprived some sections of the population of citizenship rights based on the law, which revokes the citizenship of persons who fail to return to the country in any five-year period.

Despite a constitutional provision of citizenship and having voted previously, some persons were denied the right to vote during the by-elections throughout the year because they could not adequately demonstrate their citizenship. An amendment to the Citizenship Act aligned the law with the 2013 constitution to allow dual citizenship beginning February 27.

#### **e. Internally Displaced Persons**

According to international organizations, approximately 113,000 households were displaced and more than 250 groups of identified internally displaced persons (IDPs) lived throughout the country. The primary causes of displacement were rural evictions (45.7 percent), natural disasters (27.7 percent), localized conflict (13.3 percent), and urban evictions (13.1 percent). The most significant historical events that created internal displacement included state-sponsored election-related violence, land reform, and the government's eviction of citizens from nonfarming areas in 2005, known as Operation Murambatsvina. According to one NGO, Operation Murambatsvina resulted in the destruction of homes and livelihoods affecting an estimated 700,000 persons. Until 2009 the government denied the existence of any IDPs.

In March, Cyclone Idai displaced hundreds of persons in Chimanimani. Approximately 800 were housed in three IDP camps, where shelter, security, and cooking facilities were inadequate. Government officials anticipated the camps would remain in place until April 2021.

In 2014 approximately 15,000 persons were displaced from the vicinity of the Tokwe-Mukosi dam in Masvingo Province. Other documented displacements

were from disputed farming areas. At year's end several thousand households in disputed farming areas were at risk of displacement due to verifiable threats or eviction notices. Most of the persons displaced had resided on their land for years without formal offer letters or title deeds. The government provided no resettlement assistance to evicted families and depended primarily on international organizations to do so.

IDPs from previous years remained in near-emergency conditions, with an overwhelming majority living without basic sanitation. IDPs were among the populations at greatest risk of food insecurity. In addition to improved living conditions, IDPs required regularization of their status. Without needing any official documentation, several generations of farm workers originally from neighboring countries previously resided in insular commercial farming communities. With the eviction of farm owners, these farm workers were forced to move to adjacent communal lands and left without employment or health and education services.

Contractors and NGOs independent of the government that carried out food security and other assessments faced problems in accessing certain rural districts. In isolated cases local authorities advised organizations against traveling to farms involved in ownership disputes, where aid workers might be at risk.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Security forces detained irregular migrants in prisons with convicted criminals. Prolonged detention for migrants was common. Migrants complained of mistreatment by other prisoners. The government sometimes worked with international organizations to assist the voluntary repatriation of migrants, primarily Mozambicans settled on the border between the two countries.

There were no reports of physical abuse or violence directed specifically at migrants, refugee or asylum seekers, or stateless persons. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to UNHCR, the country hosted approximately 21,000 refugees and

asylum seekers during the year. The Tongogara refugee camp hosted approximately 13,700 refugees and asylum seekers, with an estimated 100 arrivals each month, primarily from the Democratic Republic of the Congo, Mozambique, and Burundi.

Freedom of Movement: The government maintained a formal encampment policy requiring refugees to live at the Tongogara refugee camp. Nevertheless, at year's end more than 840 refugees lived in urban areas, including Harare and Bulawayo, and more than 8,080 Mozambican asylum seekers lived among host communities along the border with Mozambique.

Employment: Refugees in the informal sector had limited employment options due to the encampment policy requiring all refugees to reside in the Tongogara refugee camp. UNHCR partners and Julia Taft Fund grant recipients continued to set up banana farming, livestock production, and soap production for livelihood activities in the camp.

Durable Solutions: While the government did not accept refugees from foreign countries for resettlement, it facilitated the voluntary repatriation of refugees to their home countries by recognizing the Voluntary Repatriation Declaration Form as a valid document for travel purposes. The government also allowed Rwandan refugees, who lost prima facie refugee status following implementation of the 2013 Rwandan cessation clause, to remain in the country pending final arrangements by the government. Additionally, the Office of the Commissioner for Refugees stated that Rwandans with Zimbabwean spouses would be permitted to regularize their stay in the country. Many refugees were unwilling to return to their home countries voluntarily, and resettlement remained the only viable solution for many of them.

#### **g. Stateless Persons**

The country has a significant number of habitual residents who are legally or de facto stateless. In 2015 international organizations estimated a minimum of 300,000 persons in the country were stateless. No more recent data was available. Migration patterns, strict nationality transmission regulations, and failure to register births contributed to the country's stateless population. (Children born between 1980 and 1996 to a Zimbabwean mother but a father without Zimbabwean citizenship cannot claim Zimbabwean citizenship unless they were born out of wedlock. The United Nations estimated only 74 percent of births were registered in the country.)

### **Section 3. Freedom to Participate in the Political Process**

Although the constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, this right was restricted. The political process continued to be heavily biased in favor of the ruling ZANU-PF party, which dominated politics and government.

#### **Elections and Political Participation**

Recent Elections: Most international and local independent observers characterized the 2018 presidential, parliamentary, and local elections as largely free of violence but not meeting the mark for credible elections. SADC, the African Union, and the Common Market for Southern and Eastern Africa (COMESA), however, declared the elections free and fair. Political parties and civil society organizations complained of widespread voter disenfranchisement, including of foreign-born and diaspora voters, and the inability to compete on a level playing field. State media coverage was heavily biased in favor of ZANU-PF and provided almost no access to or positive coverage of the opposition. There were reports of voter intimidation, including the collection of voter registration slips by party and tribal leaders to undermine the secrecy of the vote. While the law obliges traditional chiefs to be impartial, in rural areas traditional leaders mobilized voters and canvassed support for ZANU-PF. In return, traditional leaders continued to receive farms, vehicles, houses, and other benefits. Local NGOs also reported traditional leaders' selective distribution of agricultural inputs and food aid to reward ZANU-PF supporters and punish opposition voters.

