

# ZIMBABWE 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic. On July 30, the country elected Emmerson Mnangagwa president 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. While the pre-election period saw increased democratic space, 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' excess use of force; and lack of precision and transparency around the release of election results. On August 26, the chief justice swore in Mnangagwa as president with the constitutional authority to complete a five-year term, scheduled to end in 2023. The election resulted in the formation of a ZANU-PF-led government with a supermajority in the National Assembly but not in the Senate.

Civilian authorities at times did not maintain effective control over the security forces.

Human rights issues included arbitrary killings, government-targeted abductions, and arbitrary arrests; torture; harsh prison conditions; criminal libel; censorship; restrictions on freedoms of assembly, association, and movement; government corruption; ineffective government response towards violence against women; and criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct.

The government took limited steps toward potential consequences for security-sector officials and nongovernment actors who committed human rights violations, including appointing a Commission of Inquiry (COI) to investigate the post-election violence. In December the COI found the military and police culpable for the deaths of six protestors, but it did not identify individual perpetrators, units, or commanders. Impunity remained a problem.

### **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 two reported incidents of the government or its agents committing arbitrary or unlawful killings. On August 1, the military killed six unarmed protestors when it responded to an opposition-led election related demonstration in Harare's central business district (CBD). A seventh individual died from injuries related to the protests. The Zimbabwe Republic Police (ZRP) killed two civilians on February 22 while enforcing a ban on vendors and unlicensed taxi drivers in the CBD. Security-sector forces participated in political violence in the post-election period during the month of August. Security-sector impunity for politically motivated abuses remained a problem.

Impunity for past politically motivated violence also remained a problem. Investigations continued of prior years' cases of violence resulting in death committed by security forces and ZANU-PF supporters, but 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 relations between the Shona and Ndebele ethnic groups negatively.

**b. Disappearance**

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

The High Court ordered the government to provide updates on the 2015 disappearance of democracy activist Itai Dzamara, but government officials failed to do so. 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**

Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, there were reports security forces engaged in such practices with impunity and with the implicit support of officials affiliated with the government. Nongovernmental organizations (NGOs) reported security forces assaulted and tortured citizens in custody, including targeted assault on and torture of 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. Political opponents of President Emmerson Mnangagwa stated security forces arrested, detained, and tortured them after the July 30 election.

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), and falanga (beating the soles of the feet).

According to one NGO, from January through August, 367 victims of organized violence and torture sought medical treatment and counseling after sustaining injuries in multiple incidents across the country. The NGO reported ZANU-PF supporters committed 35 percent of the violations, ZRP committed 31 percent, and the Zimbabwe Defense Forces (ZDF) committed 22 percent. Nearly 39 percent of the cases occurred in the capital, Harare. The majority of victims, more than 51 percent, associated themselves with the opposition Movement for Democratic Change (MDC) Alliance. More than 39 percent did not indicate their political affiliation. The other roughly 10 percent were associated with other smaller independent political parties.

From August 1 to 7, uniformed soldiers systematically assaulted civilians in the Harare CBD and suburbs of Chitungwiza, Highfield, Kuwadzana, Seke, and Warren Park, according to the Zimbabwe Human Rights Commission (ZHRC) and local NGOs. The soldiers accused many of the victims of participating in the August 1 opposition-led protests.

There were also reports of short-term abductions during this same period during which victims were abused. Victims in several Harare suburbs reported assaults and hours-long interrogations in remote locations regarding opposition members' whereabouts. For example, according to NGO and local news accounts, plain-clothed state security agents abducted MDC Alliance Information and Public Secretary Simbarashe Mujeye and his brother from their Chitungwiza home on August 2. Mujeye claimed the agents handcuffed and beat him while demanding to know the whereabouts of senior MDC leaders. The men then took Mujeye to Harare Central Police station on charges of inciting public violence related to the August 1 protests.

According to a local NGO, from January to June, 23 victims of organized violence and torture sought assistance after security agents found them mining illegally at

the Chiadzwa diamond mine in Manicaland Province. Victims reported security forces detained them at torture bases, beat them with sticks, kicked them, and sometimes allowed security dogs to attack them.

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

Prison conditions remained harsh due to financial constraints and overcrowding in some of the older facilities. The Zimbabwe Prison and Correctional Services (ZPCS) struggled to provide adequate food and sanitary conditions and worked with community organizations to help address these issues. 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, as well as allows churches and other organizations to teach life skills training.

Physical Conditions: Conditions in prisons, jails, and detention centers were often harsh. There were approximately 17,000 prisoners, spread across 46 main prisons and 26 satellite prisons. While some prisons operated below capacity, NGOs reported that overcrowding continued, due to outdated infrastructure and judicial backlogs. In March President Mnangagwa granted amnesty to approximately 3,000 prisoners, including most women and all juveniles, to address overcrowding.

Prison guards occasionally beat and abused prisoners, but NGOs reported that 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 have observed during the past several years.

NGOs reported female prisoners generally fared better than did male prisoners. Authorities held women in separate prison wings and provided women guards. Women generally received more food from their families than did 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 women 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 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 is 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. Due to financial constraints, 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 ZHRC continued to conduct monitoring visits. There was no prison ombudsman, but there were statutory mechanisms to allow alternatives to incarceration for nonviolent offenders.

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 weakened 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 antigovernment protests.

#### **Role of the Police and Security Apparatus**

The constitution provides for a National Security Council (NSC) composed of the president, vice president, and selected ministers and members of the security services. The NSC never met, however. Instead, the Joint Operations Command, an informal administrative body, discharged the functions of the NSC at national, provincial, and district levels. All security-sector chiefs reported directly to the president, who is the commander in chief of all security services.

The ZRP is responsible for maintaining internal law and order. 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 Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces under the Ministry of Defense. The armed forces are responsible for external security, but the government sometimes deployed them as a back-up to police as a show of

force. The Central Intelligence Organization, under the Office of the Vice President, is responsible for internal and external security.

