

# ZIMBABWE 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic. President Robert Mugabe, his Zimbabwe African National Union-Patriotic Front (ZANU-PF) party, and its authoritarian security sector have dominated the country since independence in 1980. Presidential and parliamentary elections held in 2013 were free of the widespread violence of the 2008 elections, but the process was neither fair nor credible. Numerous factors contributed to a deeply flawed election process: A unilateral declaration of the election date by the hastily convened and politically compromised Constitutional Court, formed after the country adopted a new constitution; heavily biased state media; a voter registration process that did not comply with the law and that skewed registration towards supporters of the ruling party; partisan statements and actions by security forces, and active-duty personnel standing for office in contravention of the law; limitations on international observers; failure to provide a publicly useful voters' register; and a chaotic separate voting process for the security sector. The elections resulted in the formation of a unitary ZANU-PF government led by President Mugabe and ZANU-PF supermajorities in both houses of Parliament. ZANU-PF used intimidation and targeted violence to retain some parliamentary seats during 2015 by-elections. Civilian authorities failed at times to maintain effective control over the security forces.

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

There were many other human rights problems. Prison conditions were harsh. The government's expropriation of private property continued. Executive political influence and interference in the judiciary continued, and the government infringed on citizens' privacy rights. The government generally failed to investigate or prosecute state security or ZANU-PF supporters responsible for violence. 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 and settlements. The government arrested, detained, prosecuted, and harassed nongovernmental organization (NGO) members. Government corruption remained widespread, including at the local level. Violence and discrimination against women; child

abuse; trafficking of men, women, and children; and discrimination against persons with disabilities, racial and ethnic minorities, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and persons with HIV/AIDS were problems. The government interfered with labor-related events.

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

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports the government or its agents committed arbitrary or unlawful killings. Progress in cases from 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.

On April 23, three Criminal Investigation Department police officers arrested Robert Takawira for suspected theft. The officers severely beat Takawira with baton sticks before taking him to a police station where they denied him medical attention. On April 24, he died from those injuries while in police custody.

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

On April 24, ZANU-PF supporters and state security agents allegedly killed Pepukai Mudzembiri, Zaka North District Chairperson of the Democratic Change-Tsvangirai (MDC-T). Police investigators stated that he was killed in a hit-and-run accident, a point disputed by human rights organizations and MDC-T party officials. A ZANU-PF supporter reportedly threatened Mudzembiri with abduction and death before the 2013 presidential and parliamentary elections.

Impunity for past politically motivated violence remained a problem. Police and the prosecutor general failed to arrest or prosecute senior or well-known ZANU-PF supporters for violence in previous years.

There were limited advances in holding legally accountable those responsible for the killings of at least 19 citizens who died of injuries sustained during the 2008 political violence that targeted opposition party members; more than 270 others

also were killed that year. Observers believed the primary perpetrators of the violence were members of ZANU-PF, including the party's youth militia, and individuals identifying themselves as war veterans.

Unwillingness to acknowledge past atrocities continued to influence Shona-Ndebele relations negatively. In 2012 ZANU-PF then 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 the Matabeleland and Midlands regions.)

### **b. Disappearance**

There were credible reports of politically motivated abductions and attempted abductions during the year. There were no reports of authorities punishing any perpetrators.

On March 9, suspected state security agents abducted Itai Dzamara, a journalist and democracy activist known for leading a small, peaceful protest movement from a barbershop in Glen View, a Harare suburb. The agents allegedly handcuffed Dzamara before forcing him into a truck with obscured license plates. Dzamara's whereabouts were unknown since authorities did not provide information regarding his abduction. International community and human rights attorneys urged to no avail the government to investigate his disappearance.

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

Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces 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. According to NGOs, security forces reportedly assaulted and tortured citizens in custody, including perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged victims with crimes instead of perpetrators.

Human rights groups reported the continuance of physical and psychological torture perpetrated by security agents and ZANU-PF supporters. Reported torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks

(a heavy whip); burning; falanga (beating the soles of the feet); use of electric shocks; solitary confinement; and sleep deprivation.

According to one NGO, from January through September, 155 persons sought treatment for injuries and trauma sustained from security force abuse, compared with 169 persons in 2014. During the same period, the NGO reported that 165 persons sought treatment for injuries and trauma sustained from abuse by ZANU-PF supporters, compared with 88 persons in 2014. Nearly 40 percent of the cases took place in Harare, and the vast majority of the victims were affiliated with the MDC-T.

In November 2014 police assaulted human rights lawyer Kennedy Masiye in Africa Unity Square in downtown Harare. Masiye represented Itai Dzamara and went to the square to investigate reports that police assaulted Dzamara. Upon entering the park and finding Dzamara unconscious, Masiye attempted to telephone for an ambulance. Uniformed police officers then ran in his direction, and although he produced his legal credentials, struck him with fists and batons. Masiye's arm was broken during the beating.

Police occasionally used excessive force to disperse demonstrators, resulting in injuries. On April 17, police assaulted Sydney Chisi, a youth activist, during a demonstration in Harare against xenophobic violence in South Africa. Video of the event taken by a bystander clearly showed police officers striking Chisi repeatedly with batons while he lay helplessly on the ground. Chisi was briefly hospitalized and later filed criminal and civil cases against the officers involved.

ZANU-PF supporters--often with tacit support from police--continued to assault and mistreat scores of persons, including civil society activists and known Movement for Democratic Change (MDC) members and their families, especially in Harare neighborhoods and nearby towns. Violent confrontations between youth groups of the ZANU-PF (known as "Chipangano") and the MDC-T, or the MDC-Ncube (MDC-N) continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence.

On April 23, ZANU-PF supporters attacked 13 MDC-T supporters, including Member of Parliament (MP) Costa Machingauta, in the Glen View suburb of Harare. The victims reported being attacked on their way to and from a rally addressed by Morgan Tsvangirai. Machingauta was hospitalized for three days for a head injury that required 21 stitches.

The courts punished some ZANU-PF supporters accused of political violence and ordered compensation to their victims. In April the High Court convicted seven ZANU-PF activists of the 2008 torture of seven MDC-T supporters and ordered them to pay a combined \$11,000 (U.S. currency used in the country) in compensation.

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

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

Physical Conditions: There were approximately 18,900 prisoners, including approximately 600 women and 50 juveniles, spread across 46 main prisons and 26 satellite prisons. While some prisons operated below capacity, NGOs reported overcrowding continued due to outdated infrastructure and judicial backlogs.

On March 13, more than 900 inmates rioted over poor prison conditions and food shortages in Chikurubi Maximum Security Prison. Prison guards killed at least five prisoners during the riot. Some prisoners alleged authorities tortured them following the riot.

The independent Zimbabwe Human Rights Commission (ZHRC) visited Chikurubi Maximum Security Prison on March 18 in order to inspect prison conditions that allegedly led to the riot. It recommended authorities mobilize resources to improve conditions and provide for prisoners' basic needs.

Prison guards occasionally beat and abused prisoners, but NGOs reported the use of excessive force by prison guards was not systematic and that senior prison officials increased efforts to address the problem.

