

ZIMBABWE 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The Zimbabwe Republic Police maintains internal security. The police and the Department of Immigration, both under the Ministry of Home Affairs, are primarily responsible for migration and border enforcement. Although police fall under the authority of the Ministry of Home Affairs, the Office of the President may direct the police to respond to civil unrest. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces and report to the minister of defense. The military is responsible for external security but also has some domestic security responsibilities. The Central Intelligence Organization, under the Office of the President, engages in both internal and external security matters. Civilian authorities at times did not maintain effective control over security forces. There were credible reports that members of the police, military, and intelligence service committed abuses throughout the country.

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

arbitrary detention by security forces; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious political interference that undermined judicial independence; serious government restrictions on free expression, press, civil society, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; restrictions on political participation; widespread acts of corruption; lack of investigation of and accountability for gender-based violence, including crimes involving violence or threats of violence against women and girls; and laws criminalizing consensual same-sex sexual conduct between adults, although generally not enforced.

Impunity remained a problem. The government took very few steps to identify or investigate officials who committed human rights abuses or acts of corruption and did not systematically arrest or prosecute such persons.

Section 1. Respect for the Integrity of the Person

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. There were reports of police shooting civilians while enforcing COVID-19 lockdown measures.

b. Disappearance

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

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

Punishment

The constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that police, civilian intelligence, and military intelligence officers engaged in such practices with impunity.

Nongovernmental organizations (NGOs) reported security forces abducted, assaulted, and tortured citizens in custody, including targeted assaults on and torture of civil society activists, labor leaders, opposition members, and other perceived opponents of the government. Throughout the year police used excessive force in apprehending, detaining, and interrogating criminal suspects, including the use of torture while in police custody. Police and military officers used violence to enforce COVID-19 lockdown measures, to disperse peaceful demonstrations, and to disrupt informal trading.

Impunity for politically motivated violence remained a problem. The government did not establish an independent complaints mechanism to investigate allegations of security force misconduct as called for in the constitution. Investigations into violence from previous years remained pending, including into state-sponsored violence that resulted in the deaths of 17 civilians in 2019 and seven civilians in postelection violence in 2018. As of year's end, there were no arrests or charges in those cases. During the year a court awarded minor damages to one individual injured by a stray bullet in 2018. The respondents, however, were appealing the case. Other cases remained pending.

Human rights groups reported government agents perpetrated physical and psychological torture on labor leaders and opposition party members in recent years, including sexual assault; beating victims with sticks, clubs, cables, gun butts, and heavy whips (*sjamboks*); *falanga* (beating the soles of the feet); forced consumption of human excrement; oral chemical poisoning; and pouring corrosive substances on exposed skin. On November 29, Zimbabwe Investment and Development Agency CEO Doug Munatsi died in a house fire. Several media outlets reported that his remains showed signs of torture. Police indicated they would investigate the fire as possible arson. Various newspaper and social media sources, suspecting foul play, called for swift and transparent investigations into the cause of death.

During government-mandated lockdowns due to COVID-19, uniformed and plainclothes soldiers and police officers used clubs to beat civilians in the Harare central business district and suburbs for violating curfews, failure to wear masks, or failure to exercise social distancing. NGOs reported police officers assaulted, raped, and arrested with impunity residents who crossed into the poorly demarcated Marange diamond mines.

Impunity was a significant problem in the security forces and among the civilian authorities who oversee them, including police, military, and intelligence officers. Security forces were firmly under the control of the ruling party and were often directed against the political opposition.

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening due to overcrowding, food shortages, lack of water, physical mistreatment of prisoners, lack of access to personal protective equipment to mitigate the spread of COVID-19, and inadequate sanitary conditions and medical care.

Prison guards occasionally beat and abused prisoners. NGOs reported the use of excessive force but noted prison guards did not employ excessive force systematically. There were reports in September that prodemocracy activist Makomborero Haruzivishe was repeatedly strangled in his sleep by fellow inmates at Harare Central Prison, although he survived.

Physical Conditions: Conditions in prisons, jails, and detention centers were harsh. While some prisons operated below capacity, NGOs reported most were overcrowded due to outdated infrastructure and judicial backlogs.

The Zimbabwe Prison and Correctional Services (ZPCS), responsible for maintaining prisons, prisoner rehabilitation and reintegration into society, did not provide adequate food, water, sanitary conditions, or personal protective equipment during the global pandemic. The ZPCS sometimes allowed faith-based and community organizations to help address these problems.

Detainees depended on family members for essential dietary needs. Those without family or community support were forced to rely on other detainees for survival,

although in recent years prisoners identified as malnourished have received additional meals. If available at all, blankets and clothing were often unwashed and soiled. Lice were a common problem. Although detainees could be transported to hospitals for medical treatment, unsanitary conditions and cold winters led to severe and sometimes fatal medical conditions. Detainees who were denied bail were often held in severely overcrowded remand cells for multiple years while awaiting trial.

Women were an estimated 2.4 percent of all prisoners. Authorities held women in separate prison wings and provided female guards. The several dozen children younger than age four living with their incarcerated mothers shared their mothers' food allocation, rather than receiving their own. Female inmates reported violence and sexual abuse. Despite support from NGOs, prison distribution of menstrual hygiene supplies was limited. Women often lacked access to pre- and postnatal care and emergency obstetric services. Officials did not provide pregnant women and nursing mothers with additional care or food rations out of the ZPCS budget, but the ZPCS solicited and received donations from NGOs and donors for additional provisions.

There was one juvenile prison, housing boys only. Girls were held together with women. Authorities also held boys in adult prisons throughout the country while in remand. Officials generally tried to place younger boys in separate cells, but NGOs reported older prisoners often physically assaulted the younger boys. Although the law stipulates juveniles should be sent to reformatory homes, authorities generally sent juveniles to prison as there was only one adequate reformatory home in the country, located in the Harare suburbs. Juveniles were vulnerable to abuse by prison officials and other prisoners. In June the ZPCS opened a female prison for 30 inmates in Marondera that permits home visits to see minor children after serving half of a prison sentence. ZPCS stated this prison would accommodate up to 500 inmates at full capacity.

Prisoners with mental health issues were often held with other prisoners until a doctor was available to make an assessment. Psychiatric sections were available at some prisons for these individuals but offered little specialized care.

According to the ZPCS, remand prisons were overcrowded. Authorities often held

pretrial detainees with convicted prisoners until their bail hearings. Due to fuel shortages, the ZPCS was at times unable to transport pretrial detainees to court hearings, resulting in delayed trials and longer detentions. While an estimated 4,200 prisoners were released under an amnesty program in March and April 2020 to reduce the risk of a COVID-19 outbreak in prisons, NGOs, contacts, and several news outlets reported some remand prisons had 70 persons to a cell in August 2020. In April the ZPCS Harare province commander announced another amnesty release of 400 of an estimated 22,000 prisoners. Inmates at remand prisons were not tested before admittance but instead were tested only when sent to nonremand prisons.

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

The ZPCS ignored requests from medical personnel to isolate journalist Hopewell Chin'ono when he exhibited COVID-19 symptoms while incarcerated in August 2020 (see section 2.e., Political Prisoners and Detainees).

According to NGOs, food shortages were widespread in prisons but not life threatening. The harvest of prison farm products provided meals for prisoners. Protein was in short supply, particularly meat. Prisoners' access to clean water varied by prison. NGOs worked with prisons to provide enhanced water collection systems.

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

Prisoners had access to very basic medical care, with a clinic and doctor at nearly every prison. In partnership with NGOs, the ZPCS offered peer education on HIV/AIDS. The ZPCS tested prisoners for HIV only when requested by prisoners

or prison doctors. Due to outdated regulations and a lack of specialized medical personnel and medications, prisoners suffered from routine but treatable medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. The ZPCS was at times unable to transport prisoners with emergency medical needs to local hospitals.

Administration: The ZPCS inspections and audit unit, charged with assessing prison conditions and improving monitoring of prisoners' rights, did not release the results of its assessments. The Zimbabwe Human Rights Commission (ZHRC) conducted monitoring visits when conditions allowed. There was no prison ombudsman.

Independent Monitoring: The law provides international human rights monitors the right to visit prisons. Church groups and NGOs seeking to provide humanitarian assistance, including the International Committee of the Red Cross, gained access. Some organizations working in prisons reported meetings with prisoners occurred without third parties present and with minimal restrictions, but some political prisoners reported no privacy for visits, even with their legal representatives. Monitoring missions were extremely limited during the COVID-19 lockdown.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, although other sections of the law effectively weaken these prohibitions. The government's enforcement of security laws often conflicted with the constitution. Security forces arbitrarily arrested and detained persons, particularly political and civil society activists, labor leaders, street vendors, and journalists perceived as opposing the government. Security forces frequently arrested individuals during and following antigovernment protests through selective enforcement of COVID-19 protocols.

Arrest Procedures and Treatment of Detainees

The law stipulates that arrests require a warrant issued by a court or senior police officer and that police inform an arrested person of the charges before taking the individual into custody. Police did not always respect these requirements. A preliminary hearing must be held before a magistrate within 48 hours of an arrest.

This was not followed consistently. According to the constitution, only a competent court may extend the period of detention.

The law provides that bail be made available for most accused persons. The government amended the law to include provisions that allow prosecutors to veto judicial bail decisions and keep accused persons in custody for up to seven days, despite a prior Constitutional Court ruling declaring this power unconstitutional. Prosecutors relied on these provisions to extend the detention of opposition leaders, civil society activists, and labor leaders, some of whom were denied bail for almost two months. In December 2020 youth activist Allan Moyo was arrested and spent 72 days in detention. He was denied bail three times before a court finally granted him bail in February.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees or those with authority to grant access were unavailable. The government also monitored, harassed, intimidated, and arrested human rights lawyers when they attempted to gain access to their clients. A destitute detainee may apply to the government for an attorney, but only for capital offenses. Some opposition party members, civil society activists, journalists, and ordinary citizens had limited or no access to their legal counsel.

Arbitrary Arrest: The government regularly used arbitrary arrest and detention as tools of intimidation and harassment, especially against political activists, civil society members, journalists, attorneys, and ordinary citizens asserting their rights. The government commonly used COVID-19 lockdown restrictions to arrest individuals perceived as threats against the government.

In April police arrested an opposition youth leader, Obey Sithole, for alleged criminal nuisance after holding a peaceful demonstration. He was released on bail after four weeks in detention. Police and media reported that security forces arrested political and civil society activists, journalists, labor leaders, and ordinary citizens for their alleged violation of COVID-19 lockdown measures or alleged involvement in planned demonstrations in Harare, Bulawayo, Mutare, and other cities.

