

ZIMBABWE 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic. In November a military intervention, public demonstrations calling for President Robert Mugabe's removal, the ruling party's vote of no confidence, and impeachment proceedings led to Mugabe's resignation after ruling the country since independence in 1980. The ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) nominated former vice president Emmerson Mnangagwa to replace Mugabe as both president of ZANU-PF and the government. On November 24, Mnangagwa was sworn in as president with the constitutional authority to complete the remainder of former president Mugabe's five-year term, scheduled to end in 2018. Presidential and parliamentary elections held in 2013 were free of the widespread violence of the 2008 elections, but the process was neither fair nor credible. Numerous factors contributed to a deeply flawed election process: a hastily convened and politically compromised Constitutional Court that unilaterally declared the election date before key electoral reforms were in place; heavily biased state media; a voter registration process that did not comply with the law and that skewed registration towards supporters of the ruling party; partisan statements and actions by security forces, including active-duty personnel running for office in contravention of the law; limitations on international observers; failure to provide a publicly useful voters register; and a chaotic, separate voting process for the security sector. The elections resulted in the formation of a unitary ZANU-PF government led by President Mugabe and ZANU-PF supermajorities in both houses of parliament. ZANU-PF again used intimidation and targeted violence to retain some parliamentary seats during by-elections.

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

The most significant human rights issues included government-targeted abductions, arrests, torture, abuse, and harassment, including of members of civil society and political opponents; harsh prison conditions; executive political influence on and interference in the judiciary; government-sponsored evictions of farms, private businesses, and property; invasions and demolition of informal marketplaces and settlements; restrictions on freedoms of expression, press, assembly, association, and movement; government corruption, including at the local level; trafficking of men, women, and children; and criminalization of LGBTI status or conduct, including arrests.

The government took limited steps to punish security-sector officials and ZANU-PF supporters who committed violations, but impunity was a problem.

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

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

There were no reports the government or its agents committed arbitrary or unlawful killings. Security-sector forces sometimes organized or participated in political violence. Security-sector impunity for politically motivated abuses remained a problem.

Impunity for past politically motivated violence also remained a problem. Investigations continued of prior years' cases of violence resulting in death committed by security forces and ZANU-PF supporters, but by year's end no one had been arrested or charged in these cases.

There were no advances in holding legally accountable those responsible for the deaths of at least 19 citizens who died of injuries sustained during the 2008 political violence that targeted opposition party members; more than 270 others were also killed that year.

Unwillingness to acknowledge past atrocities or seek justice for victims continued to influence Shona-Ndebele relations negatively.

b. Disappearance

There were no reports of long-term disappearances by or on behalf of government authorities. Although the High Court ordered the government to provide updates on the 2015 disappearance of democracy activist Itai Dzamara, government officials failed to do so. There were no reports of authorities punishing any perpetrators of previous acts of disappearance.

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

Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces engaged in such practices with impunity

and with the implicit support of officials affiliated with ZANU-PF. According to NGOs, security forces assaulted and tortured citizens in custody, including perceived opponents of ZANU-PF. 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 instead of the perpetrators. During the military intervention in November, political opponents of President Emmerson Mnangagwa alleged that military forces arrested, detained, and tortured them at military facilities.

Human rights groups reported security agents and ZANU-PF supporters continued to perpetrate physical and psychological torture. Reported torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); falanga (beating the soles of the feet); solitary confinement; and sleep and food deprivation.

According to one NGO, from January through July, 254 victims of organized violence and torture sought medical treatment and counseling after sustaining injuries in separate incidents across the country. The NGO reported the Zimbabwe Republic Police (ZRP) was responsible for 45 percent of the violations, while ZANU-PF supporters were responsible for 42 percent of the violations. Nearly 39 percent of the cases occurred in the capital, Harare. Although the majority of victims did not indicate their political affiliation, more than 43 percent of all victims associated themselves with the Movement for Democratic Change-Tsvangirai (MDC-T) or other opposition political parties.

On June 29, alleged state security agents abducted University of Zimbabwe political science student Fanuel Kaseke in the Harare suburb of Chitungwiza. A local NGO reported that alleged state security agents tortured Kaseke, drugged him, and held him incommunicado for six days before releasing him on July 4. The NGO reported that after his release, state security agents visited Kaseke's residence and his family members on numerous occasions asking about his whereabouts.

According to a local NGO, from January to August, 30 victims of organized violence and torture sought assistance after security agents found them mining illegally at the Chiadzwa diamond mine in Manicaland Province. Victims reported security forces detained them at torture bases, beat them with sticks, kicked them, and sometimes allowed security dogs to attack them. Several victims reported that security forces shot them in the back, leg, or shoulder when they tried to flee.

Police used excessive force to disperse demonstrators, resulting in injuries.

For example, on July 12, police used tear gas and water cannons to disperse dozens of opposition supporters protesting against what they considered the slow pace of electoral reforms ahead of the 2018 presidential election.

ZANU-PF supporters--often with tacit support from police or government officials--continued to assault and mistreat scores of persons, including civil society activists and known opposition political party members and their families, especially in Harare neighborhoods and nearby towns. Violent confrontations between youth groups of the ZANU-PF (known as “Chipangano”) and opposition political parties continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence.

On February 13, local NGOs reported ZANU-PF youth supporters assaulted approximately 70 youth members of the opposition party Transform Zimbabwe (TZ) who had gathered in the Harare suburb of Chitungwiza for a neighborhood clean-up event. Three TZ supporters were badly injured and hospitalized. Observers reported that ZANU-PF youth attacked the TZ supporters in full view of several police officers, who failed to intervene.

The courts punished some ZANU-PF supporters and state security agents accused of political violence. According to a local NGO, for example, Brighton Sanyanga appeared at the Nyanga Police Station in 2014 to answer allegations of malicious damage to property that occurred after a demonstration allegedly staged by students. The NGO reported that police officer Crispen Chikazhe tortured Sanyanga by exposing him to electrical shocks and threatening to kill him. In March Brighton Sanyanga successfully sued Chikazhe for \$570 in damages.

Prison and Detention Center Conditions

Prison conditions remained harsh, partly due to overcrowding in older urban remand facilities, and the Zimbabwe Prison and Correctional Services (ZPCS) struggled to provide adequate food and sanitary conditions. The 2013 constitution added prisoner rehabilitation and reintegration into society to ZPCS responsibilities.

Physical Conditions: Conditions in prisons, jails, and detention centers were often harsh. There were approximately 18,000 prisoners, spread across 46 main prisons and 26 satellite prisons. While some prisons operated below capacity, NGOs

reported that overcrowding continued, due to outdated infrastructure and judicial backlogs.

Prison guards occasionally beat and abused prisoners, but NGOs reported that the use of excessive force by prison guards was not systematic and that relations between prison guards and prisoners improved during the year.

NGOs reported female prisoners generally fared better than male prisoners. Authorities held women in separate prison wings and provided women guards. Women generally received more food from their families than did male prisoners. The several dozen children under age four living with their incarcerated mothers were required to share their mothers' food allocation. NGOs were unaware of women inmates reporting rapes or other physical abuse. With support from NGOs, prisons distributed some supplies such as sanitary pads for women. In contrast to previous years, a local NGO working in the prison system reported prison officials stopped reserving many of these supplies for themselves. Officials did not provide pregnant women and nursing mothers with additional care or food rations out of the ZPCS budget, but the ZPCS solicited donations from NGOs and donors for additional provisions.

There was one juvenile prison housing boys only. Girls were held together with women. Authorities also held boys in adult prisons throughout the country while in remand. Officials generally tried to place younger boys in separate cells. Authorities generally sent juveniles to prison rather than to reformatory homes as stipulated in the law. Juveniles were particularly vulnerable to abuse by prison officials and other prisoners.

Prisoners with mental health issues were often held together with regular prisoners and received only limited 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.

Food shortages were widespread but not life threatening. Prisoners identified as malnourished received additional meals. The harvest of prison farm products provided meals for prisoners. Prisoners had limited access to clean water.

Poor sanitary conditions contributed to disease, including diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Lighting and ventilation were inadequate. There were insufficient mattresses, blankets, warm clothing, sanitary supplies, and hygiene products.

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

Those detained for politically motivated reasons were held at police stations for days while their court dates or bail hearings were pending.

