

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

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conditions; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious problems with the independence of the judiciary; serious government restrictions on free expression, press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, site blocking, and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; restrictions on political participation; widespread acts of corruption; lack of investigation of and accountability for violence against women; crimes involving violence or threats of violence targeting women and girls, and the existence of laws criminalizing consensual same-sex sexual conduct between adults, although not enforced.

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

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. In August the nongovernmental organization (NGO) ZimRights suspected members of the security forces in the extrajudicial killing of Movement for Democratic Change-Alliance councilor Lavender Chiwaya. Police ruled there was no foul play. In September the Zimbabwe Republic Police reported killing two men they claimed shot two members of the security forces, killing one and injuring the second. Security officials claimed they tracked the two men and killed them in a shootout when they resisted arrest. Government officials praised security forces' "swift response," while human rights organizations, such as ZimRights, questioned security forces' version of events and called the incident an extrajudicial killing.

Impunity for politically motivated violence remained a problem. The government did not establish an independent complaints mechanism to investigate allegations

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of security force misconduct as called for in the constitution. Investigations continued into violence from previous years, including state-sponsored violence, that resulted in the deaths of 17 civilians in January-February 2019 and seven during postelection violence in 2018. As of year's end, there were no arrests or charges in the cases.

b. Disappearance

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

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

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

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

Human rights groups reported government agents continued to perpetrate physical and psychological torture on labor leaders and opposition party members during abductions. Reported torture methods included sexual assault; beating victims with sticks, clubs, cables, gun butts, and *sjamboks* (a heavy whip); *falanga* (beating the soles of the feet); forced consumption of human excrement; and oral chemical poisoning, as well as pouring corrosive substances on exposed skin. As of

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November there were a minimum of five reports of short-term abductions and assaults or torture allegedly performed by state security actors. These instances typically occurred at night, although some happened in broad daylight. The abductors forcibly removed persons from their homes, parking lots, and press conferences and assaulted them for hours before abandoning them, usually severely injured and naked, in a remote area.

National Assembly member Joana Mamombe and opposition party members Cecilia Chimhiri and Netsai Marova reported being removed from police custody, then abducted and tortured by unknown individuals whom credible sources believed to be government security agents, after they were arrested at a protest at a roadblock on May 13. The three women sustained severe injuries from 36 hours of physical, sexual, and psychological torture. After the three women reported the crimes to police, they were rearrested and charged with making false statements to police and for faking their own abductions. The case remained pending.

From March to September, during a government-mandated lockdown due to COVID-19, uniformed and plainclothes soldiers and police officers systematically used clubs to beat civilians in the Harare central business district and suburbs for violating curfews, failure to wear masks, or failure to exercise social distance.

Impunity was a significant problem in the security forces and the civilian authorities who oversee them, including police, military, and intelligence officers. To date, no one has answered for disappearances, civilian deaths, rape, abduction, or torture allegations from the 1980s to as recently as November. Security forces were firmly under the control of the ruling party and were often directed against the political opposition.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding, food shortages, and inadequate sanitary conditions and medical care. The 2013 constitution added prisoner rehabilitation and reintegration into society to ZPCS responsibilities. The ZPCS provided inmates with opportunities to participate in sewing, mechanics, woodworking, and agricultural activities. The ZPCS also

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allowed churches and other organizations to teach life-skills training.

Physical Conditions: Conditions in prisons, jails, and detention centers were often harsh. While some prisons operated below capacity, NGOs reported that most were overcrowded due to outdated infrastructure and judicial backlogs. The Zimbabwe Prison and Correctional Services (ZPCS) did not provide adequate food, water, and sanitary conditions as well as personal protective equipment (PPE) during the global pandemic. The ZPCS sometimes allowed faith-based and community organizations to help address these problems.

Prison guards occasionally beat and abused prisoners, but NGOs reported the use of excessive force by prison guards was not systematic. Relations between prison guards and prisoners improved during the year as part of a positive trend NGOs observed during the past several years. As of year's end, no investigation of the death of Hilton Tamangani in October 2019 had begun. Tamangani was found dead in his cell in the Harare Remand Prison. His lawyers claimed he was severely beaten by police and then denied medical treatment.

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

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

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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. While an estimated 4,200 prisoners were released under an amnesty program in March and April to address COVID-19, NGOs and other contacts as well as several news outlets reported some remand prisons had 70 persons to a cell in August. Inmates at remand prisons were not tested before admittance but instead were only tested when sent to nonremand prisons.

Although hurt by the economic downturn associated with COVID-19, NGOs helped provide prisoners with disinfectant, PPE, and information about the virus, but distribution decreased during the year. The economic downturn shuttered small, community-based NGOs that once supported prisoners. These organizations had steady streams of outside and community-based donations but suspended operations due to a lack of funding because of the country's protracted economic crisis.