Political Parties and Political Participation: An unprecedented number of presidential candidates (23) and political parties (55) contested the 2018 elections. Despite this opening of political space, elements within ZANU-PF and the security forces intimidated and committed abuses against other parties and their supporters and obstructed their activities. Local NGOs reported ZANU-PF youth members and so-called war veterans threatened communities with violence if ZANU-PF candidates lost in the elections.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did fully participate as voters and candidates. Women remained largely underrepresented in local and national political offices, and men overwhelmingly held most senior positions in



the public sector. Female candidates faced particularly vitriolic gender-based insults regarding appearance, sexual proclivity, and other gender-based stereotypes and faced challenges within their party if running against a male candidate in a primary. During the 2018 elections, several female MDC candidates reported some party leaders required women to have sex with them for their names to appear on the party candidate list. Those who refused found their names left off the list.

Some observers believed that traditional and cultural factors limited the participation of women. Following the 2018 elections, women filled six of 21 cabinet minister positions, an increase from 2013, but well below their 52 percent share of the population and well below the equal representation required by the constitution. Women headed the Ministry of Defense and War Veterans and the Ministry of Youth, Sport, Arts, and Recreation for the first time in the country's history. Women held six of 12 minister of state positions and six of 13 deputy minister positions. Women made up 31 percent of the National Assembly and Senate, down from 34 percent in 2013. In September 2018 the Senate elected a woman as president. In accordance with the constitution, female members of parliament filled all 60 seats reserved for women in the National Assembly. At the local government level, women held approximately 13 percent of councilor positions nationwide.

Polling officials permitted persons who requested assistance, including blind, illiterate, and elderly persons, to bring an individual with them to mark their ballots as the electoral law requires. The National Association of Societies for the Care of the Handicapped (NASCOH) helped ensure persons with disabilities had access at polling stations throughout Harare, Bulawayo, Gweru, Kwekwe, and Mutare during elections. The Zimbabwe Election Support Network (ZESN) found 97 percent of observed polling stations made adequate accommodations for persons with disabilities, the elderly, and pregnant or nursing women.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corruption; however, the government did not implement the law effectively or impartially, and officials engaged in corrupt practices with impunity. Despite government pronouncements, corruption remained a severe problem that experts described as “catch and release” where the government arrested corrupt officials but never prosecuted their crimes. Police frequently arrested citizens for low-level corruption while ignoring reports implicating high-level businesspersons and politicians.

Corruption: Corruption in both the public and private sectors persisted. The country continued to experience both petty and grand corruption, defined respectively by Transparency International Zimbabwe as an “everyday abuse of entrusted power by low- to mid-level public officials” and “an abuse of high-level power by political elites.”

In May 2018 the president created an anticorruption body within the Office of the President to conduct investigations, bypassing the constitutionally mandated Zimbabwe Anticorruption Commission (ZACC). On January 31, the president dismissed the ZACC board on allegations of incompetence and appointed Loice Matanda-Moyo as the new ZACC chairperson. Matanda-Moyo was a former High Court judge and wife of Minister of Foreign Affairs and International Trade Sibusiso Moyo. She dismissed concerns about her impartiality due to her marriage and insisted she would take a hardline approach and do her job without fear or favor. On July 15, President Mnangagwa swore in eight new commissioners and gave the new ZACC arresting powers. A week later ZACC acted on an audit firm’s report and arrested Minister of Tourism, Environment, and Hospitality Industry Priscilla Mupfumira on seven counts of corruption linked to a reported embezzlement of more than \$95 million from the National Social Security Authority. There was concern, however, the ZACC was targeting high-profile officials who were rumored to have fallen out of favor with President Mnangagwa, raising concern the government’s anticorruption efforts were highly politicized.

Implementation of the government’s redistribution of expropriated white-owned commercial farms often favored the ZANU-PF elite and continued to lack transparency (see section 1.f.). High-level ZANU-PF officials selected numerous farms and registered them in the names of family members to evade the government’s policy of one farm per official. The government continued to allow individuals aligned with top officials to seize land not designated for acquisition. The government began the mandated comprehensive land audit in 2018 to reflect land ownership accurately. Landowners connected to ZANU-PF routinely sold land to citizens but refused to transfer ownership officially or to develop the land as agreed upon in contracts. The government announced its intention to partially compensate farmers whose lands had been expropriated and began making small, initial payments to a subset of farmers most in need.

The Ministry of Finance made progress in removing unqualified persons from the state payroll by removing thousands of youth officers from various ministries. According to the most recent audit, illicit salary payments were made to large

numbers of persons who were retired, deceased, or otherwise absent from their place of employment. Duplicate personally identifiable information in files indicated some persons received multiple salaries. The government was implementing a biometric registration system for civil servants to reduce improper salary payments.

The Office of the Auditor General released its annual report in June exposing corruption, including Air Zimbabwe's inability to verify more than \$13 million in spending or fully account for its fleet. It also reported six million dollars in contracts clandestinely awarded to Zimbabwe National Roads Administration officials and board members. The report received extensive media coverage, but targeted ZANU-PF officials dismissed the report as exaggerated or falsified. The report attributed 80 percent of its concerns on state-owned enterprises to "governance issues." The report also exposed poor maintenance of accounting records in some ministries, with some diverting funds for improper purposes while others paid for goods and services not delivered.

Financial Disclosure: The law does not require elected or appointed officials to disclose income or assets.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Such groups were subject to government restrictions, interference, monitoring, confiscation of materials and documentation, arrest, and other forms of harassment. Major domestic NGOs included the Zimbabwe Human Rights NGO Forum, ZESN, Election Resource Center, ZLHR, Zimbabwe Peace Project, ZimRights, Zimbabwe Legal Resources Foundation, Heal Zimbabwe Trust, Women's Coalition, and Women and Men of Zimbabwe Arise.