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

Record keeping on prisoners was inadequate. Prisoners moved from one facility to another were occasionally lost in the ZPCS' noncomputerized administrative system for weeks or months. Authorities permitted prisoners to submit complaints without censorship, but investigations were rare.

Prisoners and detainees had relatively unrestricted access to visitors, except in maximum-security prisons, where geographic constraints hampered access by relatives of prisoners.

Independent Monitoring: The law provides international human rights monitors the right to visit prisons. Church groups and NGOs seeking to provide humanitarian assistance gained access. All organizations working in prisons reported that meetings with prisoners occurred without third parties present and with minimal restrictions.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

The ZRP is responsible for maintaining internal law and order. The Department of Immigration and the ZRP, both under the Ministry of Home Affairs, are primarily responsible for migration and border enforcement. Although the ZRP is officially under the authority of the Ministry of Home Affairs, the Office of the President directed some ZRP roles and missions in response to civil unrest. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces under the Ministry of Defense. The armed forces are responsible for external security, but the government sometimes deployed them as a back-up to the police as a show of force. The Central Intelligence Organization (CIO), under the Office of the Vice President, is responsible for internal and external security.

Implicit assurances of impunity and a culture of disregard for human rights contributed to police use of excessive force in apprehending and detaining criminal suspects. During the year videos appeared on social media showing police officers assaulting motorists who refused to pay bribes. As one example, in August police officers assaulted lawyer Lucy Chivasa as she attempted to assert the rights of a bus driver whom the police were assaulting at a traffic checkpoint.

Ignorance of the provisions of the constitution also compromised the quality of police work. Police were ill equipped, underfunded, and underpaid, and they lacked comprehensive training, which negatively impacted recruitment and the

professional development of senior officers. A lack of sufficient vehicles, fuel, and other resources reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal resulted in corruption and high turnover. The government changed pay dates for security forces on a month-to-month basis and sometimes limited the amount of cash security force members could withdraw.

The constitution calls for a government body to investigate complaints against the police. Despite this provision, there were no external entities and no effective internal entities to investigate abuse by the security forces. Authorities reportedly investigated and arrested corrupt police officers for criminal activity but also punished or arrested police officers on arbitrary charges for failing to obtain or share illicitly gained funds. In August authorities arrested, prosecuted, and convicted five police officers involved in an altercation that resulted in motorist Washington Gezana losing an eye.

Government efforts to reform the security forces were minimal, and there were no reports of disciplinary actions against security officers who erred in ZANU-PF's favor in their official conduct. Training on allegiance to ZANU-PF for securing the country's sovereignty was commonplace, while authorities rarely provided training on nonpartisan implementation of the rule of law or human rights.

Arrest Procedures and Treatment of Detainees

The law stipulates that arrests require a warrant issued by either 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 respect these rights. The law requires authorities to inform a person at the time of arrest of the reason for the arrest. A preliminary hearing must be held before a magistrate within 48 hours of an arrest. According to the constitution, only a competent court may extend the period of detention.

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

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees or those with authority to grant access were unavailable. An indigent detainee may apply to the government for an attorney in criminal cases, but requests were rarely granted except in capital cases. This occurred with cases involving opposition party members, civil society activists, and ordinary citizens. During the November military intervention, security forces also held several former ZANU-PF officials for approximately 10 days before they were brought before a magistrate, including former finance minister Ignatius Chombo and former ZANU-PF youth leaders Kudzanayi Chipanga and Innocent Hamandishe.

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

Arbitrary Arrest: The government used arbitrary arrest and detention as tools of intimidation and harassment, especially against political activists, civil society members, journalists, and ordinary citizens asserting their rights. There were numerous reports that security forces arbitrarily arrested political and civil society activists and then released them the next day without charge.

There were numerous reports of arbitrary arrest similar to the following: On February 25, police assaulted and arrested human rights activist Linda Masarira and five others while they protested peacefully outside Parirenyatwa Hospital. According to an NGO, five police officers attacked Masarira using batons. Police released Masarira and the other five after detaining them at Harare Central police station. Masarira later sought medical treatment at a private hospital for injuries to her thighs, back, and legs.

During the November military intervention, the military reportedly arrested hundreds of police and intelligence operatives and detained them at military facilities for several weeks.

Pretrial Detention: Prolonged pretrial detention was limited for nonpolitical prisoners. Delays in pretrial procedures were common, however, due to a shortage of magistrates and court interpreters, poor bureaucratic procedures, the low capacity of court officials, and a lack of resources. The constitution provides for the right to bail for detained suspects. Despite this provision, the government routinely opposed bail for political detainees.

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

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The law provides arrested persons with the right to be brought before the courts within 48 hours of arrest. Political and civic leaders routinely challenged the lawfulness of their arrests in court.

The law absolves individual security agents from criminal liability regarding unlawful arrests and detention. Police officers routinely argued that they merely followed orders in conducting arrests and were not responsible for compensating victims of unlawful arrests. In April, however, a High Court judge ruled that officials could be sued in their personal capacities, especially if they acted unlawfully. The case related to the abduction and torture of human rights activist Jestina Mukoko, who was held incommunicado by state security officials for 21 days in 2008. Mukoko’s suit against the three individuals she claimed were responsible for her abduction remained pending as of November.

e. Denial of Fair Public Trial

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

For example, on June 19, a magistrate set free 51 Harare residents who had been on trial since 2016 after police arrested them for allegedly participating in an antigovernment protest. In his ruling, the magistrate stated that the government failed during the trial to prove the essential elements of the charge.

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

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

Trial Procedures

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

Authorities sometimes denied attorneys' access to their clients. Defendants have the right to present witnesses and evidence on their own behalf and to confront adverse witnesses. Any person arrested or detained for an alleged offense has the right to remain silent and may not be compelled to confess. Defendants and their attorneys have the right to access all government-held evidence relevant to their cases. Authorities did not always respect these rights.

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

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

Government officials frequently ignored court orders in such cases, delayed bail and access to medical care, and selectively enforced court orders related to land disputes favorable to those associated with ZANU-PF.

The public had fair access to the courts of law, particularly the magistrates’ courts, although observers reported occasional physical and procedural impediments.

Political Prisoners and Detainees

There were reports of individuals arrested for political reasons, including opposition party officials, their supporters, NGO workers, journalists, and civil society activists. Authorities held many such individuals for one or two days and released them. Political prisoners and detainees did not receive the same standard of treatment as other prisoners or detainees, and prison authorities arbitrarily denied access to political prisoners. There were reports police beat and physically abused political and civil society activists while they were in detention.

On January 16, police arrested Remnant Pentecostal Church pastor Phillip Mugadza on charges of criminal nuisance for allegedly predicting that President Mugabe would die during the year. On March 10, a High Court judge released Mugadza.

On August 16, Zimbabwe National Liberation War Veterans’ Association secretary general Victor Matemadanda turned himself in to police after he was charged with undermining the authority of the president and causing disaffection

within the army and police based on comments he made during a press conference. Contrary to the law, police held Matemadanda more than 48 hours before he appeared before a judge. Police released Matemadanda after they unsuccessfully applied to have him detained for a longer period, claiming they wanted to search for subversive material at his Gokwe home. His trial remained pending.

During the military intervention in November, there were reports that hundreds of police and intelligence operatives were detained at military facilities.

Civil Judicial Procedures and Remedies

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

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

Property Restitution

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

Support was uneven and inconsistent for households resettled from the diamond mining grounds of Marange in Chiadzwa to a government-owned agricultural estate outside Mutare. Since 2010, authorities relocated more than 1,800 families. Each household was entitled to receive \$1,000 for relocation, although reportedly only a handful received the money. Most of the relocated families had not received compensation of any kind, including agricultural land, while the government classified them as “people with no recognizable legal rights or claim to the land that they are occupying,” citing their former land was now state land, despite customary and traditional rights to the contrary.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions. Government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF. Through threats and intimidation, local chiefs and ZANU-PF loyalists also compelled individuals, mostly in rural areas, to contribute money toward President Mugabe's birthday celebrations and ZANU-PF political rallies.

Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to other government assistance programs such as education assistance to exclude suspected political opposition supporters and to compel support for ZANU-PF.

