

ZIMBABWE 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

Significant human rights issues included: unlawful or arbitrary killings of civilians by security forces; torture and arbitrary detention by security forces; cases of cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison

unable to attend school and increasing their vulnerability to exploitation.

Education: The constitution states that every citizen and permanent resident of the country has a right to a basic state-funded education but adds a caveat that when the state provides education, it “must take reasonable legislative and other measures, within the limits of the resources available to it.” According to the 2012 population census, 87 percent of all children attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for children older than 14 was in decline. Urban and rural equity in primary school attendance rates disappeared at the secondary school level. Rural secondary education attendance (44 percent) trailed behind urban attendance (72 percent) by a wide margin. Many schools closed during the year due to COVID-19-related government lockdowns and teacher strikes against low wages.

Girls were more at risk of dropping out of school. The Ministry of Primary and Secondary Education reported in 2018 that 12.5 percent of the estimated 57,500 students who dropped out of school were either pregnant or newly married girls. In most circumstances these girls were expelled when school officials believed they could no longer support them. In August, however, President Mnangagwa legally barred government schools from expelling pregnant students to improve gender equality in classrooms. The legal amendment fortifies a 1999 guideline that was sparsely enforced throughout the country.

Although it is mandated by the constitution, there was a lack of free basic education for children, increasing the risk of children’s involvement in child labor. In the past children were required to attend school only up to age 12, which made children ages 12 through 15 particularly vulnerable to child labor, even though they are not legally permitted to work. School fees were often prohibitively expensive and limited access to education, leading some to leave school and enter the workforce at a young age. As of March education is compulsory until the age of 16. Parents who failed to send their children to school can face up to two years in prison.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be a serious problem, especially for girls. During the year the NGO Childline reported significant increases in calls received via its national

helpline, especially from March to September when COVID-19-related government lockdowns were the strictest. In 2019 approximately 26 percent of all reported cases of abuse to Childline concerned a child who had been sexually abused, 28 percent concerned physically or emotionally abused children, 18 percent involved neglect, and 7 percent related to forced marriage. Of the 25,000 total cases, 93 percent involved girls.

The government made progress in efforts to combat child abuse, such as outlawing corporal punishment for students and juveniles, but implementation legislation was lacking. Government and private facilities that addressed child abuse were underfunded. President Mnangagwa added an amendment to the Education Act on August 22 making it illegal for teachers to cane students. In 2019 the Constitutional Court ruled against the use of corporal punishment in sentences meted out to male juveniles, but this prohibition had not been confirmed through legislative reform. In 2017 the High Court outlawed corporal punishment for children at school and home.

The NGO Childline reported a spike in distress calls from minors since COVID-19 lockdowns closed many schools and workplaces. Before the lockdown, Childline received an average of 50,000 calls per month; in May they received 75,152 calls. Childline staff disclosed they responded to 633 child abuse cases as of September, including 321 sexual abuse cases.

Child, Early, and Forced Marriage: The constitution declares anyone younger than age 18 a child. The marriage law prohibits anyone underage from marriage or entering a civil partnership, and new legislation also criminalizes assisting, encouraging, or permitting child marriages or civil partnerships. The government made significant efforts during the year to combat child marriage, including drafting an updated Marriages Bill that criminalizes marrying a child or pledging a child to marriage. As of December the House of Assembly had approved the bill and passed it to the Senate.

According to the 2019 Multiple Indicator Cluster Survey, however, 34 percent of girls were married before the age of 18. Despite legal prohibitions, some rural families and religious sects continued to force girls to marry. Child welfare NGOs reported evidence of underage marriages, particularly in isolated religious

communities or among AIDS orphans who had no relatives willing or able to take care of them. High rates of unemployment, the dropout of girls from school, and the inability of families to earn a stable income were major causes of child marriage.