The government harassed NGOs that it believed would expose abuses by government personnel or that opposed government policies, and it continued to use government-controlled media to disparage and attack human rights groups, especially those believed to be in communication with western embassies or governments. State media reporting typically dismissed the efforts and recommendations of NGOs critical of government, accusing the NGOs of seeking regime change.

In September a UN special rapporteur on the rights to freedom of peaceful assembly and of association visited the country. His report encouraged the country to ratify remaining key international human rights treaties, combat corruption and impunity, follow the Motlanthe Commission recommendations, and seek support of the Office of High Commissioner for Human Rights, among others.

Government Human Rights Bodies: The ZHRC remained underfunded but managed to fulfill some of its constitutionally mandated functions. The ZHRC conducted public outreach throughout the country. Through its website, a hotline, social media platforms, and mobile legal clinics, the ZHRC's human rights officers conducted public outreach throughout the country and accepted complaints from the public for investigation. The ZHRC, however, did not have sufficient personnel to investigate the number of complaints it received.

The ZHRC issued a preliminary report condemning demonstration violence in January, including at least eight deaths. In March, Human Rights Watch reported the number of deaths as 17.

The government did not overtly attempt to obstruct the ZHRC's work or deliberately withhold resources based on the commission's criticism of the government or security services' actions. In January and February, however, the ZHRC reported some police officers did not understand the commission's mandate and denied them information or entry into holding cells to visit the accused.

The establishment of the constitutionally mandated National Peace and Reconciliation Commission (NPRC) continued. The commission consists of nine members with offices located in Harare and Bulawayo. The NPRC established Provincial Peace Committees in all 10 provinces in July. The committees were designed to engage local stakeholders to find solutions to historically intractable issues. In March the High Court ruled to extend the NPRC's lifespan to January 2028.

The NPRC conducted inclusive, nationwide stakeholder engagements beginning in May to engage citizens in rural areas. The NPRC was involved in President Mnangagwa's meeting in March with Bulawayo-based civil society organizations known as the Matabeleland Collective to address legacy issues involving the Gukurahundi massacres of the 1980s. The NPRC also cochaired the president's Political Actors Dialogue in February, which remained active. Some NGOs questioned the commission's independence and effectiveness.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: While the law criminalizes sexual offenses, including rape and spousal rape, these crimes remained widespread. Almost a quarter of married women who had experienced domestic violence reported sexual violence, while approximately 8 percent reported both physical and sexual violence.

Although conviction of sexual offenses is punishable by lengthy prison sentences, women's organizations stated that sentences were inconsistent. Rape victims were not consistently afforded protection in court.

Social stigma and societal perceptions that rape was a "fact of life" continued to inhibit reporting of rape. In the case of spousal rape, reporting was even lower due to women's fear of losing economic support or of reprisal, lack of awareness that spousal rape is a crime, police reluctance to be involved in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. A lack of adequate and widespread services for rape victims also discouraged reporting.

According to an NGO, there were reports of rape used as a political weapon during the year. In the weeks following the January 14-16 demonstrations, 15 women living in Harare's high-density suburbs and one woman in Hwange reported being raped by security force members or by other persons following security forces' instructions. One woman reported being sexually assaulted by security forces who forced her to perform oral sex on an armed soldier.

Female political leaders were targeted physically or through threats and intimidation.

Children born from rape suffered stigmatization and marginalization. The mothers of children resulting from rape sometimes were reluctant to register the births, and therefore such children did not have access to social services.

The adult rape clinics in public hospitals in Harare and Mutare were run by NGOs and did not receive a significant amount of financial support from the Ministry of Health and Child Care. The clinics received referrals from police and NGOs. They administered HIV tests and provided medication for HIV and other sexually

transmitted diseases. Although police referred for prosecution the majority of reported rapes of women and men who received services from the rape centers, very few individuals were prosecuted.

Despite the enactment of the Domestic Violence Act in 2006, domestic violence remained a serious problem, especially intimate partner violence perpetrated by men against women. Although conviction of domestic violence is punishable by a fine and a maximum sentence of 10 years' imprisonment, authorities generally considered it a private matter, and prosecution was rare.

Members of the joint government-NGO Anti-Domestic Violence Council actively raised domestic violence awareness. NGOs, however, reported the council was not involved in much of their programmatic work.

The government continued a public awareness campaign against domestic violence. Several women's rights groups worked with law enforcement agencies and provided training and literature on domestic violence as well as shelters and counseling for women. According to NGOs, most urban police stations had trained officers to deal with victims of domestic violence, but stations had a limited ability to respond on evenings and weekends. The law requires victims of any form of violence to produce a police report to receive treatment without cost at government health facilities. This requirement prevented many rape victims from receiving necessary medical treatment, including postexposure prophylaxis to prevent victims from contracting HIV.

Other Harmful Traditional Practices: Virginity testing, although reportedly decreasing, continued to occur in some regions during the year.

Sexual Harassment: No specific law criminalizes sexual harassment, but labor law prohibits the practice in the workplace. Media reported that sexual harassment was prevalent in universities, workplaces, and parliament, where legislators routinely and publicly body shamed, name called, and booed female members of parliament. The Ministry of Women Affairs, Gender, and Community Development acknowledged that lack of sexual harassment policies at higher education institutions was a major cause for concern. This acknowledgement came after a student advocacy group, the Female Students Network Trust, revealed incidents of gender-based violence and sexual harassment of students in a 2017 survey. Female college students reported they routinely encountered unwanted physical contact from male students, lecturers, and nonacademic staff, ranging from touching and inappropriate remarks to rape. Of the students interviewed, 94 percent indicated

they had experienced sexual harassment in general, 74 percent indicated they had experienced sexual harassment by male university staff, and 16 percent reported they were raped by lecturers or other staff.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution provides for the same legal status and rights for women as for men. The constitution's bill of rights, in the section on the rights of women, states that all "laws, customs, traditions, and practices that infringe the rights of women conferred by this constitution are void to the extent of the infringement." There is also an institutional framework to address women's rights and gender equality through the Ministry of Women Affairs, Gender, and Community Development and the Gender Commission, one of the independent commissions established under the constitution. Despite the appointment of commissioners in 2015, the commission received only minimal funding from the government and lacked sufficient independence from the ministry.