NGOs reported ZANU-PF supporters threatened to withhold food aid in constituencies such as Bikita West and Mwenezi East, where by-elections were held during the year. In March, for example, NGOs reported that village heads in Mwenezi East told their villagers they would distribute government-provided food assistance only to those citizens who proved they registered to vote and were members of ZANU-PF. Separately, NGOs reported that ZANU-PF officials told villagers in some provinces that if they did not contribute money to President Mugabe's birthday celebration, they would not be given government-supplied food assistance.

The government forcibly displaced persons from their homes, often without providing adequate notice, consulting victims, or providing alternative accommodation. According to local human rights and humanitarian NGOs, evictions continued. Land seizures remained a serious problem.

According to the attorney general and Ministry of Lands, every white-owned farm in the country was gazetted (officially announced as available in state media) and effectively became state property. According to the Commercial Farmers Union of Zimbabwe, after authorities gazetted a property, it was transferred to a politically connected individual at the first available opportunity. The exact number of remaining white commercial farmers was unknown; those remaining continued to be targeted, harassed, and threatened with eviction by farm beneficiaries, unemployed youth, and individuals hired by those standing to benefit. Abuse of the land reform laws continued, with invasions and seizures of noncommercial land on the privately owned wildlife conservancies and with the collusion of high-ranking government officials and provincial ZANU-PF party structures and leaders.

Titleholders who lost their homes or properties--where most of their life earnings were invested--were not compensated. By 2013 between 180 and 230 farmers had accepted settlements worth 5 to 10 percent of the value of their investments. As a result, like their former farm workers whom the new farm owners evicted, there were scores of destitute elderly former farmers.

Farm allocations continued to be politicized and used as a reward for political support to ZANU-PF. Beneficiaries divided many reallocated farms near cities for sale as small residential lots and sold them for personal gain without any compensation to the titleholders.

For example, in 2014 Raymond Ndhlukula, deputy chief secretary in the President's Office, seized a farm near Figtree, Matabeleland South, while police watched. David Conolly, the lawful owner of the property, approached the courts for protection and received a High Court injunction against the seizure. Ndhlukula's workers eventually forced Conolly off the property. Conolly filed an urgent High Court application regarding the seizure of his farm, and Ndhlukula was found in contempt of the court order, which Ndhlukula appealed. In 2016 Lands and Rural Resettlement Minister Douglas Mombeshora filed for Conolly's eviction--giving him seven workdays to vacate the property--even though the case remained before the Supreme Court. In July the Supreme Court in Bulawayo reviewed Conolly's case but reserved judgement.

During the year NGOs raised concerns over the forcible eviction of hundreds of black Zimbabwean families on commercial farms, including on Arnold Farm in Mashonaland Central, reportedly owned by President Mugabe's family. On March 23, officials purporting to represent the Ministry of Lands and Rural Resettlement as well as police officials arbitrarily demolished and burned the homes of approximately 200 families. Farm residents obtained a High Court order to stop the evictions. Police allegedly told lawyers representing the farm residents that they were acting on the orders of their superiors but did not have a High Court order approving the evictions. Antiriot police ordered residents to leave the farm and destroyed property, attacking those who resisted.

There were other reports of farmers forced off their farms, despite being in possession of a court order allowing them to remain on the property, and denied the opportunity to collect their personal belongings. Black farm workers were beaten, intimidated, or displaced. Police in most cases did not intervene while

invaders and looters carried on their activities, nor did police enforce court judgments evicting squatters on illegally seized properties.

For example, in mid-June suspected armed police and ZANU-PF youth evicted white Zimbabwean commercial maize and tobacco farmer Robert Smart from his property in Lesbury Estate. Men armed with AK-47 rifles and shotguns occupied Smart's farm, barricaded all roads leading into the farm, and reportedly looted Smart's farm equipment and household belongings. Police officials also allegedly teargassed, assaulted, and arrested several of Smart's farmworkers. Bishop Trevor Manhanga, who had reported links to ZANU-PF, stated he was the new owner of the farm but denied allegations he was involved in the eviction of Smart and his workers.

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.

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 safety, public order, state economic interests, public morality, and public health." The government continued to arrest, detain, and harass critics, and journalists practiced self-censorship.

Freedom of Expression: Security authorities restricted freedom of speech and arrested individuals, particularly those who made or publicized comments critical of President Mugabe or made political statements opposing ZANU-PF or the government's agenda. CIO agents and informers routinely monitored political and other meetings. Authorities targeted persons deemed to be critical of the government for harassment, abduction, interrogation, and physical abuse.

Government authorities arrested individuals for violating section 33 of the Criminal Law (Codification and Reform) Act, routinely invoked against political and human rights activists as well as ordinary citizens for allegedly insulting or undermining the authority of the president. Individuals protesting against poor

governance and economic conditions were often accused of subverting a constitutional government, an offense that carries a 20-year sentence.

On February 1, police arrested activist and pastor Evan Mawarire upon his arrival at Harare International Airport on charges of subverting a constitutional government, inciting public violence, and insulting the national flag. Mawarire was returning to Zimbabwe after spending six months out of the country following harassment and threats to his life by suspected state agents. On February 3, a magistrate's court in Harare denied Mawarire bail and returned him to custody until February 17. Police later released Mawarire but placed him on remand and seized his travel documents. Mawarire faced additional subversion charges in September after posting a video on social media criticizing economic conditions in the country. By November the High Court had acquitted Mawarire of all charges. In July the ZLHR noted a dramatic increase in individuals being charged with "insulting or undermining the authority of the president." The human rights organization said it had compiled close to 200 cases since 2010. Most victims were residents and villagers residing in the politically volatile Mashonaland Central Province.

Press and Media Freedom: The government restricted freedom of the press. The Ministry of Media, Information, and Publicity exercised control over state-run media. High-ranking ZANU-PF officials used these media to threaten violence against critics of the government.

Despite threats and pressure from the government, independent newspapers continued to operate.

Security services also prevented journalists from covering events that would expose government excesses. On April 21, police summoned leaders of local media organizations reportedly to understand how the media works and how journalists operate. The media leaders later described the meeting as a thinly disguised warning of an imminent crackdown on independent media voices.

On March 3, police arrested *NewsDay* editor Wisdom Mudzungairi and reporter Richard Chidza one day after the newspaper published a story about President Mugabe's trip to Singapore for a medical examination. The report quoted sources as saying President Mugabe's trip was due not just to his advanced age, but also because he had prostate cancer. Police released the journalists on the same day and indicated they would proceed with prosecution by way of summons.

The government used accreditation laws to prevent international media journalists' entry into the country. Foreign journalists were required to obtain permits 60 days before travelling to the country in order to report from the country. Most international media outlets such as CNN, al-Jazeera, and the BBC continued to operate in the country.

Radio remained the principal medium of public communication, particularly for the rural majority. All urban commercial radio stations licensed in 2015 were operating during the year. Despite their perceived allegiance to ZANU-PF, these stations included independent voices in their programming. The two national commercial radio stations, StarFM and ZiFM, also continued broadcast operations.

The government did not license any community radio stations during the year.

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

On September 8, the High Court suspended a decision by the Broadcasting Authority of Zimbabwe (BAZ) to terminate private company Dr. Dish's content distribution license after the latter announced a new partnership to broadcast content supplied by Kwese TV. BAZ terminated the license on the basis that Dr. Dish had not formally applied for an amendment to its license to provide Kwese TV channels. On September 29, the High Court granted Dr. Dish permission to continue offering Kwese services after Dr. Dish lodged a fresh appeal with the High Court to allow services to continue while BAZ' appeal to the Supreme Court appeal was pending.

Violence and Harassment: Security forces arbitrarily harassed and arrested journalists who reported unfavorably on government policies or security operations. Senior ZANU-PF officials also criticized local and foreign independent media for allegedly biased reporting that discredited President Mugabe and misrepresented the country's political and economic conditions.

On July 27, police arrested Alpha Media Holdings staffers Obey Manayiti, Abigail Matsikidze, and Shepherd Tozvireva as well as driver Ralph Phiri, who were on assignment in central Harare. The journalists were taking pictures of a crowd gathered in Harare's central business district when police officer Peter Ndava

assaulted Manayiti, who suffered bruising to the face. Manayiti filed assault charges against Ndava. Ndava filed his own assault charge against Manayiti.

Censorship or Content Restrictions: The government used the law to control media content and the licensing of journalists, 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.”