The ZPCS ignored requests from medical personnel to isolate journalist Hopewell Chin'ono when he exhibited symptoms of COVID-19 while incarcerated in August (see section 2.e., Political Prisoners and Detainees).

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. NGOs worked with prisons to provide enhanced water-collection systems.

Diarrhea was prevalent in most prisons. Diseases such as measles, tuberculosis, and HIV/AIDS-related illnesses were highest in those with the poorest conditions. Lighting and ventilation were inadequate. There were insufficient mattresses,

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blankets, warm clothing, sanitary supplies, and hygiene products.

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

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

Prisoners and detainees had relatively unrestricted access to visitors before COVID-19, except in maximum-security prisons, where remoteness hampered access by prisoners' relatives. The COVID-19 lockdown cut off prisoners from most people and organizations.

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. Some organizations working in prisons reported that meetings with prisoners occurred without third parties present and with minimal restrictions, but some political prisoners reported no privacy for visits, even with their legal representatives. Monitoring missions were extremely limited during the COVID-19 lockdown. One NGO reported prisoner authorities authorized a few prison visits for special donation missions.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, although other

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

Arrest Procedures and Treatment of Detainees

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

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

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees or those with authority to grant access were unavailable. The government also monitored, harassed, intimidated, and arrested human rights lawyers when they attempted to gain access to their clients. An indigent detainee may apply to the government for an attorney in criminal cases, but only in capital cases. Some opposition party members, civil society activists, journalists, and ordinary citizens had limited or no access to their legal counsel. In one instance a magistrate attempted to revoke prominent human rights attorney Beatrice Mtetwa's license to practice law during her defense of a journalist who had written articles exposing government corruption and made social media posts encouraging peaceful protests against corruption. As of November the magistrate's petition to revoke the law

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license remained pending.

Arbitrary Arrest: The government regularly used arbitrary arrest and detention as tools of intimidation and harassment, especially against political activists, civil society members, journalists, attorneys, and ordinary citizens asserting their rights. The government sometimes used COVID-19 lockdown restrictions to arrest individuals perceived as threats against the government. Police and media reported that security forces arrested more than 105,000 political and civil society activists, journalists, labor leaders, and ordinary citizens from March 30 to September for their alleged violation of COVID-19 lockdown measures or alleged involvement in planned demonstrations in Harare, Bulawayo, Mutare, and other cities. For example two journalists were arrested in May for violating COVID-19 measures during their interviews with abduction and torture victims. After four months of enduring strict bail conditions, such as weekly reporting to police stations and surrender of passports, the case against the journalists was dismissed in September. Police arrested more than 20 individuals who organized, promoted, or participated in a July 31 anticorruption demonstration, including opposition party Transform Zimbabwe president Jacob Ngarivhume, who was arrested and charged on July 23 with inciting the public to commit violence. As of November several human rights defenders remained in hiding after police issued a list of persons wanted for questioning in connection with the July 31 protest.

After more than a year of strict bail conditions, including weekly reporting to police stations and surrender of passports, the government dismissed the cases of seven civil society activists charged with subversion in 2019.

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

Pretrial Detention: Prolonged pretrial detention was rare for nonpolitical prisoners. Delays in pretrial procedures were common, however, due to a shortage of magistrates and court interpreters, poor bureaucratic procedures, and an insufficient number of court officials to hear many cases. The constitution provides for the right to bail for detained suspects. Despite this provision, the

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government routinely opposed bail for political detainees, and judges generally upheld these motions. When judges issued bail rulings, they would often delay announcing their rulings until after the court cashier closed on Fridays to ensure political detainees remained in prison over the weekend.

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

e. Denial of Fair Public Trial

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

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

Magistrates heard the vast majority of cases. Legal experts claimed defendants in politically sensitive cases were less likely to receive a fair hearing in magistrates’ courts than in higher courts. In lower courts justices were more likely to make politicized decisions due to the use of threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government’s favor. In politically charged cases, other judicial officers such as prosecutors and private attorneys also faced pressure from high-ranking judges and officials of the ruling party, including harassment and intimidation. Some high court justices demonstrated a greater

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degree of independence and granted opposition party members and civil society activists bail against the government's wishes. There were reports of instances where judges or magistrates should have recused themselves from politically charged cases but failed to do so.

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 usually open to the public except in cases involving minors or state security matters. Government officials liberally interpreted state security matters to include trials and hearings for defendants who protested against the government or reported on government corruption. Assessors--usually nonlawyers who sit together with a judge to provide either expert advice or guidance on local practices--in lieu of juries, could be appointed in cases in which conviction of an offense could result in a death penalty or lengthy prison sentence. Defendants have the right to a lawyer of their choosing, but most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but requests were rarely granted except in capital cases, in which the government provided an attorney for all defendants unable to afford one. Individuals in civil cases may request free legal assistance from the Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR). The Zimbabwe Women Lawyers Association also provided some free legal assistance to women and youth. The law provides for free interpretation, and Shona-English and Ndebele-English interpretation was generally available. The right to adequate time and facilities to prepare a defense is also provided for by law but was often lacking. Defendants have the right to present witnesses and evidence on their own behalf and to confront adverse witnesses.