NGOs reported that female prisoners generally fared better than did male prisoners. Authorities held women in separate prison wings and provided for women guards. Women generally received more food from their families than did male prisoners. The several dozen children under age 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 women guards were more diligent about protecting women prisoners from abuse or that female prisoners did not report 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 housing boys only. Girls were held together with women. Authorities held boys in adult prisons throughout the country while in remand. Officials generally tried to place younger boys in separate cells. Authorities generally sent juveniles to prison rather than to reformatory homes, as stipulated in the law. Juveniles were particularly vulnerable to abuse by prison officials and other prisoners.

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.

Food shortages were widespread but not life threatening. Prisoners identified as malnourished received additional meals. The harvest of prison farm products provided meals for prisoners, while the sale of some high-value crops such as tobacco allowed authorities to address some supply shortages. Prisoners had limited access to clean water.

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

Prisoners had access to very basic medical care, with a clinic and doctor at 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.

Those detained for politically motivated reasons were held at police stations for days 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.

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. One exception occurred in July when approximately 50 activists attempted to visit vendors jailed by police during city clean-up operations. Police arrested six of the activists.

The ZHRC investigated credible allegations of inhuman conditions (see Physical Conditions subsection).

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 them.

#### **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. The government continued to enforce laws in conflict with the constitution.

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

The constitution provides for a National Security Council (NSC) composed of the president, vice president, and selected ministers and members of the security services. The NSC, chaired by the president, is responsible for setting security policies and advises the government on all security-related problems. The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. The Department of Immigration and the ZRP are primarily responsible for migration and border enforcement. Although the ZRP is officially under the

authority of the Ministry of Home Affairs, the Office of the President controlled some ZRP roles and missions. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces under the Ministry of Defense. The armed forces are responsible for external security, but the government sometimes used them for domestic operations. The Central Intelligence Organization (CIO), under the Office of the Vice President, is responsible for internal and external security. All security sector chiefs report directly to the president, who is commander in chief of all security services.

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. Ignorance of the provisions of the constitution compromised the quality of police work. Police were ill equipped, underpaid, and poorly trained, particularly at the lower levels. A lack of sufficient fuel and resources reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal resulted in corruption and high turnover. The government changed pay dates for security forces on a month-to-month basis.

There were no internal or external entities to investigate abuse by the security forces. There were reports authorities investigated and arrested corrupt police officers for criminal activity during the year, but there were also reports of police officers punished or arrested on arbitrary charges for failing to obtain or share illicitly gained funds. State-controlled media reported that at least 300 traffic police officers were fired for corruption, including receiving bribes from motorists, in 2014.

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

### **Arrest Procedures and Treatment of Detainees**

The law stipulates that arrests require a warrant issued 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 police did not respect these rights. The law requires authorities to inform a person at the time of arrest of the reason for the arrest and a preliminary hearing before a magistrate within 48 hours of an arrest.

According to the constitution, only a competent court may extend the period of detention.

On July 27, a magistrate ordered the release of three civil society leaders whom police arrested on July 25 and held in excess of 48 hours.

The law provides for bail for most accused persons. On September 23, the constitutional court declared section 121(3) of the Criminal Procedures and Evidence Act unconstitutional. According to human rights attorneys, section 121 (3) allowed prosecutors to veto bail decisions made by the courts and keep accused persons in custody for up to seven days based on the prosecution's stated intent to appeal bail.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees or those with authority to grant access were unavailable. An indigent detainee may apply to have the government provide an attorney in criminal cases, but requests were rarely granted except in capital cases. This occurred with cases involving MDC members, civil society activists, and ordinary citizens. In contrast with previous years, there were no reported cases of detainees held incommunicado.

The government also continued to harass and intimidate human rights lawyers when they attempted to gain access to their clients.

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

On July 24, authorities arrested three civil society activists for allegedly failing to comply with an officer's directive while attempting to visit 16 jailed vendors at Harare Remand Prison. On July 25, authorities arrested another three activists at the Rotten Row Magistrates Court when they attempted to pay bail for those arrested the previous day.

Pretrial Detention: Prolonged pretrial detention continued to be limited. Delays in pretrial procedures were still common, however, due to a continued shortage of magistrates and court interpreters, poor bureaucratic procedures, the low capacity of court officials, and a lack of resources.

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

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but executive influence and interference remained a problem. As was the case in 2014, however, the judiciary demonstrated greater independence despite being under intense pressure to conform to government policies.

On March 12, the High Court ruled that Raymond Ndhlukula, a high-ranking official in the President’s Office, was in contempt of a court order barring him from seizing a farm from its lawful owner. The court noted that contempt is a serious infraction that “strikes at the heart of the rule of law,” and sentenced Ndhlukula to 90 days in prison suspended on the condition that he vacate the farm. Ndhlukula appealed the ruling to the Supreme Court.

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 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. In politically charged cases, other judicial officers not covered by the law, such as prosecutors and private attorneys, also faced pressure, including harassment and intimidation. Some urban-based junior magistrates demonstrated a greater degree of independence and granted MDC and civil society activists bail against the government’s wishes.

## **Trial Procedures**

The constitution provides for the right to a fair trial, but political pressure frequently compromised this right. Defendants enjoy a presumption of innocence under the law, although courts did not always respect this right. Magistrates or judges held trials without juries, and trials were open to the public except in cases involving minors or state security matters. Assessors, in lieu of juries, could be appointed in cases in which 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 requests were rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Individuals in civil cases may request free legal assistance from the Legal Resources Foundation or the Zimbabwe Lawyers for Human Rights (ZLHR). The Zimbabwe Women Lawyers Association also provides some free legal assistance to women and youth. Free interpretation is provided for by law, and Shona/English interpretation was generally available. The right to adequate time and facilities to prepare a defense is also provided for by law, but in practice was often lacking.

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

Conviction requires proof beyond a reasonable doubt, and the prosecution bears the burden of proof. The right to appeal against both conviction and sentence exists in all cases, and it is automatic in cases in which the death penalty is imposed. No groups were denied those rights.

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 authorities granted bail to government opponents (see section 1.d.), they did not conclude investigations and set a trial date but instead chose to "proceed by way of summons." This left the

threat of impending prosecution remaining, with the accused person eventually being called to court, only to be informed of further delays. The prosecutors and police routinely retained material confiscated from the accused as evidence.

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

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

### **Political Prisoners and Detainees**

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

On January 27, a Chiredzi magistrate convicted four Chingwizi internally displaced persons (IDPs) on charges of committing public violence stemming from an altercation with police officers in August 2014, and sentenced them to five years in prison. Credible NGOs issued statements that at least one of the IDPs, Mike Mudyanembwa, was not present during the altercation and that the government falsely charged him. According to these NGOs, the underlying reason for his incarceration was his efforts to mobilize the community of IDPs in opposition to resettlement without compensation. The four remained incarcerated at year's end.

### **Civil Judicial Procedures and Remedies**

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

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

## **Property Restitution**

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

Support was uneven and inconsistent for households resettled from the allocated diamond mining grounds of Marange in Chiadzwa to a government-owned agricultural estate outside Mutare. As of year's end, authorities had relocated more than 1,800 families, including dozens who 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 did not receive 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. The government did not complete appraisal of the land and property lost by each family for the purpose of property restitution. In addition an estimated 2,510 families remained without a timeframe or destination for their impending relocation.

