

ZIMBABWE 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic. It has been dominated by President Robert Mugabe, his Zimbabwe African National Union-Patriotic Front (ZANU-PF) party, and its authoritarian security sector since independence in 1980. Presidential and parliamentary elections held on July 31 were free of the widespread violence of the 2008 elections, but the process was neither fair nor credible. A unilateral declaration of the election date by the hastily convened and politically compromised Constitutional Court, formed after the country adopted a new constitution in March; a heavily biased state media; limitations on international observers; failure to provide a publicly useful voters' register; and a chaotic separate voting process for the security sector contributed to a deeply flawed process. Two of the three partners in the 2009 coalition government opposed the election date, citing the lack of previously agreed to reforms in the Southern African Development Community (SADC)-mediated Global Political Agreement (GPA). The courts dismissed challenges filed after the elections by non-ZANU-PF parties. The elections resulted in the formation of a unitary ZANU-PF government led by President Mugabe and Vice President Joice Mujuru and ZANU-PF supermajorities in both houses of Parliament. The authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

The most important human rights problems remained the government's targeting for torture, abuse, arrest, and harassment members of non-ZANU-PF parties and civil society activists; partisan application of the rule of law by security forces and the judiciary; the government's compulsory acquisition of private property; and restrictions on civil liberties.

There were many other human rights problems. ZANU-PF and the security forces controlled and manipulated the political process, effectively negating the right of citizens to choose their government. Prison conditions were harsh. Lengthy pretrial detention, denial of bail, and lack of access to legal representation were problems. Executive influence and interference in the judiciary continued, and the government infringed on citizens' privacy rights. The government failed to investigate or prosecute state security or ZANU-PF supporters responsible for violence in the previous year. Authorities restricted freedoms of speech, press, assembly, association, and movement. The government continued to evict citizens, invade farms, private businesses and properties, and demolish informal

marketplaces. The government impeded nongovernmental organization (NGO) efforts to assist those displaced and other vulnerable populations. The government arrested, detained, prosecuted, and harassed NGO members. Government corruption remained widespread, including at the local level. Violence and discrimination against women; child abuse; trafficking of women and children; and discrimination against persons with disabilities, racial and ethnic minorities, lesbian, gay, bisexual, and transgender (LGBT) persons, and persons with HIV/AIDS were problems. The government interfered with labor-related events.

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike previous years, there were no confirmed new cases of death in police custody. Progress in cases that occurred in previous years was slow, and most cases remained open. Police units sometimes organized or participated in political violence. Security sector impunity stemming from politically motivated abuses remained a problem.

With few exceptions, investigations and cases were pending for all 2012 cases of violence resulting in death committed by security forces and ZANU-PF supporters.

There was minimal progress in the investigation into the 2012 killing of Blessing Matanda, who was shot while in police custody for suspected theft. In October a Kwekwe magistrate opened a formal inquest into the shooting, but the ruling on the inquest was postponed indefinitely.

Members of the military and police killed citizens during political violence that targeted opposition party members in 2009 and 2008. At year's end, no one had been held legally accountable for the killings.

Supporters of ZANU-PF were believed responsible for at least one killing during the year. On February 23, 12-year-old Christpower Maisiri, the son of a well-known local Movement for Democratic Change-Tsvangirai (MDC-T) activist in Makoni, was killed when the family hut was firebombed. Police made no arrests in the case, but ZANU-PF supporters had previously targeted the Maisiri family on multiple occasions.

Police and the attorney general failed to arrest or prosecute senior or well-known ZANU-PF supporters for violence in previous years.

Impunity for past politically motivated violence remained a problem. For example, the government continued to take no action against ZANU-PF party activists and war veterans (veterans of the liberation war in the 1960s and 1970s against the government of Ian Smith) who in 2010 beat Memory Chaduka and 25 other informal traders in Masvingo for failing to contribute money toward Independence Day celebrations. ZANU-PF activists and veterans accused those who failed to make such contributions of being MDC supporters. Chaduka died from complications resulting from her injuries.

There continued to be no progress in holding legally accountable those responsible for the killings of at least 19 citizens who died of injuries sustained during the political violence of 2008 that targeted opposition party members, in addition to the more than 270 others who were killed that year. Members of ZANU-PF, including the party's youth militia, and individuals identifying themselves as war veterans were believed to be the primary perpetrators of the violence.

Unwillingness to acknowledge past atrocities continued to influence Shona-Ndebele relations negatively. In July 2012 ZANU-PF defense minister Emmerson Mnangagwa referred to the 1980s mass killings of Ndebele Zimbabweans known as the Gukurahundi as a "closed chapter." (Approximately 20,000 persons were killed during the 1980s because of a government-sanctioned crackdown on persons believed to be insurgents in Matabeleland and Midlands regions.) Also in July 2012 ZANU-PF minister Patrick Chinamasa stated that it was reckless to apportion responsibility for the Gukurahundi on anyone, since the killings were a national crisis.

b. Disappearance

There were credible reports of politically motivated abductions and attempted abductions during the year. Leaders of both the Movement for Democratic Change parties reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and Movement for Democratic Change-Ncube (MDC-N) members, civil society members, and student leaders as part of an effort to intimidate them. Authorities rarely punished perpetrators.

On February 18, Steward Utaun Ashe, the MDC-T district organizing secretary for Tafara, was abducted by three men and one woman alleged to be plainclothes police officers from outside his home, held in a vehicle, interrogated and tortured, and released in Rusape six days later. The alleged officers initially visited

Utaunashe at his home, where they told him that they were going to take him to a police station to be questioned about ZANU-PF t-shirts destroyed the previous week in Tafara district. Utaunashe pleaded ignorance about the incident but was forced into the officers' vehicle and later transferred to a windowless van. The perpetrators bound the victim and deprived him of food and water for the first two days. During that time and thereafter, the perpetrators alternated beating the victim with open palms. They also poured sand in his ears and applied electric shocks to his genitals and armpits. The female assailant urinated on the victim on multiple occasions. An investigation was ongoing at year's end.

Police took no action against Masvingo security agents who in 2010 abducted and tortured Alec Tabe and Godfrey Kuraune, two leaders of the Zimbabwe National Students Union.

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 continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF. Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces reportedly assaulted and tortured citizens in custody, particularly perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged them with inciting public violence.

Human rights groups reported that physical and psychological torture perpetrated by security agents and ZANU-PF supporters continued. In the pre-election climate, especially in the first quarter of the year, politically motivated violence was widespread, particularly by ZANU-PF youth supporters. Torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); burning; falanga (beating the soles of the feet); solitary confinement; and sleep deprivation.

From January through September, according to one NGO, 334 persons sought treatment for injuries and trauma sustained from security force abuse, compared with 289 persons in 2012. Observers attributed the increase to the constitutional referendum in March and the July 31 elections. Nearly 50 percent of the cases took place in Harare, and the vast majority of the victims were affiliated with MDC-T.

On February 18, uniformed soldiers of the army's Third Brigade assaulted an MDC-T official in rural Mutare. The soldiers abducted the victim at the Zimunya Business Center and took him to their barracks. Once there, the soldiers accused the victim of supporting MDC-T and assaulted him with booted feet, fists, and baton sticks; they released him later that day with severe injuries.

ZANU-PF supporters--often with tacit support from police--continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns. Violent confrontations between various youth groups aligned with ZANU-PF (known as "Chipangano"), MDC-T, or MDC-N continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence. Police sometimes arrested the victims of the violence rather than the perpetrators.

On May 28, a busload of approximately 40 ZANU-PF youth members dressed in party regalia and from the informal settlement of Ushehwekunze Housing Scheme, assaulted three MDC-T ward officials in Harare South. The youth supporters conducted a house-to-house search for MDC-T officials who had observed MDC-T primary elections the previous weekend and assaulted the three officials they found. As the day progressed, in three additional instances, the same group of perpetrators interrogated and then assaulted men suspected of being MDC-T supporters.

Police occasionally used excessive force to disperse demonstrators, resulting in injuries (see section 2.b.).

As in 2012, members of al Shabab (not connected with the Somali terrorist organization), a group reportedly linked to then defense minister Emmerson Mnangagwa, attacked civilians in Kwekwe, forcefully evicting shop owners from their business premises under the guise of youth empowerment.

Prison and Detention Center Conditions

Prison conditions remained harsh, partly due to overcrowding in older urban remand facilities, although the newly renamed Zimbabwe Prison and Correctional Services (ZPCS) made some improvements during the year. The country's new constitution changed the name of the former Zimbabwe Prison Service and shifted its focus to include rehabilitative as well as punitive measures.

Physical Conditions: There were approximately 17,500 prisoners, including approximately 500 women and 200 juveniles, 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 beat and abused prisoners. As of October, President Mugabe had yet to issue his expected postelection presidential amnesty for 3,000 to 3,500 prisoners.

Between January and late November, over 100 prisoners died in custody due to nutrition-related illnesses induced by food shortages and other natural causes. Poor sanitary conditions contributed to disease, including diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Lighting and ventilation were inadequate. There were insufficient mattresses, warm clothing, sanitary supplies, and hygiene products. Prisoners had no access to clean water. The harvest of prison farm products provided meals for prisoners, while the sale of some high-value crops such as tobacco allowed authorities to address some supply shortages, and authorities provided each prisoner with at least one new uniform during the year.

Prisoners had access to very basic medical care, with a clinic and doctor at every facility. The ZPCS offered peer education on HIV/AIDS and 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. There were some cases of prisoners with HIV/AIDS denied access to antiretroviral drugs, and a court case was pending on the issue at year's end. NGOs also reported isolated cases of meningitis and pellagra.

NGOs reported that female prisoners generally fared better than men. They were held in separate prison wings and were guarded by female officers. Prison officials also appeared to have prioritized food distribution to women; moreover, women generally received more food from their families than male prisoners. The several dozen children under the age of three living with their incarcerated mothers, however, were required to share their mothers' food allocation. NGOs were unaware of women inmates reporting rapes or physical abuse, which were more common among the male inmate population. NGOs suggested that female guards may have been more diligent about protecting female prisoners from abuse or that female prisoners may not have reported abuse. Prisons, with support from NGOs, provided sanitary supplies for women. Officials did not provide pregnant and

nursing mothers with additional care or food rations, but the ZPCS solicited donations from NGOs and donors for additional provisions.

There was one juvenile prison. Juveniles also were held in adult prisons throughout the country while in remand, or when older juveniles would benefit from remaining closer to their families. Officials generally tried to place younger juvenile inmates in separate cells. Juveniles generally were sent to prison instead of to reformatory homes, as stipulated in the Children's Act. Juveniles were particularly vulnerable to abuse by prison officials and other prisoners.

According to the ZPCS, remand prisons were overcrowded, and conditions were, by design, harsher than in newer facilities. Authorities often held pretrial detainees with convicted prisoners until their bail hearings.

Officials held many detainees in severely overcrowded police facilities. Police used cruel, inhuman, or degrading treatment or punishment against those in custody. Those detained for politically motivated reasons were kept at police stations for days, weeks, or months while their court dates or bail hearings were pending.