On May 24, media reported that then minister of home affairs Ignatius Chombo appointed a new board in accordance with the Censorship and Entertainment Controls Act. The minister said that while the constitution provides for free artistic expression, cultural beliefs, and association, the board’s constitutional responsibility was to ensure these same freedoms are reasonably limited to curb infringement of other persons’ rights. Media groups said sections of the Censorship and Entertainment Controls Act did not align with the constitution.

Libel/Slander Laws: The Constitutional Court ruled the previous constitution outlaws criminal defamation. Civil defamation laws remain 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 makes it a crime to divulge any information acquired in the course of official duties. Authorities used these laws to restrict publication of information critical of government policies or public officials.

Internet Freedom

The law permits the government to monitor all communications in the country, including internet transmissions, and the government sometimes restricted access to the internet. For example, the government blocked Blackberry’s internet services for Blackberries registered in the country, including its encrypted messaging service that prevented enforcement of the law, allowing the government to intercept and monitor communications.

Despite the restrictive environment for traditional media, internet and mobile phone communication in the country was widely available. The government, however, threatened to regulate internet and mobile phone communication to curb dissent, including by increasing the price of data. The government regularly monitored and interfered with use of social media.

On August 5, police arrested businessman Energy Mutodi on a charge of causing disaffection among the Zimbabwe Defense Forces after posting on his Facebook page that the president risked a coup if he did not manage the ZANU-PF succession process carefully. Mutodi was granted \$100 bail, but police arrested him again for insinuating that Defense Minister Sydney Sekeremayi was responsible for poisoning Vice President Mnangagwa. On September 4, a magistrate's court dismissed his application for removal from remand on the basis that while Mutodi was exercising his freedom of expression, he infringed on the rights of others.

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

According to the International Telecommunication Union, 22.4 percent of the population used the internet in 2016. According to state telecommunications regulator POTRAZ, at the end of the third quarter of 2016, more than 6.7 million connections were recorded from all internet providers in the country, representing an internet penetration rate of 50.1 percent.

Academic Freedom and Cultural Events

The government restricted academic freedom. The country's president is the chancellor of all eight state-run universities and appoints their vice chancellors. The government has oversight of higher education policy at public universities, and ZANU-PF controls the Ministry of Higher Education. The law restricts the independence of universities, subjecting them to government influence and providing disciplinary powers over staff and students to university authorities.

CIO personnel at times assumed faculty and other positions, or posed as students, at public and some private universities to intimidate and gather intelligence on faculty and students who criticized government policies and actions. CIO officers regularly attended classes in which noted MDC activists were lecturers or students. In response, both faculty and students often practiced self-censorship.

State-run universities frequently canceled scheduled events organized by foreign embassies and refused public lectures by foreign diplomats.

The government on occasion restricted human rights activists from using cultural platforms to criticize the ruling party, the president, or political violence.

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 constitution provides for freedom of peaceful assembly, but the government often restricted this right.

The Public Order and Security Act requires organizers to notify police of their intention to hold a public gathering--defined as 15 or more individuals--seven days in advance. Failure to do so may result in criminal prosecution as well as civil liability. The law also allows police to prohibit a gathering based on security concerns but requires police to file an affidavit in a magistrate's court stating the reasons behind the denial. Although many groups did not seek permits, other groups informed police of their planned events, and the police either denied permission or gave no response.

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 ZANU-PF policy positions. There were several reports of political rallies interrupted by opposing political parties.

On June 26, police arrested and used violent force against students protesting a decision by the University of Zimbabwe to raise tuition for medical students. University officials ordered the eviction of 600 medical students from student housing in response to the protest. A court nullified the university's eviction on

June 28, and the university allowed students to return to their residence halls. Police charged three arrested students, Ignatius Mukuchi, Steven Tsikirai, and Kudakwashe Guta, with disorderly conduct and public violence. Police discharged Mukuchi and Tsikirai and released Guta on \$200 bail. Suspected state security agents abducted and held another student, Fanuel Kaseke, for six days (see section 1.c.).

On June 15, police in the Harare suburb of Chitungwiza stopped an MDC-T youth rally to commemorate the Day of the Africa Child, claiming the meeting did not satisfy the provisions of the Public Order and Security Act.

ZANU-PF trained and deployed youths to harass and disrupt the activities of opposition political party members, labor groups, student movements, civic groups, and journalists considered critical of ZANU-PF.

For example, on March 27, ZANU-PF youths forced the owners of a local store to close it down, accusing the owners of holding MDC-T meetings on the property. ZANU-PF youths burned furniture found in the building, locked the gates of the premises, and ordered the storeowners to stop their business operation. Police arrived on the scene, but ZANU-PF youths reportedly ordered them to depart.

Three days before President Mugabe's November resignation, while military forces controlled the capital, tens of thousands of citizens peacefully took to the streets of Harare and Bulawayo, demanding President Mugabe step down. There were no reported incidents of violence.

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, security forces and ZANU-PF supporters continued to interfere with their activities. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with other political parties. In addition to intimidation and harassment, ZANU-PF supporters sometimes burned to the ground the homes of individuals perceived to be associated with opposition political parties.

Persons suspected of being security force members visited the offices and inquired into the activities of churches, numerous NGOs, and other organizations believed to oppose government policies. Organizations generally were free of governmental

interference only if the government viewed their activities as apolitical or supportive of ZANU-PF.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted these rights. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, asylum seekers, stateless persons, and other persons of concern, but it interfered with some humanitarian efforts directed at internally displaced persons.

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

In-country Movement: Police made in-country movement difficult by regularly placing checkpoints nationwide along most major routes. In urban areas a single road could have several roadblocks in the span of a few miles. Despite court injunctions against “on-the-spot” fines, police levied fines for minor offenses ranging from five to several hundred dollars and demanded immediate payment. Pro-ZANU-PF police chiefs retained and failed to account for money collected at checkpoints. The government did not account for overall revenue collected as fines from these roadblocks in the national budget.

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

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

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 2013 elections because they could not adequately demonstrate their citizenship. In contravention of the 2013 constitution, which allows dual citizenship, independent groups estimated that as many as two million citizens might have been disenfranchised, including those perceived to have anti-ZANU-PF leanings, such as the more than 200,000 former commercial farm workers from neighboring countries and approximately 30,000 mostly white dual nationals. During the year citizens had to sue the government to assert dual citizenship rights. Poor citizens who could not afford the costs of litigation remained disadvantaged.

Internally Displaced Persons (IDPs)

According to international organizations, approximately 113,000 households were displaced and more than 250 groups of identified IDPs lived throughout the country. The primary causes of displacement were rural evictions (45.7 percent), natural disasters (27.7 percent), localized conflict (13.3 percent), and urban evictions (13.1 percent). The most significant historical events that created internal displacement included state-sponsored election-related violence, land reform, and

Operation Murambatsvina (the government's eviction of citizens from nonfarming areas in 2005). According to one NGO, Operation Murambatsvina resulted in the destruction of homes and livelihoods affecting an estimated 700,000 persons. Until 2009 the government denied the existence of any IDPs.

In 2014 approximately 15,000 persons were displaced from the vicinity of the Tokwe-Mukosi dam in Masvingo Province. Other recent documented displacements were from disputed farming areas. At year's end several thousand households in disputed farming areas were at risk of displacement due to verifiable threats or eviction notices. Most of the persons displaced had resided on their land for years without formal offer letters or title deeds. Eviction notices often were served in the presence of police or army personnel. The government's campaign of forced evictions and the demolition of homes and businesses continued during the year under the land reform policy. The government provided no resettlement assistance to evicted families and depended primarily on international organizations to do so.

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

Government-led humanitarian assistance programs were insufficient to meet the needs of targeted populations and subject to increased politicization during the year. Farm inputs and food aid occasionally were channeled through patronage networks or denied to those perceived as supporting ZANU-PF's opponents. Despite this discrimination, the government generally cooperated with international agencies and NGOs providing humanitarian assistance.

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to UNHCR, the country hosted approximately 17,627 refugees and asylum seekers during the year.

Freedom of Movement: The government maintained a formal encampment policy requiring refugees to live at the Tongogara refugee camp. Nevertheless, at year's end more than 1,500 refugees lived in urban areas, including Harare and Bulawayo, and more than 7,000 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.