The military-assisted government transition in November 2017 weakened the ZRP as an institution. In January the government forcibly retired 11 senior ZRP officials and reassigned dozens more in March.

Civilian authorities at times did not maintain effective control over the security forces, neither did the government have effective mechanisms to investigate and punish abuse. There were reports of impunity involving the security forces during the year. For example, the government has not held accountable the ZRP officers who killed two civilians during a protest in Harare on February 22. Likewise, the government has not established an independent complaints mechanism to investigate allegations of security force misconduct as called for in the constitution.

### **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 rights. The law requires authorities to inform a person at the time of arrest of the reason for the arrest. A preliminary hearing must be held before a magistrate within 48 hours of an arrest. According to the constitution, only a competent court may extend the period of detention.

The law provides for bail for most accused persons. In 2015 the Constitutional Court declared section 121(3) of the Criminal Procedures and Evidence Act unconstitutional. According to human rights attorneys, it allowed prosecutors to veto bail decisions made by the courts and keep accused persons in custody for up to seven days based on the prosecution's stated intent to appeal bail. Despite the Constitutional Court ruling against section 121(3), the government amended the law by including provisions that allow prosecutors a veto over judicial bail decisions. Prosecutors relied on the provisions to extend the detention of opposition political activists.

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. An indigent detainee may apply to the government for an attorney in criminal cases, but these requests only

apply in capital cases. This occurred with cases involving opposition party members, civil society activists, and ordinary citizens.

The government also monitored, harassed, and intimidated human rights lawyers when they attempted to gain access to their clients.

On August 8, former finance minister and senior MDC Alliance official Tendai Biti was detained trying to flee Zimbabwe via Zambia and forcibly returned to Harare. The Zimbabwe Lawyers for Human Rights (ZLHR) claimed police denied Biti access to legal counsel. Biti was subsequently charged with inciting post-election violence and unlawfully announcing election results. On December 14, a magistrate dropped the incitement of violence charge. His trial for violating electoral law continued at year's end. Additionally, ZLHR claimed police assaulted Biti's lawyer and deliberately prevented him from accompanying Biti to Harare Central Police station on August 9.

Arbitrary Arrest: The government 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 and then released them without charge. On July 13, police arbitrarily arrested three MDC Alliance members when they attempted to observe postal voting at a police camp in Mutare citing trespassing and violation of the electoral act. A magistrate later declined to charge them. Similarly, prosecutors declined to charge three Zimbabwe Congress of Trade Unions (ZCTU) members in Gweru who police arrested for demonstrating against government economic measures on October 11.

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. In April 2017, however, a High Court judge ruled that officials could be sued, especially if they acted unlawfully. The case related to the abduction and torture of human rights activist Jestina Mukoko, who was held incommunicado by state security officials for 21 days in 2008. On October 5, the High Court ordered the state to pay Mukoko \$150,000 in damages.

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, the low



capacity of court officials, and a lack of resources. The constitution provides for the right to bail for detained suspects. Despite this provision, the government routinely opposed bail for political detainees.

Other prisoners remained in prison because they could not afford to pay bail, which remained exorbitant in view of economic conditions in the country. 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. 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 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 more likely to receive a fair hearing in magistrates’ courts than in higher courts. In higher 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 urban-based junior magistrates 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 the 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 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.

Authorities sometimes denied attorneys' access to their clients. 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. Defendants and their attorneys have the right to access all government-held evidence relevant to their cases. Authorities did not always respect these rights.

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 in normal criminal proceedings, which proceed from investigation to trial within months, in cases of members of political parties or civil society critical of the government, prosecuting agents regularly took abnormally long to submit their cases for trial. In many cases wherein 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. On August 22, a Bindura magistrate ordered the case against MDC Alliance politician Agrippa Mutambara to proceed in this manner after witnesses who accused him of vandalizing a state monument failed to appear in court. The prosecutors and police routinely retained material confiscated from the accused as evidence.

Government officials frequently ignored court orders in such cases, 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.

### **Political Prisoners and Detainees**

There were reports of individuals arrested for political reasons, including opposition party officials, their supporters, NGO workers, journalists, and civil society activists. Authorities held many such individuals for one or two days and released them. 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.

In August and September, police arrested more than 30 individuals affiliated with the MDC Alliance for allegedly inciting public violence through involvement in a protest in which six individuals were shot and killed by security forces. A seventh individual died from injuries related to the protests. Police released all of these defendants on bail as they await trial.

On January 4, a magistrate court released an American citizen who was arrested in November 2017 and tried on charges of subverting a constitutional government and undermining the authority of and insulting former president Mugabe. The American was held in a maximum-security prison for seven days, and then released on bail with instructions to have very limited social contact. She was ultimately released and allowed to leave the country when the prosecutor failed to present evidence, but the charges remained open.

### **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.

Lack of judicial and police resources contributed to problems enforcing domestic court orders.

### **Property Restitution**

The constitution stipulates the government must compensate persons for improvements made on land subsequently 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 sanction from the state to do so.

Support was uneven and inconsistent for households resettled from the diamond mining grounds of Marange in Chiadzwa to a government-owned agricultural estate outside Mutare. Since 2010, authorities relocated more than 1,800 families. 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 that they are occupying,” stating that their former land became state land, despite customary and traditional rights to the contrary.

Nearly all white commercial farmers reported the government had not compensated them for losses suffered from the land resettlement program that began in 2000 (see Section 1.f.).

### **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 prohibitions. Early in 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 toward ZANU-PF political rallies. On May 16, the High Court ruled that traditional leaders should not interfere in the political process. It further ordered the President of the Chiefs Council, Fortune Charumbira, to retract two statements insisting traditional leaders must support the ruling party in the July

elections. Charumbira did not make the retractions and challenged the ruling in court.

Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to other government assistance programs such as education assistance to exclude suspected political opposition supporters and to compel support for ZANU-PF. ZANU-PF supporters threatened to withhold food aid in constituencies such as Hurungwe, Murehwa, and Gokwe during the run-up to the July 30 elections. For example, Heal Zimbabwe Trust reported that village heads in Hurungwe Ward 9 told their villagers that government-provided maize seed would only be distributed to those citizens who proved they registered to vote and were members of ZANU-PF.

Shortly after President Mnangagwa took office, he announced the government would no longer forcibly displace persons from their homes. In February the government returned Lesbury Estate to tobacco farmer Robert Smart, who was forcibly evicted from his land in June 2017. According to local human rights and humanitarian NGOs, Lesbury Estate was the only land the government returned to its previous owner during the year.

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.

CFU reported since 2000 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.

The government established the Zimbabwe Land Commission in 2015 as a mechanism for dispossessed farmers to claim compensation for seized lands. The CFU reported the commission had functioned as an arbiter in zoning disputes, but it had not provided compensation to any of its claimants.

Estimates by the CFU put the number of remaining white commercial farmers at fewer than 400, although the exact number was unknown. Those remaining continued to be targeted, harassed, and threatened with eviction by farm

beneficiaries, unemployed youth, and individuals hired by those standing to benefit.

In January the government announced it would grant white farmers 99-year leases on their remaining land, but the CFU and other NGOs pointed out the leases do not constitute legal property rights that banks would accept as collateral for loans. CFU reports none of its members had received a 99-year lease, citing in part a cumbersome application process set by the Ministry of Lands and Resettlement.

In March 2017 officials purporting to represent the Ministry of Lands and Rural Resettlement and police arbitrarily demolished and burned the homes of approximately 200 families on Arnold Farm in Mashonaland Central, reportedly owned by former president Mugabe's family. Farm residents obtained a High Court order to stop the evictions. Police allegedly told lawyers representing the farm residents that they were acting on the orders of their superiors but did not have a High Court order approving the evictions. Antiriot police ordered residents to leave the farm and destroyed property, attacking those who resisted. In August those who remained reported suspected ZANU-PF youth members trespassed on the property and damaged farming equipment before security guards chased them away.

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 on the discussion of 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 remains in force. On October 26, police cited the law to arrest Wisdom Mkhwananzi after he gave testimony at a commission of inquiry hearing in Bulawayo accusing President Mnangagwa of complicity in the government's killing of more than 20,000 people in the 1980s known locally as "Gukurahundi."

On September 29, police arrested Norman Machipisa after he reportedly said President Emmerson Mnangagwa was incapable of running the country. He was charged with contravening section 41(b) of the Criminal Law (Codification and Reform Act) for disorderly conduct. Harare Magistrate Learnmore Mapiye released him on \$20 bail and remanded him until October 11. On August 21, police arrested Munyaradzi Shoko and charged him with criminal nuisance for allegedly posting offensive statements on Facebook concerning President Mnangagwa. On August 23, police withdrew charges against Shoko.

Press and Media Freedom: 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. Police and journalist unions regularly met in an effort to promote a safe working environment.

On August 3, riot police briefly stopped a press conference where MDC Alliance leader Nelson Chamisa planned to speak on alleged election rigging in the aftermath of the July 30 polls. Broadcasting and Media Services Minister Simon Khaya Moyo intervened, and police departed the venue, after which the press conference proceeded.

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 for a foreigner's 60-day accreditation while local journalists paid \$10 for a one-year accreditation. ZEC charged journalists covering the July 30 election an additional \$50 fee for further accreditation to election-related events and facilities.

On September 5, media reported government authorities denied a passport application for freelance journalist Violet Gonda. Gonda lived in exile for nearly 15 years, and returned to the country in the aftermath of the 2017 military intervention ending President Robert Mugabe's rule. Officials at the Registrar General's office stated they could not process her passport for reasons dating back to 2002 when she worked for London-based SW Radio Africa. Her appeal remained pending at year's end.

Most international media outlets such as CNN, 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--the country's only domestically based television-broadcasting station--operated one television channel. International satellite television broadcasts were available through private firms but were too expensive for most citizens.

During the year the Broadcasting Authority of Zimbabwe (BAZ) granted three broadcasting licenses, including a content distribution license to the government-controlled Zimbabwe Newspapers Private Limited, and video on demand licenses (dealing with internet video content) to Econet Wireless (operating Kwese TV) and Tel One. On September 7, the BAZ awarded independent media house AMH an online television and radio license.

Violence and Harassment: Security forces, officials, and supporters from the major political parties routinely harassed journalists. On September 4, the Media Institute of Southern Africa (MISA) condemned what it stated was the systematic "censorship, banning, or expulsion of journalists from public events." It stated that



the trend was against the letter and spirit of media freedoms as espoused in the country's constitution.

On April 30, police arrested and detained Gift Phiri, an editor with the Daily News, after he was seen taking pictures of a ZANU-PF meeting with party polling agents. He was charged with one count of criminal trespassing. Phiri was later released after paying a fine.

On May 24, Deputy Minister of Justice Terrence Mukupe assaulted NewsDay journalist Blessed Mhlanga and his wife during a live radio program. Mhlanga had released a video recording of an internal ZANU-PF meeting in which Mukupe said the military would not recognize opposition candidate Nelson Chamisa as president if he won the July 30 election. When Mhlanga went to police to file a complaint regarding the assault, he learned Mukupe already had made a statement accusing him as the aggressor.

On May 14, MDC Alliance supporters manhandled Tawanda Mudimu, a photographer with state media outlet *The Herald*, while he covered demonstrations at the party's headquarters in Harare. According to the MISA-Zimbabwe chapter, MDC Alliance supporters allegedly assaulted Mudimu and demanded he delete the pictures he had taken during opposition demonstrations.

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.