Administration: There was no prison ombudsman, but there were statutory mechanisms to allow alternatives to incarceration for nonviolent offenders. Approximately 130 probation officers under the Ministry of Labor and Social Services addressed the status and circumstances of confinement for juvenile offenders. International monitors noted the professionalism of the ZPCS' recordkeeping procedures, including ensuring that prisoners did not serve beyond the maximum sentence for the relevant offense.

Officials generally sent prisoners with confirmed mental disabilities to one of two mental institutions run by the ZPCS, which were separate from mainstream mental health institutions (see section 6).

Authorities permitted prisoners religious observance, and all prisons engaged locally based chaplains to provide basic services. Church groups trained chaplains to provide religious services and life skills classes for prisoners. Churches also conducted spiritual programs in prisons.

Authorities permitted prisoners to submit complaints, but investigations were rare. The ZPCS continued to assess prison conditions periodically but did not release the results of such assessments.

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 their meetings with prisoners occurred without third parties present, and there were minimal restrictions on how they operated within the prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, although some laws effectively weakened these prohibitions. Despite the law, security forces arbitrarily arrested and detained persons, particularly political and civil society activists perceived as opposing the ZANU-PF party and those involved in anticorruption work.

Role of the Police and Security Apparatus

The Zimbabwe Republic Police (ZRP) are responsible for maintaining law and order. Although the ZRP are officially under the authority of the Ministry of Home Affairs, the Office of the President controlled some roles and missions. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces (ZDF), under the Ministry of Defense. They are responsible for external security, but the government sometimes used them for domestic operations. The Central Intelligence Organization (CIO), under the minister of state for national security, is responsible for internal and external security.

The police were ill equipped, underpaid, and poorly trained, particularly at the lower levels. Police authorities lacked sufficient fuel and resources, which reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal resulted in corruption and high turnover. 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.

Security forces were infrequently held accountable for abuses. Senior government officials often dismissed allegations of excessive force and torture, claiming that such actions were necessary to maintain public order. Authorities routinely

ignored court orders for investigations into allegations of abuse. ZRP leadership loyal to ZANU-PF stifled, derailed, or did not authorize the efforts of those police who sought to investigate political violence and corruption. Police were reluctant or refused to record reports of politically motivated violence or property destruction perpetrated by ZANU-PF-aligned individuals against political opponents, often blaming the lack of fuel for vehicles for their failure to investigate.

The continued politicization of the ZRP's upper echelons, mostly composed of war veterans loyal to ZANU-PF, made it difficult for lower-ranking police to remain politically impartial or to show support for non-ZANU-PF parties. There were reports of police and army personnel suspected of being sympathetic to the MDC's or other political parties' being threatened with demotion, suspension, incarceration, or transfer to remote areas. Most low-ranking personnel lived in ZRP-provided housing, which allowed the monitoring of their votes.

There were reports that authorities investigated and arrested corrupt police officials for criminal activity during the year, as well as reports of police officers who were punished or arrested on arbitrary charges for failing to obtain or share illicitly gained funds.

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 nation's sovereignty was commonplace, while authorities rarely provided training on nonpartisan implementation of the rule of law.

There were no internal or external entities to investigate security force abuse. In 2009 the National Security Council (NSC) was established to take over the role of the informal Joint Operation Command (JOC) in ensuring accountability of the country's security sector. The JOC consisted of the army, police, ZPCS, and CIO. President Mugabe reportedly met regularly with the JOC. Under the new constitution, the president remains the chair of the NSC, and other ministers must be nominated to it through an act of Parliament.

In contrast with previous years, the ZRP and ZDF did not recruit new members at high rates, but both organizations continued to make frequent exceptions for potential recruits who did not meet typical requisite academic and physical requirements. Both the ZDF and ZRF used quotas to balance ethnic group representation.

Prior to the 2013 election, several “war veterans” within the police force were promoted and deployed to campaign for ZANU-PF, and several active-duty senior police officers ran for election as ZANU-PF candidates, all in contravention of the law.

On numerous occasions prior to elections, police failed to intervene or investigate reports that ZANU-PF-aligned individuals engaged in political violence.

Arrest Procedures and Treatment of Detainees

The law stipulates that arrests require a warrant issued either by a court or senior police officer and that police inform an arrested person of the charges before taking the individual into custody, but these rights were not respected. The law requires a preliminary hearing before a magistrate within 48 hours of an arrest. According to the new constitution, only a competent court can extend the period of detention. Before the new constitution’s enactment, police chiefs could, and typically did, extend detention for 96 hours, often arresting individuals on a Friday and holding them through Monday morning. There were numerous reports that security forces arbitrarily arrested political and civil society activists, interrogated and beat them, and then released them the next day without charge.

The law provides for bail for most accused persons. High court judges at times granted bail independently. The law allows police to hold persons suspected of committing financial crimes for up to four weeks without bail. In some cases persons who were arrested and denied bail were detained for weeks, months, or years. In April the media reported the case of Johnathan Mutsinze, a convicted criminal awaiting sentencing who had spent 10 years in remand prison because a judge lost his case file.

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 were unavailable, especially in cases involving MDC members and civil society activists. Often authorities moved detainees overnight or on weekends from one police station or prison to another, and police refused to disclose the new location to families or lawyers. Authorities sometimes denied family members access unless accompanied by an attorney; at times, family members were denied access in politically sensitive cases. Detainees, particularly high-profile detainees, were often held incommunicado.

The government also continued to harass and intimidate human rights lawyers when they attempted to gain access to their clients. On March 17, Beatrice Mtetwa, a well-known lawyer and human rights defender, was arrested when she demanded to see a copy of the search warrant at the home of client that was being searched. In late November, after a lengthy trial, Mtetwa was acquitted.

Arbitrary Arrest: The government continued to use arbitrary arrest and detention as tools of intimidation and harassment, especially against non-ZANU-PF government officials, political activists, civil society members, student activists, and journalists.

In one example, on March 17, police raided and searched the homes of four senior staffers of the Prime Minister's Office and arrested all four on charges of possessing secret information pertaining to the allegedly corrupt activities of senior ZANU-PF government officials. Four lower-ranking colleagues were also arrested the following day and released after giving evidence against the initial four, whose trial was underway in October. Related to this case, in March police arrested Emmanuel Chimwanda of the Zimbabwe Anticorruption Commission (ZACC) on allegations that he shared case information on pending corruption investigations against senior ZANU-PF ministers with the Prime Minister's Office staff. Shortly thereafter, police arrested five other ZACC colleagues on related charges, which prosecutors withdrew when the ZACC employees agreed to testify against Chimwanda.

Pretrial Detention: Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several months before trial or sentencing due to a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and political reasons. For example, as of October, four of 29 MDC-T activists arrested in May 2011 (Glenview 29) were denied bail on six occasions and had remained in custody for 29 months. Rebecca Mafikeni, MDC-T Youth Assembly deputy organizing secretary, died of illness in August while in detention.

Other prisoners remained in prison because they could not afford to pay bail, which remained exorbitant given economic conditions in the country. Magistrates rarely exercised the "free bail option" in which they have discretion to waive bail for destitute prisoners. Lawyers reported that 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.

e. Denial of Fair Public Trial

As with the previous constitution, the new constitution provides for an independent judiciary, but executive influence and interference remained a problem, especially in key election timing decisions during the year.

In May the newly formed Constitutional Court (composed of all the members of the Supreme Court) ordered the government and President Mugabe to call for general elections no later than June 30. The government appealed for an additional month and the court granted it. The government did not comply with the 2012 Supreme Court ruling to hold by-elections by March, nor was the court able to compel compliance.

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. NGOs reported that senior government officials continued to undermine judicial independence, including by giving farms and homes to judges.

Magistrates heard the vast majority of cases. Legal experts claimed that defendants in politically sensitive cases were more likely to receive a fair hearing in magistrates' courts than in higher courts, where 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. Other judicial officers not covered by the 2010 Judicial Services Act, such as prosecutors and private attorneys, also faced pressure in politically charged cases, including harassment and intimidation. Some urban-based junior magistrates, however, demonstrated a greater degree of independence and granted MDC and civil society activists bail against the government's wishes.

Trial Procedures

The constitution provides for the right to a fair trial, but this right frequently was compromised due to political pressure. Defendants enjoy a presumption of innocence under the law, although this right was not always respected. Trials were held by magistrates or judges without juries and 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 the offense could result in a death penalty or lengthy prison sentence. Every defendant has the right to a lawyer of his or her 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 this request was rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request free legal assistance from the Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR).

Authorities sometimes denied attorneys access to their clients, especially in cases involving MDC members or civil society activists. Defendants have the right to present witnesses and evidence on their own behalf and to confront adverse witnesses, but these rights were not always observed. Defendants and their attorneys have the right to access all government-held evidence relevant to their cases, although this right often was not respected. 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. Although these rights apply to all citizens, they often were not respected in politically sensitive cases.

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 bring accused persons to trial. As with many other cases in which government opponents were granted bail (see section 1.d.), the state 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 over the accused person, 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. In most cases the state was unable to present credible evidence at trial, and an accused person’s freedom was limited by the continuing threat of prosecution.

Abel Chikomo, the head of the human rights NGO Forum, was summoned nearly a dozen times to attend various trial dates for a case that began in early 2011. Each time he appeared at court, he was informed that the matter was adjourned and that the court would “proceed by way of summons” or that the hearing would be postponed another week or month. In late November, Chikomo was acquitted of all charges. Leaders of almost all of the country’s prominent human rights organizations were similarly waiting for a summons to answer to charges, typically related to their organization’s registration.

Government officials frequently ignored court orders in such cases, delayed bail and access to medical care, and refused to enforce court orders related to land disputes.

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 throughout the year, including MDC officials, their supporters, NGO workers, and civil society activists. Authorities held many such individuals for one or two days and released them, while they held others for weeks or months. 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. During the year police beat and tortured numerous political and civil society activists while they were in detention.

In July police arrested Morgen Komichi, MDC-T deputy national chair, after he reported irregularities during the special voting process to the Zimbabwe Electoral Commission (ZEC). Komichi's observations--that ineligible persons were able to vote and that ZEC officials had recorded some police officers as having voted when they had not done so--as well as his delivery of an envelope containing the voting papers of a specific officer who had not voted, resulted in his arrest. Through October, Komichi applied for and was denied his constitutional right to bail on five separate occasions by magistrates and the high courts. His trial was in progress at year's end. Observers believed that Komichi's continued detention stemmed from his senior position in MDC-T as well as his allegations of election irregularities.

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 violations of human rights. In February, Justice Charles Hungwe of the high court issued ZACC warrants to search the offices of three senior ZANU-PF ministers and other offices under their charge. Police refused to assist ZACC with the searches. Instead, ZACC officials were arrested (see Arbitrary Arrest), and Justice George Chiweshe cancelled the initial warrants.