The commission, together with Oxfam, conducted an observation mission of the gender effects of Cyclone Idai in May. The resulting report highlighted the need for improved access to emergency shelter and separate aid distribution to ensure women receive aid in an easy and transparent manner without fear of aid distributors requiring sex in exchange for aid.

The commission conducted a gender analysis of media coverage of August 16 violence in Harare and concluded the majority of persons arrested were men, while the majority of those physically attacked by security force members were women, including one woman who required neurosurgery after the demonstration as a result of police action. The commission called on law enforcement and demonstration organizers to ensure the safety and protection of women and other vulnerable groups.

The law recognizes a woman's right to own property, but very few women owned property due to the customary practice of patriarchal inheritance. Less than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and alimony laws were equitable, but many women lacked awareness of their rights, and in traditional practice property reverts to the man in case of divorce or to his family in case of his death. The government enacted a new marriage law on July 23 to amend and consolidate the country's marriage laws in alignment with the constitution. The new law abolishes child marriage and

affords civil partnerships or common law marriages the same remedies as legal marriages. Civil partnerships are only for heterosexual persons. The new law does not address property rights during marriage or inheritance following the death of a spouse.

Women have the right to register their children's births, although either the father or another male relative must be present. If the father or other male relative refuses to register the child, the child may be deprived of a birth certificate, which limits the child's ability to acquire identity documents, enroll in school, and access social services.

Women and children were adversely affected by the government's forced evictions, demolition of homes and businesses, and takeover of commercial farms. Widows, when forced to relocate to rural areas, were sometimes "inherited" into marriages with an in-law after the deaths of their spouses.

The government gave qualified women access to training in the armed forces and national service, where they occupied primarily administrative positions. In the Zimbabwe Defense Forces, there were two female brigadier generals appointed in 2013 and 2016 respectively, and one female air commodore appointed in 2016. Minister of Defense and War Veterans Oppah Muchinguri was a woman.

## **Children**

Birth Registration: The 2013 constitution states citizenship is derived from birth in the country and from either parent, and all births are to be registered with the Births and Deaths Registry. The 2012 population census data show that just one in three children younger than age five possessed a birth certificate. Of urban children younger than age five, 55 percent possessed a birth certificate, compared with 25 percent of rural children. Approximately 39 percent of school age children did not have birth certificates. Lack of birth certificates impeded access to public services, such as education and health care, resulting in many children being unable to attend school and increasing their vulnerability to exploitation. For additional information, see Appendix C.

Education: Basic education is not compulsory, free, or universal. The constitution states that every citizen and permanent resident of the country has a right to a basic state-funded education but adds a caveat that when the state provides education, it "must take reasonable legislative and other measures, within the limits of the resources available to it." According to the 2012 population census, 87 percent of



all children attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for children older than 14 was in decline. Urban and rural equity in primary school attendance rates disappeared at the secondary school level. Rural secondary education attendance (44 percent) trailed behind urban attendance (72 percent) by a wide margin.

Although it is mandated by the constitution, there was a lack of free basic education for children, increasing the risk of children's involvement in child labor. Children were required to attend school only up to age 12, which made children ages 12 through 15 particularly vulnerable to child labor as they were not required to attend school and not legally permitted to work. School fees were often prohibitively expensive and limited access to education, leading some to leave school and enter the workforce at a young age.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be a serious problem. In 2018 the NGO Childline received more than 15,000 reports of child abuse via its national helpline and managed more than 10,000 in-person cases at its drop-in facilities across the country. Approximately 26 percent of all reported cases of abuse concerned a child who had been sexually abused; 28 percent concerned physically or emotionally abused children; 18 percent involved neglect; and 7 percent related to forced marriage. Of the 25,000 total cases, 93 percent involved girls.

On April 3, the Constitutional Court ruled against the use of corporal punishment in sentences meted out to male juveniles. This prohibition had not been confirmed through legislative reform. The constitution provides that "no person may be subjected to cruel, inhuman, or degrading treatment or punishment." In 2017 the High Court outlawed corporal punishment for children at school and home.

Government efforts to combat child abuse continued to be inadequate. The government continued to implement a case management protocol developed in 2013 to guide the provision of child welfare services. In addition there were facilities that served underage victims of sexual assault and abuse.

Early and Forced Marriage: The constitution declares anyone younger than age 18 a child. The marriage law prohibits anyone underage from marriage or entering a civil partnership. The law also criminalizes assisting, encouraging, or permitting child marriages or civil partnerships.

Despite legal prohibitions, some rural families and religious sects continued to force girls to marry. Child welfare NGOs reported evidence of underage marriages, particularly in isolated religious communities or among AIDS orphans who had no relatives willing or able to take care of them. High rates of unemployment, the dropout of girls from school, and the inability of families to earn a stable income were major causes of child marriage.

Families gave girls or young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or to provide economic protection for the family. Some families sold their daughters as brides in exchange for food, and younger daughters at times married their deceased older sister's husband as a "replacement" bride. An NGO study published in 2014 found that because of the cultural emphasis placed on virginity, any loss of virginity, real or perceived, consensual or forced, could result in marriage, including early or forced marriage. In some instances family members forced a girl to marry a man based on the mere suspicion that the two had had sexual intercourse. This cultural practice even applied in cases of rape, and the study found numerous instances in which families concealed rape by facilitating the marriage between rapist and victim.