The government also failed to compensate most of the IDPs relocated forcefully from the Tokwe-Mukosi area during flooding in February 2014. Approximately 3,125 families were legally entitled to compensation.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions. Government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF. 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 and to compel support for ZANU-PF.

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 target political and civil society activists.

According to local human rights and humanitarian NGOs, sporadic evictions continued during the year. In January police evicted approximately 400 families from farms in Mazowe. Media reported the evictions were carried out to accommodate plans to expand the first family's holdings in the area.

Land seizures remained a serious problem. According to the attorney general and Ministry of Lands, every white-owned farm in the country was gazetted (officially announced as available in state media) and effectively 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; those remaining continued to be targeted, harassed, and threatened with eviction by farm beneficiaries, unemployed youth, and individuals hired by those standing to benefit. Abuse of the land reform laws continued, with invasions and seizures of noncommercial land on the privately owned wildlife conservancies in Masvingo Province and with the collusion of high-ranking government officials and provincial ZANU-PF party structures and leaders.

White-owned farms were gazetted and almost all forcibly seized. Title deed holders who lost their homes or properties--where most of their life earnings were invested--were not compensated. 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 whom the new beneficiaries of the farms evicted, there were scores of destitute elderly former farmers.

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

In August 2014 Raymond Ndhelukula, deputy chief secretary in the president's office, seized a farm near Figtree, Matabeleland South, while police watched. David Conolly, the lawful owner of the property, approached the courts for protection and received a high court injunction against the seizure. When Conolly confronted Ndhelukula about the high court order, Conolly alleged Ndhelukula stated he was a senior civil servant and "white people could not come before the courts of

Zimbabwe regarding land matters.” Ndhlukula’s workers camped out on the property, intimidating Conolly and eventually forcing him off the property. Conolly filed an urgent High Court application regarding the seizure of his farm, and Ndhlukula was found to be in contempt of the court order. Ndhlukula appealed the High Court decision, however, and the matter was pending in the Supreme Court and numerous lower courts at year’s end.

There were other reports of farmers forced off their farms, despite being in possession of a court order allowing them to remain on the property, and denied the opportunity to collect their personal belongings. Black farm workers 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 police enforce court judgments evicting squatters on illegally seized properties.

## **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.” The government continued to arrest, detain, and harass critics, and journalists practiced self-censorship.

Freedom of Speech and Expression: 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 physical abuse.

The ZLHR stated that by June it had assisted more than 110 individuals whom police had arrested 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 undermining the authority of or insulting the president.

On January 28, the Constitutional Court dismissed cases brought by the state against several citizens for insulting the president, including against MDC-T Secretary General Douglas Mwonzora. The ZLHR challenged the constitutionality

of section 33. On April 15, Vice President Emmerson Mnangagwa stated that the state would continue enforcing the law. In 2014 the court ruled that section 33 of the Criminal Law (Codification and Reform) Act violated sections of the previous constitution--which was still being applied to cases filed prior to the enactment of the 2013 constitution--as did section 31, which criminalizes publishing or communicating false statements prejudicial to the state. In previous years authorities arrested and charged several journalists under the criminal code.

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

Despite threats and pressure from the government, independent newspapers continued to operate. The Zimbabwe Media Commission, which conducts media regulation, registration, and accreditation, licensed independent newspapers and magazines. During the year authorities threatened independent media vendors and confiscated copies of their newspapers. Security services also prevented print journalists from covering events that would expose government excesses.

On June 23, freelance journalist Patrick Chitongo was convicted and sentenced to several months in prison for publishing *The Southern Mirror* newspaper without a registration certificate, a requirement under section 72 of the Access to Information and Protection of Privacy Act. On July 2, Chitongo was released on \$200 bail pending the outcome of his appeal.

On July 27, police barred journalists from the independent newspaper *Daily News* from covering an event presided over by First Lady Grace Mugabe in Mazowe.

The government appeared to relax accreditation laws previously used to prevent international media organizations' entry into the country, if those outlets were perceived to be critical of authorities. International media outlets such as CNN, al-Jazeera, and the BBC continued to operate in the country.

Radio remained the principal medium of public communication, particularly for the rural majority. Star FM and ZiFM, both radio stations with close links to ZANU-PF and licensed to operate, continued broadcast operations. Despite their perceived allegiance to ZANU-PF, the two stations continued to include independent voices in their programming. In early March the Broadcasting Authority of Zimbabwe (BAZ) licensed eight additional radio stations following its

invitation for applications in early 2012. All of the companies that received licenses had close links to ZANU-PF, and none of the owners had a history of editorial independence.

The government did not license any community radio stations during the year despite previous years' promises by government officials to do so. Authorities routinely harassed individuals and organizations that announced intentions to start community radio initiatives.

On June 15, police questioned Wilson Maposa, producer with Wezhira Community Radio Initiative, on suspicion that the initiative owned broadcasting equipment. According to the Broadcasting Services Act, it is illegal to broadcast without a license issued by BAZ. Two weeks later, two unarmed police officers visited the radio initiative's offices and conducted a search but found no broadcasting equipment. Wezhira officials stated, however, that police threatened to return, seize their equipment, and close them down.

The government-controlled Zimbabwe Broadcasting Corporation, 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.

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

On February 20, photojournalist Angela Jimu served the Ministry of Home Affairs with a letter of intention to sue police for unlawful assault and arrest. In August 2014 police assaulted and detained Jimu, who was covering an opposition party-led demonstration and photographing efforts by police to suppress the demonstration, including by assault on and arrest of demonstrators. Police seized her camera and later released Jimu without charge and returned her camera.

Censorship or Content Restrictions: The government continued to use the law to control media content and the licensing of journalists, although many provisions of the law are inconsistent with the constitution. 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.”

On May 28, then Minister of Media, Information, and Broadcasting Services Jonathan Moyo threatened to use legal instruments to force journalists to observe ethical practices. Moyo’s threats came days after a story by the privately owned *Newsday* newspaper alleging that the president owed businessman Ray Kaukonde \$30 million. Moyo accused *Newsday* of using invented sources to support falsehoods and said the fabrications appeared aimed at inciting public disaffection against President Mugabe.

Libel/Slander Laws: The constitutional court ruled that the previous constitution outlaws criminal defamation. Civil defamation laws remain in force, and criminal defamation laws remain on the statute books. 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.

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

National Security: The law grants the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. For example, the extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. Authorities used these laws to restrict publication of information that criticized government policies or public officials.

On June 24, government-controlled media quoted legal experts issuing threats to former presidential affairs minister Didymus Mutasa for breaching the Official Secrets Act after he disclosed to the independent media operations of some state security agents. Section 4 of the Official Secrets Act makes it a criminal offense for any person to disclose a secret official code, document, or other information that has been entrusted in confidence to that person in the service of the state.

## **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 encrypted messaging service that prevented enforcement of the law allowing the government to intercept and monitor communications.

Despite the restrictive environment for the traditional media, internet and mobile telephone communication in the country were widely available and nominally free from government interference.

Although there was no concrete evidence of systematic internet filtering in the country, Freedom House reported some instances of surveillance and censorship.