Several citizens approached South African domestic courts and won claims against the government, including for the confiscation of Zimbabwean government property, although by October the Zimbabwean government was able to pay a settlement to avoid sale of those properties (see section 1.f.). Lack of judicial and police resources contributed to problems enforcing domestic court orders.

Regional Human Rights Court Decisions

The African Commission on Human and People's Rights (ACHPR, based in The Gambia and mandated by the African Union) hears cases when member countries' internal remedies have been exhausted or do not exist, although it lacks an enforcement mechanism to ensure compliance.

In February the ACHPR ordered the government to extend the right to vote to all eligible citizens living outside the country and directed the government to provide postal voting facilities similar to those it affords government officials outside the country. The decision stemmed from a case brought by five diaspora citizens against the former unity government. Then justice minister Patrick Chinamasa of ZANU-PF, who was responsible for election administration, opposed the diaspora's right to vote. The government did not comply with either the 15-day deadline to respond to the ACHPR or the main order on the vote, and the diaspora did not participate in the July 31 elections.

The SADC Tribunal, suspended in 2010, remained suspended and unavailable to SADC citizens. A review of its mandate, which was scheduled to end in 2011, was not concluded as of October. The 2013 SADC summit of heads of state and government ignored the question of the tribunal.

Property Restitution

The constitution stipulates that the government must compensate persons for improvements made on land subsequently taken by the government but 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.

Overall, support was uneven and inconsistent to households resettled from the allocated diamond mining grounds of Marange in Chiadzwa to a government-

owned agricultural estate outside Mutare. As of year's end, more than 1,100 families had been relocated, dozens of whom did not obtain houses. 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 any compensation, 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 as now state land, despite customary and traditional rights to the contrary.

Authorities moved some relocated households to lands inappropriate for construction, including wetlands, resulting in damaged homes or unlivable conditions. The relocated households also faced numerous challenges, including lack of access to water, arable land, and employment opportunities as well as shoddily constructed and unsafe houses and loss of livelihoods. As of year's end, the government had not completed appraisal of the land and property lost by each family for the purpose of property restitution. An estimated 3,700 families in the diamond areas of Marange in Chiadzwa remained in limbo, without a timeframe or destination for their impending relocation. The government prohibited them from engaging in agriculture or other economic activities around the mining concessions. The government also failed to give land or homes to persons with rural households who worked in urban areas (a common practice in the country), accusing those persons of encroaching in the mining areas, notwithstanding acknowledgement by traditional leaders that such persons were based in the disputed areas for generations. Displaced families do not have security of tenure.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions. Security forces searched homes and offices without warrants or with warrants obtained under false pretenses; senior government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF; and the government forcibly displaced persons from their homes. Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to other government assistance programs to exclude suspected MDC supporters.

The law permits the interception and monitoring of any communication (including telephone, postal mail, e-mail, 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 to target political and civil society activists.

Police confiscated, permanently or temporarily, the mobile phones of several human rights lawyers in order to obtain the details of their clients as well as case information from texts and e-mail exchanges.

According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the MDCs. ZANU-PF youths reportedly evicted owners and occupants and placed their party's supporters in properties controlled by local councils, without paying rent, and leased market stalls to ZANU-PF cardholders only. As a result, ZANU-PF youth controlled almost all markets in Harare. In addition to markets, ZANU-PF youth expanded into the "kombi" (minibuses used for public transport) market, where they extorted both drivers and passengers. In 2012 members of the police and army launched a violent crackdown on the ZANU-PF youth at bus stops across Harare in retaliation for the youths' beating a soldier. After the crackdown, soldiers and members of the police force reportedly replaced the youths and extorted money from drivers themselves.

Land seizures remained a serious problem. A 2005 constitutional amendment transferred title of all land previously acquired for resettlement purposes to the government, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. The 2006 Gazetted Land (Consequential Provisions) Act requires all farmers whose land the government forcibly seized and who were not in possession of an official offer letter, permit, or lease to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years. The act was primarily used to target the approximately 4,500 large-scale and primarily white-owned farms in the country for seizure and redistribution to black citizens, particularly ZANU-PF supporters.

The continued use of that act led to instability and lack of confidence in the agriculture sector as well as a shortage in near- and long-term investment for crop production or development. The "offer letters" served as a 24-hour lease and could be terminated for a variety of reasons, without legal recourse or compensation for any past improvements made to the land. They cannot be used as collateral for loans with any banks as they are not secure and are nontransferable.

According to the attorney general and Ministry of Lands, every white-owned farm in the country had been gazetted (officially announced as available in state media) and was effectively state property. According to the Commercial Farmers Union of Zimbabwe, after a property was gazetted, it was transferred to a politically connected individual at the first available opportunity. The exact number of remaining white commercial farmers was unknown, although they 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 in the protected forests of the Bvumba in the Eastern Highlands as well as on privately owned wildlife conservancies in Masvingo Province, with the collusion of high-ranking government officials and provincial ZANU-PF party structures and leaders.

Although most of the white-owned farms were gazetted and forcibly seized, the title deed holders had not been compensated for the loss of their homes or properties, where most of their life earnings were invested. By October approximately 180 to 230 farmers accepted a settlement worth 5 to 10 percent of the value of their investment. As a result, like their former farm workers who were evicted by the new beneficiaries of the farms, 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, especially during the pre-election period. Beneficiaries divided many reallocated farms near cities for sale as small residential lots and sold them for personal gain without any compensation to the title deed holders.

In August 2012 “indigenous partners” imposed on ranch owners in the Save Valley Conservancy (SVC) in Masvingo received a sizable share of the SVC’s hunting permits for the 2012 season from the Zimbabwe Parks and Wildlife Management Authority (“Parks”). The partners included several hard-line ZANU-PF supporters. None of the new partners had invested or provided value to the SVC properties and, after complaints by longtime SVC owners and the international community, President Mugabe ordered that the problems be solved or the SVC would face the risk of nationalization. As of October, the dispute persisted, with Parks continuing to refuse to issue hunting permits to SVC ranch owners, causing loss of income and staff for a second consecutive year and resulting in a steep rise in poaching activities in the now less protected conservancies.

There were reports of farmers forced off their farms at gunpoint, 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 on white-owned farms were beaten, intimidated, or displaced. Police, in most cases, did not intervene while invaders and looters carried on their activities, nor did they enforce court judgments evicting squatters on illegally seized properties.

Late in the year courts found in favor of some displaced farmers who alleged misappropriation of their land. This resulted in some displacement on short notice of resettled indigenous farmers, who believed they had purchased the land fairly. As of October, it was unclear whether these were isolated cases or the start of a trend.

Farmers' unions and NGOs believed that invasions intensified after the SADC's 2010 decision to suspend its tribunal (which remained suspended). In previous years, the tribunal found the government in contempt of a 2008 tribunal ruling by allowing invasions, arrests, and prosecutions of evicted commercial farmers.

The new constitution includes some defenses against unlawful prosecution under the act. As of October, a few test cases had been referred to the new Constitutional Court but had not been heard by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the law limits these freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health." Making a false statement prejudicial to the government carries a maximum prison sentence of 20 years. The government continued to arrest, detain, and harass its critics, and journalists practiced self-censorship.

Freedom of Speech: Security authorities continued to restrict freedom of speech and arrest 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 sometimes torture.

The ZLHR stated that by September it had assisted more than 70 individuals who had been arrested by police for violating Section 33 of the Criminal Law (Codification and Reform) Act, which authorities routinely invoked against political and human rights activists as well as ordinary citizens for allegedly making seemingly innocuous jokes about the president.

On May 14, a Masvingo magistrate sentenced Chenjerai Pamhiri, a lecturer at Great Zimbabwe University, to three months' imprisonment for reportedly calling President Mugabe a "dirty old rotten donkey" at a local supermarket on May 10.

On September 21, a magistrate in Chiredzi convicted an unemployed citizen, Regis Kandawasvika, after he allegedly blamed his unemployment on President Mugabe's mismanagement of the country's economy. Kandawasvika was fined \$150 for committing his offense; a failure to pay the fine would have resulted in his confinement in jail for 60 days.

On October 30, the Constitutional Court ruled that section 31 of the Criminal Law Act, which criminalizes publishing or communicating false statements prejudicial to the state, and section 33 of the act, which criminalizes undermining the authority of the president, had the effect of breaching people's rights. The minister of justice objected to the ruling, and the court was scheduled to review the constitutionality of the law in 2014.

The Constitutional Court ruling followed an appeal by journalists Constantine Chimakure, Vincent Kahiya, and Owen Maseko, all of whom had been charged under the criminal code. Authorities arrested Chimakure and Kahiya in 2009 for publishing a story that revealed the role and names of police and intelligence agents in the abduction of human rights activists. Authorities charged Chimakure and Kahiya with publishing or communicating a statement with the intention of undermining public confidence in law enforcement agents. Maseko was an internationally recognized artist who was charged with insulting President Mugabe through a 2010 exhibition recollecting the Gukurahundi (see section 6). Maseko argued that criminalizing creative art infringes on the freedom of expression and freedom of conscience. The Constitutional Court was asked to determine whether works of artistic creativity could be subjected to prosecution under sections 31 and 33 without infringing on provisions of the constitution.

Press Freedoms: The government continued to restrict freedom of the press. The Ministry of Media, Information, and Publicity (MMIP) continued to control the state-run media tightly. High-ranking ZANU-PF officials used the media to

threaten violence against critics of the government. MMIP officials routinely threatened independent news organizations with the loss of their licenses for criticizing ZANU-PF and President Mugabe.

In contrast with the previous year, the government used accreditation laws to prevent entry into the country of international media organizations perceived to be critical of the authorities. Nevertheless, international media outlets such as CNN, al-Jazeera, and the BBC continued to operate from within the country. Foreign journalists noted that government agents followed them and prevented them from covering certain news events.

In March the MMIP prevented journalist Anita Powell from entering the country to cover the March referendum on the draft constitution. On July 25, immigration officials detained and deported Charles Omondi, a journalist with the Kenyan Nation Newspaper Group, for entering the country to cover the July 31 elections without the requisite accreditation.

Government-run media reported that more than 30 foreign journalists from different countries were accredited to cover the referendum and that over 200 foreign journalists from nearly 100 media organizations were accredited to cover the July 31 elections.

Despite threats and pressure from the government, independent newspapers continued to operate. Independent newspapers licensed by the Zimbabwe Media Commission, which oversees media regulation, registration, and accreditation, struggled under economic hardships. *The Observer*, which received a license in 2012, published fewer than 10 weekly issues in the course of the year. Four independent weeklies continued to operate, and all independent newspapers continued to criticize the government and conduct of the July elections.

During the year independent media vendors were threatened and copies of their newspapers confiscated.

On March 1, police raided and confiscated 180 radios from Radio Dialogue, then detained and questioned production manager Zenzele Ndebele before releasing her. On March 4, Ndebele appeared in court and was charged with possession of smuggled goods in contravention of the Customs and Excise Act. Ndebele was also charged with possession of a radio receiver without a valid Zimbabwe Broadcasting Corporation (ZBC) license, in contravention of the Broadcasting Services Act. In May the prosecutor refused to proceed with the case on the basis

that there is no law that prohibits an individual from having many radio sets. In September police asked Ndebele to pay a fine and collect her radio sets.