Libel/Slander Laws: The Constitutional Court ruled the constitution outlaws 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.

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. The government regularly monitored and interfered with use of social media. On June 18, the ZPCS summoned prison officer John Mahlabera to a disciplinary hearing for a tweet perceived to be supportive of MDC Alliance President Nelson Chamisa. The prison authorities said Mahlabera's actions showed disloyalty to President Mnangagwa.

The Interception of Communications Act (ICA) along with the Postal and Telecommunications (Subscriber Registration) Regulations, 2014 (SI 95 of 2014) facilitated eavesdropping and call interception. Under ICA law enforcement officers may apply to the responsible minister for a warrant authorizing law enforcement to intercept communications, including calls, emails, and messages. Using the statutory instrument, officers may apply for interception warrants if they know the identities of individuals whose calls and messages they want to intercept.

According to the International Telecommunication Union, 27.1 percent of the population used the internet in 2017.

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

The government did not restrict academic freedom during the year, however the country's laws restricted 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, and ZANU-PF controls the Ministry of Higher and Tertiary Education.

The Censorship and Entertainment Controls Board approves scripts by playwrights. Artists who violated provisions of the Censorship and Entertainment Control Act (CECA) received fines and prison sentences. On May 10, Harare

Magistrate Josephine Sande ordered musician Tawanda Mumanyi to pay a fine of \$100 or stay one month in prison for recording a song deemed “obscene and indecent.” Authorities convicted Mumanyi of contravening CECA for the “Kurova Hohwa” song’s sexually suggestive lyrics.

## **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. The Public Order and Security Act (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 also 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. The government enacted POSA after a demonstration resulted in security forces killing six opposition protestors on August 1. A seventh individual died from injuries related to the protests.

Although many groups did not seek permits, other groups informed police of their planned events, and police either denied permission or gave no response. The MDC Alliance accused police of using the cholera epidemic in Harare as an excuse to ban large public assemblies to prevent an MDC Alliance rally on September 15. Media reported that from September 16-22 police forcibly removed vendors who refused to comply with orders related to the cholera outbreak to vacate their stalls in the Harare CBD. On October 11, police arrested Peter Mutasa, president of the Zimbabwe Congress of Trade Unions (ZCTU), and 35 trade unionists in Harare and other major city centers as they awaited a court decision to overturn the ban on their planned demonstration against the government’s 2 percent tax on electronic transfers. Police had previously denied ZCTU’s request for a permit, and a Harare magistrate dismissed ZCTU’s challenge to the police ban on October 12.

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. There were several reports of political rallies interrupted by opposing political parties.

On February 26, police used tear gas and water cannons to disperse dozens of National University of Science and Technology students protesting continued strikes by lecturers. Police dogs injured eight students, while police arrested 61 students. A local NGO reported 15 students sought medical treatment after this incident.

### **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 local NGO reported that on July 25, a local councilor in Mbire threatened to have community members beaten and their homes burnt down if they voted for opposition political parties. Local NGOs provided multiple reports similar to this one.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees, asylum seekers, stateless persons, and other persons of concern at Tongogara refugee camp, but it interfered with some humanitarian efforts directed at internally displaced persons. The Registrar General continues to delay implementing a joint statelessness study as part of UNHCR's campaign to end statelessness by 2024.

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 countries.

In-country Movement: Police interrupted freedom of movement with checkpoints less frequently than in 2017 but continued to operate regular checkpoints nationwide along most major routes.

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. The Office of the Registrar General imposed administrative obstacles in the passport application process for citizens entitled to dual citizenship, particularly Malawian, Zambian, and Mozambican citizenship. Despite high-profile cases in which courts confirmed the rights of Zimbabweans to hold dual citizenship, many poorer citizens could not afford the legal costs of appealing passport and other travel document denials.

Many citizens left the country to settle in other countries. In search of employment, young Zimbabweans routinely settled in South Africa and Botswana. Although South Africa and Botswana repatriated hundreds of them each year, the majority eventually found their way back to these countries. The majority of white citizens who lost their farms beginning in 2000 continued to move to other countries. Zambia, Mozambique, Namibia, and South Africa continued to support white Zimbabwean former farmers by making land available at concessionary rates.

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 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 July 30 elections because they could not adequately demonstrate their citizenship. An amendment to the Citizenship Act, which would align the law with the 2013 constitution and allow dual citizenship, remained pending in parliament at year's end. Independent groups estimated that as many as two million citizens might have been

disenfranchised, including those perceived to have opposition leanings, such as the more than 200,000 former commercial farm workers from neighboring countries and approximately 30,000 mostly white dual nationals. During the year citizens had to sue the government to assert dual citizenship rights. Poor citizens who could not afford the costs of litigation remained disadvantaged.

### **Internally Displaced Persons (IDPs)**

According to international organizations, approximately 113,000 households were displaced and more than 250 groups of identified 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 Operation Murambatsvina (the government's eviction of citizens from nonfarming areas in 2005). 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 2014 approximately 15,000 persons were displaced from the vicinity of the Tokwe-Mukosi dam in Masvingo Province. Other recent 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 adjacent communal lands and left without employment as well as health and education services.

Contractors and NGOs independent of the government that carried out food security and other assessments faced challenges 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.

### **Protection of Refugees**

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 20,177 refugees and asylum seekers during the year. As of July 31, 13,356 were registered and 58 percent were granted refugee status. The Tongogara refugee camp hosted approximately 12,100 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 943 refugees lived in urban areas, including Harare and Bulawayo, and more than 6,546 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 continued to monitor and explore livestock 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.

### **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 has dominated politics and government and manipulated electoral results since independence in 1980.

### **Elections and Political Participation**

Recent Elections: Most international and local independent observers characterized the July 30 presidential, parliamentary, and local elections as largely free of violence but not meeting the mark for a free and fair election. 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 in an attempt 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.