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. Many refugees were unwilling to return to their home countries voluntarily, and resettlement remained the only viable solution for many of them.

Section 3. Freedom to Participate in the Political Process

Although the constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, this right was restricted. The political process continued to be heavily biased in favor of the ruling ZANU-PF party, which has dominated politics and government and manipulated electoral results since independence in 1980. In November the Zimbabwe Defense Forces conducted an intervention followed by public demonstrations and the ruling party's vote of no confidence that led to President Mugabe's resignation. According to provisions detailed in the constitution, the ruling ZANU-PF party nominated former vice president Mnangagwa to replace outgoing President Mugabe as both president of ZANU-PF and the government. On November 24, Mnangagwa was sworn in as

president and given the constitutional authority to complete the remainder of former president Mugabe's five-year term.

Elections and Political Participation

Recent Elections: Aside from the Southern African Development Community (SADC) and the African Union, international and local independent observers characterized the 2013 harmonized presidential, parliamentary, and local elections as largely free of violence but not credible reflections of the people's will. Before the election various political parties and civil society organizations complained of widespread voter disenfranchisement in opposition urban strongholds. The Constitutional Court set the 2013 date for elections. Participating political parties, including the two MDC parties that were part of the coalition government, contested the date in court. ZANU-PF ministers in government opposed and stalled the pre-election legal, political, media, and security-sector reforms mandated by the SADC-sponsored Global Political Agreement between ZANU-PF and the two MDCs. Parliament failed to pass laws to improve the fairness of the elections, while certain government elements failed to implement other election laws. Despite a constitutional provision of citizenship, large groups of the population were refused registration as voters because of their foreign ancestry. Other contraventions of the electoral act included a truncated special voter registration period, partisan public statements by senior security force officers, and active-duty police officers running for public office in contravention of the law.

While the law obliges traditional chiefs to be impartial, in rural areas ZANU-PF used traditional leaders to mobilize voters and canvass support. In return traditional leaders continued to receive farms, vehicles, houses, and other benefits.

The credibility and independence of the Zimbabwe Electoral Commission (ZEC) were called into question for allegedly being composed largely of personnel from the pro-ZANU-PF security sector. The ZEC failed to provide an electronic copy of the voter register to any of the opposition political parties as required by law, but it supplied one hard copy of the voters roll to the MDC-T late on election day. The ZEC also failed to respond, as required by law, to legal and formal complaints by opposition parties with respect to its role in monitoring the media, postal voting procedures, and the number of ballots printed and distributed. When the ZEC released the election results, President Mugabe won with more than 61 percent of the vote, and he was inaugurated three weeks later. President Mugabe's ZANU-PF party won a two-thirds majority in the 350-member parliament, resulting in a

unitary ZANU-PF government weeks after his inauguration. The SADC declared the election free, and the African Union followed suit.

Other problems with the elections included restrictions on non-ZANU-PF party candidates, domestic media bias in favor of ZANU-PF, denial of permission for some foreign journalists to cover the elections, the failure of the registrar general and the ZEC to provide for open inspection of voter rolls, the courts' failure to settle electoral matters before the elections' date, and numerous discrepancies with the voter register, such as irregular registration patterns between urban and rural areas, as well as questionably large numbers of voters older than 100 and very low numbers of youth voters.

The ZEC held numerous by-elections during the year. Most observers found polling days were peaceful and the ZEC administered them well. Numerous irregularities undermined the credibility of the elections, however, including efforts by some traditional leaders to coerce and intimidate their communities into voting for ZANU-PF candidates, sporadic violence and intimidation in the pre-election environment, media coverage skewed toward ZANU-PF, police presence inside polling stations, and allegations of vote buying.

In January ZANU-PF won the Bikita West parliamentary by-election. Ten suspected ZANU-PF youth attacked opposition candidate Madock Chivasa on January 17, leaving him with a broken arm. Despite reporting the incident to local police, the matter was still under investigation at year's end. In the period preceding the by-election, villagers complained of intimidation by traditional leaders and ZANU-PF supporters. Local election observers reported ZANU-PF engaged in vote buying by allocating grain to villagers who supported and voted for the ZANU-PF candidate. In April ZANU-PF won the Mwenezi East parliamentary by-election. Local human rights groups accused ZANU-PF supporters of using vote-buying tactics and intimidating villagers.

Political Parties and Political Participation: Although the constitution allows for multiple parties, elements within ZANU-PF and the security forces intimidated and committed abuses against other parties and their supporters and obstructed their activities. In August Harare police barred National Election Reform Agenda (NERA) supporters from demonstrating against First Lady Grace Mugabe but permitted a pro-Grace Mugabe ZANU-PF solidarity march to take place on the same day. In contravention of the law, active members of the police and army openly campaigned for and ran as ZANU-PF candidates in the elections. The government routinely interfered with MDC-T-led local governments. In April the

minister for local government dissolved the elected Chitungwiza Municipality by firing all 25 councilors and replacing the opposition-led council with a caretaker committee. In February a minister fired Gweru mayor Hamutendi Kombayi and councilor Kenneth Sithole, both opposition leaders.

The constitution provides specific political rights for all citizens. Laws, however, are not fully consistent with the constitution and allow discrimination in voter registration to continue. Several problems persisted during the year--including a requirement to have a commissioner of oath stamp an affidavit as proof of residence--as the government began the switch to biometric voter registration. In past years authorities treated citizens with dual citizenship claims as “aliens” and required them to renounce their foreign citizenship before they could register to vote. On November 29, however, the High Court granted an order allowing “aliens” to register as prospective voters in the 2018 election provided they present certain identification documents.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women remained largely underrepresented in local and national politics, and men overwhelmingly held most senior positions in the public sector. Some observers believed that traditional and cultural factors limited the participation of women. Following the 2013 elections, women filled three of 24 cabinet minister positions, well below their 52 percent share of the population, as recorded in the 2012 census, and well below the equal representation required by the constitution. Women held four of 12 minister of state positions and six of 24 deputy minister positions. Women’s rights organizations noted the cabinet minister positions occupied by women were less influential. Women made up 34 percent of the National Assembly and Senate. In accordance with the constitution, all 60 seats reserved for women in the National Assembly were filled by female members of parliament. At the local government level, women held approximately 17 percent of councilor positions nationwide. Men also dominated the judiciary; fewer than one-third of Supreme Court and High Court judges were women. Women were a minority among judicial officers, such as prosecutors, in lower courts.

The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party’s 180-member central committee, one of the party’s most powerful organizations. In 2015 the ZANU-PF Women’s League passed a resolution calling on the party to amend its constitution to accommodate the appointment of a female vice president and return to a 30 percent minimum threshold for female representation across all ZANU-PF party structures. ZANU-

PF's legal affairs department did not implement this resolution. MDC-T President Morgan Tsvangirai reportedly appointed two additional male vice presidents to neutralize the influence of his longstanding female Vice President Thokozani Khupe. In 2016 Joice Mujuru became the sole female leader of a mainstream opposition party, first forming the Zimbabwe People First political party and later the National People's Party.

NGOs noted that young women were mostly excluded from decision-making structures and processes in all political parties.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for conviction of corruption, the government did not implement the law effectively or impartially, and officials frequently engaged in corrupt practices with impunity. Despite government pronouncements, corruption remained a severe problem. Police frequently arrested citizens for low-level corruption while ignoring reports implicating high-level businesspersons and politicians.

Corruption: Corruption occurred at every level of the police force but took different forms, depending on position, rank, or location. At the junior levels, to augment their low salaries, corrupt officers extorted nominal to exorbitant fines from the public for various claimed offenses. Armed police routinely erected roadblocks, claiming to be looking for criminals or smuggled goods. In many cases police arbitrarily seized goods for their own consumption or extracted bribes from commuters. Municipal police in urban areas often raided vendors and confiscated their wares for personal use. Generally no records of the confiscated goods existed, despite the law's requiring it.

Implementation of the government's redistribution of expropriated white-owned commercial farms often favored the ZANU-PF elite and continued to lack transparency (see section 1.f.). High-level ZANU-PF officials selected numerous farms and registered them in the names of family members to evade the government's policy of one farm per official. The government continued to allow individuals aligned with top officials to seize land not designated for acquisition. The government had yet to issue the mandated comprehensive land audit to reflect land ownership accurately. Landowners connected to ZANU-PF routinely sold land to citizens but refused to officially transfer ownership or to develop the land as agreed upon in contracts.