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

As a result of the COVID-19 pandemic, young girls became more vulnerable to forced marriages. With schools closed and impoverished families desperate for income, girls were at a higher risk of being married off or subject to sexual violence.

Sexual Exploitation of Children: Conviction of statutory rape, legally defined as sexual intercourse with a child younger than age 12, carries a substantial fine, up to 10 years' imprisonment, or both. A person in possession of child pornography may be charged with public indecency; convictions result in a small fine, imprisonment for up to six months, or both. A conviction of procuring a child younger than age 16 for purposes of engaging in unlawful sexual conduct may result in a substantial fine, up to 10 years' imprisonment, or both. Persons charged with facilitating the prostitution of a child often were also charged with statutory rape. A parent or guardian convicted of allowing a child younger than age 18 to associate with or become a prostitute may face up to 10 years' imprisonment. Girls from towns bordering South Africa, Zambia, and Mozambique were subjected to prostitution in brothels that catered to long-distance truck drivers.

Increasing economic hardships contributed to more girls engaging in prostitution.

The government did not effectively enforce the law. Sexual exploitation of children was widespread, and not all penalties were commensurate with those for similar crimes. The publication *America: The Jesuit Review of Faith & Culture* reported child prostitution rates in the country increased as a direct result of the COVID-19 pandemic. Economic difficulties led families to use their underage daughters as a source of income. Most of these girls acted as the head of their household, with either bereft or deceased parents or elderly grandparents who could not work.

The Zimbabwe Republic Police issued a memo during the year ordering police officers not to use prostitution or sexual acts by family members to subsidize the family's income.

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

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

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

Anti-Semitism

The Jewish community numbered approximately 150 persons. There were no

reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. The law does not specifically address air travel or other transportation, nor does it 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. As of September parliament had not implemented enabling legislation to align the Disabled Persons Act with the constitution, despite a 2019 petition from NGOs to do so. Government institutions often were uninformed and did not implement the law. The law stipulates that government buildings be accessible to persons with disabilities, but implementation was slow.

The National Association of Societies for the Care of the Handicapped (NASCOH) reported access to justice in courts was difficult for persons with hearing disabilities due to a lack of sign language interpreters. Persons with disabilities living in rural settings faced even greater access challenges.

Polling officials permitted persons who requested assistance, including blind, illiterate, and elderly persons, to bring an individual with them to mark their ballots as the electoral law requires. The National Association of Societies for the Care of the Handicapped (NASCOH) helped ensure persons with disabilities had access at polling stations throughout Harare, Bulawayo, Gweru, Kwekwe, and Mutare during elections. During the 2018 national 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. During 2019 and 2020 by-elections, ZESN again reported

adequate accommodations for voters.

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

Most persons holding traditional beliefs viewed persons with disabilities as bewitched, and in extreme cases families hid children with disabilities from visitors. Relatives routinely refused responsibility for raising orphans with disabilities. 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.

The government did not effectively enforce the law. 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 25 mental health institutions, including four referral centers, five provincial units and wards, three-day treatment facilities, three outpatient facilities, and 10 community residential facilities in the country with a

total capacity of more than 1,500 residents, in addition to the three special institutions run by the ZPCS for long-term residents and those considered dangerous to society. Residents in these government-run institutions received cursory screening, and most waited for at least one year for a full medical review. In the informal sector, the Zimbabwe National Traditional Healers Association (ZINATHA) played a large role in the management of psychosomatic and anxiety disorders. ZINATHA conducted training for its members to learn to refer patients with mental health problems to the formal sector.

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 with disabilities in facilities run by the ZPCS were sometimes held without charges, pending psychiatric evaluation. 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.

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Members of National/Racial/Ethnic Minority Groups

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.