Police selectively enforced COVID-19 safety regulations against opposition parties, civil society, and street vendors while making only modest interventions to prevent ruling party supporters from engaging in rallies and attending large gatherings. Human rights NGOs reported street vendors in urban areas were often targets of arbitrary arrest and allegations of operating illegal businesses. The law absolves individual security agents from criminal liability regarding unlawful arrests and detention. Police officers routinely argued they merely followed orders in conducting arrests and were not responsible for compensating victims of unlawful arrests.

Pretrial Detention: Although the constitution provides for the right to bail for detained suspects, prolonged pretrial detention for government critics, including journalists, ordinary citizens, student activists, and opposition leaders, was common. The government routinely opposed bail for political detainees, and judges generally upheld these motions. Cases involving human rights defenders also involved lengthy pretrial detentions. When judges issued bail rulings, they often delayed announcing their rulings until after the court cashier closed on Fridays to ensure political detainees remained in prison over the weekend. Delays in pretrial procedures were common, however, due to a shortage of magistrates and court interpreters, poor bureaucratic procedures, and an insufficient number of court officials to hear many cases.

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

Defendants commonly faced prolonged pretrial detention as well as unnecessary hurdles that inconvenience and humiliate the defendant. After being arrested on May 26, *New York Times* journalist Jeffrey Moyo’s bail check-ins were moved from Harare to Bulawayo, which made compliance more difficult for him and his Harare-based lawyer. Due to COVID-19 restrictions, the defendant had to travel in

a separate vehicle from his lawyer, increasing the cost of his defense.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government intensified executive influence over the courts and executive interference in court decisions. In May the government amended the constitution to give the president authority to appoint senior justices without public interviews and extend the term of the chief justice beyond the mandatory retirement age stipulated in the original constitution. Prior to the amendment's passage, Supreme and High Court judges issued an anonymous letter expressing concerns regarding the chief justice's interference in their judgments. Many viewed the chief justice as biased in favor of the ruling party, citing his ruling against the leading opposition party when it challenged the results of the 2018 general election. In September the Constitutional Court overturned a High Court decision that would have blocked the extension. As a result the chief justice was to remain head of the Supreme and Constitutional Courts for another five years until his 75th birthday, well beyond the general election scheduled for 2023. Although the constitution includes safeguards against changing term limits for incumbents, the Constitutional Court's decision makes it easier for parliament to pass additional constitutional amendments to extend term limits for other key positions, and the September decision further disempowers lower courts to rule on constitutional matters, setting a precedent that their rulings cannot be enforced until reviewed by the Constitutional Court.

At times the judiciary demonstrated its independence despite intense pressure to conform to government directives. The government, however, often dismissed justices who resisted executive pressure. In June the president fired High Court Justice Erica Ndewere for "gross incompetence" after she refused to take instructions to deny bail to an opposition politician.

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. NGOs reported senior government officials gave homes, farms, agricultural machinery, and other perks to numerous judges as part of its corrupt Command Agriculture program.

NGOs reported that the president of the High Court often routed cases involving human rights defenders to specific anticorruption magistrates in the lower courts even if the cases were unrelated to corruption. Legal experts claimed defendants in politically sensitive cases were less likely to receive a fair hearing from magistrates, who heard most cases, than from higher courts. In lower courts justices were more likely to make politicized decisions due to the use of threats and intimidation to force magistrates to rule in the government's favor, particularly in rural areas. In politically charged cases, other judicial officers such as prosecutors and private attorneys also faced pressure from high-ranking judges and officials of the ruling party, including harassment and intimidation.

Certain high court justices made seemingly independent rulings and granted opposition party members and civil society activists' bail. Some observers, however, believed the decisions in those cases were motivated by ruling party infighting rather than judicial independence.

There were reports that judges or magistrates failed to recuse themselves from politically charged cases. In July the deputy chief justice and numerous Supreme Court and Constitutional Court judges refused to recuse themselves from proceedings involving the chief justice despite having been directly supervised by him. In September a Harare magistrate refused to recuse herself from a case involving a high-profile journalist and human rights activist after making earlier statements insinuating the defendant's guilt.

Trial Procedures

The constitution provides for the right to a fair and public trial, but corruption and executive control over the judiciary increasingly compromised this right. By law defendants enjoy a presumption of innocence, although courts often did not respect this right, with government and ruling party officials using social media to imply guilt ahead of a court ruling in politically charged cases. Conviction requires proof beyond a reasonable doubt, and the prosecution bears the burden of proof. The right to appeal both conviction and sentence exists in all cases, and it is automatic in cases in which the death penalty is imposed. Magistrates or judges held trials without juries. Trials were usually open to the public except in cases involving minors or state security matters. Government officials liberally interpreted state

security matters to include trials and hearings for defendants who protested the government or reported on government corruption. In cases where conviction could result in a death penalty or a lengthy prison sentence, assessors – usually nonlawyers who sit together with a judge to provide either expert advice or guidance on local practices – could be appointed in lieu of juries.

In the case of freelance journalist Hopewell Chin'ono, acquitted of the charge of publishing falsehoods by retweeting a video of police allegedly killing a baby, Prosecutor General Kumbirai Hodzi reportedly filed with the High Court to challenge his acquittal. Government officials asserted they appealed Chin'ono's acquittal to the Supreme Court, which delayed the hearing and release from bail until February 2022 to allow for the government's appeal. Chin'ono said he had not seen evidence an appeal was ever sent to the Supreme Court.

Defendants have the right to a lawyer of their choice, but most defendants in magistrates' courts did not have legal representation. In criminal cases, a destitute defendant may apply to have the government provide an attorney, but requests were rarely granted except in capital cases in which the government provided an attorney for all defendants unable to afford one. Individuals in civil cases may request free legal assistance from the Legal Resources Foundation or Zimbabwe Lawyers for Human Rights. The Zimbabwe Women Lawyers Association also provided some free legal assistance to women and youth. The law provides for free interpretation, and Shona-English and Ndebele-English interpretation was generally available. The right to adequate time and facilities to prepare a defense is also provided for by law but was often lacking. Defendants have the right to present witnesses and evidence on their own behalf and to confront adverse witnesses.

Any person arrested or detained for an alleged offense has the right to remain silent and may not be compelled to confess. Authorities did not always respect these rights. Authorities sometimes denied or significantly delayed attorneys' access to their clients or falsely claimed the attorneys' clients were being held at another facility. There were also cases where authorities used COVID-19 regulations to deny attorneys timely access to their clients.

Government officials sometimes ignored court orders, delayed bail and access to

medical care, and selectively enforced court orders related to land disputes favorable to those associated with the government. Lower courts commonly denied bail based on previous arrests, including for defendants never convicted of an offense.

The public generally had access to the courts of law, particularly magistrate courts, although observers reported occasional physical and procedural impediments, such as limited available seating areas and arbitrary rules about notetaking during hearings.

Political Prisoners and Detainees

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

Unlike normal criminal proceedings, which move from investigation to trial within months, prosecutors regularly took abnormally long to submit cases involving members of the political opposition or civil society critics of the government for trial. Hearings were sometimes scheduled when presiding judges were on vacation. Prosecutors in political cases were often “unprepared to proceed” and received numerous extensions. When authorities granted bail to government opponents, they often did not conclude investigations and set a trial date but 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. Magistrates sometimes delayed making case records available to deliberately delay appeals for bail in the High Court.

In 2020 opposition members, including Member of Parliament Joana Mamombe, Cecilia Chimhiri, and Netsai Marova, reported security agents abducted them from police custody after their arrest for participating in a demonstration. The three women sustained severe injuries from alleged physical, sexual, and mental abuse.

The three were released, but after they reported the crimes to police, they were rearrested and charged with making false statements to police and for faking their own abductions. After being again released, on February 1, police arrested them a third time for peacefully demonstrating and a fourth time on March 5 while they were calling for the release of youth activist Makomborero Haruzivishe. On April 22, Mamombe fell ill and was rushed to the hospital with acute stomach pain. On May 5, a justice granted them bail. On July 12, a prosecutor, however, attempted to bypass a pending High Court decision on a stay of trial. On September 3, Mamombe was rearrested for her tardiness in a routine appearance at the police station as part of her conditions of bail, but she was later released to continue her bail. On November 2, a court charged Mamombe with trespassing but failed to provide her with documents to prepare for her trial. The court instructed her to reappear on December 8.

In March a court sentenced Haruzivishe to prison for inciting violence and resisting arrest. Authorities said the 28-year-old blew a whistle to alert opposition protesters to pounce on police during a protest in February 2020 and that he incited violence in a protest demanding the government provide more support to the poor. ZHLR, which represented Haruzivishe during his trial, said only circumstantial evidence was used to convict him of inciting violence and resisting arrest. While outside the courthouse during Haruzivishe's trial, one journalist witnessed indiscriminate police brutality against his supporters. As part of Haruzivishe's appeal to the High Court, he sued the magistrate to correct two allegedly inaccurate statements in the court transcript.

Politically Motivated Reprisal against Individuals Located Outside the Country

In contrast with 2020, there were no reports that the government attempted to exert bilateral pressure on another country to take adverse action against specific individuals or groups for politically motivated purposes.

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, and individuals and organizations seeking remedies for abuses of human rights.

Property Seizure and Restitution

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

Most commercial farmers reported the government had still not compensated them for losses suffered from the land resettlement program in the early 2000s. In 2020 the government, the Commercial Farmers Union, and other farmers' groups signed a \$3.5 billion compensation deal for farms expropriated in the decades following independence. The deal promised half of the payments after one year and the remainder over the course of the next four years. In June the government made a one-million-dollar token payment to commercial farmers but delayed additional compensation payments until 2022. Despite the negotiated agreement, government officials continued to seize farms without compensation as recently as September 2020.

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

High-level Zimbabwe African National Union-Patriotic Front (ZANU-PF) officials, meanwhile, registered numerous farms in the names of family members to evade the government's policy of one farm per official. In September 2020 Anxious Masuka, the minister of lands, agriculture, water, and rural resettlement, stated the country had no more farmland to distribute to the applicants on the land application list. As a result, Masuka said the ministry planned to reallocate land to prospective farmers from farmers with multiple farm plots or those who were

underutilizing the land.

The government continued to allow individuals aligned with top officials to seize land not designated for acquisition and the media commonly cites high-level government officials possessing large farm holdings. The government began a comprehensive land audit in 2018 to reflect land ownership accurately, but as of year's end, the commission had not completed the exercise.

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

The constitution and law prohibit arbitrary interference with privacy, family, or home, but local NGOs reported the government did not respect this right. Throughout the year government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF.

The law permits intercepting or monitoring any communication (including telephone, postal mail, email, and internet traffic) transmitted through a telecommunication, postal, or other system in the country. Civil liberties advocates claimed the government used the law to stifle freedom of speech and target political and civil society activists (see section 2.a.).

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, but the law limits these freedoms in the “interest of defense, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society.” The government continued to arrest, detain, and harass journalists, critics, and opposition politicians. While independent media continued to operate, journalists and editors practiced self-censorship. Government failure to investigate or prosecute attacks on human rights defenders and peaceful protesters led to de facto

restrictions on freedom of expression, assembly, and association.