On May 29, the state withdrew charges against Edmund Kudzayi, who was arrested in June on charges of "attempting to subvert a constitutionally elected government or alternatively attempting to commit an act of insurgency, banditry, sabotage, or terrorism." The charges stemmed from posts he allegedly made on Facebook using an account in the name Baba Jukwa. Authorities also charged Kudzayi with undermining the president's authority.

According to the International Telecommunication Union, 18.5 percent of the population used the internet in 2013, although many more individuals might have 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 foreign diplomats.

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

Authorities continued a ban on the low budget film “Kumasowe” because the film dealt with a “sensitive issue.” The film documented the highly publicized violent clashes between members of a religious group and police officers in May 2014.

The Zimbabwe Censorship Board maintained its ban on the foreign-funded performance of the award winning play *No Voice, No Choice*. Authorities banned the play in 2012, and an appeal to the Supreme Court remained pending.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

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

The Public Order and Security Act 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 magistrates court stating the reasons behind the denial. Although many groups did not seek permits, other groups informed police of their planned events and the police either denied permission or gave no response.

Authorities often denied requests by civil society, trade unions, or political parties other than ZANU-PF to hold public events if the agenda conflicted with ZANU-PF policy positions. There were few reports of political rallies interrupted by opposing political parties.

On January 24, police in Bulawayo blocked a Gukurahundi memorial prayer event. According to press reports, police had earlier prohibited the public gathering because of the risk that it would create public disorder. Organizers attempted to hold the event anyway, and riot police dispersed them.

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.

### **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. Persons suspected of being security force members visited the offices and inquired into the activities of churches, numerous NGOs, and other organizations believed to oppose government policies. Organizations generally were free of governmental interference only if the government viewed their activities as apolitical or supportive of ZANU-PF.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted these rights. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, asylum seekers, stateless persons, and other persons of concern, but it interfered with some humanitarian efforts directed at 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. Pro-ZANU-PF police chiefs retained and failed to account for money collected at checkpoints. Prior to elections in 2013, the finance minister reported to parliament

that the treasury had not received revenue expected from police fines. Government officials criticized a subsequent High Court pronouncement that police must transfer collected fines to the treasury.

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

Exile: The constitution prohibits expulsion from the country for all citizens. Nevertheless 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 constitution provides for three different classes of citizenship: by birth, by descent, or by registration. The government deprived some sectors of the population of citizenship rights based on the law, which revokes the citizenship of persons who fail to return to the country in any five-year period.

Despite a constitutional provision of citizenship and having voted previously, some persons were denied the right to vote during the 2013 elections because they could not adequately demonstrate their citizenship. In contravention of a 2002 High Court ruling that overturned laws barring dual citizenship, independent groups estimated that as many as two million citizens might have been disenfranchised, including those perceived to have anti-ZANU-PF leanings, such as the more than 200,000 former commercial farm workers from neighboring countries and approximately 30,000 mostly white dual nationals.

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

According to the Internal Displacement Monitoring Center's 2009 estimate, approximately 600,000 persons remained displaced because 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). 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 about the problem. Until 2009 the government denied the existence of any IDPs.

In 2014 approximately 15,000 persons were displaced from the vicinity of the Tokwe-Mukosi dam in Masvingo Province. Authorities moved the IDPs to the Chingwizi transit camp, which lacked adequate shelter, food, and water. There were also inadequate health, educational, and sanitation facilities in the camp. In August 2014 the government barred humanitarian organizations and NGOs from entering the camp while it embarked on a two-week program of forced resettlement. There were reports that the government denied the IDPs food, water, and sanitation facilities for two days and that it assaulted IDPs in Chingwizi in order to force them to move. The permanent resettlement area had inadequate infrastructure to support thousands of persons forcefully moved there. According to a credible NGO, food assistance was last made available to the IDPs in December 2014, and water, shelter, and adequate schools continued to be lacking.

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

The overall rate of displacement remained steady, 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. Without needing any official documentation, several generations of farm workers originally from neighboring countries previously resided in insular commercial farming communities that met their health, labor, and education needs.

Government-led humanitarian assistance programs were insufficient to meet the needs of targeted populations and subject to increased politicization during the year. Farm inputs and food aid occasionally were channeled through patronage networks or denied to those perceived as supporting ZANU-PF's opponents.

Despite this discrimination, the government generally cooperated with international agencies and NGOs providing humanitarian assistance.

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

### **Protection of Refugees**

Access to Asylum: The 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 UNHCR, the country hosted approximately 9,700 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 more than 1,000 refugees lived in urban areas, including Harare and Bulawayo 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 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 to work for the government.

Durable Solutions: While the government did not accept refugees from foreign countries for resettlement, it facilitated the voluntary repatriation of refugees to their home countries by recognizing the Voluntary Repatriation Declaration Form as a valid document for travel purposes. The government also conducted exemption interviews for Rwandan refugees who lost prima facie refugee status following implementation of the 2013 Rwandan cessation clause, which provides for refugee status to end once fundamental and durable changes have taken place in Rwanda and the circumstances that led to flight no longer exist. Many refugees were unwilling to return to their home countries voluntarily, and resettlement remained the only viable solution for many of them.

### **Section 3. Freedom to Participate in the Political Process**

Although the constitution provides citizens with the right to choose their government in free and fair periodic elections based on universal and equal suffrage, this right was restricted. The political process continued to be heavily biased in favor of the president's ZANU-PF, which has dominated politics and government and manipulated electoral results since independence in 1980.

Both the ZANU-PF and the opposition MDC-T removed from their parties MPs accused of opposing their respective leaders.

### **Elections and Political Participation**

Recent Elections: Aside from the Southern African Development Community (SADC) and the African Union (AU), international and local independent observers characterized the 2013 harmonized presidential, parliamentary, and local elections as largely 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 Constitutional Court set the 2013 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 pre-election legal, political, media, and security sector reforms mandated by the SADC-sponsored Global Political Agreement. Parliament failed to pass laws promoting the fairness of the election, while certain government elements failed to implement other election laws. Despite a constitutional provision of citizenship, large sections of the population were refused registration as voters because of their foreign ancestry. Other contraventions of the country's electoral act included a truncated special voter registration period, partisan public statements by senior security force officers, and active-duty police officers running for public office in contravention of the law.

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

The credibility and independence of the Zimbabwe Electoral Commission (ZEC) 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 to any of the opposition political parties as required by law but managed to supply one hard copy of the voters roll to the MDC-T late on election day. The ZEC also failed to respond, as required by law, to legal and formal

complaints by opposition parties with respect to its role in monitoring the media, postal voting procedures, and the number of ballot papers printed and distributed. When the ZEC released the election results, Mugabe won with more than 61 percent of the vote, and 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 free, and the AU followed suit.

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

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

The June 10 by-election in Hurungwe West constituency, for example, was marred by reports of violence and intimidation during the pre-election period. The contest pitted ousted ZANU-PF MP Temba Mliswa running as an independent against ZANU-PF's candidate Keith Guzah. ZANU-PF supporters assaulted and intimidated Mliswa's supporters, including his farmworkers. Senior ZANU-PF officials also warned traditional leaders not to associate with Mliswa, and ZANU-PF supporters assaulted at least two headmen during a public gathering to reinforce the message. Based on its investigation, the ZHRC concluded the possibility of a truly free and fair election in Hurungwe West was "remote."