For additional information, see Appendix C.

Sexual Exploitation of Children: Conviction of statutory rape, legally defined as sexual intercourse with a child younger than age 12, carries a fine of 2,000 Zimbabwe dollars (RTGS) (\$125), up to 10 years' imprisonment, or both. A person in possession of child pornography may be charged with public indecency; convictions result in a 600 RTGS dollars (\$40) fine, imprisonment for up to six months, or both. A conviction of procuring a child younger than age 16 for purposes of engaging in unlawful sexual conduct results in a fine up to 5,000 RTGS dollars (\$300), up to 10 years' imprisonment, or both. Persons charged with facilitating the prostitution of a child often were also charged with statutory rape. A parent or guardian convicted of allowing a child younger than age 18 to associate with or become a prostitute may face up to 10 years' imprisonment. Girls from towns bordering South Africa, Zambia, and Mozambique were subjected to prostitution in brothels that catered to long-distance truck drivers. Increasing economic hardships contributed to more girls engaging in prostitution.

Displaced Children: Approximately 10,000 children were displaced from the Tokwe-Mukosi dam area in Masvingo Province (see section 2.d.). The disruption

of their parents' livelihoods negatively affected the children's access to health care and schooling.

A 2016 UNICEF report estimated 18 percent of children had lost one or both parents to AIDS and other causes. The proportion of orphans in the country remained very high. Many orphans were cared for by their extended family or lived in households headed by children.

Orphaned children were more likely to be abused, not enrolled in school, suffer discrimination and social stigma, and be vulnerable to food insecurity, malnutrition, and HIV/AIDS. Some children turned to prostitution for income. Orphaned children often were unable to obtain birth certificates because they could not provide enough information regarding their parents or afford to travel to offices that issued birth certificates. Orphans were often homeless.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community numbered approximately 150 persons. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. The constitution and law do not specifically address air travel or other transportation. They do not specify physical, sensory, mental, or intellectual disabilities. NGOs continued to lobby to broaden the legal definition of "disabled" to include persons with albinism, epilepsy, and other conditions. NGOs also petitioned the government to align the Disabled Persons Act with the

constitution. Government institutions often were uninformed and did not implement the law. The law stipulates that government buildings be accessible to persons with disabilities, but its implementation was slow.

NASCOH reported access to justice in courts was difficult for persons with hearing disabilities due to a lack of sign language interpreters. Persons with disabilities living in rural settings faced even greater challenges.

Although two senators were elected to represent persons with disabilities, parliament rarely addressed problems especially affecting such persons. Parliament does not provide specific line items for persons with disabilities in the various social service ministry budgets.

Most persons holding traditional beliefs viewed persons with disabilities as bewitched, and in extreme cases families hid children with disabilities from visitors. According to NASCOH, the public considered persons with disabilities to be objects of pity rather than persons with rights. NASCOH reported that 75 percent of children with disabilities had no access to education.

There were very few government-sponsored education facilities dedicated to persons with disabilities. Educational institutions discriminated against children with disabilities. Essential services, including sign language interpreters, Braille materials, and ramps, were not available and prevented children with disabilities from attending school. Many schools refused to accept children with certain disabilities. Schools that accepted students with disabilities offered very little in the way of nonacademic facilities for those accepted as compared with their counterparts without disabilities. Many urban children with disabilities obtained informal education through private institutions, but these options were generally unavailable for persons with disabilities in rural areas. Government programs, such as the basic education assistance module intended to benefit children with disabilities, failed to address adequately the root causes of their systematic exclusion.

Women with disabilities faced compounded discrimination, resulting in limited access to services, reduced opportunities for civic and economic participation, and increased vulnerability to violence.

Persons with mental disabilities also experienced inadequate medical care and a lack of health services. There were 20 mental health institutions, including four hospitals, three day treatment facilities, three outpatient facilities, and 10

community residential facilities in the country with a total capacity of more than 1,500 residents, in addition to the three special institutions run by the ZPCS for long-term residents and those considered dangerous to society. Residents in these government-run institutions received cursory screening, and most waited for at least one year for a full medical review.

A shortage of drugs and adequately trained mental health professionals resulted in persons with mental disabilities not being properly diagnosed and not receiving adequate therapy. There were few certified psychiatrists working in public and private clinics and teaching in the country. NGOs reported that getting access to mental health services was slow and frustrating. They reported persons with mental disabilities suffered from extremely poor living conditions, due in part to shortages of food, water, clothing, and sanitation.

Prison inmates in facilities run by the ZPCS were not necessarily convicted prisoners. Two doctors examined inmates with psychiatric conditions. The doctors were required to confirm a mental disability and recommend an individual for release or return to a mental institution. Inmates with mental disabilities routinely waited as long as three years for evaluation. In June the World Health Organization provided psychiatric nursing training to 100 nurses from mental health institutions and the ZPCS to assist with personnel shortages.

There were minimal legal or administrative safeguards to allow participation in the electoral processes by persons with disabilities. Administrative arrangements for voter registration at relevant government offices were burdensome, involving long queues, several hours or days of waiting, and necessary return visits that effectively served to disenfranchise some persons with disabilities (see section 3 for voter assistance).

### **National/Racial/Ethnic Minorities**

According to government statistics, the Shona ethnic group made up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic and racial groups 3 percent. In a shift from past speeches and broadcasts, government leaders discouraged hatred of whites, proclaimed an end to former president Mugabe's "era of land seizures," and vowed to compensate white farmers who lost land under the program.

Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government. During the

year senior political leaders refrained from attacking each other along ethnic lines to consolidate support ahead of the by-elections. Within the Shona majority, the Zezuru subgroup, who dominated the government under Mugabe, reportedly harbored resentment toward the Karanga subgroup after Mnangagwa, an ethnic Karanga, became president.

Some government officials continued to blame the country's economic and political problems on the white minority and western countries. Police seldom arrested government officials or charged them with infringing upon minority rights, particularly the property rights of the minority white commercial farmers or wildlife conservancy owners, who continued to be targeted inland redistribution programs.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

According to the criminal code, “any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act” carries a penalty if convicted of up to one year in prison or a fine up to \$5,000. Despite that, there were no known cases of prosecutions of consensual same-sex sexual activity. Members of Gays and Lesbians of Zimbabwe (GALZ), the primary organization dedicated to advancing the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, experienced harassment and discrimination against members seeking employment and health services. Transsmart, another active LGBTI group, reported their members believed they were unsafe and unwelcome in churches due to deeply held religious and social stigmas in society. There is no legal option to change gender pronouns on state identity cards, creating identification and travel difficulties. The mismatch between gender presentation and identification pronouns can lead state officials, police, and potential employers to believe the individual is committing identity theft, sometimes leading to criminal arrest.

LGBTI persons were vulnerable to blackmail because of the criminality and stigma of same-sex activity. LGBTI advocacy organizations reported blackmail and being “outed” as two of the most common forms of repression of LGBTI persons. It was common for blackmailers to threaten to reveal one's sexual identity to police, the church, employers, or family if the victim refused to render payment.

According to GALZ, LGBTI persons often left school at an early age due to discrimination. Higher education institutions reportedly threatened to expel

students based on their sexual orientation. Members of the LGBTI community also had higher rates of unemployment and homelessness.

GALZ reported that many persons who identified themselves as LGBTI did not seek medical care for sexually transmitted diseases or other health problems due to fear that health-care providers would shun them or report them to authorities. Public medical services did not offer hormones or gender-confirmation surgeries to the transgender and intersex community. A small number of private clinics provided testosterone therapy, but estrogen therapy required patients to purchase privately and self-administer the drugs or travel to neighboring countries where treatment was available. Some parents treated their children's identity as an intellectual disability and forced transgender youth into mental health institutions.

### **HIV and AIDS Social Stigma**

The government has a national HIV/AIDS policy that prohibits discrimination against persons with HIV/AIDS, and the law prohibits discrimination against workers with HIV/AIDS in the private sector and parastatals. Despite these provisions, societal discrimination against persons living with HIV/AIDS remained a problem. Local NGOs reported persons affected by HIV/AIDS faced discrimination in health services, education, and employment. Although there was an active information campaign to destigmatize HIV/AIDS by international and local NGOs, the Ministry of Health and Child Welfare, and the National AIDS Council, such ostracism and criticism continued.

In the *2015 Demographic Health Survey*, 22 percent of women and 20 percent of men reported they held discriminatory attitudes towards those living with HIV/AIDS.

### **Other Societal Violence or Discrimination**

Inexplicable disappearances and killings, sometimes involving mutilation of the victim, often were attributed to customary or traditional rituals, in some cases involving a healer who requested a human body part to complete a rite. Police generally rejected the "ritual killing" explanation, despite its being commonly used in society and the press.

### **Promotion of Acts of Discrimination**

Throughout the year government-controlled media did not vilify white citizens or blame them for the country's problems, as was common practice under former president Mugabe.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of private-sector workers to form and join unions, conduct legal strikes, and bargain collectively. Other provisions of law, as well as the government's application of the law, abrogated these rights. Public-sector workers may not form or join trade unions but may form associations that bargain collectively and strike. The law prohibits antiunion discrimination, provides that the labor court handle complaints of such discrimination, and may direct reinstatement of workers fired due to such discrimination.

The law provides for the registrar of the Ministry of Public Service, Labor, and Social Welfare to supervise the election of officers of workers' and employers' organizations, to cancel or postpone elections, and to change the venue of an election. The law also grants the minister extensive powers to regulate union activities such as collecting dues and paying staff salaries, and making decisions concerning the equipment and property that may be purchased by trade unions. The minister has the authority to veto collective bargaining agreements perceived to be harmful to the economy as well as to appoint an investigator who may, without prior notice, enter trade union premises, question any employee, and inspect and copy any books, records, or other documents. The law empowers the minister to order an investigation of a trade union or employers' organization and to appoint an administrator to run its affairs.

The law significantly limits the right to strike. Strikes are limited to disputes regarding work issues. The law provides that a majority of the employees must agree to strike by voting in a secret ballot. Strike procedure requirements include a mandatory 30-day reconciliation period and referral to binding arbitration (in essential services and in nonessential services where the parties agree or where the dispute involves rights). Following an attempt to resolve a dispute of interest and a labor officer's issuance of a certificate of no settlement, the party proposing a collective job action must provide 14 days' written notice of intent to resort to such action, including specifying the grounds for the intended action, in order to call a strike legally. No provisions prohibit employers from hiring replacement workers in the event of a strike.



Police and army members are the only legally recognized essential services employees and may not strike, but the law allows the Ministry of Public Service, Labor, and Social Welfare to declare any nonessential service an essential service if a strike is deemed a danger to the population. The law also allows employers to sue workers for liability during unlawful strikes, with penalties for conviction that include fines, up to five years' imprisonment, or both.

Collective bargaining agreements applied to all workers in an industry, not just union members. Collective bargaining takes place at the enterprise and industry levels. At the enterprise level, work councils negotiate collective agreements, which become binding if approved by 50 percent of the workers in the bargaining unit. Industry-level bargaining takes place within the framework of the National Employment Councils (NECs). Unions representing at least 50 percent of the workers may bargain with the authorization of the minister of public service, labor, and social welfare. The law encourages the creation of employee-controlled workers' committees in enterprises where less than 50 percent of workers are unionized. Workers' committees existed in parallel with trade unions. Their role is to negotiate shop floor grievances, while that of the trade unions is to negotiate industry-level problems, notably wages. Trade unions regarded the existence of such a parallel body as an arrangement that allows employers to undermine the role of unions.