Freedom of Expression: There were restrictions on individuals criticizing the government or discussing matters of public interest. Authorities were sensitive to criticism in general, particularly when directed at President Mnangagwa or his family. Persons accused of insulting the president and his office are charged under a law making undermining the authority of or insulting a president criminal acts. In June the ZPCS commenced disciplinary proceedings against a prison officer for insulting President Mnangagwa based on a comment on his Facebook account.

Police also arrested citizens for speaking out against government corruption associated with public resources meant for the government's COVID-19 response.

In September authorities sentenced human rights activist Paul Besa to 36 months in prison for violating the government's COVID-19 lockdown and inciting public violence, among other charges. Besa had held up several signs, including one that said "Respect the Constitution" as part of calls by Jacob Ngarivhume, a leader of a minor opposition party, for a nationwide demonstration to protest corruption in July 2020. The court suspended the sentence on the condition that Besa not become involved in any case involving public violence, a breach of peace, or bigotry for the next five years.

The family of Movement for Democratic Change-Alliance (MDC Alliance) supporter Mazwi Joseph Ndlovu continued to press for justice for his July 2020 death. In July 2020 Ndlovu was fatally assaulted after questioning local ZANU-PF authorities why they denied him food assistance and challenged the partisan distribution of food aid. Local press reported police charged the perpetrators, identified as ZANU-PF youths, with murder; the trial was pending at year's end.

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

In January police arrested prominent journalist and activist Hopewell Chin'ono and senior opposition officials Job Sikhala and Fadzayi Mahere for their social media posts. Chin'ono, was arrested for the third time in six months on charges of “communicating falsehoods.” Chin'ono and Sikhala were denied bail and remained in pretrial detention until the bail decisions were overturned by higher courts. In April the High Court agreed with Chin'ono's lawyer that the law used to arrest him ceased to exist in 2014 after the Supreme Court judged it unconstitutional. In July, after retweeting a call for antigovernment protests, Chin'ono faced new charges and had his passport confiscated until September. A judge dismissed Chin'ono's case and noted the courts had previously deemed the law the police used to charge him as unconstitutional. All three cases, however, were pending as of year's end due to government appeals.

The government used accreditation laws to monitor international media journalists' entry into the country, requiring foreign journalists to obtain permits 60 days prior to arrival. Foreign reporters paid more for permits and accreditation than their local counterparts. International media outlets such as *al-Jazeera* and the BBC continued to operate in the country.

Radio remained the principal medium of public communication, particularly for the rural majority. All urban commercial radio stations licensed in 2015 were operating during the year. Despite their perceived allegiance to ZANU-PF, these stations included independent voices in their programming. On September 15, the broadcasting authority increased the number of licensed community radio stations from eight to 14.

The government-controlled Zimbabwe Broadcasting Corporation – the country's only domestically based television broadcasting station – operated one channel. The broadcasting corporation censored programming critical of the government created by a think tank on its network, although that programming was broadcast on private networks. One commercial television network that was denied a license in 2020 continued to broadcast online. International satellite television broadcasts were available through private firms but were too expensive for most citizens.

Violence and Harassment: Security forces, officials, and supporters of the ruling party routinely harassed journalists. In April, two opposition activists were

hospitalized in Harare after being assaulted in police custody. In May police arrested freelance journalist Jeffrey Moyo and Zimbabwe Media Commission registrar Thabang Manhika on charges of forging accreditation documents for *New York Times* journalists. After the government deported the *Times* journalists, Moyo was held without bail for 19 days and Manhika was held for 37 days. In August police arrested and detained journalist Elizabeth Mashiri in Gweru on allegations of disorderly conduct after she captured footage of an incident involving police and informal vendors. She was released and reportedly was to be summoned for trial after the COVID-19 lockdown is lifted. In September security forces detained journalists Pamenus Tusso and Brenda Lulu Harris and forced them to delete their footage of an opposition party speech in Bulawayo. According to an NGO, the journalists were approached by a plainclothes police officer who asked them why they were taking pictures before taking them to his superior, who identified himself as a member of the military police. They were detained for more than thirty minutes at the venue, despite producing their accreditation cards.

Censorship or Content Restrictions: The government maintained its censorship through media registration and accreditation laws, although many provisions of the law are inconsistent with the constitution. The law provides the government with extensive powers to control media and suppress free speech by requiring the registration of journalists and prohibiting the “abuse of free expression.” Government-controlled and independent media and journalists practiced self-censorship. In April the government enacted the Zimbabwe Media Commission Act with provisions for the regulatory body to investigate complaints against journalists and media.

Libel/Slander Laws: The constitution prohibits criminal defamation. Although libel, slander, defamation, and blasphemy should be treated only as civil offenses, there were occasional arrests for insulting the president or his family. Civil defamation laws remained in force. Newspapers exercised self-censorship due to government intimidation and the prospect of prosecution under civil libel laws. In July, Auditor General Mildred Chiri told a parliamentary committee she opted in her 2019 annual report not to name specific companies committing wrongdoing to limit the risk of potential lawsuits.

National Security: The law grants the government a wide range of legal powers

to prosecute persons for political and security crimes that are not clearly defined. For example, the extremely broad Official Secrets Act criminalizes the divulging of any information acquired by government employees in the course of official duties. Authorities used these laws to restrict publication of information critical of government policies or public officials.

Internet Freedom

The Interception of Communications Act permits the government to monitor all communications in the country, including internet transmissions.

The government regulated internet and mobile phone communication to curb dissent and increased its share of the information and communications technology market and international gateways. The government regularly monitored and interfered with social media. In April hackers attempted to infiltrate the social media accounts of several prominent independent journalists. In November, Information and Broadcasting Services Minister Monica Mutsvangwa announced the government had appointed social media monitoring teams to monitor online activities. While the minister stated the government did not intend to regulate social media, human rights NGOs expressed concerns that monitoring social media could have a devastating impact on the right to privacy and freedom of expression.

In 2020 the government announced a proposed telecommunications monitoring system with the stated purpose of protecting consumers from abuse by mobile networks operators. Industry professionals stated abuse by the operators was not a problem in the country. They perceived the measure as an attempt to monitor communication for security and political purposes. Bloggers alleged the company that was awarded the monitoring system contract had engaged in citizen content monitoring under the guise of ensuring mobile network operators' compliance in numerous other African countries. The Postal and Telecommunications Regulatory Authority of Zimbabwe director general, who had led the telecom authority since 2016, was a former senior official in the Central Intelligence Organization.

While the post and telecommunications authority is reportedly barred from monitoring content, communications laws permit eavesdropping and call

interception by state security personnel. The laws allow law enforcement officers to apply to the responsible minister for a warrant authorizing them to intercept communications, including calls, emails, and other messages. Regulations permit officers to apply for interception warrants if they know the identities of individuals whose calls and messages they want to intercept. There were no reported applications of this provision. In August the Senate passed the Cyber and Data Protection Bill which, if signed into law, would criminalize sending messages that incite violence (often used as a charge against individuals calling for peaceful demonstrations) as a national security offense.

Freedom House reported the National Data Center, which President Mnangagwa launched in February to support national identity registration and the country's planned smart city network, was well equipped with surveillance technology.

Academic Freedom and Cultural Events

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

The Censorship and Entertainment Controls Board approves scripts by playwrights. Artists who violate provisions of the Censorship and Entertainment Control Act receive fines and prison sentences.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, but the government continued to restrict these rights, particularly for political opposition and government critics.

Freedom of Peaceful Assembly

The government restricted the right to peaceful assembly. The law requires

organizers to notify police of their intention to hold a public gathering, defined as 15 or more individuals, seven days in advance. Failure to do so may result in criminal prosecution as well as civil liability. The law allows police to prohibit a gathering based on security concerns but requires police to file an affidavit in a magistrate's court stating the reasons behind the denial. The government must respond to notifications to demonstrate within three days. COVID-19 lockdown regulations were used to deny free peaceful assembly.

In May police arrested Jacob Ngarivhume, president of a small opposition party called Transform Zimbabwe, for organizing a cleanup campaign in Harare without securing police clearance in advance. In September police interrupted opposition leader Nelson Chamisa while he was delivering a speech in Bulawayo on the grounds that they had not approved the meeting. In the same month, 10 teachers protesting at Matsine Secondary School in Wedza over nonpayment of their salaries were arrested on charges of participating in a gathering with intent to cause public violence. On September 20, police beat and arrested 10 students peacefully demonstrating against tuition increases at Belvedere Teachers College in Harare. The Zimbabwe National Students Union reported more than 50 similar arrests as of December.

The government demonstrated a pattern of selectively enforcing COVID-19 regulations based on political factors. Rallies in support of the ruling party were generally unimpeded, as were religious assemblies by groups seen as loyal to the ruling party. Meanwhile opposition members, civil society activists, and street vendors often faced arrests, and in some cases police violence, for violating COVID-19 measures. In June police and soldiers violently dispersed vendors in Gwanda, claiming they were spreading COVID-19.

Authorities continued to use COVID-19 lockdown restrictions to bar civil society, trade unions, religious groups, and the opposition from holding public events even though the ruling party continued to hold such events.

Freedom of Association

The constitution and law provide for freedom of association, but the government restricted this right. The government did not officially restrict the formation of

political parties or unions but used proxies to register political parties under the same name as a major opposition contingent. Ruling party supporters, sometimes with direct government support or tacit approval, intimidated and harassed members of organizations perceived to be opposed to the government.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: Police regularly interrupted freedom of movement with checkpoints throughout major cities and nationwide along most major routes. The government began imposing intermittent restrictions on intercity transport when the COVID-19 lockdown began in March 2020, expanding the “intercity” definition in July to include travel between Harare and densely populated suburbs such as Chitungwiza and Norton, which were opposition strongholds. That restriction was lifted in September.

Foreign Travel: The constitution provides the right for citizens to enter and leave the country and for the right to a passport or other travel documents. White citizens, however, routinely faced additional bureaucratic hurdles and requests for bribes to obtain a passport. Although dual citizenship was recognized, there were reports the Office of the Registrar General sometimes imposed administrative obstacles in the passport application process for dual citizens, particularly Malawian, Zambian, and Mozambican citizens.

Exile: The constitution prohibits expulsion from the country for all citizens. Several persons who left the country in recent years, including former government officials, prominent businessmen, human rights activists, opposition party members, and human rights lawyers, remained in self-imposed exile due to fear of persecution.

The government facilitated the return of former refugees from Botswana. One returnee who had deserted from the military was temporarily detained upon return.