The credibility and independence of ZEC were called into question for allegedly being composed largely of personnel loyal to ZANU-PF. ZEC failed to release a finalized voter's roll until after the nomination court announced on June 14 the 23 candidates to contest the presidency. The voter's roll ZEC provided to the MDC Alliance and other opposition parties did not include biometric information and differed from the one used at polling stations on Election Day. ZEC allowed political party representatives a one-time viewing of the printing of presidential ballots but provided no transparency of their storage or transportation to polling stations prior to the election. Ballot papers were printed in an unbalanced layout with the names of 13 candidates in one column and nine in the next to allow Mnangagwa's name to appear at the top of a column. On July 12, ZEC officials were present at Ross Police Camp in Bulawayo when police officers cast ballots in the presence of supervisors, but they did so without observation from opposition party polling agents in violation of the Electoral Act.



Voting on Election Day occurred peacefully, with a large voter turnout estimated at 85 percent. Most observers found ZEC-administered polling stations well run by competently trained officers. ZEC successfully accredited 1,209 foreign election observers and journalists in a timely and efficient manner. Some local observers, however, reported the accreditation process to be overly burdensome. On August 1, military personnel killed six unarmed protestors during an opposition-led election-related demonstration in Harare's CBD. A seventh individual died from injuries related to the protests.

On August 3, ZEC released presidential election results, declaring incumbent President Emmerson Mnangagwa the winner with 50.8 percent of the vote. Within 24 hours, ZEC provided polling station level results on CD-ROMs to stakeholders. Statistical analysis by citizen observers found ZEC's announced presidential results to be within a credible statistical range, although the margin of error indicated a presidential runoff election was also within that range. Leading opposition candidate Nelson Chamisa challenged ZEC's declaration of Mnangagwa as the winner. ZEC later revised Mnangagwa's percentage of the vote to 50.6 percent in response to Chamisa's legal challenge.

On August 22, the Constitutional Court held a hearing to review the challenge to the announced presidential election results. The court denied permits to allow four South African members of Chamisa's legal team to argue the case. On August 24, the court unanimously determined the petition did not meet the required evidentiary standards. It declared Mnangagwa the winner of the presidential election and ruled that the petitioners had to pay the court costs of the other parties to the case.

On August 26, the chief justice inaugurated Mnangagwa. The ZANU-PF party won an exact two-thirds majority in the 270 member National Assembly but failed to garner a two-thirds majority in the 80-member Senate. The Southern African Development Community, the African Union, and the Common Market for Southern and Eastern Africa declared the election free and fair.

Political Parties and Political Participation: An unprecedented number of presidential candidates (23) and political parties (55) contested the July 30 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 war veterans threatened communities with violence if ZANU-PF candidates lost in the elections. In July police arrested ZANU-PF supporters for

allegedly threatening to burn the house of United African National Council parliamentary candidate Silver Chiripanyanga in Mashonaland East province. Local NGOs also reported dozens of instances of ZANU-PF supporters removing opposition and independent parties' campaign signs and materials in wards throughout the country. In June Build Zimbabwe Alliance party leaders posted photos of campaign posters allegedly torn by ZANU-PF supporters in Gweru.

Members of the opposition MDC Alliance also carried out acts of intimidation and committed abuses, although at a much lower rate than did ZANU-PF supporters. MDC Alliance supporters of two rival primary candidates assaulted each other in the Harare suburb of Epworth on June 2. On March 4, supporters of MDC Alliance leader Nelson Chamisa assaulted supporters of Movement for Democratic Change-Tsvangirai (MDC-T) Vice President Thokozani Khupe at a party meeting in Bulawayo.

The constitution provides specific political rights for all citizens. Laws, however, are not fully consistent with the constitution and allow discrimination in voter registration to continue. For example, on May 30, the Constitutional Court ruled against amending the Electoral Act to allow up to five million members of the Zimbabwean diaspora to vote from abroad. The court, however, allowed Zimbabweans with dual citizenship to register to vote provided they presented certain identification documents.

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. Several female candidates from the MDC Alliance reported some inside the party leadership required women to have sex with them in order 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 July 30 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. On September 12, 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 19 percent of councilor positions nationwide.

Four female presidential candidates competed in the July 30 election: former vice president Joice Mujuru of the People's Rainbow Coalition, former deputy prime minister Thokozani Khupe of the MDC-T, Melbah Dzapasi of the #1980 Freedom Movement Zimbabwe, and Violet Mariyacha of United Democratic Movement. NGOs noted that young women were mostly excluded from decision-making structures and processes in all political parties.

The law permits blind persons to have an individual with them to assist them in marking their ballots. The National Association of Societies for the Care of the Handicapped (NASCOH) helped provide for handicapped accessibility at polling stations throughout Harare, Bulawayo, Gweru, Kwekwe, and Mutare during the July 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. Polling officials permitted persons who requested assistance--including blind, illiterate, and elderly persons--to have an individual with them to mark their ballots as the electoral law requires. According to ZESN, 45 percent of polling stations had at least 26 assisted voters.

#### **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. 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. According to Global Financial Integrity, between 1980 and 2010, the country lost an estimated \$12 billion to corruption involving smuggling, illicit financial outflows,

and illegal activities. 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 February President Mnangagwa ordered a mandatory declaration of assets by senior officials. Arrests of senior government officials followed; however, most were Mnangagwa’s political opponents or supporters of Grace Mugabe’s Generation 40 (G-40) faction. In May Mnangagwa created an anticorruption body within the Office of the President to carry out investigations, bypassing the constitutionally mandated Zimbabwe Anticorruption Commission. The administration has since recorded one conviction related to corruption while most of those arrested were released on relaxed bail conditions.

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 October 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 Minister of Finance announced the government’s intention to reduce the rolls of the civil service, but unqualified persons employed by the Public Service Commission remained on the state payroll. The majority served as youth and gender officers in various ministries and other public entities. 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.