Political Parties and Political Participation: Although the constitution allows for multiple parties, elements within ZANU-PF and the security forces intimidated and committed abuses against other parties and their supporters and obstructed their activities. In 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. Following the 2013 elections, women filled three of 26 cabinet minister positions in the cabinet, or 11.5 percent of ministers, well below their 52 percent share of the population, as recorded in the 2012 census, and well below the equal representation required by the constitution. Women held three of 13 ministers of state positions and five of 24 deputy minister positions. NGOs also noted the cabinet minister positions occupied by women were less influential. Sixty women were elected to the House of Assembly through proportional representation in accordance with the constitution, increasing women's share of seats from 20 percent to 35 percent.

The same pattern existed for rural and urban councils. Women were elected to only 323 of 1,958 councilor positions nationwide in 2013, for 16 percent representation. 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. NGOs noted that young women were mostly excluded from decision-making structures and processes in all political parties. In December 2014 Vice President Joice Mujuru was also ousted from ZANU-PF and replaced by a man.

The constitution guarantees specific political rights for all citizens. Laws, however, are not fully consistent with the constitution, and allow discrimination in voter registration to continue. Authorities treat citizens with dual citizenship claims as "aliens." These citizens must overcome administrative obstacles in order to renounce their foreign citizenship, which is required before they may register to vote.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for corruption, the government did not implement the law effectively or impartially, and officials frequently engaged in corrupt practices with impunity. Despite government pronouncements,

corruption remained a severe problem. Police frequently arrested citizens for low-level corruption while ignoring reports implicating high-level businesspersons and politicians.

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

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.

Senior executives in state-owned enterprises earned salaries and benefits up to \$500,000 per month. The government alleged corruption and misuse of public funds in the Public Service Medical Aid Society (a medical insurance company), the Zimbabwe Broadcasting Corporation, the Grain Marketing Board, Air Zimbabwe, and Harare City Council, among others. The individuals implicated were politically well connected, and state prosecutors brought only one of the cases--the Air Zimbabwe case--to trial. The case continued as of September.

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 (see section 7.d.).

It remained common for the ZANU-PF minister of local government to appoint ZANU-PF supporters to bureaucratic positions in local governments. City public administrators reportedly earned hugely inflated salaries. In most rural areas, the

government appointed ZANU-PF activists as “special interest” councilors. In August the local government minister fired 16 Gweru city councilors and the mayor and his deputy on allegations of gross misconduct and mismanagement of council funds.

Unqualified persons employed by the Public Service Commission remained on the state payroll. The majority served as Youth and Gender Officers in various ministries and other public entities. According to the most recent audit, illicit salary payments were made to large numbers of persons who were retired, deceased, or otherwise absent from their place of employment. Duplicate personally identifiable information and files were also uncovered indicating some persons received more than one salary.

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

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted MDC-T officials, persons who had fallen out of favor with ZANU-PF, and individuals without high-level political backing.

Financial Disclosure: The law does not require elected or appointed officials to disclose income or assets. While government policy requires officials to disclose interests in transactions that form part of their public mandate, this policy was not enforced.

Public Access to Information: Citizens generally were unable to access government information. Although the government asserted that the law 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 the government enforced most vigorously. The Access to Information and

Protection of Privacy Act restricts the information citizens may request from public offices. During parliamentary debate about the Reserve Bank Debt Assumption Bill, opposition MPs requested that bank administrators disclose the list of persons who benefitted from the state loans. They responded it was not in the public's interest to disclose such information.

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. In addition citizens often faced burdensome and complicated regulations to obtain access to government buildings where records are kept, including parliament, where security officers often turned away citizens for "wrong dress."

### **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 NGOs included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, Zimbabwe Election Support Network, ZLHR, Zimbabwe Peace Project, ZimRights, National Constitutional Assembly, Students Solidarity Trust, and Women and Men 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 their authors charged that the real NGO agenda was regime change.

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

Government Human Rights Bodies: The ZHRC remained underfunded but managed to fulfill some of its constitutionally mandated functions. For example, the ZHRC investigated allegations of pre-election violence and intimidation in the Hurungwe West constituency ahead of the June 10 by-elections. Their report detailed that "high levels of repression, threats, intimidation, and violence" were

affecting the right of citizens to vote for non-ZANU-PF candidates and concluded that the possibility of a free and fair election in the constituency was remote. The ZHRC also directed the ZRP commissioner general to investigate the suspected criminal violations of human rights that occurred in Hurungwe West.

The constitution called for the Organ of National Healing, a ZANU-PF-connected, organization based in the Office of the President to evolve into a neutral peace and reconciliation commission. Due to a lack of political will and funding, the commission had not been formed by year's end.

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

The constitution's bill of rights provides that no person may 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 opinion, color, creed, gender, or disability. The bill of rights may not 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 lengthy prison sentences, although women's organizations stated that the sentences of those convicted were inconsistent. Rape victims seldom received protection in court.

Victims reported few cases of rape due to social stigma and societal perceptions that rape was simply a "fact of life" that could not be challenged. A lack of services for rape victims also discouraged reporting. Victims reported even fewer cases of spousal rape because of fear of losing economic support, fear of reprisal, lack of awareness that spousal rape was a crime, police reluctance to be involved in domestic disputes, and bureaucratic hurdles. Most rural citizens were unfamiliar with laws against domestic violence and sexual offenses. Chiefs of local

jurisdictions usually handled gender-based violence in trials applying customary law.

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 2013 elections period.

The media frequently published stories criticizing rape and reporting convictions. In September the *Chronicle* newspaper reported that a Harare magistrate sentenced Greatness Tapfuma, a prominent local pastor, to 30 years in prison for raping a female minor. During the sentencing the magistrate expressed concern regarding the prevalence of rape cases committed by religious leaders. In May a man age 19 was sentenced to 210 hours of community service for impregnating a girl age 12.

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

The adult rape clinics in public hospitals in Harare and Mutare were run as NGOs and did not receive a substantial amount of financial support from the Ministry of Health. The clinics received referrals from police and NGOs. They administered HIV tests, provided medication for HIV and other sexually transmitted diseases, and provided medical services for pregnancy. Although police referred the majority of reported rapes of women and men who received services from the rape centers for prosecution, very few were prosecuted. Private clinics and clinics supported by NGOs and bilateral and multilateral development partners emerged in the past few years to provide medical assistance to survivors of rape. There were also NGOs that provided psychosocial support to survivors of sexual and gender-based violence through assistance from the Integrated Support Program, a multidonor effort funded by international aid donors and managed by the UN Population Fund.

In June 2014 the government launched an anti-rape campaign that included a national action plan to combat the problem. The plan focuses on rape prevention services, researching the problem, and increasing coordination between government agencies and civic groups working on the problem. Women's organizations contended that the government was not likely to implement the plan due to resource constraints.