Any person arrested or detained for an alleged offense has the right to remain silent and may not be compelled to confess. There were no known cases of torture-induced confessions used in court. Authorities did not always respect these rights. Authorities sometimes denied or significantly delayed attorneys' access to their

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clients or falsely claimed the attorneys' clients were being held at another facility.

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

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

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

Political Prisoners and Detainees

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

Unlike normal criminal proceedings, which move from investigation to trial within months, prosecuting agents regularly took abnormally long to submit for trial cases involving members of the political opposition or civil society critics of the government. Hearings were sometimes scheduled when presiding judges were on vacation. Prosecutors in political cases were often "unprepared to proceed" and received numerous continuances. In many cases where authorities granted bail to government opponents, they did not conclude investigations and set a trial date but instead chose to "proceed by way of summons." This left the threat of impending prosecution remaining, with the accused person eventually being called to court,

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only to be informed of further delays.

In July police arrested opposition party leader Jacob Ngarivhume and journalist Hopewell Chin'ono for their alleged roles in planning and promoting a July 31 protest against government corruption. They were held for approximately six weeks before being released on strict bail conditions that included surrendering their passports, agreeing not to use social media to promote public violence, and reporting regularly to police stations. On November 3, authorities rearrested Hopewell Chin'ono for abusing social media and detained him until November 20, when he received bail. Both Ngarivhume and Chin'ono's cases remained pending.

In 2019 the government charged 22 persons with subversion for their participation in organizing demonstrations or attending civic engagement trainings. As of November courts had dismissed charges against 10 of the defendants. The government alleged the defendants intended to take over a constitutionally elected government. As of year's end, the Mnangagwa administration had not fully prosecuted anyone for subversion, but those charged with subversion must surrender their passports and report to local police stations regularly.

Politically Motivated Reprisal against Individuals Located Outside the Country

There were credible reports that for politically motivated purposes the government attempted to exert bilateral pressure on another country to take adverse action against specific individuals or groups. In September media reported government officials secured an extradition treaty with South Africa to allow the forcible return of some members of the "G40," a group comprised of former Zimbabwe African National Union-Patriotic Front (ZANU-PF) members aligned with Grace Mugabe, widow of the late president Robert Mugabe. As of November 30, no publicized extraditions of G40 members had occurred.

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

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individuals and organizations seeking remedies for abuses of human rights.

Property Restitution

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

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

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

The CFU reported that since 2000 most titleholders who lost their homes or properties, where most of their life earnings were invested, were not compensated. As a result of evictions, there were scores of destitute elderly former farmers and former farm workers. In July the government, the CFU, and other farmers’ groups signed a \$3.5 billion compensation deal for farms expropriated in the decades following independence. The deal promised half of the payments after one year

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and the remainder over the course of the next four years. Despite the negotiated agreement, government officials continued to seize farms without compensation as recently as September 11.

The CFU estimated there were fewer than 400 active white commercial farmers still living in the country. Those remaining continued to be targeted, harassed, threatened with eviction, and evicted by unemployed youth and individuals hired by politically connected individuals standing to benefit from the farm seizures.

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

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

Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to education and other assistance programs to exclude suspected political opposition supporters and to compel support for ZANU-PF. ZANU-PF supporters threatened to withhold food aid to citizens in Glenview, Mangwe, and Nyanga during the period preceding each area's constituency by-election in 2019.

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.).

Security forces sometimes punished family members for offenses allegedly committed by their relatives. On July 29, police searched the Bulawayo home of

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news site *ZimLive.com* editor Mduduzi Mathuthu for information on subversive materials linked to protests scheduled for July 31. Mathuthu was not at home when police arrived and remained in hiding as of November. Police detained his sister, Nomagugu Mathuthu, at the Bulawayo Central Police Station, then released her after arresting Mathuthu's nephew, Tawanda Muchehiwa, on July 30. Muchehiwa reportedly disappeared from police custody and then was left at his residence on August 1, badly beaten by individuals suspected of being state security agents.

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 journalists and critics. While independent media continued to operate, journalists and editors practiced self-censorship. Government failure to investigate or prosecute attacks on human rights defenders and peaceful protesters led to de facto restrictions on freedom of expression, assembly, and association.

Freedom of Speech: There were restrictions on individuals criticizing the government or discussing matters of general public interest. Authorities were sensitive to criticism in general, particularly when directed at President Mnangagwa or his family. 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, despite a 2013 Supreme Court ruling that the section infringed on the right to freedom of expression on the basis of the previous constitution. The Office of the President contested the ruling, and the court did not make a final determination on its constitutionality, so the law remained in force. As of September the ZLHR reported assisting 15 individuals charged under the law since January. Additionally, 30 activists or critics of the government were charged with violating other sections of the same law for attempting to subvert a constitutionally elected

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government or being a criminal nuisance.