Historical tension between the Shona majority and the Ndebele minority resulted in continued marginalization of the Ndebele by the Shona-dominated government. During the year senior political leaders refrained from attacking each other along ethnic lines to consolidate support ahead of the by-elections. Within the Shona majority, the Zezuru subgroup, who dominated the government under Mugabe, reportedly harbored resentment toward the Karanga subgroup after Mnangagwa, an ethnic Karanga, became president. When the Zimbabwe Catholic Bishops' Conference issued a pastoral letter condemning the government's violent crackdown on dissent, the minister of information, who was of Shona descent, singled out the head of the bishops' conference, who was of Ndebele descent, and accused him of stoking a "Rwanda-type genocide."

Some government officials continued to blame the country's economic and political problems on the white minority and western countries. Police seldom arrested government officials or charged them with infringing upon minority rights, particularly the property rights of the minority white commercial farmers or wildlife conservancy owners, who continued to be targeted in land redistribution programs without compensation.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

According to the criminal code, "any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act" carries a penalty if convicted of up to one year in prison or a substantial fine. There were no known cases of prosecutions of consensual same-sex sexual conduct.

Members of Gays and Lesbians of Zimbabwe (GALZ), the primary organization dedicated to advancing the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, experienced harassment and discrimination against members seeking employment and health services. Transsmart, another active LGBTI group, reported their members believed they were unsafe and unwelcome in churches due to deeply held religious and social stigmas in society. There is no

legal option to change gender pronouns on state identity cards, creating identification and travel difficulties for transgender persons. The mismatch between gender presentation and identification pronouns can lead state officials, police, and potential employers to believe the individual is committing identity theft, sometimes leading to criminal arrest.

GALZ reported its membership had more than doubled since 2015. The group noted a decline in the arrest and detention of LGBTI community members but reported half of gay men had been physically assaulted and 64 percent had been disowned by their families. Of lesbians, 27 percent reported harassment, assault, or disownment.

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

According to GALZ, LGBTI persons often left school at an early age due to discrimination. Higher-education institutions reportedly threatened to expel students based on their sexual orientation. Members of the LGBTI community also had higher rates of unemployment and homelessness.

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

mental health institutions.

HIV and AIDS Social Stigma

The government has a national HIV/AIDS policy that prohibits discrimination against persons with HIV or AIDS, and the law prohibits discrimination against workers with HIV or AIDS in the private sector and parastatals. Despite these provisions, societal discrimination against persons with HIV or AIDS remained a problem. Local NGOs reported persons affected by HIV or 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 with HIV or AIDS. Approximately 6 percent of women and 9 percent of men opined that children with HIV or AIDS should not be allowed to attend school with children without the virus. Approximately 40 percent of sex workers with HIV or AIDS said they avoided seeking health care due to stigma and discrimination. Approximately 6 percent of individuals with HIV or AIDS reported being denied some form of health care due to their positive status.

Promotion of Acts of Discrimination

Government efforts to discriminate against white farmers by seizing farmland diminished but did not cease. Throughout the year government-controlled media did not vilify white citizens or blame them for the country's problems, as was common practice under former president Mugabe. Nevertheless, some farm seizures continued.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of private-sector workers to form and join unions, conduct legal strikes, and bargain collectively. Other provisions of law, as well as

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

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

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

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

include fines, up to five years' imprisonment, or both.

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

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

Although the law does not permit national civil servants to bargain collectively, the Apex Council, a group of public service associations, represented civil servants in job-related negotiations with the Public Service Commission. The Apex Council, representing 14 government health-care unions, declared a strike on June 18 demanding that the government raise salaries to October 2018 levels, pay salaries in U.S. dollars, and provide adequate PPE in the wake of the COVID-19 pandemic. Likewise, the Progressive Teachers Union of Zimbabwe, the largest teachers union in the country, began a strike on September 21 to demand higher wages and adequate PPE. Nurses ultimately reached an agreement with the health services board on September 9 to end their strike. The agreement called for nurses to work two days a week to reduce exposure to COVID-19 and as a compromise regarding

nurses' salary demands. Vice President Chiwenga announced an end to flexible working conditions and a return to a five-day workweek for nurses on October 23. The teachers strike continued as of mid-November.