Gender-based violence was prevalent in society. The law criminalizes domestic violence, which was a serious problem, especially intimate partner violence perpetrated by men against women. Although domestic violence is punishable by a fine and a maximum prison sentence of 10 years, authorities generally considered it a private matter, so prosecution was rare. Most cases of domestic violence went unreported due to traditional sensitivities, victims' fear of abandonment without support, police reluctance to intervene, and the expectation that perpetrators would not be tried or convicted. There were newspaper reports of wife killings and a few other media reports of prosecutions and convictions for such crimes.

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

The government continued a public awareness campaign against domestic violence. Several women's rights groups worked with law enforcement agencies and provided training and literature on domestic violence as well as shelters and counseling for women. The high turnover rate within the police force demanded a continuous level of training that could not be met. While public awareness increased, other problems emerged. For example, the 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 without cost at government health facilities. This requirement prevented many rape victims from receiving necessary medical treatment, including postexposure prophylaxis to prevent victims from contracting HIV.

A local NGO, Musasa Project, which provides emergency shelter and related services for women, handled a monthly average of 1,684 cases of violence against women. Musasa reported that 77 percent of their clients were girls under age 18.

The Judicial Service Commission established a Multi-Sectoral Protocol on Sexual Abuse in 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.

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

Sexual Harassment: The law does not criminalize sexual harassment, but labor law prohibits the practice in the workplace. Media reported that sexual harassment was prevalent in universities, workplaces, and parliament. In October, Patrick Ndhlovu, a Zimbabwe Power Company supervisor, appeared before a Mbare magistrate's court on charges of indecent assault after allegations that he used his position to threaten and sexually harass female subordinates. On December 5, Mbare Magistrate Zihove ruled the prosecution had failed to prove its case and acquitted Zdhlovu.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence. According to the 2014 Multiple Indicator Cluster Survey (MICS) of the UN Children's Fund (UNICEF), the contraceptive prevalence rate was 67 percent. The adolescent birth rate was estimated at 112 per 1,000 for women and girls ages 15 to 19 from 1999 to 2012. 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 470 deaths per 100,000 live births in 2013. The MICS reported that maternal health improved significantly between 2010 and 2014. Antenatal care attendance and skilled birth attendance increased to 94 percent and 80 percent respectively. While antenatal care attendance was almost the same between rural and urban areas, skilled birth attendance was much lower in rural areas, 75 percent compared with 93 percent in urban areas. No information was available on whether women were equally diagnosed and treated for sexually transmitted infections.

Discrimination: The law provides for the same legal status and rights for women as for men. Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, however, 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, although there was improvement in the registration of women as landowners during the year. Divorce and maintenance laws were equitable, but

many women lacked awareness of their rights. Women have the right to register their children's births, although either the father or a male relative must be present. Discrimination with respect to women's employment also occurred (see section 7.d.).

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

The government gave qualified women access to training in the armed forces and national service, where they continued to occupy primarily administrative positions.

The United Kingdom Department for International Development's 2011 Gender and Social Exclusion Analysis Report reported 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, 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 age 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 and in wealthier households were more likely to have their birth registered than were children in rural households. Children under the care of parents older than age 20 were significantly more likely to have their births registered than were children of younger parents. Many orphaned children were unable to obtain birth certificates. Children of unregistered parents were also less likely to obtain birth certificates. Lack of birth certificates impeded access to public services, such as education and health care, resulting in many children being unable to attend school and increasing their vulnerability to exploitation.

Education: Primary education is not compulsory, free, or universal. The constitution states that every citizen and permanent resident of the country has a right to a basic state-funded education but adds a caveat that the state “must take reasonable legislative and other measures, within the limits of the resources available to it.” According to the DHS, 94 percent of girls and 90 percent of boys between ages 10 and 14 attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for children older than 14 was in decline. Relatively high and increasing school fees were the main reason for lack of attendance after age 14, particularly affecting girls ages 17 and 18. Only 52 percent of girls age 17 attended school, compared with 64 percent of boys. Reports that schools turned away students with unpaid fees continued.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. In 2014 the NGO Childline counseled more than 16,000 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. The ZRP stated there were reports of 1,494 juvenile rape cases between January and May 2014, and 3,297 reports of juvenile rape cases in 2013. According to the 2011 *National Baseline Survey on Life Experiences of Adolescents Preliminary Report* (NBSLEA), approximately 9 percent of girls and slightly less than 2 percent of boys between the ages of 13 and 17 reported experiencing sexual violence in the previous 12 months. Older adolescents 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.

It is legal for parents and schools to inflict corporal punishment on boys, but not girls. The constitution provides that “no person may be subjected to cruel, inhuman, or degrading treatment or punishment,” but the courts had not interpreted the clause and determined whether it applied to corporal punishment. The press quoted the deputy minister of primary and secondary education as stating that corporal punishment in schools was unconstitutional, but existing laws allowed for the practice.

Government efforts to combat child abuse continued to be inadequate and underfunded, but there were some improvements. In 2013 the government developed a case management protocol to guide the provision of child welfare services and began implementation of the policy during the year. In addition there were facilities that served underage victims of sexual assault and abuse.

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

The legal age for a civil marriage is 18, but girls who are 16 and 17 may marry with parental approval. Customary marriage, recognized under the law, does not require a minimum marriage age for either boys or girls. The criminal code prohibits sexual relations with persons younger than age 18, however. According to the DHS study, 21.7 percent of girls between the ages of 15 and 19 were married. According to the 2014 MICS, 5 percent of girls and women ages 15-49 were married before 15, while 33 percent of women ages 20-49 were married before 18. Child welfare NGOs reported they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans who had no relatives willing or able to take care of them. The constitution declares anyone under age 18 a child, but the Customary Marriages Act was not amended to reflect the constitutional change.

On January 14, two women challenged the constitutionality of laws permitting child marriage before the Constitutional Court. During the hearing the chief justice indicated that the laws permitting the practice were clearly unconstitutional, but the court reserved judgement in the case and had yet to issue a formal ruling at year's end.

On July 31, First Lady Grace Mugabe launched the Zimbabwean chapter of the AU Campaign to End Child Marriages. She called on the minister of justice and legal affairs to align marriage laws to the constitution and suggested stricter penalties for offenders. She also urged stakeholders to develop an action plan to end child marriages.

Sexual Exploitation of Children: Statutory rape, legally defined as sexual intercourse with a child under age 12, carries a fine of \$2,000, imprisonment for up to 10 years, or both. A person in possession of child pornography may be charged with public indecency and face a fine of \$600, imprisonment up to six months, or both. A person procuring a child under age 16 for purposes of engaging in unlawful sexual conduct is liable to a fine up to \$5,000 or imprisonment of up to 10 years, 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 age 18 to associate with or become a prostitute may 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: Approximately 10,000 children were displaced from the Tokwe-Mukosi dam area in Masvingo Province (see section 2.d.). The disruption of their parents' livelihoods and health and education services affected these children negatively.

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 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 enrolled in school; suffer discrimination and social stigma; and be vulnerable to food insecurity, malnutrition, and HIV/AIDS. Some children were forced to turn to prostitution for income. Orphaned children often were unable to obtain birth certificates because they could not provide enough information about their parents. Orphans often lived in the streets.