Radio remained the principal medium of public communication, particularly for the rural majority. Star FM and ZiFM, both with close links to ZANU-PF and licensed to operate in 2011, continued broadcast operations. Despite their perceived allegiance to ZANU-PF, the two stations included independent voices in their programming.

There were no community radio stations licensed during the year despite previous years' promises by government officials.

In early 2012 the Broadcasting Authority of Zimbabwe (BAZ) called for applications for 14 local commercial radio licenses. Applications were due by February 29. Hearings for prospective applicants had not been held by September. The application fees included an initial fee of \$2,500 and a public inquiry fee of \$7,500. On being granted a license, prospective broadcasters were also expected to pay an annual license fee of \$15,000.

The government-controlled ZBC, the country's only domestically based television broadcasting station, operated two television channels. International satellite television broadcasts were available through private firms but were too expensive for most citizens. A growing number of citizens watched satellite channels on the Wiztech decoder. A Wiztech decoder and satellite dish cost approximately \$70 and allowed access (at no monthly charge) to France TV, Press TV, and many religious channels.

Cases of unlicensed owners of television sets that were referred to the Supreme Court in 2012 were still pending. Two defendants argued that the Broadcasting Services Act requiring individuals with television and radio sets to buy an annual license from the ZBC--whether or not the owner used it to watch ZBC broadcasts--infringed on their constitutional rights of freedom of expression, freedom of association, and protection from discrimination.

Violence and Harassment: Both MDC and ZANU-PF supporters assaulted journalists during the year. International media groups reported that they had expressed concerns to the leadership of political parties and members of the government of national unity following the continued attacks on journalists from both political parties ahead of the July 31 elections.

On June 14, three assailants abducted and beat Mashonaland-based freelance journalist Paul Pindani. Police had not arrested any suspects in the case by year's end.

On June 6, MDC-T security details detained Mashudu Netsianda, a reporter with the *Chronicle* newspaper. Netsianda was covering a meeting between former prime minister Tsvangirai and businessmen in Bulawayo. His notebook was confiscated and his recordings were deleted. The following day, MDC-T members assaulted Hebert Moyo, a reporter with the *Zimbabwe Independent* newspaper, as he tried to report on MDC-T members protesting against the choice of candidate for their constituency. On June 8, MDC-T supporters in Masvingo harassed Bernard Mapwanyire, a reporter for the independent *Masvingo Mirror* newspaper, who was covering MDC-T primary elections. On June 18, ZANU-PF youth seized 40 copies of *NewsDay*, published by Alpha Media Holdings Private Limited, from newspaper vendor Emmanuel Mhorombe. The newspaper claimed that the youth were angered by the lead story headlined, "Coalition against Mugabe Grows." On June 21, police and ZANU-PF security agents detained five journalists from both public and private media and reportedly forced them to delete their pictures and recordings.

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

On May 7, police arrested Dumisani Muleya, the editor of the *Zimbabwe Independent* weekly newspaper, Owen Gagare, one of his reporters, and the newspaper's secretary for publishing alleged falsehoods in a front-page story by Gagare in the newspaper's April 26 edition. All three were held for seven hours in a Harare police station before being released. Police interrogated the two journalists about their sources for the story, which claimed that Morgan Tsvangirai had met secretly with senior military officers ahead of the coming elections. The journalists were released without charge.

On August 14, police detained and questioned Jan Raath, correspondent of *The Times* (UK), after his newspaper published a story alleging that the government had arranged a secret deal to export uranium raw materials to Iran for the manufacture of nuclear weapons. Raath was questioned for two hours and released. On August 15, Raath returned to the Harare Central Police Station's Law

and Order Section, where he signed an affidavit detailing his contribution to the newspaper article after interrogation that lasted for an hour. He was released without further charges.

Censorship or Content Restrictions: The government continued to use the Access to Information and Protection of Privacy Act (AIPPA) to control media content and the licensing of journalists. The main provisions of the law give the government extensive powers to control the media and suppress free speech by requiring the registration of journalists and prohibiting the “abuse of free expression.”

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

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.

On September 10, President Mugabe appointed Jonathan Moyo as minister of media and broadcasting services. Moyo had previously served in a similar position between 2000 and 2005 in which he presided over the enactment of the AIPPA, which allow government, through the Zimbabwe Media Commission (ZMC) to oversee media operations in the country. He had also implemented the Broadcasting Services Act, which liberalized the broadcast sector but with stringent content and registration conditions on potential broadcasters.

On September 2, Bernard Membe, Tanzanian foreign minister and head of the SADC election observer mission, in a final report on the July 31 elections, stated that foreign radio stations broadcasting in the country and the region should cease operations, as they were biased along political party lines. There were approximately three Zimbabwean radio stations based outside the country, including Short Wave Radio Africa and Radio Voice of the People, which were based in the United Kingdom, and Studio 7, which was based in the United States.

Libel Laws/National Security: Antidefamation laws criminalize libel of both public and private persons. The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. The law allows authorities to monitor and censor “the publication of false statements that will engender feelings of hostility towards--or cause hatred, contempt, or ridicule of--the

president or acting president.” Any person who “insults the president or communicates falsehoods” is subject to imprisonment.

The Media Council, established by the ZMC in 2012 to regulate the conduct of journalists, continued its activities but issued no public statements about its operations.

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 Zimbabwean-registered Blackberries, including its messaging service, because these services were encrypted and did not comply with the Interception of Communications Act, which allows the government to intercept and monitor communications.

Despite the restrictive environment for the traditional media, internet and mobile phone communication in the country were widely available and nominally free from government interference. On September 27, the government gazetted Statutory Instrument 142 of 2013 on Postal and Telecommunications (Subscriber Registration) Regulations establishing a central database of information about all mobile telephone users in the country. According to the human rights NGO Forum, the law will increase the ability of the state to monitor citizens and further restrict free speech. According to the law, telecommunications providers must establish a subscriber database of all SIM cardholders, connecting their phone number to their name, address, gender, nationality, and passport or identification number. The law obliges service providers to provide copies of this database regularly to the government, which will then establish its own central subscriber information database. Access to the database will be available for the purpose of law enforcement, upon the written request of a law enforcement agent, or for “safeguarding national security,” as well as for “undertaking approved educational and research purposes.”

The growth of mobile phone use has seen an increase in internet access by citizens overcoming some barriers that were largely infrastructural and due to low bandwidth. According to the International Telecommunications Union, 17 percent of the population used the internet in 2012, although many more individuals may had access through their mobile phones.

Academic Freedom and Cultural Events

The government continued to restrict academic freedom. The 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 extending the disciplinary powers of university authorities over staff and students.

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 cancelled scheduled events organized by foreign embassies and refused public lectures by senior foreign diplomats.

The government on occasion restricted human rights activists from using cultural platforms to criticize the ruling party, President Mugabe, or political violence. The Zimbabwe Censorship Board maintained its ban on the foreign-funded performance of the award winning play, *No Voice, No Choice*. The play was banned in August 2012, and an appeal to the Supreme Court was pending in October.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government restricted this right. The law requires that organizers 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 the police of their planned events and were denied permission or received no response.

Authorities often denied requests by civil society, trade unions, or political parties other than ZANU-PF to hold public events if the agenda contradicted ZANU-PF

positions. Unlike in previous years, there were fewer reports of political rallies interrupted by opposing political parties; analysts attributed this to close observation of the pre-electoral environment by regional actors, such as the SADC, as part of the assessment of the July elections.

Authorities took no action against police who forcibly dispersed demonstrations in previous years.

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

Although the government continued to harass university student unions for protesting against increased tuition fees, arrests of student demonstrators declined somewhat during the year.

Freedom of Association

The constitution and law provide for freedom of association, but the government restricted this right. Although the government did not restrict the formation of political parties or unions, 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. Suspected 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. In May and June, Marondera police prohibited an MDC-T parliamentary candidate from campaigning door-to-door while permitting the ZANU-PF candidate to do so.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, 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 (IDPs).

In-country Movement: Police made in-country movement difficult by regularly mounting 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. Coalition parties in government disagreed on the transmission of the funds thus collected to the national treasury. Pro-ZANU-PF police chiefs failed to account for and retained the money they collected at checkpoints. Prior to elections, then finance minister Tendai Biti reported to Parliament that the treasury was not receiving its expected revenue from police fines.

Refugees were restricted to the encampment at either one primary or one transit refugee camp (see section 1.d.).

Foreign Travel: The new constitution provides for specific rights to leave the country and entitlement to travel documentation, such as passports and emergency or temporary travel documents. It further provides for immunity from expulsion from the country for all citizens. Nevertheless, the Office of the Registrar General continued to deny passports to citizens based on its interpretation of the Citizenship Act, which requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain Zimbabwean citizenship.

Exile: A number of persons, including former government officials, prominent businessmen, human rights activists, MDC-T/N members, and human rights lawyers, left the country and remained in self-imposed exile due to fear of persecution.

Citizenship: The new constitution provides for three different classes of citizenship: citizen by birth, by descent, or by registration. The government deprived some sectors of the population of citizenship rights based on the

Citizenship Act, which revokes the citizenship of persons who fail to return to the country in any five-year period.

In 2002 the High Court ruled that the Office of the Registrar General's interpretation of the act denying dual citizenship did not take into account that persons are not automatically assured foreign citizenship merely because their parents were born in a foreign country, as some countries require persons to confirm their citizenship, in which case they could be rendered stateless. The court further held that it is incorrect to presume that, when persons have a parent or parents born out of the country, they are citizens of the other country by descent. In addition, some countries, including countries in southern Africa, do not have a means to renounce citizenship. Independent groups estimated that as many as two million citizens might have been disenfranchised by the law, 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. Despite a constitutional provision of citizenship, during the year's elections, some persons were denied the right to vote--despite having voted previously--because they could not adequately demonstrate their citizenship.

Internally Displaced Persons (IDPs)

According to the Internal Displacement Monitoring Center's 2009 estimate, approximately 600,000 persons remained displaced as a result of government policies, including state-sponsored election-related violence, land reform, and Operation Murambatsvina (the government's evictions of citizens from nonfarming areas in 2005). While there was an overall decline in the rate of displacement, that figure likely increased by up to 20 percent. According to a 2010 assessment, Murambatsvina was the cause of displacement for approximately one-third of the IDPs. More recent estimates were unavailable due to the government's sensitivity on the issue. Until 2009 the government denied the existence of any IDPs.

Most 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, depending primarily on international organizations to do so.

The overall rate of displacement decreased, but IDPs from previous years remained in near emergency conditions, with an overwhelming majority living without basic sanitation. In addition to improved living conditions, IDPs required regularization of their status. Several generations of farm workers originally from neighboring countries previously resided in insular commercial farming communities that met their health, labor, and education needs without needing any official documentation.