The Ministry of Public Service, Labor, and Social Welfare did not effectively enforce the laws. Penalties were not commensurate with those for other violations of civil rights. Those charged with violating the law were subject to lengthy administrative delays and appeals.

The government did not respect workers' right to form or join unions, strike, and bargain collectively. Parliament enacted a bill establishing the Tripartite Negotiating Forum (TNF) in 2019 to formalize dialogue efforts among government, labor leaders, and employers to discuss social and economic policy and address worker demands. The forum met once during the year. The Zimbabwe Congress of Trade Unions (ZCTU) stated the TNF had done little to address its workers' demands for wage increases and labor law reform, and the government showed little progress in supporting workers' protections, fairness, and peaceful resolution of labor disputes.

Government interference with trade union activity was common. Police and state intelligence services regularly attended and monitored trade union activities such as meetings. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. In July the Zimbabwe Republic Police published a list of 14 prominent government critics wanted for questioning, including the presidents of the ZCTU and the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), regarding planned anticorruption demonstrations on July 31. In the lead-up to the planned protests, the ZCTU president accused state security agents of slashing his car tires and unsuccessfully trying to abduct his relatives. The ARTUZ president alleged armed suspects confronted occupants in his home and the home of a relative, demanding to know his whereabouts. Some union leaders remained in hiding as of December.

Although the law does not require unions to notify police of public gatherings, police demanded such notification. Under the law the government could fine and

imprison union members for organizing an illegal strike.

When unions exercised their right to strike, the government often met their efforts with violence and excessive force. Police arrested three ARTUZ members following a June 22 protest in Masvingo to demand increased salaries paid in U.S. dollars. Police also arrested 13 nurses at Harare Central Hospital on July 6 and charged them with contravening COVID-19 lockdown regulations; photographs of police holding clubs and chasing uniformed nurses circulated widely on social media.

At the 108th session of the International Labor Organization's (ILO) conference in 2019, the Committee on the Application of Standards noted concern regarding serious violations of fundamental rights by government security forces, including a clear pattern of intimidation, arrests, detentions, violence, and torture of union and opposition members. The committee also noted persistent allegations of violations of the rights of freedom of assembly of workers' organizations. The committee urged the government to accept an ILO direct contacts mission to assess progress before the next conference. After initial resistance, the ILO persuaded the government to support a direct contacts mission, which was originally scheduled for May but was postponed due to COVID-19. Ultimately, however, the government did not accept the direct contacts mission.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, with exceptions for work for the national youth service and forced prison labor. Penalties were not commensurate with those for comparable crimes. The laws against forced labor were neither effectively nor sufficiently enforced. Forced labor occurred in agriculture, mining, street vending, and domestic servitude. The full extent of the problem was unknown.

The law does not clearly define human trafficking crimes and requires proof that traffickers transported victims, further limiting the number of crimes classified as human trafficking. The government made moderate advancements in efforts to combat human trafficking. The government adopted a national action plan to combat trafficking, and the government continued to investigate and prosecute

traffickers, to train law enforcement and the judiciary, to identify and refer victims, and to conduct awareness-raising activities. Under a COVID-19 amnesty program to reduce prison populations, the government released a convicted human trafficker after serving only two years of a 20-year sentence.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

The Department of Social Welfare in the Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing child labor laws, but the department did not effectively enforce these laws. Penalties were not commensurate with those for comparable serious crimes.

As a result of COVID-19's negative impact on the economy and worsening economic conditions, more children worked to supplement family incomes. Children participated in hazardous activities or other worst forms of child labor in agriculture (including small-scale subsistence agriculture, sugarcane, and tobacco, the latter cited by NGOs as posing significantly adverse health effects for child workers), domestic services, prostitution, street begging, informal trading, and artisanal gold mining.