From 2016-18, the former minister of transportation faced accusations of embezzlement and improper tenders for procuring \$70 million of Boeing airplanes from Malaysia for state-owned airlines without consulting the board or management, and \$2.7 billion in improper 2016 tenders for the Chirundu-Beitbridge highway, for which construction had not begun by year’s end.

Financial Disclosure: The law does not require elected or appointed officials to disclose income or assets. The government did not enforce its policy requiring officials to disclose interests in transactions that form part of their public mandate. Most government departments failed to meet their statutory reporting obligations to parliament under the Public Finance Management Law.

### **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, and other forms of harassment. Major domestic NGOs included the Zimbabwe Human Rights NGO Forum, ZESN, Election Resource Center, ZLHR, Zimbabwe Peace Project, ZimRights, Heal Zimbabwe Trust, Women's Coalition, and Women and Men of Zimbabwe Arise.

The government harassed NGOs 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. State media reporting typically dismissed the efforts and recommendations of NGOs critical of government, accusing the NGOs of seeking regime change.

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.

In August the ZHRC issued a statement condemning post-election violence, including the August 1 killings of six protestors by security forces, and criticizing the army for attacking civilians. A seventh individual died from injuries related to the protests. The statement called upon all political leaders to encourage their followers to respect the political rights and opinions of others and to stop politically motivated human rights violations.

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.

The establishment of the constitutionally mandated National Peace and Reconciliation Commission (NPRC) remained ongoing. In January President Mnangagwa signed the National Peace and Reconciliation Commission Bill into law to operationalize the commission, whose commissioners were appointed in 2016. The commission consists of nine members who do not yet have staff or offices, although the government has purchased a building to house the commission that was scheduled to be ready for use by year's end.

The NPRC conducted nationwide stakeholder engagements beginning in February to solicit input from the public and determine its first areas of focus. The NPRC finalized a national strategy document outlining its plans and publically released it in October in a ceremony featuring the vice president and various civil society stakeholders.

## **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 problems. Almost a quarter of married women who had experienced domestic violence reported sexual violence, while 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 a credible NGO, there were reports of rape being used as a political weapon during the year. In Buhera an MDC polling agent claimed a group of men came to her house in the middle of the night and assaulted and raped her for refusing to sign the vote tabulation form she claimed contained irregularities. In Mutoko a woman claimed three men came to her home demanding to know the candidate she voted for during the July 30 elections. She claimed the men assaulted and raped her when she gave an unfavorable answer. Police arrested one of the men responsible and the court case was pending at year's end.

Female political leaders were targeted physically or through threats and intimidation. MDC Alliance youth members attacked MDC-T vice president Thokozani Khupe with stones and attempted to burn a hut she entered while in a village outside Buhera for the funeral of MDC-T leader Morgan Tsvangirai on February 20. ZEC Chairwoman Priscilla Chigumba faced frequent harassment on social media during the July electoral period. On September 12, MDC Alliance members of parliament verbally heckled Chigumba for allegedly enabling President Mnangagwa's election victory, prompting security personnel to escort her from the parliament building for her safety.

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 as 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, provided medication for HIV and other sexually transmitted diseases, and provided medical services for pregnancy. 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.

The joint government-NGO Anti-Domestic Violence Council as a whole was ineffective due to lack of funding and the unavailability of information on prevailing trends of domestic violence, although its members were active in raising

domestic violence awareness. NGOs 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 post-exposure 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. 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 occurred after a student advocacy group, the Female Students Network, revealed incidents of gender-based violence and sexual harassment against students in a 2015 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 3,425 students interviewed, 94 percent indicated they had experienced sexual harassment, while 16 percent reported having been forced into unprotected sex with 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 conducted an observation mission during the July elections and produced a gender analysis of the election process. It found men occupied most decision-making positions within the election management system while women occupied mostly administrative and support functions.

In 2017, the Ministry of Women Affairs, Gender, and Community, with support from the UN Development Program and UN Women, unveiled a revised National Gender Policy calling for greater gender equality and demanding an end to gender discrimination. Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society.

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 maintenance 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.

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 women brigadier generals appointed in 2013 and 2016 respectively, and one female air commodore appointed in 2016. Women comprised 35 percent of personnel deployed to peacekeeping missions. The Minister of Defense and War Veterans, Oppah Minchiguri, is a woman.

## Children

Birth Registration: 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: Primary 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 the state “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.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. In 2017 the NGO Childline received more than 14,500 reports of child abuse via its national helpline. Childline managed more than 5,500 in-person cases at its drop-in facilities across the country and counseled more than 4,000 children. Just less than half of all reported cases of abuse concerned a child who had been sexually, physically, or emotionally abused, neglected, or forced into marriage. Approximately twice as many girls reported abuse as boys.

It is legal for parents and schools to inflict corporal punishment on boys but not on girls. The constitution provides that “no person may be subjected to cruel, inhuman, or degrading treatment or punishment,” but the courts had not interpreted the clause nor determined whether it applied to corporal punishment. In addition the Constitutional Court deferred ruling on the constitutionality of caning juvenile offenders as judicial punishment. While the issue remained pending, magistrates

could impose corporal punishment on juvenile offenders but normally imposed strict conditions on its application.

Government efforts to combat child abuse continued to be inadequate and underfunded. 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. In 2016 the Constitutional Court ruled no individual younger than age 18 may enter into marriage, including customary law unions. The court also struck down a provision of the Marriage Act that allowed girls but not boys to marry at age 16.