On July 7, police arrested Councilor Godfrey Kurauone of the Movement for Democracy Change-Alliance Youth Assembly and charged him with undermining authority of or insulting President Mnangagwa as defined in the Criminal Law (Codification and Reform) Act. Kurauone had accused the president of leading a corrupt administration and urged his resignation, while addressing commuters waiting to board a bus. He was released on bail but later rearrested for singing anti-Mnangagwa songs at a funeral. Kurauone remained incarcerated for six weeks before his case was dismissed on September 10. In October authorities issued another warrant for his arrest; as of December they had not arrested him.

Freedom of Press and Media, Including Online Media: Independent newspapers and commercial radio stations were active and expressed a wide variety of views, although with some restrictions. State-sponsored media, however, were more prevalent. The Ministry of Media, Information, Publicity, and Broadcasting Services exercised control over state-run media and some independent media outlets, through regulation under the Broadcasting Authority of Zimbabwe and the Zimbabwe Media Commission.

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.

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

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

The government-controlled Zimbabwe Broadcasting Corporation (ZBC)--the country's only domestically based television broadcasting station--operated one

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channel. On August 28, the Broadcasting Authority of Zimbabwe published a shortlist of 14 applicants for six commercial television licenses, in a new initiative to allow for private domestic television broadcasting. In October the applicants participated in a public inquiry process to determine their suitability to be licensed. On November 20, Zimbabwe issued six licenses. The list included Rusununguko Media, which belonged to the Ministry of Defense, government-owned Zimpapers Television Network, and four privately owned enterprises. International satellite television broadcasts were available through private firms but were too expensive for most citizens.

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

Violence and Harassment: Security forces, officials, and supporters from ZANU-PF, the ruling political party, routinely harassed journalists.

The Media Institute of South Africa-Zimbabwe and local journalist Panashe Makufa filed an urgent chamber application after police arrested and harassed journalists and media workers during the COVID-19 lockdown, which began on March 30. On April 20, High Court Justice Manzungu ordered police and other law enforcement agencies charged with enforcing the lockdown not to arrest, detain, or interfere “in any unnecessary way” with the work of journalists on the basis that their press cards issued in 2019 had expired. Despite the court ruling, Reporters without Borders recorded 24 individual cases of uniformed forces harassing journalists between April 1 and July 20.

On May 22, police arrested Frank Chikowore, a freelance journalist, and Samuel Takawira, a reporter for the online independent news outlet *263Chat*, at a hospital as they sought to interview three hospitalized opposition activists who said they had been abducted and assaulted on May 13 (see section 1.c.). Chikowore and Takawira were charged with failing to comply with the COVID-19 lockdown order

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but were acquitted in September after being granted bail in June.

On July 20, police raided the home of journalist Hopewell Chin'ono and arrested him for promoting or inciting public violence, peace breaching, or bigotry in connection with promoting anticorruption demonstrations scheduled for July 31 (see section 1.e., Political Prisoners and Detainees).

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 and independent media and journalists practiced self-censorship.

On June 29, President Mnangagwa signed into law the Freedom of Information Act as part of an effort to repeal the widely restrictive Access to Information and Protection of Privacy Act. The new law codifies the constitutional rights of freedom of expression, media freedom, and access to information held by entities in the interest of public accountability.

Libel/Slander Laws: The Constitutional Court ruled the constitution prohibits criminal defamation. Although libel, slander, defamation, and blasphemy should be treated only as civil offenses, at least five persons were arrested during the year for insulting the president or his family. 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. In October the cabinet approved amendments criminalizing private citizens engaging with foreign governments without authorization. As of November neither the House nor the Senate had

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passed the amendments.

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. In June independent journalists reported that supporters of President Mnangagwa used denial-of-service attacks on social media and the internet to silence their voices. As a result, independent news websites had to shut down temporarily. Several independent journalists reported bot-style attacks on their Twitter accounts consisting primarily of false reports of rule violations. Edmund Kudzayi, who ran a news service on WhatsApp, said Twitter warned him several times after anonymous ZANU-PF supporters had falsely reported his account for sharing private information.

On May 30, Tichoana Zindoga, editor of the online news site *Mail and Review*, reported more than 2,000 malicious login attempts, which led to the temporary shutdown of his website.

The communications laws facilitated eavesdropping and call interception by state security personnel. The law allows law enforcement officers to apply to the responsible minister for a warrant authorizing them to intercept communications, including calls, emails, and other messages. Regulations permit officers to apply for interception warrants if they know the identities of individuals whose calls and messages they want to intercept. There were no reported applications of this provision.