There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be opposition supporters from the civil service and the military (see section 7.d.).

It remained common for the ZANU-PF minister of local government to appoint or approve the appointment of ZANU-PF supporters to bureaucratic positions in local governments. The minister blocked the appointment of opposition politician James Mushore in 2016 and demanded that Harare City Council appoint another clerk in 2017. City public administrators earned hugely inflated salaries. In most rural areas, the government appointed ZANU-PF activists as “special interest” councilors.

The Minister of Finance announced the government’s intention to reduce the rolls of the civil service, but unqualified persons employed by the Public Service Commission remained on the state payroll. The majority served as youth and gender officers in various ministries and other public entities. According to the most recent audit, illicit salary payments were made to large numbers of persons who were retired, deceased, or otherwise absent from their place of employment. Uncovered duplicate personally identifiable information in files indicated some persons received more than one salary. In August President Mugabe ordered the finance minister to reinstate more than 2,000 youth and gender officers who had been removed from the government’s payroll.

Corruption was especially pervasive in local government, law enforcement, and the judiciary, where officials abused their positions and government resources openly and with impunity. Local councilors’ allocation of land lots for residential and commercial use led to numerous allegations of bribery attempts. Police arrested and charged some low-level land barons but not politicians benefiting from the deals. Government officials also demanded bribes or excessive fees for “expediting” paperwork, including birth certificates, passports, and driver’s licenses. Councilors practiced nepotism in hiring general council workers and in land allocation. Allegations of corruption continued against both ZANU-PF and MDC-T councilors. Most council employees were members of the political party dominating that council.

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted MDC-T officials, persons who had fallen out of favor with ZANU-PF, and individuals without high-level political backing. Despite President Mugabe’s public allegations of corruption against

senior ZANU-PF members, security officials made only a few arrests of low-level party members.

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

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

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

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

Government Human Rights Bodies: The ZHRC remained underfunded but managed to fulfill some of its constitutionally mandated functions. The ZHRC conducted public outreach throughout the country. Through its website, a hotline, social media platforms, and mobile legal clinics, the ZHRC's human rights officers accepted complaints from the public for investigation. In August the ZHRC issued a report criticizing the eviction of families from Arnold Farm (see section 1.f.). The ZHRC criticized both the Zimbabwe Republic Police and the Ministry of Lands and Rural Resettlement for violating the right to freedom from arbitrary eviction without a court order and without suitable alternative land for relocation.

The constitution calls for the establishment of a National Peace and Reconciliation Commission to operate during a 10-year period with the goal of ensuring

postconflict justice, healing, and reconciliation. In 2016 President Mugabe swore in members of the commission.

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

Women

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

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

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

Government officials sometimes acted on reported rape cases if the perpetrators were security force members or aligned with ZANU-PF. For example, in August police arrested police deputy commissioner Cosmas Mushore and Zimbabwe National Army lieutenant-colonel Rangarirai Kembo on charges of rape in two separate incidents.

According to a credible NGO, there were no official reports of rape being used as a political weapon during the year, but female political leaders were targeted physically or through threats and intimidation. On August 6, MDC-T supporters reportedly attacked MDC-T vice president Thokozani Khupe at MDC-T's Bulawayo provincial headquarters, accusing her of convening an unsanctioned meeting. In September MDC member of parliament Priscilla Misihairabwi-Mushonga received death threats following a radio interview in which she appeared to attack MDC-T leader Morgan Tsvangirai.

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

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

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

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

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. The law requires victims of any form of violence to produce a police report to receive treatment without cost at government health facilities. This requirement prevented many rape victims from receiving necessary medical treatment, including post-exposure prophylaxis to prevent victims from contracting HIV.

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

Sexual Harassment: No specific law criminalizes sexual harassment, but labor law prohibits the practice in the workplace. Media reported that sexual harassment was prevalent in universities, workplaces, and parliament. The Ministry of Women

Affairs, Gender, and Community Development acknowledged that lack of sexual harassment policies at higher education institutions was a major cause for concern. This occurred after a student advocacy group, the Female Students Network, revealed incidents of gender-based violence and sexual harassment against students. Female college students reported they routinely encountered unwanted physical contact from male students, lecturers, and nonacademic staff, ranging from touching and inappropriate remarks to rape. Of the 3,425 students interviewed, 94 percent indicated they had experienced sexual harassment, while 16 percent reported having been forced into unprotected sex with lecturers or other staff.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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.

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

The law recognizes a woman's right to own property, but very few women owned property due to the customary practice of patriarchal inheritance. Less than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.

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 and enroll in school. Discrimination with respect to women's employment also occurred.

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. Women comprised 35 percent of deployed personnel to peacekeeping missions.

The United Kingdom Department for International Development's *2011 Gender and Social Exclusion Analysis Report* indicated women experienced extensive economic discrimination, including in access to employment, credit, pay, and owning or managing businesses.

Children

Birth Registration: Citizenship is derived from birth in the country and from either parent, and all births are to be registered with the Births and Deaths Registry. The 2012 population census data showed that just one in three children under age five possessed a birth certificate. Of urban children under 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 unable to attend school and increasing their vulnerability to exploitation. For additional information, see Appendix C.

Education: Primary education is not compulsory, free, or universal. The constitution states that every citizen and permanent resident of the country has a right to a basic state-funded education but adds a caveat that the state "must take reasonable legislative and other measures, within the limits of the resources available to it." According to the 2012 population census, 87 percent of all children attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for children older than 14 was in decline. Urban and rural equity in primary school attendance rates disappeared at the

secondary school level. Rural secondary education attendance (44 percent) trailed behind urban attendance (72 percent) by a wide margin.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. In 2016 the NGO Childline received more than 11,300 reports of child abuse via its national helpline. Childline managed nearly 7,000 in-person cases at its drop-in facilities across the country and counseled more than 4,500 children. More than half of all reported cases of abuse concerned a child who had been sexually, physically, or emotionally abused, neglected, or forced into marriage. Approximately twice as many girls reported abuse as boys.

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

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

Early and Forced Marriage: The constitution declares anyone under age 18 a child. In 2016 the Constitutional Court ruled no individual under age 18 may enter into marriage, including customary law unions. The court also struck down a provision of the Marriage Act that allowed girls but not boys to marry at age 16.

Despite legal prohibitions, mostly rural families continued to force girls to marry. According to the 2012 population census, almost one in four teenage girls were married. Child welfare NGOs reported evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who had no relatives willing or able to take care of them. High rates of unemployment, the dropout of girls from school, and the inability of families to earn a stable income were major causes of child marriage.

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

For additional information, see Appendix C.

Sexual Exploitation of Children: Conviction of statutory rape, legally defined as sexual intercourse with a child under age 12, carries a fine of \$2,000, up to 10 years' imprisonment, or both. A person in possession of child pornography may be charged with public indecency and if convicted faces a fine of \$600, imprisonment up to six months, or both. A person convicted of procuring a child under age 16 for purposes of engaging in unlawful sexual conduct is liable to a fine up to \$5,000, up to 10 years' imprisonment, or both. Persons charged with facilitating the prostitution of a child often were also charged with statutory rape. A parent or guardian convicted of allowing a child under age 18 to associate with or become a prostitute may face up to 10 years' imprisonment. Girls from towns bordering South Africa, Zambia, and Mozambique were subjected to prostitution in brothels that catered to long-distance truck drivers. Increasing economic hardships coupled with the effects of drought also led more girls to turn to prostitution.

Displaced Children: Approximately 10,000 children were displaced from the Tokwe-Mukosi dam area in Masvingo Province (see section 2.d.). The disruption of their parents' livelihoods negatively affected the children's access to health care and schooling.

The UNICEF 2005-10 report estimated 25 percent of children had lost one or both parents to HIV or other causes. The proportion of orphans in the country remained very high. Many orphans were cared for by their extended family or lived in households headed by children.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. The constitution and law do not specifically address air travel or other transportation. They do not specify physical, sensory, mental, or intellectual disabilities. NGOs continued to lobby to broaden the legal definition of "disabled" to include persons with albinism, epilepsy, and other conditions. NGOs also petitioned the government to align the Disabled Persons Act with the constitution. Government institutions often were uninformed and did not implement the law. The law stipulates that government buildings be accessible to persons with disabilities, but implementation was slow.