A UNICEF report stated that government support of the poor "suffered from a severe lack of human and financial resources" 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 known reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. The constitution and law do not specifically address air travel, other transportation, or health care. They do not specify physical, sensory, mental, or intellectual disabilities. NGOs continued to lobby to include persons with albinism in the definition of “disabled” under the law. Government institutions often were uninformed and did not implement the law. 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. 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. Persons with disabilities living in rural settings faced even greater challenges.

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

Most persons holding traditional beliefs viewed persons with disabilities as bewitched, and in extreme cases families hid children with disabilities from visitors. According to the National Association of Societies for the Care of the Handicapped, the public considered persons with disabilities as objects of pity rather than persons with rights; they constituted a forgotten and invisible group.

There were very few government-sponsored education facilities dedicated to persons with disabilities. Educational institutions discriminated against children

with disabilities. Essential services, including sign language interpreters, Braille materials, and ramps, were not available, and prevented children with disabilities from attending school. Many schools refused to accept children with certain disabilities. Schools that accepted students with disabilities offered very little in the way of nonacademic facilities for those accepted as compared with their counterparts without disabilities. Many urban children with disabilities obtained informal education through private institutions, but these options were generally unavailable for persons with disabilities in rural areas. Government programs, such as the basic education assistance module, intended to benefit children with disabilities, failed to address adequately the root causes of their systematic exclusion. The National Association of Societies for the Care of the Handicapped reported that 75 percent of children with disabilities had no access to education.

Persons with mental disabilities also suffered from inadequate medical care and a lack of health services. There were eight centralized mental health institutions in the country with a total capacity of more than 1,300 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 one 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 four or fewer certified psychiatrists working in public and private clinics and teaching in the country. There was a 50 percent vacancy rate for psychiatric nurses. The mental institution in Bulawayo provided more than 90 percent of the available psychiatric services. NGOs reported that getting access to these services was slow and frustrating. NGOs reported that patients suffered from 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 families keeping persons with mental disabilities at home, sometimes in chains and without treatment, and cared for by family.

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

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 persons with disabilities. Administrative arrangements for voter registration at relevant government offices were burdensome, involving long queues, several hours or days of waiting, and necessary return visits, which effectively served to disenfranchise some persons with disabilities. The organizations reported that only 20 percent of eligible voters with disabilities had the identity documents required to vote. On election day in 2013, voting stations in many rural areas were in places inaccessible to persons with disabilities. The law permits blind persons to bring an individual to assist in marking their ballots, and therefore compromises ballot secrecy.

### **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 2013 elections, the mainstream MDC-T often accused Welshman Ncube of the MDC-N (an Ndebele) of campaigning on a tribal platform. 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. Police seldom arrested ZANU-PF supporters or charged them with infringing upon minority rights, particularly the property rights of the minority white commercial farmers or wildlife conservancy owners targeted in the land redistribution program.

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

indigenous ownership of all businesses. Legal experts criticized the law as unfairly discriminatory and a violation of the constitution.

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

The constitution does not prohibit discrimination based on sexual orientation and gender identity. According to the country's criminal code, "any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act" carries a penalty 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 president and ZANU-PF leaders publicly criticized the LGBTI community. On September 28, the president stated, "we are not gays" during his remarks at the UN General Assembly and rejected the promotion of LGBTI rights, which he said were contrary to the country's values, norms, traditions, and beliefs.

Members of Gays and Lesbians of Zimbabwe (GALZ), the primary organization dedicated to advancing the rights of LGBTI persons, experienced harassment and discrimination. In December 2014 a group of intruders forced their way into the private year-end event of GALZ, attacking, robbing, and leaving 35 attendees injured. In contrast the Bulawayo-based Sexual Rights Center (SRC), an organization similarly dedicated to advancing the rights of "sexual minorities," reported minimal harassment.

Religious leaders in this traditionally conservative and Christian society encouraged discrimination against LGBTI persons. In March, Walter Magaya, leader of the Healing and Deliverance Ministries, stated that gays and lesbians were "spiritually afflicted and just like all evil spirits, they need deliverance."

LGBTI persons reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their LGBTI members to "corrective" rape and forced marriages to encourage heterosexual conduct. Women in particular were subjected to rape by male family members. Victims rarely reported such crimes to police. LGBTI persons often left school at an early age due to discrimination and had higher rates of unemployment and homelessness. Many persons who identified themselves as LGBTI did not

seek medical care for sexually transmitted diseases or other health problems due to fear that health providers would shun them or report them to authorities.

### **HIV and AIDS Social Stigma**

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

In the 2010-11 DHS, 22 percent of women and 20 percent of men reported they held discriminatory attitudes towards those living with HIV.

### **Other Societal Violence or Discrimination**

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

### **Promotion of Acts of Discrimination**

Throughout the year government-controlled media continued to vilify white citizens and blame them for the country’s problems. The president was complicit in actions to vilify white citizens and urged the eviction of remaining white farmers.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

While the law provides for the right of private sector workers to form and join unions, conduct legal strikes, and bargain collectively, other provisions of law abrogated these rights. Public sector workers may not form or join trade unions but may form associations that bargain collectively and strike. The law prohibits

antiunion discrimination, provides that the labor court handle complaints of such discrimination, and may direct reinstatement of workers fired due to such discrimination.

The law gives the registrar of the Ministry of Public Service, 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 extensive powers to regulate union activities. For example, the minister has the authority to veto collective bargaining agreements perceived to be harmful to the economy as well as to appoint an investigator who can, without prior notice, enter trade union premises, question any employee, and inspect and copy any books, records, or other documents. The Labor Amendment Act enacted during the year empowers the minister to order an investigation of a trade union or employers' organization and to appoint an administrator to run its affairs.

The law strictly regulates the right to strike. Strikes are limited to disputes 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 mandatory 30-day reconciliation period and referral to binding arbitration (in essential services and in nonessential services where the parties agree or where the dispute is over rights). Employees must observe a 14-day advance notice requirement in order to call a legal strike. In April and May Gweru city council workers went on strike demanding unpaid back pay and bonuses.

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

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

levels. At the enterprise level, work councils negotiate collective agreements, which become binding if approved by 50 percent of the workers in the bargaining unit. Industry level bargaining takes place within the framework of the National Employment Councils (NEC). Unions representing at least 50 percent of the workers may bargain with the authorization of the Minister of Public Service, Labor, and Social Welfare. The law encourages the creation of workers' committees in enterprises where less than 50 percent of workers are unionized.

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

Although the law does not permit national civil servants to collectively bargain, the Apex Council, a group of public service associations, represents civil servants in job-related negotiations with the Public Service Commission. In January the Apex Council successfully negotiated a basic salary adjustment for civil servants after threatening a nationwide strike.

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

The government did not respect the worker rights to form or join unions, strike, and bargain collectively. In July the National Railways of Zimbabwe parastatal blocked 229 employees in Mutare from forming a workers committee to address employee concerns. In Mutare a local politician with interests in transportation and retail reportedly chose his workers at ZANU-PF political rallies and threatened them with dismissal if they unionized. Worker organizations were not independent of the government and political parties.