Citizenship: The constitution provides for citizenship based on birth, on descent, or on registration. Despite being granted citizenship under the constitution and having voted previously; some persons have been denied the right to vote during by-elections in recent years because they could not adequately demonstrate their citizenship.

e. Status and Treatment of Internally Displaced Persons

International organizations estimated there were more than 20,000 internally displaced persons (IDPs) as of January. The government evicted an unknown number of persons who built homes on contested lands, leading to their displacement. In 2019 Cyclone Idai displaced thousands of persons in Chimanimani and Chipinge. The Cyclone Idai IDP camps remained in place during the year. Urban evictions displaced persons, but the precise numbers were unknown.

Many IDPs from earlier emergencies continued to live in dire conditions, lacking basic sanitation. IDPs were among those at greatest risk of food insecurity. Several generations of undocumented farm workers from neighboring countries resided in insular commercial farming communities in the country.

f. Protection of Refugees

The government often cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern, but reportedly ordered the refoulement of Congolese refugees in violation of international law (see below).

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. As of November, Tongogara Refugee Camp hosted 15,797 refugees and asylum seekers despite being designed to host 3,000. Refugees from the Democratic Republic of Congo (DRC) comprised the majority, 76 percent, with communities

from Mozambique (11 percent), Burundi (6 percent), and Rwanda (5 percent) forming the bulk of the remainder. Prior to COVID-19 border closures, an estimated 100 persons arrived each month.

Refoulement: In August the government removed approximately 80 refugees accused of looting a food supply warehouse from Tongogara Refugee Camp and placed them in detention in Harare. The government forcibly returned approximately 70 of these refugees to the DRC in violation of international law according to an international organization. DRC authorities rejected approximately 15 of these, whom the government then placed in detention facilities in Harare.

Abuse of Migrants and Refugees: Security forces routinely detained migrants who lacked identity documents or permission to be in the country and held them in prisons with convicted criminals. Prolonged detention for undocumented migrants was common. Migrants complained of mistreatment by other prisoners.

Freedom of Movement: The government maintained a formal encampment policy requiring refugees to live at Tongogara Refugee Camp. Nevertheless, at year's end approximately 850 refugees lived in urban areas, including Harare and Bulawayo, and more than 6,500 Mozambican asylum seekers lived among host communities along the porous border with Mozambique. An unknown number of refugees were held in criminal detention facilities.

Employment: Refugees working in the informal sector had limited employment options due to the government's encampment policy requiring all refugees to reside in Tongogara Refugee Camp. UNHCR partners and Julia Taft Fund supported organizations have provided camp residents employment opportunities, including banana farming, livestock production, and soap production.

Durable Solutions: While the government did not accept refugees from foreign countries for resettlement, it facilitated the voluntary repatriation of refugees to their home countries by recognizing the Voluntary Repatriation Declaration Form as a valid document for travel purposes. The government also allowed former Rwandan refugees, who lost refugee status after 2013, to remain in the country pending final arrangements for their return. Additionally, the Office of the

Commissioner for Refugees stated that Rwandans with Zimbabwean spouses were permitted to regularize their status in the country. Many refugees were unwilling to return to their home countries voluntarily, and resettlement remained the only viable solution for many of them.

g. Stateless Persons

The country has a significant number of habitual residents who are legally or de facto stateless. In 2015 international organizations estimated a minimum of 300,000 persons in the country were stateless. Longstanding migrant labor populations from Mozambique, Malawi, and Zambia lacked documentation. Many migrant workers and their families who had lived in the country for generations, along with thousands of survivors of the Gukurahundi massacres of mainly Ndebele persons in the country's southwest between 1983 and 1987, remained blocked from accessing national identity documents. One in four of such persons was not registered at birth.

Mothers may register their child's birth only if the father or another male relative is present. If the father or other male relative refuses, the child may be deprived of a birth certificate, which limits the child's ability to acquire identity documents, enroll in school, and access social services.

The country has strict citizenship transmission requirements; children born in wedlock between 1980 and 1996 to a Zimbabwean mother and non-Zimbabwean father cannot claim citizenship. Descendants of victims of the Gukurahundi massacres in the 1980s may have difficulty securing a birth certificate because they often cannot obtain their parents' death certificates, as required. Due to stringent documentation requirements, many IDPs do not possess evidence of their nationality following the destruction and displacement resulting from Cyclone Idai in 2019.

Discriminatory practices often prevent persons born in the country from registering for citizenship when they have foreign relatives. The government resolved to re-code national identity documents so mixed-race citizens will no longer be deemed of foreign descent.

In September, after the government issued a waiver on documentation

requirements for the San ethnic group, the Registrar General began a 30-day mobile exercise in Matabeleland to issue birth certificates, death certificates, and other forms of identification. This effort also extended to other Gukurahundi-affected populations. Marginalized ethnic groups that lived along the country's borders, such as the Doma and Kanyemba, were perceived to be from neighboring countries and thus unable to obtain documentation on either side of the border.

Stateless persons were often unable to enroll or remain enrolled in school, access formal health care facilities (including the COVID-19 vaccination program), or obtain a passport to travel to neighboring countries for work or to visit family. In December 2020 hundreds of students were unable to complete secondary school exams due to failure to obtain identity cards. Additionally, the government's launch of the national COVID-19 vaccination program in February required identity documents to register for vaccines.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability for citizens to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot. In October 2020 the government, however, indefinitely suspended by-elections to fill vacant political seats. The government enacted constitutional amendments that created a legal framework that strengthened the ruling ZANU-PF party's dominance in political processes and government. The October 2020 suspension of by-elections due to COVID-19 remained in effect throughout the year. From January 8 to April 1, and from July 26 to August 8, the government suspended voter registration and related field work due to COVID-19. Some NGOs criticized the Zimbabwe Electoral Commission and the government for not complying with constitutional requirements to hold by-elections within 90 days of a vacancy, noting Zambia and other nations in the region completed national elections while still maintaining COVID-19 health measures.

Elections and Political Participation

Recent Elections: Most international and local independent observers characterized the 2018 presidential, parliamentary, and local elections as largely

free of violence but not meeting standards for credible elections. The Southern African Development Community, the African Union, and the Common Market for Southern and Eastern Africa, however, declared the elections free and fair. Political parties and civil society organizations complained of widespread voter disenfranchisement, including of foreign-born and diaspora voters, and the inability to compete under equal conditions. State media coverage was heavily biased in favor of ZANU-PF and provided almost no access to or positive coverage of the opposition. There were reports of voter intimidation, including the collection of voter registration slips by party and tribal leaders to undermine the secrecy of the vote.

While the law obliges traditional chiefs to be impartial, in 2018 traditional leaders mobilized voters and canvassed support for ZANU-PF in rural areas. In return, traditional leaders continued to receive farms, vehicles, houses, and other benefits. Chiefs Council President Fortune Charumbira continued to be in contempt of a 2018 High Court order to withdraw public comments made in support of ZANU-PF. In July he denounced politically motivated violence that occurred during the 2018 elections and called for an end to the politicization of food aid. Nonetheless, he delivered a partisan political speech at the annual ZANU-PF party conference in October in support of ZANU-PF and President Mnangagwa.

Local leaders including traditional chiefs and government officials often distributed food aid based on perceived political affiliation, according to local NGOs. Through politicized food distribution, the government punished communities that elected opposition councilors by denying them assistance while rewarding communities that voted for ZANU-PF. In February ruling party activist Collen Moyo allegedly issued threats to opposition members while gathering villagers for food distribution in Gwanda. The government also used food distribution events to cajole citizens into joining ZANU-PF. In April ruling party activists Fani Moyo and Lameck Tshuma told citizens in Tsholotsho they needed to join the party to receive food aid. There were similar reports in Binga, Redcliff, Silobela, and Zhombe. In June ruling party representatives in Kwekwe informed residents they were collecting names to join the ruling party and the same list would be used for future food distribution programs. NGOs noted similar discrimination in government programs to distribute agricultural inputs nationwide.

In August, Village Head Mabvepi Chihota stated ZANU-PF oversaw distributing assistance from the Pfumvudza Agricultural Inputs Scheme, noting community members who wished to benefit must join political cell structures.

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

The High Court, in a series of decisions beginning in March 2020, paved the way for a minor political party, the Movement for Democratic Change-Tsvangirai (MDC-T), to take over the assets, headquarters, and parliamentary seats of the main opposition party, the Movement for Democratic Change-Alliance (MDC Alliance). The court ruled the party's founder, Morgan Tsvangirai, violated the party constitution by appointing Nelson Chamisa as vice president and therefore deemed his later ascent to party leadership invalid. This ignored earlier judicial rulings that political parties should resolve their differences internally. The MDC-T initially recalled 25 elected MDC Alliance parliamentarians and local councilors. Another minor opposition party recalled six additional MDC Alliance parliamentarians. Despite a High Court ruling that reversed the latter recall, an appeal continued to block the six from representing their constituents. In September the MDC-T threatened to recall all opposition parliamentarians and local councilors still loyal to the MDC Alliance president. At year's end at least 27 parliamentary seats remained vacant, including 19 from recalls and eight due to deaths. At least 86 municipal seats also remained vacant, with no date yet confirmed for by-elections. In May the Zimbabwe Election Support Network estimated 750,000 persons lacked National Assembly representation.

Members of the ruling party threatened violence against opposition officials in apparent efforts to coerce them to withdraw from politics or change party alliance. In May media reported the ruling party's youth secretary for indigenization sponsored violent gangs in Makonde and Chinhoyi. A ruling party official complained a "gang of hooligans" had "rendered some districts ungovernable." In

June unknown perpetrators burned down the home of an opposition official in Chikomba. In October the MDC Alliance reported violent attacks from state intelligence and military officers during multiple visits to rural areas, and MDC Alliance published photographic and video evidence of those attacks. In November news reports indicated the ruling party used its youth structures to coordinate disruption campaigns against the MDC Alliance during visits to rural areas.

Violent political competition was common within the ruling party, particularly among contenders for provincial party leadership. In September, one candidate for the ZANU-PF Mashonaland central chairmanship, Lazarus Dokora, described an attack against his vehicle as an assassination attempt. In October, Manicaland chair Mike Madiro fled a party meeting to avoid an altercation with rivals waiting for him outside the venue; two weeks later, assailants attacked the home of one of his party rivals. In October, Harare chair Goodwills Masimirembwa filed assault charges against his deputy while Bulawayo chair Obert Musindo hid under a car after an assailant pulled a gun on him. In July a local politician in Mashonaland East lost her home in a fire one day after receiving threats from a party rival.

The MDC Alliance asserted ZANU-PF supporters attacked party president Nelson Chamisa on October 11 in Masvingo where he had planned to meet party supporters and other stakeholders. A progovernment newspaper suggested the attack was part of a rising trend in political violence. The opposition party stated Chamisa survived a live-fire attempt on his life during his travel to Manicaland on October 19.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized or minority groups including persons with disabilities and indigenous persons in the political process, and they fully participated as voters and candidates. Nevertheless, laws criminalizing lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) identities have the effect of prohibiting LGBTQI+ persons from participating in the political process.