Coordination on IDP issues continued to improve during the year with central, provincial, and local governments engaging in mutual dialogue, as well as coordination, with international organizations.

Government-led humanitarian assistance programs were insufficient to meet the needs of targeted populations and were subject to increased politicization during the year, with farm inputs and food aid sometimes being 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.

During the year restrictions sometimes occurred at the local level, especially in periods preceding the referendum and elections. In the month before elections, local authorities in Manicaland ordered NGOs operating in that province to cease activities. Local officials charged that some NGOs advocated regime change (see section 5). 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 workers might be at risk.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the UNHCR, the country hosted approximately 6,500 refugees and asylum seekers during the year.

Refugee Abuse: The government maintained a formal encampment policy requiring refugees to live at the Tongogara refugee camp. Nevertheless, as many

as one-quarter of refugees lived in Harare at year's end. Refugees living in urban areas without the permission of the government remained at risk of arrest and return to the refugee camp.

Employment: Refugees in the informal sector had limited employment options due to the strict encampment policy requiring all refugees to reside in the Tongogara refugee camp. Refugees with specialized skills, such as lawyers, laboratory technicians, nurses, and doctors were allowed to obtain work permits and even work for the government.

Access to Basic Services: Refugees in the Tongogara camp were provided access to basic services, such as food, medical assistance, security, and accommodation. The UNHCR operated a transit center in Harare to host refugees from Tongogara with serious protection problems, those in the process of resettlement, or those newly arriving directly in Harare.

Durable Solutions: While the government did not accept refugees for resettlement from third countries, 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 conducted exemption interviews for Rwandan refugees caught by the Rwandan Cessation Clauses.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Although the constitution provides citizens with the right to change their government peacefully, this right was restricted. The political process continued to be biased heavily in favor of President Mugabe's ZANU-PF, which has dominated politics and government and manipulated electoral results since independence in 1980.

Elections and Political Participation

Recent Elections: Aside from the SADC and the African Union, international and local independent observers characterized the July harmonized presidential, parliamentary, and local elections as free of violence, but not a credible reflection 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 pro-ZANU-PF Constitutional Court set the July 31 date for elections. Participating political parties, including the two MDCs that were part of

the coalition government, contested the date in court. ZANU-PF ministers in government opposed and stalled the SADC-sponsored Global Political Agreement (GPA)-mandated pre-election legal, political, media, and security sector reforms. Parliament failed to pass laws promoting the fairness of the election, while certain government elements failed to implement other election laws. For example, despite a constitutional provision of citizenship, large sections of the population were refused registration as voters because of their foreign ancestry.

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) was 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, as required by law, to any of the opposition political parties but managed to supply one hard copy of the voters roll to 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 ballot papers printed and distributed. Mid-June versions of the voters roll contained anomalous numbers of people in certain age groups and larger numbers of registered voters than population size reflected in the 2012 national census. When the ZEC released the election results, Mugabe won with more than 61 percent of the vote; he was inaugurated three weeks later. 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 to be free, and the African Union followed suit.

In the weeks preceding the July elections, the registrar general and the ZEC did not ensure an open inspection of voter rolls. The courts failed to settle electoral matters brought before them except for those brought on the election date. Most were settled after the election outcome was announced. According to a local NGO that examined voter rolls, there were numerous discrepancies with the voter register. These included disproportionate voter registration patterns between urban and rural areas, questionably large numbers of voters older than 100, and very low numbers of youths.

Authorities imposed numerous restrictions on non-ZANU-PF party candidates. Although Tsvangirai was allowed to campaign, police did not permit the MDC-T

to hold all of its planned rallies, and some MDC-T activists were intimidated and beaten in the weeks before the July 31 election. Selected foreign journalists were not granted permission to cover the election despite their apparently having met the established requirements. The domestic public media heavily favored Mugabe.

While the country did not allow citizens of most Western countries to observe the July elections, it allowed election observer missions from regional groups, including the SADC and the African Union. Each group subsequently issued statements supportive of the elections, as did the leaders of a number of neighboring countries, including South Africa and Zambia.

The government limited the number of international observers and subjected foreign journalists to vetting and licensing before applying to observe the election. The government permitted foreign diplomatic missions based in Harare a maximum of five observers each, while it permitted local observer groups to apply for any number of observers they wished. There were no widespread reports of observer abuse.

The GPA mandated the writing of a new constitution. The outreach process to solicit public input was completed in 2010, despite reported intimidation, disruption, harassment, arrest of MDC-T parliamentarians and supporters, and coaching conducted by ZANU-PF supporters. In July 2012 the Constitutional Parliamentary Committee produced a draft constitution signed by all GPA parties. After a referendum in March approved it, the new constitution was signed into law in May. Several other laws required realignment with the new constitution before being acted upon.

In the period leading up to the July 31 elections, President Mugabe continued to make unilateral decisions without consulting the other two principals in the government, as required by the GPA. The inclusive government was terminated by the August inauguration of the president.

Political Parties: 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 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.

Participation of Women and Minorities: Women remained largely underrepresented in local and national politics, and men overwhelmingly held most senior positions in the public sector. Women filled three of 26 cabinet minister positions, three of 13 minister of state positions, and five of 24 deputy minister positions. Only 11.5 percent of ministers in the new cabinet were women, well below their 52 percent share of the population, as recorded in the 2012 census. Sixty women were elected to the House of Assembly through proportional representation in accordance with the new constitution, increasing women's share of seats from 20 percent to 35 percent.

The same pattern existed for rural and urban councils. According to 2009 estimates, the country had a 10 percent female participation rate in local government. Men also dominated the judiciary, with less than a third of Supreme Court and high court judges being women, as well as 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, which was one of the party's most powerful organizations.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for bribery and corruption, the government did not implement the law effectively or impartially, and officials frequently engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem.

Corruption: Corruption occurred at every level of the police force but took different forms, depending on position, rank, or location. At the lower levels, corrupt officers extorted nominal to exorbitant fines from the public for varying claimed offenses to augment their low salaries. 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. No records of the confiscated goods were generally kept, despite this being required by law.

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.

There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military. In September the government forcibly retired more than 100 civil servants who had previously served in the Office of the Prime Minister from public service. Those affected received letters terminating their employment, departing from the practice of redeploying staff to other ministries. The only criteria for their dismissal was the perception of allegiance to the former prime minister's MDC-T party. Ahead of the July election, the media reported several cases of names of teachers being removed from the ZEC lists for being MDC-T supporters and replaced by persons perceived as either politically neutral or as known ZANU-PF supporters. The government appointed senior military figures aligned with ZANU-PF to the managing boards of state-owned enterprises like the National Railways, the Grain Marketing Board, and several diamond-mining ventures.

It remained common for ZANU-PF minister of local government Ignatius Chombo to appoint ZANU-PF supporters to bureaucratic positions in MDC-T-led local governments. City public administrators reportedly earned hugely inflated salaries. In most rural areas, the government appointed ZANU-PF activists as "special interest" councilors. After elections and through October, Chombo permitted some MDC-T local councilors to retain their seats even after they were dismissed from their party.

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, approximately 75,000 of the 188,000 civil servants in the Public Service Commission did not have the requisite minimum qualifications, and only 86,000 civil servants possessed the requisite qualifications for their designated positions. Almost 14,000 names on the payroll were those of persons who were retired, deceased, absconded, transferred, or otherwise absent from their place of employment. The audit also uncovered duplicate personally identifiable information and files missing required documentation.

Corruption was especially pervasive in local government, where officials abused their positions and government resources openly and with impunity. Local councilors' control of the designation and allocation of new land lots for residential and commercial use led to numerous allegations of bribe attempts and rent-seeking opportunities. Government officials also demanded bribes or excessive fees for "expediting" paperwork, including birth certificates, passports, and licenses. Councilors practiced nepotism in hiring general council workers and in land allocation. Allegations of corruption continued regarding both ZANU-PF and MDC-T councilors. Most new 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.

Whistleblower Protection: The law does not specifically provide for whistleblower protection except in the banking sector. There are weak safeguards in the anticorruption laws that permit investigators to withhold the identities of their informants. The institutions involved in criminal and civil investigations did not guarantee the confidentiality of their information or the safety of informants.

In February the ZACC sought warrants from magistrates to search the offices of three senior ZANU-PF ministers and various subordinate offices under various investigations. The magistrates refused to issue the warrants, but a High Court judge did, after which the police refused to assist ZACC with the searches and then threatened to arrest ZACC officials, who went into hiding for several days. Emmanuel Chimwanda, a ZACC commissioner and lead investigator in the proposed search of the ministers, was arrested, prosecuted, and acquitted for various charges relating to his involvement in investigating ZANU-PF ministers.

In September, President Mugabe told parliamentarians that he had received reports that the Godwills Masimirembwa-led Zimbabwe Mining Development Corporation board was asking investors for a \$6 million bribe. Masimirembwa's offices were among those ZACC had unsuccessfully tried to search earlier in the year. In his defense, Masimirembwa accused senior ZANU-PF ministers of being involved. The police claimed to have commenced an investigation, but by year's end there was no confirmation that they had. The foreign businessmen who had provided

President Mugabe with information left the country, fearing for their own security after becoming subjects of criminal investigation.

Financial Disclosure: The law does not require income or asset disclosure by elected or appointed officials. Public officials were not subject to financial disclosure laws. While government policy requires officials to disclose interests in transactions that form part of their public mandate, this policy was not enforced. The public finance law requires government departments to submit reports to Parliament, but the majority of departments did not report their expenditure as required. Parliament generally does not review the reports or seek explanations from those charged with managing offending departments. Parliamentary capacity to analyze and assess reports was limited and, as a result, such reports were hardly debated or acted upon.

By law the Comptroller Auditor General (CAG) must investigate the use of all public monies and assets and report independently to Parliament at intervals throughout the year. Despite this mandate, the CAG office's lack of resources and capacity resulted in very limited yearly reporting.

The bulk of the budget allotted to the Office of the President and Cabinet was diverted to the CIO, which was not subject to audits or any rules of disclosure.

Public Access to Information: Citizens were generally unable to access government information. Although the government asserted that the AIPPA was intended to improve public access to government information, the law contains provisions that restrict freedom of speech and press, and these elements of the law were the ones that the government enforced most vigorously.

Citizens often faced burdensome and complicated regulations to access government buildings, including Parliament, where security officers often turned away citizens for "wrong dress." While the law permits access to some government records, it also imposes nominal fees for administrative costs involved in retrieving the records that many citizens found burdensome.

The government remained secretive about the important business contracts it entered, especially with some private, foreign firms. Between January and July, the government approached several private companies to seek funding for the constitutional referendum and elections, but had not released the details of these agreements, including to Parliament.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 independent human rights organizations included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, Zimbabwe Election Support Network, ZLHR, Zimbabwe Peace Project, Zimbabwe Human Rights Organization (ZimRights), National Constitutional Assembly, Students Solidarity Trust, and Women of Zimbabwe Arise.

The government harassed NGOs it believed would expose abuses by government personnel or which opposed government policies, and it continued to use government-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that criticized the government and charged that their real agenda was regime change.