Government interference with trade union activity was common. Authorities frequently withheld or delayed the registration certificate for a number of unions. Police and state intelligence services regularly attended and monitored trade union activities. Police or ZANU-PF supporters sometimes prevented unions from

holding meetings with their members and carrying out organizational activities. The International Labor Organization noted that the government took some steps to address the concerns raised by a 2010 commission of inquiry. The inquiry found the government responsible for serious violations of fundamental rights by its security forces, including a clear pattern of intimidation that included arrests, detentions, violence, and torture, against members nationwide of the Zimbabwe Congress of Trade Unions (ZCTU)--an umbrella group of unions. Despite the International Labor Organization urging the government to implement the commission's recommendations, the government continued to deny ZCTU and its affiliates the right to commemorate important events and to hold procession marches for the rights of workers.

Although the law does not require unions to notify police of public gatherings, police required such notification. Authorities often denied permission to unions or used force to suppress strikes. Police frequently denied the ZCTU its right to demonstrate. In April police denied a ZCTU demonstration against planned wage freezes. On August 8, police denied a ZCTU application to demonstrate in Harare against job losses, citing insufficient capacity to provide adequately for public safety. When the ZCTU attempted to demonstrate anyway, police temporarily detained their leadership, taking them into police custody and transporting them to various locations outside the city center. Police also denied a proposed follow-up demonstration on August 22. The ZCTU appealed to the High Court, which granted it the right to demonstrate. Authorities also frequently denied authorization for demonstrations planned by ZCTU regional groups.

In February police barred the Progressive Teachers Union of Zimbabwe from conducting a march in commemoration of Global Action Day, which recognizes the right for workers to strike. In June police denied the National Vendors Union of Zimbabwe permission to demonstrate, forcing the union to appeal to the High Court. The appeal was successful and the union held a demonstration and presented a petition to parliament seeking a stay of orders to clear vendors from the streets.

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

There were reports that some ZCTU affiliates were able to engage in collective bargaining with employers without interference from the government.

Nevertheless, members of the ZCTU stated that employers did not recognize their affiliates within the NECs. 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 problems, notably wages. Trade unions regarded the existence of such a parallel body as an arrangement that employers could potentially use to undermine the role of the unions.

According to International Trade Union Confederation reports, employers frequently abused institutional weakness by creating a deadlock in the bargaining process, i.e., by forcing the referral of the dispute to arbitration and then to court, forestalling a decision in a reasonable timeframe. Agricultural workers experienced verbal and physical attacks by employers during negotiations. The ZFTU made claims of antiunion discrimination against Sakunda Logistics and argued that union members were specifically targeted for dismissal during July retrenchments.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children, with exceptions for work for the national youth service and forced prison labor. The Labor Amendment Act defines forced labor as “any work or services which a person is required to perform against his or her will under the threat of some form of punishment,” the first such legal definition in the country. 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; such penalties were insufficient to deter violations. A law passed in June 2014 prescribes punishment of not less than 10 years' imprisonment and, with aggravating circumstances, up to imprisonment for life, for human trafficking--including labor trafficking. The law does not clearly define the crime of trafficking in persons and requires transportation of the victim, which further limits the cases where the regulation could be applied.

There were no reports that the government attempted to prevent and eliminate forced labor during the year. There were no data on the numbers of victims removed from forced labor.

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

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

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

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

The laws were not effectively enforced. The Department of Social Welfare in the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws, but the department lacked personnel and commitment to carry out inspections or other monitoring. Penalties, which include 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. The NGO Coalition Against Child Labor in Zimbabwe completed a two-year program where it returned 2,150 child laborers to school in the Chiredzi region of the country.

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

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

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

Forced labor by children occurred in the agricultural, artisanal gold and chrome mining, and domestic sectors. Children also were used in the commission of illegal activities, including gambling and drug smuggling. Some employers did not pay wages to child domestic workers, claiming 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. See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

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

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 sexual harassment in the workplace. Government enforcement was not effective, and there were no reports of any prosecutions during the year.

Discrimination against migrant workers occurred, especially those employed in the informal sector. Discrimination with respect to political affiliation also occurred. In May a village headman in Marondera was fired for being affiliated with the MDC-T. In June a headman in Makoni Central denied a MDC-T-affiliated

applicant a job in the rural health clinic because he said the clinic could not employ an opposition party member.

In March, two union members were fired after leading demonstrations against the National Railway of Zimbabwe for its failure to pay salaries for 16 months. Police also arrested the two on charges of insulting the president.

#### **e. Acceptable Conditions of Work**

The NECs set the minimum wage for all industrial sectors through a bipartite agreement between employers and labor unions. According to the ZCTU, available statistics show as of September the average monthly wage was \$246, down from \$304.37 in 2013, however. The lowest paid public service workers earned \$375 a month. According to the 2014 Labor Force Survey (LFS), the food poverty line and total consumption poverty line amount for a family of five in May 2014 were \$158 and \$508, respectively. Forty-two percent of paid employees earned above the food poverty line amounts, while only 4 percent earned above the total consumption poverty line amount.

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. According to the LFS, 28 percent of the employed population worked excessive hours, defined as more than 48 hours per week. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday or on 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. Labor law does not differentiate between workers based on sector or industry.

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

The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage and work hours laws for each sector, but the standards were not enforced effectively due to ineffective monitoring systems and

a labor inspector shortage. There were approximately 125 labor inspectors responsible for investigating labor-related violations and for enforcing labor laws, including those covering children. The Zimbabwe Occupational Safety Council, a quasigovernmental advisory body to the NSSA, regulated working conditions. Budgetary constraints and staffing shortages, as well as its status as an advisory council, made it largely ineffective. Penalties for violations of wage or hours of work restrictions ranged from a fine to imprisonment for a period not to exceed two years. Such penalties were insufficient to deter violations. Penalties for occupational safety and health violations were not harmonized and fall within the jurisdiction of numerous ministries.

NSSA statistics showed that there were 5,491 work-related injuries and 98 fatalities in 2014, most of which occurred in the mining sector. The NSSA attributed the high rates to low investment in occupational safety and health, noncompliance with rules and regulations, and low levels of awareness of occupational safety and health matters.

Many agricultural and domestic workers were paid below the minimum wage. Many public servants also earned less than the poverty line. During the year there was pervasive partial payment or nonpayment of salaries in both the public and private sectors. In September some Harare Municipal Workers Union members threatened legal action over four months of back pay. Grain Marketing Board employees had gone without pay for eight months as of September.

There was little or no enforcement of the workhours law, particularly for agricultural and domestic workers. Although workers were generally unlikely to complain to authorities about violations due to fear of losing their jobs, some exceptions occurred. In 2013 Sabout Haulage drivers took their employer to the constitutional court for infringing on their right to fair and safe labor practices and the right to be paid overtime. The case remained pending before the court.

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. Abuses by the management at certain foreign-owned enterprises and companies owned by well-connected politicians were common, including physical, sexual, and emotional abuse of workers; poor working conditions; underpayment or nonpayment of wages; unfair dismissal; and firing without notice. Workers' committee members of a foreign-owned mining company reported fear and serious victimization, including arbitrary nonrenewal of contracts, dismissals without charges, late payment of salaries, and insufficient provision of protective clothing.

No information was available on the treatment of foreign and migrant workers. The government considered many commercial farm workers to be foreigners because one or both parents were born in another country.

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