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

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

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

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

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

Persons with mental disabilities also suffered from inadequate medical care and a lack of health services. There were eight centralized mental health institutions in the country with a total capacity of more than 1,300 residents, in addition to the three special institutions run by the ZPCS for long-term residents and those considered dangerous to society. Residents in the eight centralized institutions received cursory screening, and most waited for at least one year for a full medical review.

A shortage of drugs and adequately trained mental health professionals resulted in persons with mental disabilities not being properly diagnosed and not receiving adequate therapy. There were few certified psychiatrists working in public and

private clinics and teaching in the country. NGOs reported that getting access to mental health services was slow and frustrating. They reported persons with mental disabilities suffered from extremely poor living conditions, due in part to shortages of food, water, clothing, and sanitation.

Prison inmates in facilities run by the ZPCS were not necessarily convicted prisoners. Two doctors examined inmates with psychiatric conditions. The doctors were required to confirm a mental disability and recommend an individual for release or return to a mental institution. Inmates with mental disabilities routinely waited as long as three years for evaluation.

There were minimal legal or administrative safeguards to allow participation in the electoral processes by persons with disabilities. Administrative arrangements for voter registration at relevant government offices were burdensome, involving long queues, several hours or days of waiting, and necessary return visits that effectively served to disenfranchise some persons with disabilities. Advocacy groups petitioned the government in September, demanding the government protect persons with disabilities' constitutional rights by considering their electoral needs. The law permits blind persons to bring an individual with them in marking their ballots.

National/Racial/Ethnic Minorities

According to government statistics, the Shona ethnic group made up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic and racial groups 3 percent. ZANU-PF leaders often encouraged hatred of whites through public speeches and broadcasts. This created tension between ZANU-PF supporters and whites. In public remarks President Mugabe encouraged ZANU-PF supporters to seize all land that remained in the hands of white farmers. He also discouraged supporters from doing business with white farmers who sought partnerships in farming.

Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government. During a February rally in Chiweshe, ZANU-PF supporters ignited tensions between two Shona subgroups, the Zezuru and the Karanga. The Zezuru, who dominated the government, sang "Zezuru Unconquerable," reportedly offending the Karanga. During the year senior ZANU-PF leaders attacked each other, calling on their own ethnic group for support against the other in party in-fighting.

The government continued its attempts to blame the country's economic and political problems on the white minority and western countries. Police seldom arrested ZANU-PF supporters or charged them with infringing upon minority rights, particularly the property rights of the minority white commercial farmers or wildlife conservancy owners targeted in the land redistribution program.

The government enforced few of the provisions or timelines in the 2007 indigenization law, and no businesses were forced to transfer ownership. The law defines an indigenous Zimbabwean as any person, or the descendant of such person, who before the date of the country's independence in 1980 was disadvantaged. The official purpose of the indigenization law was to increase the participation of indigenous citizens in the economy, including at least 51 percent indigenous ownership of all businesses. Legal experts criticized the law as unfairly discriminatory and a violation of the constitution.

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

The constitution does not prohibit discrimination based on sexual orientation and gender identity. According to the criminal code, "any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act" carries a penalty if convicted of up to one year in prison or a fine up to \$5,000. Despite that, there were no known cases of prosecutions of consensual same-sex sexual activity. Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. In some cases it criminalizes the display of affection between men.

President Mugabe and ZANU-PF leaders publicly criticized the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, rejecting the promotion of LGBTI rights as contrary to the country's values, norms, traditions, and beliefs.

The police reportedly detained and held persons suspected of being gay for up to 48 hours before releasing them. LGBTI advocacy groups also reported police used extortion and threats to intimidate persons based on their sexual orientation. Members of Gays and Lesbians of Zimbabwe, the primary organization dedicated to advancing the rights of LGBTI persons, experienced harassment and discrimination.

Religious leaders in this traditionally conservative and Christian society encouraged discrimination against LGBTI persons. Also, LGBTI persons reported

widespread societal discrimination based on sexual orientation. In response to social pressure, some families subjected their LGBTI members to “corrective” rape and forced marriages to encourage heterosexual conduct. Women in particular were subjected to rape by male family members. Victims rarely reported such crimes to police.

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. 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. Since the completion of a nationwide sensitization program for health-care workers, however, the LGBTI community reported an improvement in health-service delivery.

HIV and AIDS Social Stigma

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

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

Other Societal Violence or Discrimination

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

Promotion of Acts of Discrimination

Throughout the year government-controlled media continued to vilify white citizens and blame them for the country's problems. President Mugabe was complicit in vilifying white citizens and urged the eviction of remaining white farmers.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

While the law provides for the right of private-sector workers to form and join unions, conduct legal strikes, and bargain collectively, other provisions of law and economic realities (i.e., lack of ability to pay dues) abrogated these rights. Public-sector workers may not form or join trade unions but may form associations that bargain collectively and strike. The law prohibits antiunion discrimination, provides that the labor court handle complaints of such discrimination, and may direct reinstatement of workers fired due to such discrimination.

The law provides for the registrar of the Ministry of Public Service, Labor, and Social Welfare to supervise the election of officers of workers' and employers' organizations, to cancel or postpone elections, and to change the venue of an election. The law also grants the minister extensive powers to regulate union activities. For example, 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 can, without prior notice, enter trade union premises, question any employee, and inspect and copy any books, records, or other documents. The Labor Amendment Act empowers the minister to order an investigation of a trade union or employers' organization and to appoint an administrator to run its affairs.

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

(ZCIEA) participated in several strikes in the banking sector. National Railway of Zimbabwe (NRZ) workers also demonstrated to protest over two years of salary arrears. Zimbabwe Congress of Trade Unions (ZCTU) assisted its members by approaching NRZ employers, which then offered half salaries, but the NRZ remained in arrears. Meanwhile, the NRZ dismissed its union president.

The Metal Allied Industries' (MAI) employees demonstrated for approximately one week regarding salary arrears, leading to MAI paying its employees. There were also arrears in other sectors of the economy, and ZCTU requested that their members inform the union of such arrears so that they could pursue legal action against employers.

A union of bank employees demonstrated at Stanbic Bank to protest the mistreatment of Verity Mutsamwira, a former union leader. She was released from her contract in such a manner that was highly suspect. ZRP arrested organizers of the demonstration but later released them.

Members of the police and army are the only legally recognized essential services employees and may not strike, but the law allows the Ministry of Public Service, Labor, and Social Welfare to declare any nonessential service an essential service if a strike is deemed a danger to the population. No provisions prohibit employers from hiring replacement workers in the event of a strike. The law also allows employers to sue workers for liability during unlawful strikes, with penalties for conviction that include fines, up to five years' imprisonment, or both. The constitution does not extend the right of collective bargaining to security forces. In late 2014 the government, employer organizations, and union representatives, according to the Zimbabwe Federation of Trade Unions (ZFTU), signed an agreement detailing how government security forces should conduct themselves in the event of a strike or other collective action.

Collective bargaining agreements applied to all workers in an industry, not just union members. Collective bargaining takes place at the enterprise and industry levels. At the enterprise level, work councils negotiate collective agreements, which become binding if approved by 50 percent of the workers in the bargaining unit. Industry-level bargaining takes place within the framework of the National Employment Councils (NEC). Unions representing at least 50 percent of the workers may bargain with the authorization of the Minister of Public Service, Labor, and Social Welfare. The law encourages the creation of workers' committees in enterprises where less than 50 percent of workers are unionized.

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

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

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

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

Government interference with trade union activity was common. Authorities frequently withheld or delayed the registration certificate for a number of unions. Police and state intelligence services regularly attended and monitored trade union activities such as meetings. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. The International Labor Organization noted that the government took some steps to address the concerns raised by a 2010 commission of inquiry. The inquiry found the government responsible for serious violations of fundamental rights by its security forces, including a clear pattern of intimidation that included arrests, detentions, violence, and torture against members nationwide of the ZCTU—an umbrella group of unions with historical ties to the opposition MDC-T. The Zimbabwe Federation of Trade Unions has historical ties to the ruling ZANU-PF.