For a collective bargaining agreement to go into effect, the ministry must announce it, thus giving the minister the power to veto the agreement. The Labor Amendment Act expands the minister's power to veto a collective bargaining agreement if the minister deems it to be "contrary to public interest." Workers and employers at the enterprise level also may come to a binding agreement outside of the official framework. Despite this provision, the ministry could block indefinitely any collective bargaining agreement that was not announced officially.

There were reports some affiliates of the Zimbabwe Congress of Trade Unions (ZCTU), an umbrella group of trade unions, engaged in collective bargaining with employers without interference from the government. Nevertheless, members of the ZCTU stated employers did not recognize their affiliates within the NECs. The constitution does not extend the right of collective bargaining to security forces.

Although the law does not permit national civil servants to collectively bargain, the Apex Council, a group of public service associations, represented civil servants in job-related negotiations with the Public Service Commission. Public-sector

workers threatened a stay away in July unless they received a wage increase. Negotiations with the Apex Council resulted in a one-time payment in July to stave off the strike, and negotiations continued to come to terms on a permanent wage increase. On August 24, however, the Apex Council rejected the government's offer to increase civil servant salaries as the offer fell far below their demands, leading to continued stay away threats.

The Ministry of Public Service, Labor, and Social Welfare did not effectively enforce the laws. Penalties for conviction of violations of freedom of association or collective bargaining laws were not sufficient to deter violations. Those charged with violating the law were subject to lengthy delays and appeals.

The government did not always respect workers' right to form or join unions, strike, and bargain collectively. Parliament enacted a bill establishing the Tripartite Negotiating Forum (TNF) in June to formalize dialogue efforts among government, labor leaders, and employers to discuss social and economic policy and address demands. The forum met only once during the year. The ZCTU stated the TNF did little to address its demands for wage increases and labor law reform, and the government showed little progress in supporting workers' protections, fairness, and peaceful resolution of labor disputes.

Government interference with trade union activity was common. Police and state intelligence services regularly attended and monitored trade union activities such as meetings. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. Two ZCTU leaders were arrested and charged with subversion for their roles in promoting participation in January's demonstrations. After 10 months of court appearances and strict bail conditions, to include surrendering their passports and reporting to police stations on a regular basis, the court dismissed the charges in November.

Although the law does not require unions to notify police of public gatherings, police demanded such notification. When unions attempted to hold an event not authorized by police, the ZRP attended and dispersed participants forcefully. Police in Harare forcibly ended an ARTUZ protest on August 23, arresting the ARTUZ president, seven other members, and their attorney (see section 2.b., Freedom of Assembly).

Under POSA and its replacement, MOPA, the government could fine and imprison union members for organizing an illegal strike.

When unions exercised their right to strike, the government met their efforts with violence and excessive force. For example, the ZCTU called for a three-day work shutdown beginning on January 14 in response to President Mnangagwa's January 12 announcement of a 150 percent fuel price hike. Between January 14 and January 16, security forces reportedly shot and killed 17 demonstrators and injured hundreds of other protesters. In the following weeks, security forces conducted raids and beatings, and arbitrarily arrested more than 800 persons.

On September 3, the ZHDA went on strike after failing to reach an agreement on a salary increase with the government. The government responded to the action with a proposed bill to designate medical providers as essential and prohibit them from striking. The union's leader, Peter Magombeyi, was abducted and tortured before being released amid public outcry. In October the Labor Court ordered doctors to return to work--a court order that doctors ignored--and referred the labor dispute to arbitration. In November the Ministry of Health announced the termination of 486 doctors involved in the strike.

At the 108th session of the International Labor Organization's (ILO) International Labor Conference in June, the Committee on the Application of Standards noted concern regarding the government's failure to implement specific recommendations of the 2010 Commission of Inquiry. The commission found the government responsible for serious violations of fundamental rights by its security forces, including a clear pattern of intimidation, arrests, detentions, violence, and torture of union and opposition members. The committee also noted persistent allegations of violations of the rights of freedom of assembly of workers' organizations. The committee urged the government to accept an ILO contacts mission to assess progress before the next conference. The government, however, did not accept the direct contacts mission.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children, with exceptions for work for the national youth service and forced prison labor. Penalties were insufficient to deter violations. The laws against forced labor were not effectively or sufficiently enforced. The law does not clearly define human trafficking crimes and requires proof that traffickers transported victims, further limiting the number of crimes classified as human trafficking.

Forced labor occurred in agriculture, mining, and domestic servitude. The full extent of the problem was unknown. Forced labor was reported at Marange Diamond Fields.

The government made moderate advancements in efforts to combat human trafficking. The government continued to implement the Trafficking in Persons Action Plan, developed a national referral mechanism to assist victims of human trafficking, and established guidelines to improve coordination of antitrafficking efforts.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law fully prohibits the worst forms of child labor. The law sets the minimum age for light work at age 12 and for apprenticeship at 16. The law declares void and unenforceable formal apprenticeship contracts entered into by children younger than age 18 without the assistance of a guardian. The law further states that no person younger than age 18 shall perform any work likely to jeopardize that person's health, safety, or morals.

The Department of Social Welfare in the Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing child labor laws, but the department did not effectively enforce these laws. Penalties were not sufficient to deter violations. The government took limited steps to combat child labor during the year, mostly involving encouragement and monitoring of children's school attendance.