Police arrested or detained local NGO members and harassed their leaders, often in connection with NGO meetings or demonstrations.

Police and the CIO regularly followed and harassed consultants working with international and local human rights organizations. There were multiple reports of authorities turning around Western development and human rights experts at Harare airport without explanation and forcing them to depart on the earliest flight out of the country.

The government, through the Reserve Bank of Zimbabwe, reviewed and occasionally closed the local bank accounts of NGOs suspected of receiving funding from Western countries. The local banks, under unknown direction, questioned account holders closely about foreign funding sources and, in most known cases, eventually allowed the organizations to reopen or unfreeze their accounts.

There were extensive reports of police seizing radios distributed by NGOs and other civil society organizations, a move that observers assessed as intended to maintain the state-run media's dominance and limit the rural population's access to information.

Government Human Rights Bodies: The national Human Rights Commission (HRC) remained severely underfunded and was largely a symbolic institution. Its continued lack of resources and the necessary legal enforcement mechanisms rendered it unable to fulfill its mandate to investigate and resolve reports of human rights violations.

The new constitution calls for the Organ of National Healing, a ZANU-PF connected, President's Office-based organization, to morph into a neutral National Peace and Reconciliation Commission. The commission had not been formed by December owing to a lack of political will and funding.

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

The bill of rights in the new constitution provides that no person can be deprived of fundamental rights, such as the right to life, personal liberty, security of person, freedom of assembly and association, equality, and political and socioeconomic rights. It prohibits discrimination based on one's race, tribe, place of origin, political opinions, color, creed, gender, or disability. The bill of rights cannot be arbitrarily amended and, 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." Nevertheless, discrimination against women and persons with disabilities persisted. The government and ZANU-PF continued to infringe on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

Women

Rape and Domestic Violence: While the law criminalizes rape, including spousal rape, the law was not effectively enforced, and rape remained a widespread problem. Sexual offenses, including rape, are punishable by life imprisonment. Few cases of rape were reported, however, due to social stigma and societal perceptions that rape was simply a "fact of life" that could not be challenged. Rape victims seldom received protection in court. Even fewer cases of spousal rape were reported due to victims' fear of losing economic support, fear of reprisal, unawareness that spousal rape was a crime, police reluctance to interfere in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. Gender-based violence usually was handled through customary law in trials by chiefs of local authorities.

Gender-based violence was prevalent in society. Approximately three in 10 women over the age of 14 in the country had suffered physical violence. More than one in four women (27 percent) had had forced sexual intercourse, and one-fourth of HIV-affected women were exposed to sexual violence as a child. While almost two-thirds (65 percent) of women who reported domestic violence stated that the perpetrator was their current or former husband, partner, or boyfriend, 48 percent of women interviewed believed that a husband is justified to beat his wife. Women were also vulnerable to human rights abuses and politically motivated violence.

The media frequently published stories criticizing rape and reporting convictions. President Mugabe was quoted in the state-owned newspaper in September advocating for harsher penalties for rapists, suggesting that they should be castrated. Police sometimes did not act on reported rape cases if the perpetrators were aligned with ZANU-PF or if the rape was used as a political tool against non-ZANU-PF members, as occurred during the 2008 election. Unlike the 2008 elections, which resulted in numerous cases of politically motivated gang rapes, there were very few reports of rape used as a political weapon during the July elections period.

The Judicial Service Commission established a Multi-Sectoral Protocol on Sexual Abuse in December 2012 in partnership with 11 government bodies. The protocol details the respective roles and responsibilities of different government agencies in responding to adult and child sexual- and gender-based violence cases. The government must rely upon external funding and assistance to implement the protocol.

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.

There were two adult rape clinics in public hospitals in Harare and Mutare. These facilities were run as NGOs and did not receive a substantial amount of financial support from the Ministry of Health. The clinics were designed to receive referrals from police and NGOs, administer HIV tests, and provide medicines to prevent HIV infection, other sexually transmitted diseases, and pregnancy. Even though the majority of women and men who received services from the rape centers were referred by police, very few of these cases resulted in prosecutions. Private clinics and clinics supported by NGOs and bilateral and multilateral development partners have emerged in the past few years to provide medical assistance to survivors of

rape. In addition, there were facilities that served underage victims of sexual assault and abuse. There were also NGOs that provided psychosocial support to survivors of sexual and gender-based violence through assistance from the Integrated Support Program, a multi-donor effort funded by international aid donors and managed by the UN Population Fund.

The law criminalizes domestic violence, which was a serious problem, especially wife beating. Domestic violence is punishable by a fine and a maximum prison sentence of 10 years, but authorities generally considered domestic violence to be a private matter and convictions were rare. Most cases of domestic violence went unreported due to traditional sensitivities, victims' fear of abandonment without support, and police reluctance to intervene. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes. In November 2012, "Tin-Tin," a popular local disc jockey with a daily morning radio show, was assaulted by her boyfriend, and the incident received significant media coverage. Tin-Tin's experience publicly highlighted the inefficiencies, corruption, and insensitivities of the judicial system as well as the challenges faced by women who pursue domestic violence charges. She was both lauded and stigmatized for discussing her case on her show as it progressed.

An Anti-Domestic Violence Council was created in 2009 to educate women about their legal rights and to protect victims of abuse. The council as a whole was ineffective due to lack of funding and the unavailability of statistics and information on prevailing trends of domestic violence, although its members were active individually in raising awareness about domestic violence.

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 high turnover rate within the police force demanded a continuous level of training that could not be met, given the scarcity of resources. While public awareness increased, other problems emerged. For example, the police form required to report domestic violence was difficult to complete, and victims were often required to make their own photocopies due to police budgetary constraints. The law requires victims of any form of violence to produce a police report to receive treatment at government health facilities without cost. This requirement prevented many rape victims from receiving necessary medical treatment, including postexposure prophylaxis to prevent victims from contracting HIV.

Sexual Harassment: 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 such violations. Women commonly faced workplace sexual harassment. Government enforcement was not effective, and there were no reports of any prosecutions during the year.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. However, contraceptive prevalence rate remained static at 59 percent, with a significant drop in usage among urban populations from 2005 to 2010. Inadequate medical facilities, an advanced HIV/AIDS epidemic, poorly trained health care professionals, and a shortage of health professionals contributed to a high maternal mortality rate of 960 deaths per 100,000 live births. According to the UN Population Fund’s 2011 *State of the World’s Midwifery*, as well as Zimbabwe’s Demographic and Health Survey 2010-11, skilled attendants attended approximately 86 percent of urban and 58 percent of rural births, while 40 percent of rural women gave birth at home. Approximately 90 percent of women received prenatal care during pregnancy at least once, but only 65 percent made all four antenatal care visits. No information was available on whether women were equally diagnosed and treated for sexually transmitted infections.

Discrimination: Despite laws aimed at enhancing women’s rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination.

The law recognizes a woman’s right to own property, but very few women did so because of patriarchal inheritance rights under customary practice. 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 in practice either the fathers or male relatives must be present.

Women and children continued to be 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 continued to occupy primarily administrative positions.

The UK Department for International Development's 2011 Gender and Social Exclusion Analysis Report found that women experienced extensive economic discrimination, including in access to employment, credit, pay, and owning or managing businesses, despite being responsible for 53 percent of all economic activity in the country, including 75 percent of all agricultural labor. As a result three-quarters of households headed by a woman were "poor" or "very poor."

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. According to the 2012 government-led Demographic Health Survey (DHS), 17.7 percent of children under the age of two had a birth certificate and 39 percent had their births registered. The numbers increased with children's age: 40.2 percent of children between the ages of two and four had birth certificates, and 56 percent had their birth registered. Children in urban households were more likely to have their birth registered than were children in rural households. The highest proportion of registered births was in Bulawayo and the lowest in Masvingo. Richer households were more likely than poor households to register children's births. Parents failed to register births for many reasons, including the birth occurred outside of a hospital, fathers were absent or lacked time to register, parents did not have a national identity card or birth certificate, the cost of registration was high, parents lacked of knowledge about registration requirements, and the distance to a place of registration. Many orphaned children were unable to obtain birth certificates. Lack of birth documentation impeded access to public services, such as education and health care, resulting in many children being unable attend school and increasing their vulnerability.

Education: Primary education is not compulsory, free, or universal. The new 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 DHS, 94 percent of female and 90 percent of male children between the ages of 10 and 14 attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for older children was in decline. According to the 2005-10 UNICEF Situational

Analysis of Women's and Children's Rights in Zimbabwe, examination pass rates were dropping, and 50 percent of students, primarily girls, ceased attending school after grade seven. Increasing school fees were the main reason for lack of attendance, and girls were more easily able to obtain work as domestic workers than were boys. Despite a directive from the Ministry of Education that no child should be refused education for not paying school fees, there were reports that schools turned away students with unpaid fees.

The government continued phase II of its National Action Plan for Orphans and Vulnerable Children, which included a focus on equity and access to quality education for children. The policy prescribed a three-pronged approach to assisting at-risk children, including providing child protection and health services, delivering conditional cash transfers, and continuing the basic education assistance module (BEAM). Donors fulfilled their pledges by sending money for the plan and BEAM, but the government did not manage to fund the program entirely.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. In 2012 the NGO Childline counseled more than 9,000 children directly affected by abuse. Most of the substantive calls concerned sexual and physical abuse, generally inflicted by a relative or someone who lived with the child. Approximately twice as many girls reported abuse as boys. According to the 2011 *National Baseline Survey on Life Experiences of Adolescents Preliminary Report* (NBSLEA), approximately 9 percent of girls and just under 2 percent of boys between the ages of 13 and 17 reported experiencing sexual violence in the previous 12 months. Older adolescents (adolescence ends at the age of majority) reported that one-third of girls and nearly one-tenth of boys experienced sexual violence during childhood. The NBSLEA defined sexual violence as unwanted sexual touching, unwanted attempted sex, physically forced sex, and pressured sex. In one reported instance of abuse, a girl was tied to a tree with a metal chain and beaten to death by her parent.

It is legal for parents and schools to inflict corporal punishment on boys. The NBSLEA reported that 47.8 percent of women and 60 percent of men 18 to 24 years of age had experienced physical violence from a parent or adult relative. The same survey showed that 47.3 percent of women and 57.6 percent of men 18 to 24 years of age had experienced physical violence from an adult authority figure. The new constitution provides that "no person may be subjected to cruel, inhuman, or degrading treatment or punishment," but the courts had not interpreted the clause and determined whether it applied to corporal punishment.

Government efforts to combat child abuse continued to be inadequate and underfunded, but there were improvements in 2012, as the Department of Social Services received international donor support. The government doubled the number of district social services and family clubs, thereby providing vulnerable children with essential services.

Forced and Early Marriage: Despite legal prohibitions, families continued to force girls to marry, primarily among the rural population. Families gave young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or when promised to others--sometimes before birth--to ensure 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.