On March 3, Zimbabwe National Army commander Edzai Zimonyo warned that the military would begin monitoring civilian communication on social media that “poses a dangerous threat to national security.” Zimonyo accused detractors of resorting to “social media platforms to subvert security forces,” encouraged senior army officers to order those in their “command to guard against such threats,” and

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warned anyone working on a networked computer was under threat of cybercrime, hacking, and subversion.

Academic Freedom and Cultural Events

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

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

In July 2019 police raided the offices of Rooftop Promotions and arrested four employees after they showed the film *The Lord of Kush* without CECB approval, allegedly in contravention of the CECA. Magistrate Barbra Mateko freed each employee on bail and postponed the case repeatedly. Information Ministry permanent secretary Nick Mangwana told media the film, which is set in Pakistan and deals with religious fundamentalism, had "security implications for a foreign power."

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The government restricted freedoms of peaceful assembly, association, or both. The law requires organizers to notify police of their intention to hold a public gathering, defined as 15 or more individuals, seven days in advance. Failure to do so may result in criminal prosecution as well as civil liability. The law allows police to prohibit a gathering based on security concerns but requires police to file

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an affidavit in a magistrate's court stating the reasons behind the denial. The government must respond to notifications to demonstrate within three days. Both the law and COVID-19 lockdown regulations were used to restrict free peaceful assembly during the year.

Although many groups did not seek permits, other groups informed police of their planned events, and police either denied permission or gave no response, effectively denying permission. Police issued prohibition orders against dozens of planned, nationwide labor and opposition party protests throughout the year, citing reasonable suspicion the protests would result in violence and property damage.

Authorities often denied requests by civil society, trade unions, religious groups, or political parties other than ZANU-PF to hold public events if the agenda conflicted with government policy positions. A small group of persons, however, received a permit to camp in front of foreign embassies in Harare throughout the year.

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 (see section 3). For example in July police arrested opposition party leader Jacob Ngarivhume and journalist Hopewell Chin'ono for their alleged roles in planning and promoting a July 31 protest against government corruption.

c. Freedom of Religion

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

d. Freedom of Movement

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

In-country Movement: Police regularly interrupted freedom of movement with

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checkpoints throughout major cities and nationwide along most major routes. They used these checkpoints to screen vehicle occupants for potential participation in antigovernment protests, as well as to enforce COVID-19 regulation compliance.

Foreign Travel: The constitution provides the right for citizens to enter and leave the country and the right to a passport or other travel documents. In 2019 the government announced a shortage of special imported paper and ink supplies used to make passports. Media reported a 400,000-passport backlog in February, reduced to 317,000 in July, according to the Office of the Registrar General, because of fewer applications during the COVID-19 lockdown. The office temporarily stopped accepting applications from March to September but resumed operations in October.

In 2019 the cabinet approved amendments to the Zimbabwe Citizenship Bill to allow dual citizenship as prescribed in the constitution. There were reports the Office of the Registrar General sometimes imposed administrative obstacles in the passport application process for dual citizens, particularly Malawian, Zambian, and Mozambican citizens.

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 by-elections throughout the year

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because they could not adequately demonstrate their citizenship.

e. Status and Treatment of Internally Displaced Persons

According to international organizations, approximately 5,000 households were displaced due to natural disasters in 2019 and 2020, and more than 25,000 internally displaced persons (IDPs) lived throughout the country. An unknown number of persons were displaced due to government evictions after building homes on contested lands. In 2019 Cyclone Idai displaced thousands of persons in Chimanimani and Chipinge. Government officials anticipated the Cyclone Idai IDP camps would remain in place until April 2021. Urban evictions displaced persons, but the precise numbers were unknown. The most significant historical events that created internal displacement included state-sponsored election-related violence, land reform, and the government's eviction of citizens from nonfarming areas in 2005, known as Operation Murambatsvina.

IDPs from previous years, presumably including the 15,000 persons displaced in 2014 from the vicinity of the Tokwe-Mukosi dam, remained in nearly emergency conditions, with an overwhelming majority living without basic sanitation. IDPs were among the populations at greatest risk of food insecurity. In addition to improved living conditions, IDPs required regularization of their status. Without needing any official documentation, several generations of farm workers originally from neighboring countries previously resided in insular commercial farming communities. With the eviction of farm owners, these farm workers were forced to move to adjacent communal lands and left without employment or health and education services.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Security forces detained migrants who lacked identity documents or permission to be in the country in

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prisons with convicted criminals. Prolonged detention for migrants was common. Migrants complained of mistreatment by other prisoners. The government sometimes worked with international organizations to assist the voluntary repatriation of migrants, primarily Mozambicans settled on the border between the two countries.

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 322,000 refugees and asylum seekers during the year. The Tongogara refugee camp hosted approximately 15,000 refugees and asylum seekers. Prior to COVID-19 border closures, an estimated 100 persons arrived 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 approximately 850 refugees lived in urban areas, including Harare and Bulawayo, and more than 8,080 Mozambican asylum seekers lived among host communities along the border with Mozambique.