Despite legal prohibitions, mostly rural families continued to force girls to marry. According to the 2012 population census, almost one in four teenage girls were married. Child welfare NGOs reported evidence of underage marriages, particularly in isolated religious communities or among HIV/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, up to

10 years' imprisonment, or both. A person in possession of child pornography may be charged with public indecency and if convicted faces a fine of \$600, imprisonment up to six months, or both. A person convicted of procuring a child younger than age 16 for purposes of engaging in unlawful sexual conduct is liable to a fine up to \$5,000, 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 coupled with the effects of drought also led more girls to turn to 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 HIV or 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 were forced to turn 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.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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## 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 that access to justice in courts was compromised 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 persons with disabilities. 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 eight centralized mental health institutions in the country with a total capacity of more than 1,300 residents, in addition to the three special institutions run by the ZPCS for long-term residents and those considered dangerous to society. Residents in the eight centralized 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.

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.

## **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. In the lead-up to July 30 elections, neither the ruling nor opposition parties publically disparaged any race.

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 July 30 elections. Within the Shona majority, the Zezuru, who dominated the government under Mugabe, reportedly harbored resentment toward the Karanga 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 targeted in the land redistribution program.

In March the government changed its policy regarding its enforcement of the 2007 indigenization law requiring 51 percent indigenous ownership of companies, and in some cases no longer required all businesses to comply with the 51-49 percent rule. The law defines an indigenous Zimbabwean as any person, or the descendant of such person, who before the date of the country's independence in 1980 was disadvantaged. Legal experts criticized the law as unfairly discriminatory and a violation of the constitution.

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

The constitution does not prohibit discrimination 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. Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. 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.

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, or family if the victim refuses 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. On September 21, a deputy headmaster at an elite private primary and secondary school publicly declared his sexual orientation. Parents protested the proclamation and hired attorneys to file suit, demanding the educator’s resignation. He tendered his resignation September 28 after receiving death threats and threats of physical harm to his person and his pets.

GALZ reports 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.

### **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 required task. 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 no longer continued to vilify white citizens and 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**

While 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 and economic realities (i.e., lack of ability to pay dues) 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 Labor Amendment

Act 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 strictly regulates 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 conciliate 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 legally to call a strike. 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. No provisions prohibit employers from hiring replacement workers in the event of a strike. 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. The constitution does not extend the right of collective bargaining to security forces. In late 2014 the government, employer organizations, and union representatives, according to the Zimbabwe Federation of Trade Unions (ZFTU), signed an agreement detailing how government security forces should conduct themselves in the event of a strike or other collective action.

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 (NEC). 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 workers' committees in enterprises where less than 50 percent of workers are unionized.

To go into effect, the ministry must announce collective bargaining agreements, 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 if it was not announced officially.

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.

The Ministry of Public Service, Labor, and Social Welfare did not effectively enforce applicable laws. Penalties for conviction of violations of freedom of association or collective bargaining laws range from a fine to imprisonment for a period not to exceed two years but were insufficient to deter violations. Administrative and judicial procedures often were subject to lengthy delays and appeals.

The government did not respect the workers' right to form or join unions, strike, and bargain collectively. Worker organizations were loosely affiliated with political parties, and the leading opposition party MDC-T rose out of the labor movement.

Government interference with trade union activity was common. Authorities frequently withheld or delayed the registration certificate for a number of unions. 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. The International Labor Organization noted that the government took some steps to address the concerns raised by a 2010 commission of inquiry. The inquiry found the government responsible for serious violations of fundamental rights by its security forces, including a clear pattern of intimidation that included arrests, detentions, violence, and torture against members nationwide of the ZCTU—an umbrella group of unions with historical ties to the opposition MDC-T. The ZFTU has historical ties to the ruling ZANU-PF.

Although the law does not require unions to notify police of public gatherings, police required such notification. If the ZCTU attempted to hold an event not authorized by police, the ZRP attended and dispersed participants, telling them the event was not authorized and then might post armed police officers around

ZCTU's offices--even if the event was not ZCTU-organized (see section 2.b., Freedom of Assembly).

Although the ministry conducted training for security forces on the Public Order and Security Act, the training did not change security-sector attitudes. By law, the government could fine and imprison union members for organizing an illegal strike, and unions risked a 12-month suspension of their registration for minor infractions.

Unions exercised their right to strike. Mnangagwa's government faced its first major labor dispute when junior doctors at public hospitals went on a month-long crippling strike in March demanding better pay and working conditions. In mid-April the government fired 16,000 nurses after they went on strike for better working conditions a day after junior doctors ended their strike.

Teachers unions, including the Progressive Teachers' Union of Zimbabwe (PTUZ) and the Amalgamated Rural Teachers' Union (Artuz), threatened to go on strike in May citing the government's proposed 10 percent public sector pay increase as insufficient. Based in part on the actions of the teachers unions, the government agreed to increase the raise to 17.5 percent. Artuz and others viewed the raise as insufficient and petitioned the government in October to pay their teachers in U.S. dollars.

There were reports that some ZCTU affiliates were able to engage 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. Workers' committees existed in parallel with trade unions. Their role was to negotiate shop floor grievances, while that of the trade unions was to negotiate industry-level problems, notably wages. Trade unions regarded the existence of such a parallel body as an arrangement that employers potentially could use to undermine the role of the unions.

According to International Trade Union Confederation reports, employers frequently abused institutional weakness by creating a deadlock in the bargaining process, i.e., by forcing the referral of the dispute to arbitration and then to court, forestalling a decision within a reasonable timeframe. Agricultural workers experienced verbal and physical attacks by employers during negotiations. Due to the criminalization of informal economy workers and politicization of their operating spaces, reports described attacks and harassments. Police in September, citing a cholera outbreak, relocated street vendors to a designated area in the city.

Police forcibly removed those vendors who refused to leave their stalls. In some cases vendors reported police stole their wares or stood by and allowed others to loot their goods. The ZCTU reported cases against Chinese employers that did not follow labor law regarding protective clothing. These same employers also denied labor unions access to job sites to provide education to their employees.