Women remained largely underrepresented in local and national political offices, and men overwhelmingly held most senior positions in the public sector. Female

candidates across multiple political parties faced particularly vitriolic gender-based insults regarding appearance, sexual proclivity, accusations of involvement in sex work, and gender-based stereotypes. They also faced challenges within their party if running against a male candidate in a primary. Some observers believed traditional and cultural factors also limited women's political participation. Women headed six of 22 cabinet-level ministries, an increase from prior years but well below their share of the population and well below the equal representation encouraged by the constitution. Women held six of 13 minister of state positions and were elected to 32 percent of seats in the National Assembly and Senate, down from 34 percent in 2013. In 2018 the Senate elected a woman as president. In accordance with the constitution, female members of parliament filled all 60 seats reserved for women in the National Assembly under a gender-quota provision.

In April a constitutional amendment to extend the expiration of the women's proportional representation quota for 10 years passed parliament but faced unresolved legal challenges as of November. The amendment introduces a 30 percent women's quota in local government and establishes a new quota for 10 parliamentarians ages 21 to 35 in the National Assembly on a party-list basis, to include five women in that age range within the women's quota. Despite the quotas, women's representation still did not meet the 50/50 target set out in the constitution. Reports suggested this system resulted in women candidates facing greater difficulty running for constituency seats (women won 28 percent of existing constituency seats in 2008 but only 12 percent of constituency seats in 2018), and women's authority in parliament was diminished because they generally did not represent geographic constituencies.

The constitution reserves Senate seats for one man and one woman with disabilities elected by an electoral college system designated through the National Disability Board. During the 2018 elections, some persons associated with the opposition reported their family members were instructed to declare themselves blind or illiterate to enable a biased "disabled voter assistant" to vote on their behalf.

Undocumented individuals could not vote, run for office, or serve as an election agent. Large numbers of youth lacked the national identification cards needed to register to vote. A wide range of factors contributed to this problem including

clerical errors, limited registration windows, inaccessibility for persons with disabilities, undocumented home births, distance to registrar offices, parental deaths and imprisonment, illiteracy, and onerous age requirements for witnesses. Additionally, the loss of documents due to Cyclone Idai and in Gukurahundi-affected communities was a problem, as well as challenges faced by minority groups such as the San, Tonga, and Doma.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption; however, the government did not implement the law effectively or impartially. Despite government pronouncements, there were numerous reports of government corruption during the year. Experts described the problem as “catch and release,” where the government arrested some corrupt officials, often those out of favor, without ever convicting them.

Corruption: Corruption in both the public and private sectors persisted and was highly institutionalized. The country continued to experience both petty and grand corruption, defined respectively by Transparency International Zimbabwe as an “everyday abuse of entrusted power by low- to mid-level public officials” such as by police and local officials and “an abuse of high-level power by political elites.” Although the country had established specialized anticorruption courts in all 10 provinces by December 2020, challenges persisted: perceptions of political interference, delays in concluding high-profile cases, and a low quality of investigations. Additionally, the anticorruption courts often displayed political bias and were assigned cases involving activists, journalists, or opposition leaders even though the cases did not relate to corruption. Independent governmental oversight entities were often constrained politically or lacked sufficient funding and staffing to carry out their mandates. In September 2020 the ZHRC, Zimbabwe Gender Commission, and National Peace and Reconciliation Commission (NPRC) signed an agreement to collaborate on joint investigations and strengthen their oversight capacities. The government responded with budget cuts and did not implement most of the commissions’ recommendations.

The constitution mandates the Zimbabwe Anticorruption Commission (ZACC) conduct corruption investigations. In 2019 President Mnangagwa appointed nine new commissioners to the ZACC and gave the commission the power to arrest. ZACC does not, however, have the power to prosecute. Concerns remained that the government's anticorruption efforts were highly politicized and that ZACC targeted high-profile officials who had fallen out of favor with President Mnangagwa.

The country's COVID-19 response was marred by corruption. In June 2020 President Mnangagwa fired Health and Child Care Minister Obadiah Moyo for corruptly awarding a multimillion-dollar contract overpaying for COVID-19 equipment. Moyo was released on bail within one day and acquitted by the High Court in October.

Despite Deputy Health Minister John Mangwiro's role in steering a tender to a firm that offered inflated prices in 2020, he remained in his position as of November.

According to Home Affairs Minister Kazembe, the country was losing U.S. \$100 million monthly to gold smuggling. In October 2020 security officials at Harare International Airport arrested Henrietta Rushwaya, a relative of President Mnangagwa, when she attempted to smuggle approximately U.S. \$300,000 worth of gold to Dubai. Despite receiving wide publicity at the time, Rushwaya avoided conviction and was reinstated as the president of the Zimbabwe Miners Federation. In May the South African Revenue Service arrested a Zimbabwean man trying to smuggle U.S. \$780,000 worth of gold into South Africa. As of November the investigation had not concluded.

Corruption also permeated the government's Command Agriculture program and other agricultural programs such as the President's Input Scheme. ZACC reported multiple cases of groups corruptly benefiting from these programs. In February 2020 the ZACC raided a syndicate that ran a warehouse that sold repackaged government-provided inputs intended for farmers.

ZANU-PF benefactor Kudakwashe Tagwirei was placed under foreign sanctions for corruptly profiting from misappropriation of property when his company,

Sakunda Holdings, redeemed government treasury bills at 10 times their official value. This resulted in a rapid depreciation of the Zimbabwe dollar and a corresponding increase in prices of goods to the public. Following his designation as a sanctioned individual, Tagwirei transferred most of his assets into Kuvimba Mining House Ltd. (Kuvimba), a newly formed entity of which the government purportedly owns 65 percent. Kuvimba has since acquired multiple mines from private owners struggling to stay afloat due to Zimbabwe's difficult business environment.

In June the Auditor General's report for 2020 was released. The report exposed poorly managed accounting records, diversion of public funds for unintended purposes, payments for undelivered goods, and failure to follow procurement procedures. The report also noted that most ministries failed to comply with the government's own Public Procurement and Disposal of Public Assets Act, as ministries did not have written documentation to justify their decisions for choosing sole suppliers for most direct purchases of goods and services, thereby opening room for corrupt officials to exploit the system. The Auditor General also reported U.S. \$445 million of accounts receivable that remained outstanding for extended periods, making their collectability doubtful.

In September the NGO Zimbabwe Coalition on Debt and Development launched a viral billboard and social media campaign highlighting specific corruption scandals and the social cost of gold smuggling. The government promptly responded, attacking the campaign and the coalition as "rogue." The coalition received multiple threats, and three billboards were burned or defaced in Bindura and Harare. In October the Hwange Colliery Company pulled down a billboard discussing the Zambezi Water Project and threatened coalition staff. One report suggested involvement by Central Intelligence Organization officials in removing the billboards.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated in the country,

investigating and publishing their findings on human rights cases. Such groups were subject to government restrictions, interference, monitoring, confiscation of materials and documentation, arrest, and other forms of harassment. Major domestic civil society actors included the Heal Zimbabwe Trust, Legal Resources Foundation, Women and Men of Zimbabwe Arise, Women's Coalition, Zimbabwe Coalition on Debt and Development, Zimbabwe Election Support Network, Zimbabwe Environmental Law Association, Zimbabwe Human Rights NGO Forum, Zimbabwe Lawyers for Human Rights, and Zimbabwe Peace Project.

The government harassed NGOs it believed would expose abuses by government personnel or oppose government policies. NGOs reported surveillance missions by unidentified individuals visiting and occasionally raiding NGO offices. According to many human rights NGOs, the state viewed NGOs as regime-change agents supported by the West. Government-controlled media as well as government-associated social media handles to disparage and attack human rights groups, especially those believed to communicate with western embassies or governments.

Government Human Rights Bodies: The ZHRC remained underfunded but managed to fulfill some of its constitutionally mandated functions. Through its website, a hotline, and mobile legal clinics, which were resurfacing after COVID-19 suspensions, the ZHRC conducted public outreach and accepted complaints from the public for investigation. The ZHRC, however, did not have sufficient personnel to investigate the number of complaints it received. Some NGOs questioned the ZHRC's independence and effectiveness.

The government did not overtly attempt to obstruct the ZHRC's work that was critical of government or security service actions.

The NPRC, which has the constitutional mandate to handle issues related to the Gukurahundi massacres, made no significant progress, in part due to limited funding. The government asserted resources would be made available to finance outcomes developed by chiefs with their communities, including access to documentation, counseling and psychological support, exhumations, burials, memorials, reparations, and social security benefits (including pensions, social welfare, education, and health services). Access to birth and death certificates and national identification documents in Matabeleland began to make it easier for

Gukurahundi-affected populations to access documents with support from their chiefs.

The government portrayed the NPRC's work as a durable and definitive solution to the 1980s massacres believed to have claimed more than 20,000 lives in Midlands Province and Matabeleland. Nevertheless, it bypassed the NPRC. In October 2020 the NPRC was reportedly excluded from meetings between the president and traditional chiefs on exhumations and reburial of victims' remains. Critics argued traditional leaders were not adequately trained to lead discussions on reconciliation of rape, genocide, and disappearances, and that putting them in this position could alienate them from their communities. Chiefs and communities in Midlands Province also were excluded from discussions and procedure. Government spokesperson Nick Mangwana tweeted that the e Matabeleland approach would serve as a template in Midlands. The National Transitional Justice Working Group, a coalition of legal, religious, and civil society actors, asserted that this approach usurped the work of the NPRC. The working group called instead for public apologies by Mnangagwa and his administration for violations perpetrated during Gukurahundi.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: While the law criminalizes sexual offenses, including rape and spousal rape, these crimes remained widespread. Almost a quarter of married women who had experienced domestic violence reported sexual violence, while approximately 8 percent reported both physical and sexual violence. Women were sexually assaulted while seeking treatment in public hospitals, collecting water from communal boreholes and riding in public transportation. The incidence of gender-based violence increased during the COVID-19 pandemic. An NGO reported an increase from 500-600 cases of gender-based violence per month before the COVID-19 pandemic to 700-800 cases per month during the pandemic. Statistics on gender-based violence were not openly shared by law enforcement agencies or the Ministry of Justice, and it was difficult to access data on gender-based violence from these sources.

NGOs reported that government transport restrictions on commuter-only buses and informal taxis increased the incidence of rape and harassment against women by pushing commuters toward illegal and thus more dangerous means of transportation.

Although sexual offenses are punishable by lengthy prison sentences, women's organizations stated that convictions were rare and sentences were inconsistent. Rape survivors were not consistently afforded protection in court. In April a police officer sexually assaulted a female opposition member in Harare. In May a police officer in Karoi sexually assaulted a woman reporting gender-based violence. Female political leaders and human rights activists were targeted physically and through threats and intimidation via social media; at least one fled the country due to such threats. Social stigma and societal perceptions that rape was a "fact of life" continued to inhibit reporting of rape. Women were less likely to report spousal rape, due to fear of losing economic support or of reprisal, lack of awareness that spousal rape is a crime, police reluctance to engage with domestic disputes, and bureaucratic hurdles. Many rural citizens reported being unfamiliar with laws against domestic violence and sexual offenses. A lack of adequate and widespread services for rape victims also discouraged reporting.