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

event was not authorized and then might post armed police officers around ZCTU's offices--even if the event was not ZCTU-organized. In September ZRP's Harare Central District Headquarters denied ZCTU's request to hold a peaceful workers' rights commemoration to remember colleagues killed and maimed by ZRP members during 2013 demonstrations. ZRP and the Office of the President and Cabinet (OPC) officials also interrupted and used intimidation tactics during ZCTU training of employees, such as a Chinhoyi workshop and a May women's leadership training in Mutare at which the OPC confiscated samples of the educational materials.

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

There were reports that some ZCTU affiliates were able to engage in collective bargaining with employers without interference from the government. Nevertheless, members of the ZCTU stated employers did not recognize their affiliates within the NECs. Workers' committees existed in parallel with trade unions. Their role was to negotiate shop floor grievances, while that of the trade unions was to negotiate industry-level problems, notably wages. Trade unions regarded the existence of such a parallel body as an arrangement that employers potentially could use to undermine the role of the unions.

According to International Trade Union Confederation reports, employers frequently abused institutional weakness by creating a deadlock in the bargaining process, i.e., by forcing the referral of the dispute to arbitration and then to court, forestalling a decision within a reasonable timeframe. Agricultural workers experienced verbal and physical attacks by employers during negotiations. Due to the criminalization of informal economy workers and politicization of their operating spaces, reports described attacks and harassments. The ZCTU reported cases against Chinese employers that did not follow labor law regarding protective clothing. These same employers also denied labor unions access to job sites to provide education to their employees.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, with exceptions for work for the national youth service and forced prison labor. The

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

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

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

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

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The Labor Amendment Act sets the minimum age for general labor from 13 to 16. The law increases the minimum age for apprenticeship from 15 to 16 and declares void and unenforceable formal apprenticeship contracts entered into by children under age 18 without the assistance of a guardian. The law further states that no person under age 18 shall perform any work likely to jeopardize that person’s health, safety, or morals.

The laws were not effectively enforced. The Department of Social Welfare in the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws, but the department lacked personnel and commitment to carry out inspections or other monitoring. Penalties, including fines and imprisonment, were not sufficient to deter violations. There was no government action to combat child labor during the year.

Child labor remained endemic and was on the rise. Child labor occurred primarily in the informal sectors. Inspectors received no training addressing child labor and did not closely monitor it. Children worked in agriculture, fishing, cattle herding, forestry, informal mining, as domestic staff and street vendors, and in other parts of the informal sector.

According to a 2014 report compiled by ZimStat, the governmental statistics agency, 30 percent of children ages five to nine and 60 percent of children ages 10 to 14 were engaged in economic activity at least one hour per week. Seven percent of children ages five to nine and 12 percent of children ages 10 to 14 worked 21 hours or more per week in economic child labor. Ninety-seven percent of the children involved in economic child labor resided in rural areas, and 96 percent were employed in agriculture, forestry, and fisheries.

Children often faced hazards to their health and safety and lacked necessary equipment and training. Working on farms, in particular tea plantations, exposed children to bad weather, dangerous chemicals, and the use of heavy machinery. Most children involved in mining worked for themselves, a family member, or someone in the community. Exposure to hazardous materials, particularly mercury, was on the rise in the informal mining sector. The ZCTU conducted child labor training and identified focal points for further coordination in the education, mining, and informal economy sectors, as well as the teachers unions, since teachers regularly interacted with children and could be among the first to notice signs of abuse. The ZCTU prepared a handbook on child labor and children's rights, including the negative effects of child labor.

Forced labor by children occurred in the agricultural, artisanal gold and chrome mining, and domestic sectors. Children also were used in the commission of illegal activities, including gambling and drug smuggling. 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 the parents for a child's work. Relatives often took children orphaned by HIV/AIDS into their homes but used them as domestic workers without pay. Still other children in

Hopley Farms sold sex for as little as fifty cents a client to cover the cost of food. The Ministry of Public Service, Labor, and Social Welfare took 54 girls from Hopley Farms and moved them to safe locations. They also sent teams to Epworth, Caledonia, and Hatcliffe to investigate child prostitution for survival. See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

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

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

There were no formal complaints of wage discrimination filed with the Ministry of Labor; however, women's salaries lagged behind those of men in most sectors, and women faced discrimination on the basis of gender, when seeking maternity leave guaranteed by the law, and other gender-based benefits. Unions expressed their concern regarding wage disparity between management and employees.

There was a relative lack of women in decision-making positions, despite a constitutional requirement that both genders be equally represented in all institutions and agencies of government at every level. In 2014 the share of women in wage employment in the nonagricultural sector was 37 percent, while their share in senior and middle management was 24 percent.

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

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

e. Acceptable Conditions of Work

The NECs set the minimum wage for all industrial sectors through a bipartite agreement between employers and labor unions. The minimum wage seldom exceeded the poverty line, when it was followed.

The law does not provide for a standard workweek, but it prescribes a minimum of one 24-hour continuous rest period a week. The maximum legal workweek is negotiated between unions and employers in each sector. No worker is allowed to work more than 12 continuous hours. According to the 2014 *Labor Force Survey*, 28 percent of the employed population worked excessive hours, defined as more than 48 hours per week. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday or on their rest day. The government sets safety and health standards on an industry-specific basis. The public service commission sets conditions of employment in the public sector.

Labor law does not differentiate between workers based on sector or industry. The labor law does not apply to the informal sector, which includes a large majority of the labor force. The law applies to migrant laborers if they are in the formal sector. There were no reports of discrimination against migrant laborers in the formal sector.

Occupational safety and health standards were current and appropriate for the main industries in the country. In 2015 the National Social Security Authority (NSSA) commissioned an occupational health center in the capital and a mobile clinic to monitor the health of miners and industrial workers. The law provides for workers to remove themselves from situations that endangered health or safety without jeopardy to their employment.

The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage and work hours laws for each sector, but the standards were not enforced effectively due to inadequate monitoring systems and a labor inspector shortage. The number of labor inspectors was insufficient to enforce labor laws, including those covering children. The Zimbabwe Occupational Safety Council, a quasi-governmental advisory body to the NSSA, regulated working conditions. Budgetary constraints and staffing shortages, as well as its status as an advisory council, made it largely ineffective. Penalties for violations of wage or hours of work restrictions range from a fine to imprisonment but were insufficient to deter violations. Penalties for occupational safety and health violations were not harmonized and fall within the jurisdiction of numerous ministries.

Most injuries and deaths occurred in the mining sector. The ZFTU reported that workers at iron smelters often suffered burns due to a lack of protective clothing. Lack of adequate protective clothing was also an issue for workers in the informal sector. The NSSA attributed the high injury and fatality rates to low investment in occupational safety and health, noncompliance with rules and regulations, and low levels of awareness of occupational safety and health matters.

Employers paid many agricultural and domestic workers below the minimum wage. The ZCTU reported many agricultural workers earned \$72 per month. Many public servants also earned less than the poverty line. During the year there was pervasive partial payment or nonpayment of salaries in both the public and private sectors. According to a report by the Labor and Economic Development Research Institute of Zimbabwe that analyzed data from ZCTU-affiliated union representatives at 442 companies, 54 percent of employees had gone at least 13 months without pay. All employees went at least three months without pay, and 16 percent had gone 25 or more months without pay.

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

Poor health and safety standards in the workplace were common problems faced by workers in both the formal and informal sectors due to lack of enforcement. Abuses by the management at certain foreign-owned enterprises and companies owned by well-connected politicians were common, including physical, sexual, and emotional abuse of workers; poor working conditions; underpayment or

nonpayment of wages; unfair dismissal; and firing without notice. Workers' committee members of a foreign-owned mining company reported fear and serious victimization, including arbitrary nonrenewal of contracts, dismissals without charges, late payment of salaries, and insufficient provision of protective clothing. The ZCTU's Health and Social Welfare Department engaged employers on occupational health and safety-related workplace needs. No information was available on the treatment of foreign and migrant workers. The government considered many commercial farm workers to be foreigners because one or both parents were born in another country.

Due to the growth of the informal mining sector, artisanal miners, including children, were increasingly exposed to chemicals and environmental waste. An estimated 1.5 million persons were engaged in artisanal mining, defined as mining activities carried out using low technology or with minimal machinery, according to the Zimbabwe Artisanal and Small-scale Miners Council.