Child labor occurred in the agricultural, mining, and tobacco production sectors, as well as in commercial sexual exploitation. Some children worked on their family farms, while others worked elsewhere as paid agricultural laborers. In gold mining areas, children carried ore and panned for gold.

"Street children," meaning children who live or work on the streets, often worked as beggars in urban areas. Many had parents who used the children to generate additional income.

Working children often faced hazards to their health and safety and lacked necessary equipment and training. Working on farms exposed children to bad weather, dangerous chemicals, and the use of heavy machinery. Most children

involved in mining worked for themselves, a family member, or someone in the community. Exposure to hazardous materials, particularly mercury, was on the rise in the informal mining sector.

Some employers did not pay wages to child domestic workers, claiming they were assisting a child from a rural home by providing room and board. Some employers paid with goods instead of cash while others paid the parents for a child's work.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment or occupational discrimination based on race, color, gender, tribe, political opinion, creed, place of origin, disability, HIV status, and pregnancy. The law does not expressly prohibit employment discrimination based on age, language, citizenship, social origin, sexual orientation, gender identity, or non-HIV-related communicable diseases. The government did not effectively enforce the law. Discrimination in employment and occupation occurred with respect to race, gender, disability, sexual orientation (see section 6), and political affiliation for civil servants.

The constitution provides for the same legal status and rights for women as for men. Labor legislation prohibits sexual harassment in the workplace, and an employer may be held liable for civil remedies if found to be in violation of provisions against "unfair labor practices," including sexual harassment. The law does not specify penalties for conviction of such violations. Women commonly faced sexual harassment in the workplace (see section 6).

There were no formal complaints of wage discrimination filed with the Ministry of Public Service, Labor, and Social Welfare; however, women's salaries lagged behind those of men in most sectors, and women faced discrimination on the basis of gender, when seeking maternity leave provided for by law, and other gender-based benefits. International organizations requested the government provide information on any job evaluation exercise undertaken in the public sector indicating the criteria used and the measures taken to ensure men and women receive equal remuneration for equal work and to monitor other gender disparities. Unions expressed their concern regarding wage disparity between management and employees.

There was a relative lack of women in decision-making positions, despite a constitutional requirement for equal representation of both genders in all institutions and agencies of government at every level.

Employment discrimination against migrant workers occurred, especially those employed in the informal sector.

Persons with HIV/AIDS and albinism faced discrimination in employment. Employers discriminated against members of minority ethnic groups whom they often perceived as opposition supporters. Persons with disabilities faced social and employment discrimination and lack of access to many workplaces. Members of trade unions and workers committees often perceived that adverse employment action targeted them and that workers feared the consequences of participating in trade unions or workers committees. LGBTI persons faced discrimination in employment.

#### **e. Acceptable Conditions of Work**

The NECs set the minimum wage for all industrial sectors through a bipartite agreement between employers and labor unions. The minimum wage, when paid, seldom exceeded the poverty line due to the speed of inflation.

The law does not provide for a standard workweek, but it prescribes a minimum of one 24-hour continuous rest period per week. Unions and employers in each sector negotiate the maximum legal workweek. No worker may work more than 12 continuous hours. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday or on their rest day. The law provides workers paid public holidays and annual leave upon one year of service with an employer. The government sets safety and health standards on an industry-specific basis. The public service commission sets conditions of employment in the public sector.

Labor law does not differentiate among workers based on sector or industry. The labor law does not apply to the informal sector, which included more than 90 percent of the labor force. The law applies to migrant laborers if they are in the formal sector. There were no reports of discrimination against migrant laborers in the formal sector.

Occupational safety and health standards were up-to-date and appropriate for the main industries in the country. The law provides for workers to remove

themselves from situations that endangered health or safety without jeopardy to their employment.

The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage and work hours laws for each sector. The government did not effectively enforce these laws. The number of labor inspectors was insufficient to enforce labor laws, including those covering children. The Zimbabwe Occupational Safety Council, a quasi-governmental advisory body to the National Social Security Authority (NSSA), regulated working conditions. Staffing shortages, as well as its status as an advisory council, made it largely ineffective. Penalties for violations of wage or hours-of-work restrictions were insufficient to deter violations. Penalties for occupational safety and health violations were inconsistent and fall within the jurisdiction of numerous ministries.

Most work-related injuries and deaths occurred in the mining sector. The NSSA attributed the high injury and fatality rates to low investment in occupational safety and health, noncompliance with rules and regulations, and low levels of awareness of occupational safety and health matters.

Employers paid many agricultural and domestic workers below the minimum wage. Many public servants also earned salaries that put them below the poverty line, and the ZCTU stated worker salaries lost 90 percent of their real value due to rampant inflation and currency changes.

There was little or no enforcement of the work hours law, particularly for agricultural and domestic workers. Although workers were generally unlikely to complain to authorities of violations due to fear of losing their jobs, some exceptions occurred.

Poor health and safety standards in the workplace were common in both the formal and informal sectors due to lack of enforcement. Abuses by the management at certain foreign-owned enterprises and companies owned by well connected politicians were common, including physical, sexual, and emotional abuse of workers; poor working conditions; underpayment or nonpayment of wages; unfair dismissal; and firing without notice. Workers' committee members of a foreign-owned mining company reported fear and serious victimization, including arbitrary nonrenewal of contracts, dismissals without charges, late payment of salaries, and insufficient provision of protective clothing. The ZCTU's Health and Social Welfare Department engaged employers on occupational health and safety-related workplace needs. No information was available on the treatment of foreign and

migrant workers. The government considered many commercial farm workers to be foreigners because one or both parents were born in another country.

Due to the growth of the informal mining sector, artisanal miners, including children, had increased exposure to chemicals and environmental waste. An estimated 1.5 million persons worked in or depended on artisanal mining, defined as mining activities carried out using low technology or with minimal machinery, according to the Zimbabwe Coalition on Debt and Development.