Employment: Refugees in the informal sector had limited employment options due to the encampment policy requiring all refugees to reside in the Tongogara refugee camp. UNHCR partners and the Julia Taft Fund provided employment opportunities for residents of the camp, including banana farming, livestock production, and soap production.

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 were permitted to regularize their stay in the country. Many refugees were unwilling to return to their home countries

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voluntarily, and resettlement remained the only viable solution for many of them.

g. Stateless Persons

The country has a significant number of habitual residents who are legally or de facto stateless. In 2015 international organizations estimated a minimum of 300,000 persons in the country were stateless; no more recent data was available. Longstanding migrant labor populations (from Mozambique, Malawi, and Zambia) without documentation, strict nationality transmission regulations, and failure or inability to register births contributed to the country's stateless population. Children born between 1980 and 1996 to a Zimbabwean mother but a father without Zimbabwean citizenship cannot claim Zimbabwean citizenship unless they were born out of wedlock. The United Nations estimated only 74 percent of births were registered in the country. Mothers may register their child's births only if the father or another male relative is 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.

Section 3. Freedom to Participate in the Political Process

Although the constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, this right was restricted. The political process continued to be heavily biased in favor of the ruling ZANU-PF party, which dominated politics and government. Citing government-mandated lockdowns due to COVID-19, the Zimbabwe Electoral Commission on March 25 announced the indefinite suspension of all electoral processes. On June 6, the commission announced it would resume some activities that do not violate lockdown regulations. Some election-focused NGOs criticized the commission for failure to consult with citizens before making the announcements but acknowledged the prioritization of voters' health.

Elections and Political Participation

Recent Elections: Most international and local independent observers

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

Political Parties and Political Participation: An unprecedented number of presidential candidates (23) and political parties (55) contested the 2018 elections. Despite this opening of political space, elements within ZANU-PF and the security forces intimidated and committed abuses against other parties and their supporters and obstructed their activities. Local NGOs reported ZANU-PF youth members and so-called war veterans threatened communities with violence, reminding them the violence of the 2008 elections would return if ZANU-PF candidates lost in the 2018 elections.

The High Court, in a series of decisions beginning in March, paved the way for a minor political party, the Movement for Democratic Change-Tsvangirai (MDC-T) to challenge the leadership of the main opposition party, the Movement for Democratic Change-Alliance (MDC-A), ignoring earlier jurisprudence that ruled that political parties, as private and voluntary associations, should resolve their differences using internal remedies. This decision disenfranchised voters by allowing the minor political party to recall and replace elected MDC-A parliamentarians and local councilors. In June police and military arrested some and blocked other senior MDC-A officials from entering the party's headquarters

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when MDC-T party members broke into the building.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did fully participate as voters and candidates. Women remained largely underrepresented in local and national political offices, and men overwhelmingly held most senior positions in the public sector. Female candidates faced particularly vitriolic gender-based insults regarding appearance, sexual proclivity, and other gender-based stereotypes and faced challenges within their party if running against a male candidate in a primary. During the 2018 elections, several female MDC-A candidates reported some party leaders demanded women to have sex with them for their names to appear on the party candidate list. Those who refused found their names left off the list.

Some observers believed that traditional and cultural factors limited the participation of women. Women held five of 21 cabinet minister positions, an increase from the previous election in 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 five of 12 minister of state positions. Women made up 31 percent of the National Assembly and Senate, down from 34 percent in 2013. In 2018 the Senate elected a woman as president. In accordance with the constitution, female members of parliament filled all 60 seats reserved for women in the National Assembly under a gender-quota provision.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption; however, the government did not implement the law effectively or impartially, and officials engaged in corrupt practices with impunity. Despite government pronouncements, corruption remained a severe problem that experts described as “catch and release,” where the government arrested some corrupt officials, often those who

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have fallen out of favor, without ever convicting them.

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

The constitution mandates the Zimbabwe Anticorruption Commission (ZACC) to conduct corruption investigations. In 2019 President Mnangagwa appointed nine new commissioners to the ZACC and gave the commission the power to arrest. It does not have the power to prosecute. In August a separate Special Anti-Corruption Unit was created within the Office of the Presidency. Concerns remained that the ZACC primarily targeted high-profile officials who had fallen out of favor with President Mnangagwa and that the government’s anticorruption efforts were highly politicized.

On July 9, President Mnangagwa fired the Health and Child Care minister Obadiah Moyo for corruptly awarding a multi-million-dollar contract overpaying for medical equipment related to fighting COVID-19. Moyo, arrested on June 19, was released on bail the next day, unlike the journalist who raised public awareness of the scandal, who was denied bail for six weeks. As of December 1, the courts had not set a date to hear Moyo’s case.