### **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. The Labor Amendment Act defines forced labor as “any work or services which a person is required to perform against his or her will under the threat of some form of punishment.” Forced prison labor includes “any labor required in consequence of the sentence or order of a court” as well as what “is reasonably necessary in the interests of hygiene or for the maintenance or management of the place at which he is detained.”

Conviction of forced labor is punishable by a fine, two years’ imprisonment, or both; such penalties were insufficient to deter violations. A 2014 law prescribes punishment of not less than 10 years’ imprisonment and, with aggravating circumstances, up to imprisonment for life, for conviction of human trafficking--including labor trafficking. The law does not clearly define the crime of trafficking in persons and requires transportation of the victim, which further limits the cases in which the regulation could be applied.

The government did not effectively enforce the law. There were no reports the government attempted to prevent and eliminate forced labor during the year. There were no data on the numbers of adult victims removed from forced labor, if any. The Zimbabwe Chamber of Informal Economy Associations reported cases of workers fired without compensation and, specifically in the farming sector, workers forced to work without wages or other compensation. Most workers did not receive regular wages and in some cases, only part of their allowances, such as a transportation allowance to facilitate the commute to work.

Forced labor, including by children, occurred, although the extent of the problem was unknown. Adults and children were subjected to forced labor in agriculture and domestic service in rural areas, as well as domestic servitude in cities and towns (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The Labor Amendment Act of 2015 sets the minimum age for general labor at ages 13 to 16. The law increases the minimum age for apprenticeship from 15 to 16 and 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 government did not effectively enforce the law. The Department of Social Welfare in the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws, but the department lacked personnel and commitment to carry out inspections or other monitoring. Penalties, including fines and imprisonment, 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.

Despite the government's *National Action Plan*, child labor remained endemic. Child labor occurred primarily in the informal sectors. Inspectors received no training addressing child labor and did not closely monitor it. Forced labor by children occurred in the agricultural, street vending, herding, forestry, fishing, artisanal gold and chrome mining, and domestic sectors. Children also were used in the commission of illegal activities, including gambling and drug smuggling.

Although it is mandated by the 2013 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. In a 2018 Human Rights Watch report on child labor on tobacco farms, many child workers cited the need to pay school fees or buy basic necessities as reasons why they worked. Teachers interviewed in the report noted that children missed school in order to raise funds for the next set of school fees. The Coalition Against Child Labor in Zimbabwe (CACLAZ) and the Zimbabwe National Council for the Welfare of Children set up Child Labor Free Zones in 28 schools in three wards in the Chipinge region, known for its tea plantations. The purpose of these Child Labor Free Zones was to create areas free of child labor by taking children out of labor and integrating them

into schools. The PTUZ and the CACLAZ served 92 former child laborers through such schools in 2017. In 2017 the Ministry of Public Service, Labor, and Social Welfare conducted investigations that resulted in removing 73 children from commercial sexual exploitation.

“Street children,” meaning children who live or work on the streets, were commonplace in urban areas. Some children escorted parents with disabilities to elicit sympathy while begging, but many had parents without disabilities who used the children to generate additional income.

Children often faced hazards to their health and safety and lacked necessary equipment and training. Working on farms, in particular tea plantations, 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. The ZCTU and CACLAZ have reached out to teachers unions as teachers regularly interacted with children and could be among the first to notice signs of abuse.

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 [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/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 regarding 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 Labor; 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. 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 that both genders be equally represented in all institutions and agencies of government at every level. In 2014 the share of women in wage employment in the nonagricultural sector was 37 percent, while their share in senior and middle management was 24 percent.

Employment discrimination against migrant workers occurred, especially those employed in the informal sector. Discrimination with respect to political affiliation also occurred.

Banks targeted union workers for dismissal, according to the ZCTU. Persons with HIV/AIDS and albinism and LGBTI persons faced discrimination in employment. Employers discriminated against members of minority ethnic groups who they often perceived as opposition supporters. Disabled persons faced social and employment discrimination and lack of access to many workplaces. Members of trade unions and workers committees often perceived they were targeted specifically for adverse employment action and that workers themselves feared the consequences of participating in trade unions or workers committees.

#### **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 seldom exceeded the poverty line, when it was followed.

The law does not provide for a standard workweek, but it prescribes a minimum of one 24-hour continuous rest period a week. The maximum legal workweek is negotiated between unions and employers in each sector. No worker is allowed to 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 includes a large majority 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. In 2015 the National Social Security Authority (NSSA) commissioned an occupational health center in the capital and a mobile clinic to monitor the health of miners and industrial workers. 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, but the standards were not enforced effectively due to inadequate monitoring systems and a labor inspector shortage. 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 NSSA, regulated working conditions. Budgetary constraints and 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 range from a fine to imprisonment but were insufficient to deter violations. Penalties for occupational safety and health violations were not harmonized and fall within the jurisdiction of numerous ministries.

Most injuries and deaths occurred in the mining sector. The ZFTU reported that workers at iron smelters often suffered burns due to a lack of protective clothing. Lack of adequate protective clothing was also an issue for workers in the informal 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. The ZCTU reported many agricultural workers earned \$72 per month. Many public servants also earned less than the poverty line. During the year there

was pervasive partial payment or nonpayment of salaries in both the public and private sectors. According to a report by the Labor and Economic Development Research Institute of Zimbabwe that analyzed data from ZCTU-affiliated union representatives at 442 companies, 54 percent of employees had gone at least 13 months without pay. All employees went at least three months without pay, and 16 percent had gone 25 or more months without pay.

There was little or no enforcement of the workhours law, particularly for agricultural and domestic workers. According to the 2014 *Labor Force Survey*, 28 percent of the employed population worked excessive hours, defined as more than 48 hours per week. 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 problems faced by workers 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, were increasingly exposed to chemicals and environmental waste. An estimated 1.5 million persons were engaged in artisanal mining, defined as mining activities carried out using low technology or with minimal machinery, according to the Zimbabwe Artisanal and Small-scale Miners Council.