The legal age for a civil marriage is 18, but girls who are 16 and 17 also can marry with parental approval. Customary marriage, recognized under the Customary Marriages Act, does not require a minimum marriage age for either boys or girls. The criminal code prohibits sexual relations with persons younger than age 18. According to the DHS study, 21.7 percent of females between the ages of 15 and 19 were married. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who did not have relatives willing or able to take care of them. The new constitution declares anyone under the age of 18 a child, but the Customary Marriages Act had not been amended to reflect the constitutional change.

Harmful Traditional Practices: Childline reported that children were killed for ritual purposes and their bodies found abused and missing parts.

Sexual Exploitation of Children: Statutory rape, legally defined as sexual intercourse with a child under the age of 12, carries a fine of \$2,000, imprisonment for up to 10 years, or both. Childline reported that, between January and August, it counseled 80 boys and 915 girls specifically for sexual abuse. A person in possession of child pornography can be charged with public indecency and face a fine of \$600, imprisonment up to six months, or both. Child prostitution carries a fine of \$200, imprisonment for up to six months, or both. Persons charged with facilitating the prostitution of a child often were also charged with statutory rape. A parent or guardian who causes or allows a child under the age of 18 to associate with or become a prostitute can face up to 10 years in prison. Girls from towns

bordering South Africa, Zambia, and Mozambique were subjected to prostitution in brothels that catered to long-distance truck drivers.

Displaced Children: UNICEF's 2005-10 report estimated that one-quarter of all children had lost one or both parents to HIV or other causes. The proportion of orphans in the country per capita remained very high. The vast majority of orphans were cared for by their extended family or lived in households headed by children.

Orphaned children were more likely to be abused; not enroll 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 their birth registration because they did not have enough information about their parents. Orphans often lived in the streets. In 2012 the largest NGO devoted to helping street children, Streets Ahead, was forced to close its Harare drop-in center due to a lack of funding.

A UNICEF report stated that government support of the poor "suffered from a severe lack of human and financial resources in the last decade" and was "in urgent need of review and revival to meet the growing needs of children."

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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/.

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. Government institutions often were uninformed and did

not implement the law, which does not specify physical, sensory, mental, or intellectual disabilities. The lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation was slow. NGOs continued to lobby to include persons with albinism in the definition of “disabled” under the law. Persons with disabilities faced harsh societal discrimination and exclusion, as well as poor service delivery from state bodies. For example, the National Council for the Hard of Hearing reported that access to justice in courts was compromised for persons with hearing disabilities due to a lack of sign-language interpreters.

Although the law provides for the appointment of representatives of persons with disabilities to Parliament, Parliament rarely addressed issues affecting them. Parliament does not provide specific line items for persons with disabilities in the various social service ministries’ budgets.

Most people holding traditional beliefs viewed persons with disabilities as bewitched and, in extreme cases, families hid children with disabilities when visitors arrived.

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, which 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 to their nondisabled counterparts.

According to the National Association of Societies for the Care of the Handicapped, persons with disabilities were a forgotten and invisible group in society. The organization reported that 75 percent of children with disabilities had no access to education.

Government programs, such as BEAM, which were intended to benefit children with disabilities, failed to address adequately the root causes of the systematic exclusion of children with disabilities. For example, despite BEAM’s provision that all children with disabilities are eligible for educational assistance, in 2012 BEAM paid fees for only 13 percent of deaf children in Manicaland Province.

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 capacity of more than 1,300 patients, in addition to the three special institutions run by the ZPCS for long-term patients and those considered dangerous to society. Inpatients in the eight centralized institutions received cursory screening, and most waited for at least a year for a full medical review. A shortage of drugs and adequately trained mental health professionals resulted in patients not being properly diagnosed and not receiving adequate therapy. There were fewer than 10 certified psychiatrists working in public and private clinics and teaching in the country. There was a 50 percent vacancy rate for psychiatric-trained nurses. The mental institution in Bulawayo provided more than 90 percent of the available psychiatric services. NGOs reported that patients were subjected to extremely poor living conditions due in part to shortages of food, water, clothing, and sanitation. Budgetary constraints and limited capacity at these institutions resulted in persons with mental disabilities being kept at home and cared for by family, sometimes in chains and without treatment.

Prison inmates in the three facilities run by the ZPCS were not necessarily convicted prisoners. Inmates with psychiatric conditions were examined by two doctors, who were required to both confirm a mental disability and recommend that a patient either be released or returned to a mental institution. Prisoners with mental disabilities routinely waited as long as three years before being evaluated.

A five-year program launched in 2009 by the National Association of Societies for the Care of the Handicapped provided civic education to persons with disabilities with the goal of encouraging greater civic participation.

There were minimal legal or administrative safeguards to allow participation in the electoral processes by people 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, which effectively served to disenfranchise some persons with disabilities. On election day, the voting stations in many rural areas were located in places inaccessible to the disabled. While the law permits the blind to bring a person of their choice to assist them in marking their ballots, police officers also witnessed the marking of such ballots, thus indirectly infringing on the secrecy of the ballot.

National/Racial/Ethnic Minorities

According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic groups 3 percent. ZANU-PF leaders often encouraged hatred against whites through public speeches and other broadcasts. This created tension between ZANU-PF supporters and whites. Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government. During the elections Welshman Ncube of the MDC-N was often accused of campaigning on a tribal platform by the mainstream MDC-T. In turn, the smaller MDC-N complained of continued victimization and neglect of the minority Ndebele by the Shona dominated MDC-T and ZANU-PF.

The government continued its attempts to blame the country's economic and political problems on the white minority and Western countries. ZANU-PF supporters seldom were arrested or charged 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.

Few of the provisions or timelines in the 2007 indigenization law were enforced during the year, 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, with the ultimate objective of at least 51 percent indigenous ownership of all businesses. Legal experts criticized the law as being itself unfairly discriminatory and a violation of the constitution. Critics also asserted that the real purpose of the law was to create patronage for ZANU-PF. Chinese business owners received preferential treatment and were generally exempted from complying with the indigenization laws. For example, Anjin, a Chinese company involved in diamond mining, enjoyed equal rights with Zimbabwean co-owners. Anjin remained exempted from various taxes applicable to other mining companies.

Historically, the government discriminated against language minorities through the Education Act, which mandates the teaching of English in schools along with Shona or Ndebele, depending on the region. In 2001 other minority language groups petitioned the government for legal reforms so that their languages could be taught in their schools. In 2009 the government agreed to fund the teaching of all minority languages, but schools lacked the necessary materials to teach such languages. The constitution passed in February recognizes all indigenous

languages as official languages. Parliament is authorized to recognize any other language as a language of record.

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

According to the country's criminal code "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act" carries a penalty 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.

The leadership in all political parties, including President Mugabe and former prime minister Tsvangirai, publicly criticized the LGBT community. In July, Mugabe warned the LGBT community that he would come after them and that they would be "beheaded."

Members of Gays and Lesbians of Zimbabwe (GALZ), the primary organization dedicated to advancing the rights of LGBT persons, experienced assault, harassment, and discrimination. The significantly increased harassment and scrutiny of GALZ by the government was attributed to political machinations surrounding the constitution-making process.

Religious leaders in a society that was traditionally conservative and Christian espoused and encouraged discrimination against LGBT individuals.

In contrast to GALZ, the Bulawayo-based Sexual Rights Center (SRC), an organization similarly dedicated to advancing the rights of "sexual minorities," faced minimal harassment. Prior to elections, however, a lesbian couple, who were SRC stakeholders, were harassed and intimidated by the CIO, which also threatened their families.

LGBT individuals reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their LGBT members to "corrective" rape and forced marriages to encourage heterosexual conduct. Such crimes were rarely reported to police. Women in particular were subjected to rape by male family members. LGBT persons often

left school at an early age due to discrimination and had higher rates of unemployment and homelessness.

Many persons who identified themselves as LGBT did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. Late in the year, a mobile HIV/AIDS testing clinic visited the SRC's Bulawayo office. Afterwards LGBT stakeholders complained that the clinic's staff refused to provide joint counselling to couples and made discriminatory remarks about the patients, including that they were "possessed by demons."

Other Societal Violence or Discrimination

Inexplicable disappearances and murders, sometimes involving mutilation of the victim, were often 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 it being commonly used in society and the press.

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 affected by HIV/AIDS remained a problem. Although there was an active information campaign by international and local NGOs, the Ministry of Health and Child Welfare, and the National AIDS Council to destigmatize HIV/AIDS, such ostracism and criticism continued.

Promotion of Acts of Discrimination

Throughout the year government-controlled newspapers and radio and television stations continued to vilify white citizens and blame them for the country's problems.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

While the law provides private sector workers the right to form or join unions, conduct legal strikes, and bargain collectively, these rights were abrogated by other provisions of law.

The law gives the registrar of the Ministry of Labor and Social Welfare the power 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 of labor and social welfare 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 law encourages the creation of workers' committees in enterprises where less than 50 percent of workers are unionized. Workers' committees existed in parallel with trade unions. Their role was to negotiate on shop floor grievances, while that of the trade unions was to negotiate industry level issues, notably wages. The existence of such a parallel body was regarded by trade unions as an arrangement that employers could potentially use to undermine the role of the unions. Public sector workers are governed by a different law. They are not allowed to form and join trade unions, but instead may form associations that can bargain collectively and strike without notice.

Although the right to strike is recognized by law, it was strictly regulated. Strikes are allowed to resolve disputes of interest. The law provides that a majority of the employees must agree to strike by voting in a secret ballot. Strike procedure requirements include a mandated 30-day reconciliation period and referral to binding arbitration (in essential services and in nonessential services where the parties agree or where the dispute is over rights). A 14-day advance-notice requirement must be observed in order to call a legal strike. Members of the police and army are the only legally recognized "essential services employees" and are prohibited from striking. The law further allows the Ministry of Labor and Social Welfare to declare any nonessential service an essential service if a strike is deemed a danger to the population. There are no provisions that prohibit employers from hiring replacement workers in the event of strike. The law also allows employers to sue workers for liability during unlawful strikes, with penalties that include fines, imprisonment for up to five years, or both.

Collective bargaining agreements applied to all workers in an industry, not just union members. Collective bargaining takes place at the enterprise and industry

levels. At the enterprise level, work councils negotiate collective agreements, which become binding if approved by 50 per cent 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 can bargain with the authorization of the Minister of Labor and Social Welfare. Agreements reached by employers and employees must be gazetted by the ministry to go into effect, although workers and employers can come to a binding agreement outside of gazetting. All collective agreements must be registered, however, with public authorities at a cost of \$1,000 per agreement.

The law prohibits antiunion discrimination, provides that the labor court handle complaints of such discrimination, and may direct that workers fired due to such discrimination be reinstated. There are no export processing zones. Migrant workers can join unions if they work in industries for which there are unions and their rights are covered. Domestic workers are unionized and are protected by labor laws.