Children born from rape suffered stigma and marginalization. The mothers who gave birth after rape were sometimes reluctant to register the births, and therefore such children did not have access to social services or national identification cards. The adult rape clinics in public hospitals in Harare and Mutare were run by NGOs and did not receive significant financial support from the Ministry of Health. The clinics received referrals from police and NGOs. They administered HIV tests and provided medication for HIV and other sexually transmitted diseases. Although police referred most reported rapes of women and men who received services from the rape centers for prosecution, very few individuals were ultimately prosecuted.

Despite the law, domestic violence remained a serious problem, especially intimate partner violence perpetrated by men against women. This issue was exacerbated by the COVID-19 pandemic and frequent government-mandated lockdowns. Although domestic violence is punishable by a fine and a maximum sentence of 10 years' imprisonment, authorities generally considered it a private matter and rarely prosecuted.

Members of the joint government-NGO Anti-Domestic Violence Council actively raised domestic violence awareness, although NGOs reported the council was not involved in much of their programmatic work.

Government-controlled media implemented various initiatives to combat gender-based violence through radio programming and a national hotline. Several women's rights groups also worked with law enforcement agencies and provided training and literature on domestic violence as well as shelters and counseling for women. NGOs reported most urban police stations had trained officers to deal with domestic violence survivors but lacked capacity to respond on evenings and weekends. The law requires victims of any form of violence to produce a police report to receive free treatment at government health facilities. This requirement prevented many rape survivors from receiving necessary medical treatment, including postexposure prophylaxis to prevent HIV. The sparse trauma counseling resources for persons who suffered sexual violence were provided almost exclusively by NGOs.

Female Genital Mutilation/Cutting (FGM/C): There were no national statistics available regarding FGM/C, but the practice of labial elongation reportedly occurred.

Other Harmful Traditional Practices: Virginity testing, although reportedly decreasing, continued to occur in some regions. Also widows, when forced to relocate to rural areas, were sometimes married off to an in-law.

Sexual Harassment: No specific law criminalizes sexual harassment, but labor law prohibits the practice in the workplace. Media reported that sexual harassment was prevalent in universities, workplaces, and parliament, where legislators routinely and publicly body shamed, name called, and booed female members of parliament. The Ministry of Women Affairs acknowledged the lack of sexual harassment policies at higher education institutions was a major cause for concern. This acknowledgement came after a student advocacy group, the Female Students Network Trust, revealed incidents of gender-based violence and sexual harassment of students in a 2017 survey. Female college students reported they routinely encountered unwanted physical contact from male students, lecturers, and nonacademic staff, ranging from touching and inappropriate remarks to rape. Of

the students interviewed, 94 percent indicated they had experienced sexual harassment in general, 74 percent indicated they had experienced sexual harassment by male university staff, and 16 percent reported they were raped by lecturers or other staff.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Adolescents, rural residents, LGBTQI+ persons, and survivors of gender-based violence lacked consistent access to reproductive health services. The contraceptive prevalence rate for women ages 15-49 years of age seeking contraception was 67 percent. Barriers affecting access to contraception included supply chain and commodity issues, limited access to health facilities in remote areas, religious skepticism of modern medicine among some groups, and ambiguity on the age of access to contraception. Access to contraception became more difficult due to COVID-19 lockdown measures. Security forces turned back many women traveling to clinics without clearance letters. Many women avoided travel altogether due to fear of contagion or the consequences of breaking travel restrictions.

Emergency contraceptives were not readily available in the public sector. Women could purchase emergency contraceptives at private pharmacies or obtain them from NGOs, but the cost was prohibitive and availability limited. The law, the policy on sexual abuse and violence, and the creation of one-stop centers for survivors of gender-based violence were designed to provide survivors access to sexual and reproductive health services. Access was constrained by limited state funding to NGOs operating adult rape clinics in Harare and Mutare and limited police capacity to provide victims with the police report needed to access treatment at government health facilities.

The 2019 Multiple Indicator Cluster Survey estimated maternal mortality at 462 deaths per 100,000 live births, down from 651 deaths per 100,000 live births in the 2015 Zimbabwe Demographic and Health Survey. Nonetheless, the rate was high despite high prenatal care coverage (93 percent), high institutional deliveries (86 percent), and the presence of a skilled health worker at delivery (86 percent). Although these rates of maternal mortality were partly explained by the high

prevalence of HIV, maternal and neonatal quality of care were areas of concern.

Ministry of Health guidelines provide for post abortion care to rape survivors, including both medical and psychosocial support. These services were not uniform across facilities and not routinely available. Psychosocial support services for women who experienced abortion were largely unavailable.

Few families could afford menstrual hygiene products. Some girls failed to attend school when menstruating, while others used unhygienic rags, leading to illness and infections associated with reproductive health.

Discrimination: The constitution provides the same legal status and rights for women and men, stating all “laws, customs, traditions, and practices that infringe the rights of women conferred by this constitution are void to the extent of the infringement.” There is an institutional framework to address women’s rights and gender equality through the Ministry of Women Affairs and the Gender Commission, one of the independent commissions established under the constitution. The commission received minimal support from the government and lacked sufficient independence from the ministry. The law recognizes a woman’s right to own property, but very few women owned property due to the customary practice of patriarchal inheritance. Fewer than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and alimony laws were equitable, but many women lacked awareness of their rights. In traditional practice, property reverts to the man in case of divorce or to his family in case of his death. When women are not listed on lease agreements, they cannot benefit from most government programs that provide agricultural inputs as a form of economic assistance.

The 2020 Marriage Act affords civil partnerships or common law marriages the same remedies as legal marriages but recognizes only heterosexual civil unions or common law marriages. The new law does not address property rights during marriage or inheritance following the death of a spouse.

Women receive fewer loans and other forms of financial support, even in informal economic sectors where they outnumber men, such as in micro and small-scale enterprises and agricultural production. This disparity was partly explained by

deficiencies in access to loan collateral and documented years of business experience. The Ministry of Women Affairs accelerated loan access for women by encouraging financial institutions to set quotas for women, encouraging conventional banks to support women entrepreneurs, expanding financial services available to women entrepreneurs, and providing pre- and postcredit counselling for female loan recipients.

Young girls and women increasingly relied on traditional healers and midwives to address health issues due to the difficulty of accessing doctors during COVID-19 lockdowns. This increased severe health complications. Additionally, an NGO reported women sleeping on the floor in some maternity wards due to overcrowding.

Systemic Racial or Ethnic Violence and Discrimination

The constitution includes progressive and strong language to protect members of racial and ethnic minorities from violence and discrimination. Implementation, however, was less strong, with some serious gaps in access to personal identity documents for certain ethnic minority groups, and consequent impacts on access to services and statelessness. In practice discrimination based on race and tribe continued to exist.

According to government statistics, the Shona ethnic group made up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic and racial groups 3 percent. Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government. During the year senior political leaders refrained from attacking each other along ethnic lines. Observers expressed concern over Mnangagwa's perceived favoritism towards his own Shona subclan, the Karanga, in senior government appointments, saying the appointments came at the expense of other Shona subgroups and the Ndebele.

Government-controlled media did not vilify white citizens or blame them for the country's problems, as was common practice under former president Robert Mugabe.

Police seldom arrested government officials or charged them with infringing upon

minority rights, particularly the property rights of the minority white commercial farmers or wildlife conservancy owners, who continued to be targets of land redistribution programs.

Government developmental projects reportedly excluded some ethnic minorities in border areas, such as the Tonga people living in Binga. Those living in these areas face food insecurity and lack modern infrastructure.

Children

Birth Registration: The 2013 constitution states citizenship is derived from birth in the country and from either parent, and all births are to be registered with the Births and Deaths Registry. According to the 2012 census, only one in three children younger than age five possessed a birth certificate – 55 percent in urban areas and 25 percent in rural areas. An estimated 39 percent of school age children did not have 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 (see section 2.g.).

Women have the right to register their children’s births, although either the father or another male relative must be present. If the father or other male relative refuses to register the child, the child may be deprived of a birth certificate, which limits the child’s ability to acquire identity documents, enroll in school, and access social services (see section 2.g.).

Education: Basic education is not 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 when the state provides education, it “must take reasonable legislative and other measures, within the limits of the resources available to it.” According to the 2012 population census, 87 percent of all children attended primary school, but enrollment declined after age 14. Primary school attendance was only slightly higher in urban than in rural areas. Rural secondary education attendance (44 percent) trailed behind urban attendance (72 percent).

In August many government schools increased fees by 33 percent, reportedly due

to an extension in the duration of the semester from 60 to 80 days. This sparked protests from some students. In addition, frequent COVID-19 lockdowns further restricted children's access to education. Online and remote learning was not possible for many residents. As a result many students dropped out of school and sought work in the informal sector. Teenage pregnancies are also a barrier to girls' education.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be a serious problem. In 2018 the NGO Childline received more than 15,000 reports of child abuse via its national helpline and managed more than 10,000 in-person cases at its drop-in facilities across the country. Approximately 26 percent of all reported cases of abuse involved sexual abuse; 28 percent involved physical or emotional abuse; 18 percent involved neglect; and 7 percent forced marriage. Of the 25,000 total cases, 93 percent involved girls.

All corporal punishment is illegal.

NGOs reported some children were kidnapped and sold into forced labor in mines because of their size (to access narrow spaces). For additional information on child labor, see section 7.c.

In some cases children were kidnapped and killed to sell their body parts for ritual practices within the country or in South Africa. NGOs report an increase in these cases based on anecdotal evidence.

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

Child, Early, and Forced Marriage: The constitution declares anyone younger than age 18 a child. Although the government enacted a new Marriage Act in 2020 to abolish child marriage and align the country's marriage laws with the constitution, NGOs reported teenage pregnancies and child marriages increased sharply during the COVID-19 pandemic. The marriage law prohibits anyone underage from marriage or entering a civil partnership. The law also criminalizes assisting, encouraging, or permitting child marriages or civil partnerships.

Despite legal prohibitions, some rural families and religious groups continued to force girls to marry. In July a teenage girl died during childbirth at a shrine in Mutare Province. The girl belonged to an Apostolic Christian religious group that engages in child marriages. The death sparked national and some international condemnation, prompting a September lawsuit in the Constitutional Court seeking to align the Marriages and Customary Marriages Acts with the constitutional age of consent.

Child welfare NGOs reported evidence of increased underage marriages, particularly in isolated religious communities or among AIDS orphans who had no relatives willing or able to take care of them. High rates of unemployment, the prevalence of girls dropping out of school, and the inability of families to earn a stable income were major causes of child marriage.