Working children often faced hazards to their health and safety and lacked necessary equipment and training. Working on farms exposed children to bad weather, dangerous chemicals, and the use of heavy machinery. Most children involved in mining worked for themselves, a family member, or someone in the community. Exposure to hazardous materials, particularly mercury, took place in

the informal mining sector.

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

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

d. Discrimination with Respect to Employment and Occupation

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

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

It was unknown if there were formal complaints of wage discrimination filed with the Ministry of Public Service, Labor, and Social Welfare; however, women's salaries lagged behind those of men in most sectors, and women faced discrimination on the basis of gender when seeking maternity leave provided for by law and other gender-based benefits. The government did not respond to international organizations' requests for information on the criteria used to evaluate candidates for public-sector employment or the measures taken to ensure men and women receive equal remuneration for equal work and to monitor other gender disparities. Unions expressed their concern regarding wage disparity

between management and employees.

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

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

Persons with HIV, AIDS, and albinism faced discrimination in employment. Employers discriminated against members of minority ethnic groups whom they often perceived as opposition supporters. Persons with disabilities faced social and employment discrimination and lack of access to many workplaces. Members of trade unions and workers committees often perceived that adverse employment action targeted them and that workers feared the consequences of participating in trade unions or workers committees. LGBTI persons faced discrimination in employment. It was unknown whether there were official reports of discrimination against migrant laborers in the formal sector.

e. Acceptable Conditions of Work

Labor law does not differentiate among workers based on sector or industry. The labor law does not apply to the informal sector, which was estimated to include more than 90 percent of the labor force. The law applies to migrant laborers if they are in the formal sector.

The NECs set the minimum wage for all industrial sectors through a bipartite agreement between employers and labor unions. The minimum wage, when paid, seldom exceeded the poverty line due to the speed of inflation. Employers paid many agricultural and domestic workers below minimum wage. Many public servants earned salaries that put them below the poverty line due to rampant inflation and currency depreciation.

The law does not provide for a standard workweek, but it prescribes a minimum of one 24-hour continuous rest period per week. Unions and employers in each sector negotiate the maximum legal workweek. No worker may work more than 12 continuous hours. The law prescribes that workers receive not less than twice their

standard remuneration for working on a public holiday or on their rest day. The law provides workers paid public holidays and annual leave upon one year of service with an employer. There was little or no enforcement of the work hours law, particularly for agricultural and domestic workers. Although workers were generally unlikely to complain to authorities of violations due to fear of losing their jobs, some exceptions occurred.

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

The government sets safety and health standards on an industry-specific basis. Occupational safety and health standards were up to date and appropriate for the main industries in the country. Although the law provides for workers to remove themselves from situations that endangered health or safety without jeopardy to their employment, poor health and safety standards in the workplace were common in both the formal and informal sectors due to lack of enforcement. Abuses by the management at certain Chinese-owned enterprises and companies were common, including reports of physical, sexual, and emotional abuse of workers; unsafe working conditions; underpayment or nonpayment of wages; unfair dismissal; and firing without notice. In February a group of local miners in Matabeleland South Province petitioned a labor court to protest their firing by their Chinese employer. In June the Chinese owner of a Gweru mine shot two employees after they confronted him about his failure to pay wages in U.S. dollars. The owner was arrested on two counts of attempted murder and granted bail of approximately \$100; his case remained pending as of December 1.

While official statistics were not available, most work-related injuries and deaths

occurred in the mining sector due to low investment in occupational safety and health, noncompliance with rules and regulations, and low levels of awareness of occupational safety and health matters. Due to the growth of the informal mining sector, artisanal miners, including children, had increased exposure to dangerous chemicals and environmental waste. A gold mine collapse killed two persons in February and was described as a common event by artisanal miners in the area. An estimated 1.5 million persons worked in or depended on artisanal mining, defined as mining activities carried out using low technology or with minimal machinery, according to the Zimbabwe Coalition on Debt and Development.