In June, in addition to Obadiah Moyo, President Mnangagwa fired Energy and Power Development Minister Fortune Chasi pending his investigation by the Zimbabwe Anti-Corruption Commission. As of December neither case nor investigation had concluded. Police frequently arrested citizens for exposing corruption while ignoring reports implicating high-level businesspersons and politicians.

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

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individuals aligned with top officials to seize land not designated for acquisition. The government conducted a comprehensive land audit in 2018 to reflect land ownership accurately, but the commission had not completed the exercise. 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. ZANU-PF officials continued to seize farms without compensation throughout the year.

The Ministry of Finance made progress in removing unqualified persons from the state payroll by removing thousands of youth officers from various ministries. According to the most recent audit, illicit salary payments were made to large numbers of persons who were retired, deceased, or otherwise absent from their place of employment. Duplicate personally identifiable information in files indicated some persons received multiple salaries. The government implemented a biometric registration system for civil servants to reduce improper salary payments.

In its 2019 report, the Office of the Auditor General exposed corruption, including payment for undelivered goods such as motor vehicles, generators, excavators, and biometric cards. It reported that between 2016 and 2018, the government failed to account for how it spent \$29.6 million in the maize distribution portion of its Command Agriculture program. Anecdotal reports indicated a significant portion of this total was lost to corruption. The auditor general also reported \$417 million of accounts receivable that remained outstanding for extended periods, making their collectability doubtful. Notable cases in the report included the Zimbabwe Electrification Transmission and Distribution Company, which had not taken delivery of transformers nine years after making a payment of \$4.9 million to a supplier. The report received extensive media coverage, but targeted ZANU-PF officials dismissed the report as exaggerated or falsified. The report attributed 80 percent of its flagged concerns on state-owned enterprises to “governance issues.” The report also exposed poor maintenance of accounting records in some ministries, with some diverting funds for improper purposes while others paid for goods and services not delivered.

Financial Disclosure: The law does not require elected or appointed officials to

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disclose income or assets.

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

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

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

The United Nations or Other International Bodies: The government allowed a UN special rapporteur on the rights to freedom of peaceful assembly and of association to visit the country in September 2019. His report was critical of government corruption and impunity, and it did not generate a response from ZANU-PF officials, who have long been dismissive of UN and other international criticism.

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

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personnel to investigate the number of complaints it received.

The ZHRC issued a statement in April encouraging all government officials to respect human rights when enforcing COVID-19 lockdown protocols and urging the Zimbabwe Republic Police to avoid excessive use of force and unwarranted deprivation of the rights to personal security and liberty. As of September the government had arrested more than 105,000 individuals for violating COVID-19 lockdown regulations.

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 constitutionally mandated National Peace and Reconciliation Commission (NPRC) continued its work. The commission consists of nine members with offices located in Harare and Bulawayo. In 2019 the High Court ruled to extend the NPRC's mandate to January 2028.

The NPRC conducted inclusive, nationwide public discussions throughout the year. Some events were conducted virtually during the lockdown, which limited participation to those with internet access. Some NGOs questioned the commission's independence and effectiveness.

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

Women

Rape and Domestic Violence: The law criminalizes sexual offenses, including rape and spousal rape, and conviction is punishable by lengthy prison sentences. Nonetheless, women's organizations stated that rape remained widespread, sentences were inconsistent, and victims were not consistently afforded protection in court. The chairperson of the Zimbabwe Gender Commission reported that as of November 2019, an average of 22 women were raped daily.

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

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to women's fear of losing economic support or of reprisal, lack of awareness that spousal rape is a crime, police reluctance to be involved in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. A lack of adequate and widespread services for rape victims also discouraged reporting.

According to an NGO, no one had been held to account for the 16 reported rapes by security forces from January through March 2019 in retaliation for January 2019 stay-away demonstrations.

Female political leaders were targeted physically or faced violent threats and intimidation (see section 1.c.).

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

The adult rape clinics in public hospitals in Harare and Mutare were run by NGOs and did not receive a significant amount of financial support from the Ministry of Health and Child Care. The clinics reported receiving an average of 300 rape referrals each year from police and NGOs. They administered HIV tests and provided medication for HIV and other sexually transmitted diseases. Although police referred for prosecution the majority of reported rapes of women and men who received services from the rape centers, very few individuals were prosecuted.

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

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

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form of violence to produce a police report to receive free treatment at government health facilities. This requirement prevented many rape victims from receiving necessary medical treatment, including postexposure prophylaxis to prevent victims from contracting HIV. NGOs observed a significant increase in gender-based violence reports during government-mandated lockdowns due to COVID-19. One NGO tracked a threefold increase in requests for domestic violence-related assistance.

Female Genital Mutilation/Cutting (FGM/C): There were no national statistics available regarding FGM/C, but the practice of labial elongation reportedly occurred with “aunties” taking the lead on the process.

Other Harmful Traditional Practices: Virginity testing continued to occur in some regions during the year. Breast ironing was documented.