Families gave girls or young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or to provide economic protection for the family. Some families sold their daughters as brides in exchange for food, and sometimes if a wife died her family offered a younger daughter as a “replacement” bride to the widower.

An NGO study published in 2014 found the cultural emphasis placed on virginity meant that any real or perceived loss of virginity – whether 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 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.

Sexual Exploitation of Children: Conviction of statutory rape, legally defined as sexual intercourse with a child younger than age 12, carries a fine of U.S. \$19, up to 10 years’ imprisonment, or both. A person in possession of child pornography may be charged with public indecency; convictions result in a U.S. \$6 fine, imprisonment for up to six months, or both. A conviction for procuring a child younger than age 16 for purposes of engaging in unlawful sexual conduct results in a fine up to U.S. \$105, up to 10 years’ imprisonment, or both. Persons charged with facilitating child sex trafficking often also were charged with statutory rape.

A parent or guardian convicted of child sex trafficking may face up to 10 years' imprisonment.

Girls from towns bordering South Africa, Zambia, and Mozambique were forced into commercial sexual exploitation in brothels that catered to long-distance truck drivers. Increasing economic hardships contributed to higher rates of child sex trafficking.

Displaced Children: The proportion of orphans in the country remained very high. Many orphans were cared for by their extended family or lived in households headed by children.

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

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

Anti-Semitism

An estimated 300 to 350 long-term residents identify as Jewish. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The 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. In May a constitutional amendment mandated the Public Service Commission employ persons with disabilities as 10 percent of its workforce, although government offices continued to have limited accessibility and other accommodations for persons with disabilities. The constitution and law do not specifically address access to transportation. They do not distinguish between physical, sensory, mental, or intellectual disabilities.

In June the government adopted a national disability policy that expands the definition of “disabled persons” based on standards set by the UN Convention on the Rights of Persons with Disabilities. Informed by NGO lobbying efforts, the policy incorporates albinism and epilepsy. Prevailing law stipulates government buildings must be accessible to persons with disabilities, but implementation was slow. Two senate seats are designated for persons with disabilities.

Some killings involving mutilation of the victim were attributed to customary or traditional rituals, in some cases involving a healer who requested a human body part to complete a rite.

The National Association of Societies for the Care of the Handicapped reported difficulties in courts for persons with hearing disabilities due to a lack of sign language interpreters.

Persons with disabilities living in rural settings faced even greater challenges. For example they faced discrimination based on a belief they were bewitched. In extreme cases families hid children with disabilities from visitors. Mothers of children with disabilities in rural settings were often viewed negatively and discriminated against.

There were very few government-sponsored schools for persons with disabilities, thus necessitating the need for NGOs to compensate for this in their communities. Organizations such as the Zimbabwe Parents of Handicapped Children Association rotated classroom space and hours to accommodate children with physical and mental disabilities. Sunshine Zimbabwe, the only accredited center offering skill-based training for adults with disabilities, was poorly supported. Some schools discriminated against children with disabilities by refusing to accept them.

Essential accommodations such as sign language interpreters, braille materials, and ramps were commonly unavailable, which prevented children with disabilities from attending school. Many urban children with disabilities obtained informal education through private institutions, but these options were generally unavailable for children with disabilities in rural areas. Government programs intended to benefit children with disabilities, such as the Basic Education Assistance Module, only provided for rudimentary instruction.

Persons with disabilities were often unable to access food assistance distribution sites and were unaware of services available to them. NGOs noted an increase in the number of persons with disabilities turning to begging during the COVID-19 pandemic. Women with disabilities faced compounded discrimination, resulting in limited access to services, reduced opportunities for civic and economic participation, and increased vulnerability to violence. Persons with mental disabilities also experienced inadequate medical care. As of 2020 there were 20 mental health institutions, including four hospitals, three-day treatment facilities, three outpatient facilities, and 10 community residential facilities in the country with a total capacity of more than 1,500 residents. Residents in these government-run 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 improper diagnoses and inadequate therapy for persons with mental disabilities. There were few certified psychiatrists working in public and private clinics and teaching in the country. NGOs reported that gaining access to mental health services was slow and frustrating. They reported persons with mental disabilities experienced extremely poor living conditions, due in part to limited access to food, water, clothing, and sanitation.

Two prison doctors examined inmates with psychiatric conditions. The doctors were required to confirm a mental disability and recommend an individual for release or return to a mental institution. Inmates with mental disabilities routinely waited up to three years for an evaluation.

There were minimal legal or administrative provisions for participation in the electoral processes by persons with disabilities. Administrative arrangements for

voter registration at relevant government offices were burdensome, involving long queues, several hours or days of waiting, and necessary return visits that effectively served to disenfranchise some persons with disabilities (see section 3 for voter assistance). Ballots were not provided in braille or large text.

HIV and AIDS Social Stigma

The government has a national HIV and AIDS policy that prohibits discrimination against persons with HIV, and the law prohibits such discrimination in the private sector and within parastatals. Despite these provisions, societal discrimination against persons with HIV remained a problem. Local NGOs reported persons affected by HIV faced discrimination in employment, health services, and education. Although there was an active information campaign to destigmatize HIV – organized by international and local NGOs, the Ministry of Health, and the National AIDS Council – ostracism and discrimination continued. In the 2015 Demographic Health Survey, 22 percent of women and 20 percent of men reported they held discriminatory attitudes towards persons with HIV.

The willful spread of HIV is illegal. According to NGOs, the law was misused as a form of blackmail, particularly in divorce cases. In March the Southern African Litigation Center reported an HIV-positive mother was charged with a crime for breastfeeding her child. The court dismissed the case on procedural grounds.

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

According to the criminal code, “any act involving physical contact between men that would be regarded by a reasonable person to be an indecent act” carries a penalty of up to 14 years in prison or a fine up to U.S. \$5,000. LGBTQI+ organizations reported several arrests as well as severe mental health consequences because of criminalization, including depression, anxiety, substance abuse, and suicidal ideation. Leading NGOs noted harassment and discrimination against LGBTQI+ persons seeking employment, housing, and health services. Trans Smart, an active LGBTQI+ group, reported their members believed they were unsafe and unwelcome in churches due to deeply held religious and social stigmas in society. There is no legal option to change the gender designation on state

identity cards, creating identification and travel difficulties. The mismatch between gender presentation and the designated gender can lead state officials, police, and potential employers to believe the individual is committing identity fraud, sometimes leading to criminal arrest.

LGBTQI+ persons were vulnerable to blackmail because of the criminalization of and stigma against same-sex activity. LGBTQI+ advocacy organizations reported blackmail and being “outed” as two of the most common forms of repression of LGBTQI+ persons. It was common for blackmailers to threaten to reveal a victim’s sexual identity to police, the church, employers, or family if the victim refused to pay. NGOs reported hate crimes against LGBTQI+ persons. LGBTQI+ persons often left school at an early age due to discrimination. Higher education institutions reportedly threatened to expel students based on their sexual orientation. LGBTQI+ persons also had higher rates of unemployment and homelessness. They were also less likely to seek medical care for sexually transmitted diseases or other health problems due to fear that health-care providers would shun them or report them to authorities. Health care workers commonly discriminated and refused service to LGBTQI+ persons.

Public medical services did not offer hormone treatment or gender-confirmation surgeries to transgender and intersex individuals. A small number of private clinics provided testosterone therapy, but estrogen therapy required patients to purchase treatment privately and self-administer the drugs or travel to neighboring countries where treatment was available. Some parents treated their children’s identity as an intellectual disability and forced transgender youth into mental health institutions.

Transgender individuals continued to face challenges when seeking government services. An NGO reported a transgender woman was initially prevented from boarding a flight due to the inconsistency between her gender presentation and the sex listed on her passport. Similarly, transgender persons often encountered difficulties when registering to vote because of changes in their appearance, disenfranchising them from the political process.

In October openly gay South African celebrity Somizi Mhlongo planned to visit the country to attend a restaurant opening but ultimately canceled his trip after the

Apostolic Christian Council and the ruling party's youth wing urged the government to block his admission citing moral issues.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law provides for the registrar of the Ministry of Public Service and Labor to supervise the election of officers of workers' and employers' organizations, to cancel or postpone union elections, and to change the venue of a union election. The minister may choose to not approve or to rescind recognition of a union on the grounds that it does not represent the interests of its members. The law also grants the minister extensive powers to regulate union activities, such as collecting dues and paying staff salaries, and to make decisions concerning the equipment and property that may be purchased by trade unions. The minister has the authority to veto collective bargaining agreements perceived to be harmful to the economy as well as to appoint an investigator who may, without prior notice, enter trade union premises, question any employee, and inspect and copy any books, records, or other documents. The law empowers the minister to order an investigation of a trade union or employers' organization and to appoint an administrator to run its affairs. Unions are not required to register, but registered unions have additional rights, such as negotiating for its members at the National Employment Council, calling for a strike, and filing a lawsuit. The fee for union registration is nominal.

The law significantly limits the right to strike. Strikes are limited to disputes regarding work issues. The law provides that a majority of 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. This

applies to essential and nonessential services where the parties agree or where the dispute involves rights. Following an attempt to resolve a dispute of interest and a labor officer's issuance of a certificate of no settlement, the party proposing a collective job action must provide 14 days' written notice of intent to resort to the strike or labor action, including specifying the grounds for the intended action, to call a strike legally. No provisions prohibit employers from hiring replacement workers in the event of a strike. Strikes were commonly met with police brutality and dismissals.

Police and army members are the only legally recognized essential services employees and may not strike, but the law allows the Ministry of Public Service and Labor to declare any nonessential service an essential service if a strike is deemed a danger to the population (e.g., a strike of health-care workers). The law also allows employers to sue workers for liability during unlawful strikes, with penalties for conviction that include fines, up to five years' imprisonment, or both.

Collective bargaining agreements apply to all workers in an industry, not just union members. Collective bargaining takes place at the enterprise and industry levels. At the enterprise level, works 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 National Employment Councils. Unions representing at least 50 percent of the workers may bargain with the authorization of the Minister of Public Service and Labor. The law encourages the creation of employee-controlled workers' committees in enterprises where less than 50 percent of workers are unionized. Workers' committees existed in parallel with trade unions. Their role is to negotiate shop floor grievances, while that of the trade unions is to negotiate industry-level grievances, notably wages. The minister and the registrar have broad powers to take over the direction of a workers' committee if they believe it is mismanaged. Trade unions regarded the existence of such a parallel body as an arrangement that allows employers to undermine the role of unions.

For a collective bargaining agreement to go into effect, the ministry must announce it, thus giving the minister the power to effectively block the agreement indefinitely by failing to announce it officially. The law allows the minister to veto a collective bargaining agreement if the minister deems it "contrary to public

interest.” Workers and employers at the enterprise level may come to a binding agreement outside of the official framework.