The Ministry of Labor and Social Welfare did not effectively enforce applicable laws, in part, due to a shortage of personnel. The rights to form or join unions, strike, and bargain collectively were not respected in practice. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. Although the law does not require unions to notify the police of public gatherings, such notification was required in practice. Authorities often denied permission to unions that applied. Police misinterpreted the Public Order and Security Act (POSA). The ministry claimed it was working on educating police because the act does not apply to labor issues. Unions risked suspension of their registration for 12 months for minor infractions, and union members could be fined and imprisoned for participating in union activities.

Worker organizations were not independent of the government and/or political parties. The Zimbabwe Federation of Trade Unions, a government-created alternative labor body, was involved in labor-related discussions with employer and labor organizations.

Police continued to deny application by the Zimbabwe Congress of Trade Unions (ZCTU)--an umbrella group of unions--to hold ZCTU-organized events. In September police banned a ZCTU procession, citing POSA, but a High Court judge overturned the ban and the march continued as planned. Nevertheless,

police and state intelligence services regularly attended and monitored trade union activities. On January 18, police demanded to participate in ZCTU meetings.

An International Labor Organization (ILO) commission of inquiry confirmed in 2010 that the government was responsible for serious violations of fundamental rights, including the freedom to organize trade unions, the right to collective bargaining, the right to strike, and protection of trade unionists from discrimination. The commission found the violations to be both systematic and systemic, as evidenced by a clear pattern of acts of intimidation, including arrests, detentions, violence, and torture by the security forces against ZCTU-affiliated trade unionists' events nationwide.

Public authorities have withheld the registration certificate for the Zimbabwe Metal, Energy, and Allied Workers' Union for more than seven years.

In January employers dismissed 21 labor union leaders for allegedly spearheading 12 days of industrial action at Falcon Gold Dalny Mine in Kadoma; two were subsequently reinstated. According to the National Mine Workers' Union of Zimbabwe, after threatening the existence of a registered trade union, the mining company dismissed the union's entire branch for participating in the January strike. The company shut down in August due to liquidity and indigenization problems and dismissed all remaining workers.

Police interrupted a May Day commemoration, claiming that the ZCTU did not have permission to march and stating that they would get reinforcements to break up the gathering. By the time police reinforcements arrived three hours later, the event had ended.

In December 2012 police arrested Cosmas Sunguro and Tawanda Zhou while they were leading a union recruitment drive in Chiadzwa for diamond field workers. The two men were charged with trespassing, despite Sunguro being a resident in the area. Both men were part of an earlier abrupt mass dismissal of an estimated 1,500 workers who participated in a strike over pay and working conditions at the Chinese-owned Anjin Investments diamond mines, where workers were allegedly subjected to physical, verbal, and sexual abuses by the employers. Observers believed the arrests were likely intimidation related to a pending suit in which Sunguro, Zhou, and others were seeking damages for labor and human rights violations from their previous employer. As of October, Sunguro was still fighting charges against him through multiple court hearings, and Zhou had fled to South Africa, citing continued harassment by the government. Simultaneously, a ZANU-

PF-aligned mining union successfully blocked the application for official registration of the Zimbabwe Diamond and Allied Workers Union, which Sunguro and his supporters formed late in 2012, and the matter was pending at year's end.

On October 7, the Zimbabwe Republic Police used physical force against over 100 women, accompanied by their children, who were protesting against the Hwange Colliery Company Limited's failure to pay their husbands' salaries owed over five months. Two women sustained serious injuries in this protest. Immediately after the incident, the company suspended three worker representatives for inciting the demonstrators. In April the company suspended 520 workers over salary disputes and alleged breach of the company's code of conduct. The workers had gone on strike over outstanding employee share option schemes which the company failed to provide.

There were reports of employers' withholding union dues. In August the Zimbabwe Electricity Supply Authority reportedly refused to comply with wage increases awarded by an arbitration panel. The Zimbabwe Security Guards Workers Union had not received union dues for over a year. Some companies (such as Trust Me Security, Catiss Security, Greens Security, and Cash Talk Security) refused to deduct union dues. Other employers (such as Midsec Security, Chitkem Security, and Professional Security) deducted union dues but failed to remit them to the union in a timely manner.

The Zimbabwe Amalgamated Railways Workers' Union, the Zimbabwe Railway Artisans Union, the Railway Association of Enginemen, and the Railway Association of Yard Operating Staff had not received union dues for over two years.

There were reports that the ZCTU's affiliates were able to engage in collective bargaining with employers without interference from the government. There were also reports of government interference in the ZCTU's internal activities. Unions reported that a high-ranking government official engineered factional fighting within the ZCTU when a breakaway faction of the ZCTU was leading a national protest against low salaries for workers. Members of the ZCTU stated that employers do not recognize their affiliates within the NECs.

Despite the law, any collective agreement could be blocked administratively for an indefinite period of time if it was not gazetted. According to International Trade Union Confederation's reports, employers frequently abused institutional weakness by creating a deadlock in the bargaining process, i.e., the dispute is referred to

arbitration and then to court, and both fail to come to a decision in a reasonable timeframe. The Motor Vehicle Manufacturers Employers Association continued to refuse to bargain in good faith and, as a result, no collective agreement had been reached since 2007. Agricultural workers reportedly experienced verbal and physical attacks by employers during negotiations.

There were no reports of employers using hiring practices (for example, subcontracting or using short-term contracts) to avoid hiring workers with bargaining rights.

In July 2012 the Zimbabwe Electricity Supply Authority fired 135 workers and then dismissed the Zimbabwe Energy Workers' Union president, Angeline Chitambo, who was also a member of the IndustriALL Executive Committee, without a fair hearing. In July the Zimbabwe Labor Court reinstated her and ordered the authority to pay her in full for back wages and benefits.

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. 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.” Forced labor is punishable by a fine, two years' imprisonment, or both.

Forced labor occurred, including by children, 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. Children also were used in the commission of illegal activities, including gambling and drug smuggling. Forced labor by children occurred in the agricultural, artisanal gold and chrome mining, and domestic sectors. During the year workers arrested for striking or persons arrested for speaking out against the government often were sentenced to forced labor.

There were no reports on the government's efforts to prevent and eliminate forced labor during the year. There were no data on the number of victims removed from forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most forms of child labor. The new constitution defines a child as any boy or girl under the age of 18. The law provides that a child between the ages of 13 and 15 can work as an apprentice if the work is an integral part of “a course of training or technical or vocational education.” The law further states that no person under the age of 18 shall perform any work likely to jeopardize that person’s health, safety, or morals. The law does not directly address the status of children between the ages of 15 and 18. As of year’s end, 15 remained the minimum age for light work, work other than apprenticeship, or work associated with vocational education. Child labor was punishable by a fine, two years’ imprisonment, or both.

The laws were not effectively enforced. The Department of Social Welfare in the Ministry of Labor and Social Welfare was responsible for enforcing child labor laws, but the department lacked personnel and the commitment to carry out inspections or other monitoring. There were approximately 170 labor inspectors responsible for investigating labor-related violations and for enforcing labor laws, including those covering children. Child labor occurred primarily in the informal sectors and was not closely monitored by inspectors. Penalties, which included fines not exceeding \$400, imprisonment not exceeding two years, or both, were not sufficient to deter violations. There was no government action to combat child labor during the year.

Childline reported that it counseled 17 males and 28 females involved in domestic child labor between January and August.

Child labor remained endemic and was on the rise. A 2011 study of child labor conducted by the Ministry of Labor and Social Welfare together with the ILO and UNICEF concluded that “the prevalence of the worst forms of child labor is on the rise and cause for concern.” Concrete data on the extent of child labor remained difficult to confirm and evaluate, despite the government’s indication that comprehensive data on child labor would be collected in 2010. The results of a nationwide survey conducted in 2011 by ZimStats on child labor were released during the year. According to the survey, 96 percent of children in economic child labor were employed in agriculture, forestry, and fishing. Poverty and the breakdown of the family unit were major factors that resulted in the use of the worst forms of child labor. A 2007 survey by a domestic NGO documenting child labor reported that approximately one-third of children were working, primarily in

the informal sector. Children worked in agriculture (tobacco, sugar, and cotton); cattle herding; forestry; informal gold and chrome mining; as domestic staff and street vendors; and in other parts of the informal sector.

Children often faced hazards to their health and safety and lacked necessary equipment and training. Children working on farms were exposed 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.

Some employers did not pay wages to child domestic workers, claiming that they were assisting a child from a rural home by providing housing 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 domestics without pay.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The National Employment Council sets the minimum wage for all sectors through a tripartite agreement between employers, government, and labor unions. An estimated poverty guideline for the country was \$253, based on the lowest monthly government salary after 2011. The law does not provide for a standard workweek, but it does prescribe a minimum of one 24-hour continuous rest period a week. The maximum legal workweek is negotiated between unions and employers in each sector. No worker is allowed to work more than 12 continuous hours. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday and on Sunday. The government sets safety and health standards on an industry-specific basis. The public service commission sets conditions of employment in the public sector. The Labor Act is a blanket law for all workers and does not differentiate between workers based on sector or industry.

The Ministry of Labor is responsible for enforcing the minimum wage and work hours law, but the standards were not enforced effectively due to ineffective monitoring systems and a labor inspector shortage. In January the government announced a pay increase for the lowest paid public service workers to \$296 a month. Many public servants, however, earned less than the poverty line. Typically, and for many years, workers have had to protest on a regular basis to demand wage increases.

Many agricultural and domestic workers were paid below the minimum wage. According to the 2011 labor force survey by ZimStats, only 42 percent of workers earned an income sufficient to support the minimum food requirement (2,100 calories per person per day) for a family of five. During the year there was pervasive partial payment or nonpayment of salaries in both the public and private sectors. As of October, workers for the National Railways of Zimbabwe continued to report to work despite having received just 60 percent of their December 2012 salary during that month.

There was little or no enforcement of the work hours law, particularly in agricultural and domestic worker sectors. Nevertheless, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

The Zimbabwe Occupational Safety Council, a quasi-governmental advisory body to the National Social Security Administration (NSSA), regulated working conditions. Budgetary constraints and staffing shortages, as well as its status as an advisory council, made it largely ineffective.

Poor health and safety standards in the workplace were common problems faced by workers in both formal and informal sectors due to lack of enforcement. During the year reports emerged of human rights abuses by the management at certain foreign-owned enterprises, including physical, sexual, and emotional abuse of workers; poor working conditions; underpayment or nonpayment of wages; unfair dismissal; and firing without notice.

The NSSA lacked enough safety inspectors to monitor the thousands of work sites, formal and informal, across the country, but it closed some shops and factories found not in compliance with safety regulations. In some cases, safety inspectors were reluctant to close noncompliant factories associated with government officials. In 2012 there were 5,141 serious workplace injuries, 107 of which resulted in death. In January and February alone, the NSSA reported 821 serious injuries and 17 deaths, a much higher rate than in previous years, despite there being fewer jobs and consequently fewer workers. A breakdown of the number of injuries and fatalities by sector was not available.

Information on the treatment of foreign and migrant workers was not available. The government considered many commercial farm workers to be foreigners because one or both parents were born in another country. Foreign farm workers also were covered under labor laws and standards.