Sexual Harassment: No specific law criminalizes sexual harassment, but labor law prohibits the practice in the workplace. Media reported that sexual harassment was prevalent in universities, workplaces, and parliament, where legislators routinely and publicly body shamed, name called, and booed female members of parliament. Female politicians seeking public office also reported sexual harassment by male leaders in charge of candidate selection in political parties (see section 3). The Ministry of Women Affairs, Gender, and Community Development acknowledged that lack of sexual harassment policies at higher education institutions was a major cause for concern. This acknowledgement came after a student advocacy group, the Female Students Network Trust, published the results of a 2017 survey that revealed high incidences of gender-based violence and sexual harassment of female students. Female college students reported they routinely encountered unwanted physical contact from male students, lecturers, and nonacademic staff, ranging from touching and inappropriate remarks to rape. Of the students interviewed, 94 percent indicated they had experienced sexual harassment in general, 74 percent indicated they had experienced sexual harassment by male university staff, and 16 percent reported they were raped by lecturers or other staff.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. Individuals have the right to

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manage their reproductive health, and some had access to the information and means to do so, free from discrimination, coercion, and violence. Adolescents, rural residents, and survivors of gender-based-violence, however, lacked consistent access to the means to manage their reproductive health. According to the UN Population Fund's *Sexual and Reproductive Health and Reproductive Rights Country Profile*, in 2015, 87 percent of married or in-union women reported making decisions on their health care, 93 percent had autonomy in deciding to use contraception, and 72 percent reported they could say no to sex.

According to Track 20, a Family Planning 2030-supported initiative, the contraceptive prevalence rate was 69 percent for 2020, up from 66.5 percent in the 2015 Zimbabwe Demographic and Health Survey (ZDHS). Barriers affecting access to contraception included supply chain and commodity problems and remote access to health facilities. Cultural barriers included religious skepticism of modern medicine among some groups. The government's policy and legal framework also served as a barrier for adolescents and those still in school due to its ambiguity on the permitted age of access to contraception. According to various media sources, access to contraception became more challenging due to COVID-19 and government lockdown measures that restricted travel.

The law and the creation of one-stop centers for survivors of gender-based violence were designed to provide access to sexual and reproductive health services for survivors of sexual violence. Widespread access, however, remained constrained by limited state funding to NGOs running adult rape clinics in Harare and Mutare and by limited night and weekend police capacity to provide the police report that is the necessary first step in accessing free treatment at government health facilities.

According to the 2019 Multiple Indicator Cluster Survey, the maternal mortality ratio was 462 deaths per 100,000 live births, down from 651 deaths per 100,000 live births reported in the 2015 ZDHS. The leading direct causes of maternal mortality were preventable hemorrhage, hypertensive pregnancy disorders, and sepsis, which occurred despite high prenatal care coverage, high institutional deliveries, and the presence of a skilled health worker at delivery. According to the WHO *World Health Statistics 2020 Report*, the proportion of births attended by skilled health personnel was 86 percent for the period 2010-2019 (up from 69

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percent for the period 2000-2008), the adolescent birth rate (per 1,000 women aged 15-19 years) for the period 2010-2018 was 78 (down from 101 for the period 2000-2007), and the proportion of women of reproductive age who had their need for family planning satisfied with modern methods for the period 2010-2019 was 85 percent. No national statistics were available regarding FGM/C, including implications for maternal morbidity, but reports indicated it was a problem among some communities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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 released a statement of concern in May regarding the gendered impact of the COVID-19-related government lockdown. The commission appealed to the government, civil society, private sector, development agencies, and citizens to enhance protection systems and ensure economic recovery plans include women, street children, and sex workers.

The law recognizes a woman's right to own property, but very few women owned property due to the customary practice of patriarchal inheritance. Less than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and alimony laws were equitable, but many women lacked awareness of their rights, and in traditional practice property reverts to the man in case of divorce or to his family in case of his death. A marriage law enacted in 2019 amended and consolidated the country's marriage laws in alignment with the constitution. The law abolishes child marriage and affords civil partnerships or

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

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

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

The government gave qualified women access to training in the armed forces and national service, where they occupied primarily administrative positions. The Air Force of Zimbabwe has one female fighter-jet pilot, certified in 2018 in China. In the Zimbabwe Defense Forces, there were two female brigadier generals appointed in 2013 and 2016, respectively and one female air commodore appointed in 2016. Minister of Defense and War Veterans Oppah Muchinguri was a woman.

The government did not consistently enforce the laws regarding equality. Government efforts to implement legal equality for men and women were undermined by traditional practices and courts that recognized male prerogatives in marriage, divorce, child custody, inheritance, and the judicial process.

Children

Birth Registration: The 2013 constitution states citizenship is derived from birth in the country and from either parent, and all births are to be registered with the Births and Deaths Registry. The 2012 population census data showed 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. Lack of birth certificates impeded access to public services, such as education and health care, resulting in many children being

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.