Although the law does not permit national civil servants to collectively bargain, the Apex Council, a group of public service associations, represented civil servants in job-related negotiations with the National Joint Negotiating Council in November 2020. On August 30, the Amalgamated Rural Teachers Union of Zimbabwe called for a national day of action and protest due to underfunding in the education sector and a lack of preparedness for school reopening amid the COVID-19 pandemic. When schools reopened in September, nearly a quarter of teachers declared a strike demanding higher wages and adequate personal protective equipment. In response to the strike, the Public Service Commission announced civil servants would receive pay only for days when they reported to duty. Meanwhile, the acting minister of public service and labor accused the rural teachers’ union of receiving foreign funding with the intention of inciting unrest. The teacher strike continued as of year’s end.

The Ministry of Public Service and Labor did not effectively enforce labor laws. Penalties for conviction of violations of freedom of association or collective bargaining laws were not commensurate with those for similar violations. Those charged with violating the law were subject to lengthy judicial delays and appeals.

In November 2020 the court acquitted 19 members of the Zimbabwe Congress of Trade Unions (ZCTU) charged in 2018 for protesting the high cost of living and the imposition of a 2 percent transaction tax. The national president of the rural teachers’ union remained on remand after charges of subverting constitutional government for taking part in a demonstration to protest low teachers’ salaries in 2019, and he continued to await a trial date as of year’s end.

The Tripartite Negotiating Forum, a body established by law, formalizes dialogue efforts among government, labor leaders, and employers on social and economic policy. The forum met only once during the year. Representatives from the ZCTU, the Zimbabwe Federation of Trade Unions, and the Apex Council walked out of the negotiating forum meeting in April. Labor unions, under the leadership of ZCTU, stated the forum did little to address their demands for wage increases and labor law reform, and the government showed little progress in supporting

workers' protections, fairness in addressing labor and national issues, or the peaceful resolution of labor disputes.

Government interference with trade union activity was common. Police and state intelligence services regularly attended and monitored trade union meetings and other activities. Police or ZANU-PF supporters sometimes prevented unions from holding meetings with their members and carrying out organizational activities. Although the law does not require unions to notify police of public gatherings, police demanded such notification. In March police disrupted a trade union meeting at the offices of the Commercial Workers Union in Harare, detaining four members who were later fined for holding unsanctioned meetings during the COVID-19 pandemic.

Parastatal unions are generally perceived as progovernment. The Zimbabwe Federation of Trade Unions is regarded the largest progovernment trade union and a rival to the ZCTU, which has a history of alignment with opposition parties. The federation was launched in October 1996 with the stated purpose of providing an alternative to the ZCTU. It claimed more than 40 affiliates and to be the largest labor body in the country; however, precise membership numbers were not known.

When unions exercised their right to strike, the government generally met their efforts with violence and excessive force. On August 31, police arrested 11 teachers following a protest in Wedza to demand increased salaries. The teachers spent two days in police custody and were ordered to present themselves to the court every two weeks. The rural teachers' union's provincial gender and welfare secretary Sheila Chisirimhuru was convicted and sentenced to 10 months in prison for participating in a gathering with the intent of promoting public violence after she participated in a protest demanding improved salaries and working conditions for teachers. The High Court overturned her conviction on September 16.

Despite frequent reports of wage grievances in the press, the Zimbabwe Nurses Association reported no health-care worker strikes as of November. The Health Service Amendment Bill introduced on July 23 bars health-care workers from participating in strikes exceeding 72 hours during a two-week period. The nurses association reported the government did not consult unions on the bill.

In 2019 the International Labor Organization's (ILO) Committee on the Application of Standards noted serious violations of fundamental rights by government security forces, including a clear pattern of intimidation, arrests, detentions, violence, and torture of union and opposition members. The committee also noted persistent allegations of violations of the rights of freedom of assembly of workers' organizations. The committee urged the government to accept an ILO mission to assess progress before the next conference. After encountering initial resistance, the ILO persuaded the government to support a direct mission, originally scheduled for May 2020 but postponed due to COVID-19.

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. Prisoners may be required to work in any employment but not for the private benefit of any person, except on the order of the prison commissioner. One newspaper reported prisoners were used to clean the city of Bindura prior to the ruling party's annual political conference in October.

The government did not effectively enforce the law. No cases of forced labor were prosecuted. Penalties were not commensurate with those for comparable crimes. Forced labor, sometimes with official complicity, occurred in prisons, agriculture, mining, street vending, and domestic servitude. The full extent of the problem was unknown.

The law does not clearly define forced labor. The government significantly decreased investigations and prosecutions and did not identify a single victim of forced labor during the year, while NGOs rescued more than 400 victims of forced labor and trafficking. While it had a new national action plan against trafficking, the government did not allocate sufficient funding for the plan's implementation.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law fully prohibits the worst forms of child labor. It sets the minimum age for

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

The lack of free basic education for children increased the prevalence of child labor. Children are required to attend school only up to age 12, which made children ages 12 through 15 particularly vulnerable to exploitation since they are not required to attend school. School fees were often prohibitively expensive and limited access to education, leading some to leave school and enter the workforce at a young age.

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

NGOs estimated 840,000 children dropped out of school during the COVID-19 pandemic; many joined the informal workforce. Children participated in hazardous activities or other forms of child labor in subsistence agriculture, growing sugarcane and tobacco (the latter cited by NGOs as posing adverse health effects for child workers), domestic service, street begging, informal trading, artisanal gold mining, and sex work. The Vendors Initiative for Social and Economic Transformation estimated more than 20,000 children had turned to street vending since the start of the pandemic.

Working children often faced hazards to their health and safety as they lacked necessary occupational safety equipment and training. Working on farms exposed children to poor weather conditions, dangerous chemicals, and the use of heavy machinery. Most children involved in mining worked for themselves, a family member, or someone in the community. The Zimbabwe Environmental Law Association estimated thousands of children were driven to artisanal mining, defined as mining activities carried out using low technology or with minimal machinery, due to deteriorating economic conditions. Exposure to hazardous materials, particularly mercury, increased in the informal mining sector.

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

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

d. Discrimination with Respect to Employment and Occupation

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

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

There were no known formal complaints of wage discrimination filed with the Ministry of Public Service and Labor; however, women's salaries lagged those of men in most sectors. Unions expressed their concern regarding gender-based wage disparities.

Women faced discrimination because of gender when seeking maternity leave provided for by law, and other gender-based benefits. A 2018 Oxfam study revealed societal views that women should have overall responsibility for domestic work but also participate in productive or income-generating activity. Demands on women were heightened during the farming season from October to March. Outside of the farming season, women often took part in the informal sector, including as artisanal miners. Women's participation in the labor force was

viewed as necessary due to economic hardship. There was a relative lack of women in decision-making positions, despite a constitutional requirement that the government make efforts to have equal representation of men and women in all governmental institutions and agencies at every level.

Employment discrimination against migrant workers occurred, especially those employed in the informal sector. Persons with HIV/AIDS and albinism faced discrimination in employment. Employers discriminated against members of minority ethnic groups whom they often perceived as opposition supporters. Persons with disabilities faced social and employment discrimination and lack of access to many workplaces. LGBTQI+ persons faced discrimination in employment. Opposition officials commonly reported employment discrimination based on political affiliation, in both governmental and nongovernmental employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: Parliament-mandated National Employment Councils set the minimum wage for all industrial sectors through agreement between employers and labor unions. The minimum wage, when paid, seldom exceeded the poverty line due to the speed of inflation. Employers paid many agricultural and domestic workers less than minimum wage. Many public servants earned salaries that put them below the poverty line due to rampant inflation and currency depreciation. The minimum wage was equivalent to U.S. \$25 per month at the official rate and \$14 per month at the parallel market rate, according to the ZCTU as of October.

The law does not provide for a standard workweek, but it prescribes a minimum of one 24-hour continuous rest period per week. Unions and employers in each sector negotiate the maximum legal workweek. No worker may work more than 12 continuous hours. The law prescribes workers receive not less than twice their standard remuneration for working on a public holiday or on their rest day. The law provides workers paid public holidays and annual leave upon one year of service with an employer. Although workers were generally unlikely to complain to authorities of violations due to fear of losing their jobs, some exceptions occurred.

The Ministry of Public Service and Labor is responsible for enforcing the minimum wage and work hours laws for each sector. The government did not effectively enforce these laws, particularly in the farming and domestic service sectors. The number of labor inspectors was insufficient to enforce labor laws, including those covering children. Penalties for violations of wage or working hour restrictions were not commensurate with penalties for comparable offenses.

Occupational Safety and Health: The government sets safety and health standards on an industry-specific basis. Occupational safety and health standards were up to date and appropriate for the main industries in the country. The law provides for workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

The government did not enforce safety and health laws. The quasi-governmental Zimbabwe Occupational Safety Council regulated working conditions. Staffing shortages and a limited mandate rendered the Council largely ineffective. The law permits unannounced inspections, but the ZCTU charged in 2020 that proper workplace inspections had not been carried out for a long time. Poor health and safety conditions in the workplace were common in both the formal and informal sectors.

Abuses by management at certain enterprises and companies owned by People's Republic of China (PRC) parastatals and private PRC citizens were common, including reports of physical, sexual, and emotional abuse of workers; unsafe working conditions; underpayment or nonpayment of wages; unfair dismissals; and firings without notice. In June the ZCTU visited a PRC-backed company after reports of labor abuses and found employees worked excessive hours and received less than their agreed wages. Meanwhile, the company deducted the cost of protective equipment from worker salaries, ignored elected workers' committee representatives, permitted harassment of female workers, and exposed workers to hazardous materials without proper protection. In August, Transtech Engineering, a contractor of Sino Zim, violated labor law by terminating 43 employees without notice.

ZCTU reported 3,528 work-related injuries and 49 fatalities in 2020, with 14 additional deaths in January and February. Most work-related injuries and deaths

occurred in the mining sector due to low investment in occupational safety and health, noncompliance with rules and regulations, and poor awareness of safety and health practices due to lack of training. The growth of the informal mining sector led to increased exposure to chemicals and environmental waste for artisanal miners, including children. The Zimbabwe Environmental Law Association estimated 190 miners died in mining accidents in 2020. In November 2020 a mine collapse in Bindura killed at least 20 artisanal miners. During the same month a collapse in Mutasa killed at least 10 workers at a mine owned by PRC-backed mining venture Zhong Jian. In May a gold mine collapse at a defunct mining settlement in Mhangura killed an artisanal miner.

Informal Sector: An estimated 80 to 90 percent of the country's workers labored in the informal sector, where labor laws were not observed or enforced. Most informal workers worked in agriculture, trading, or mining. An estimated 500,000 persons worked in small-scale or artisanal mining, according to the Zimbabwe Economic Policy Analysis and Research Unit, an independent think tank.