

ZIMBABWE 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic, but its fragile unity government was not freely elected and has been dominated by President Robert Mugabe, his Zimbabwe African National Union-Patriotic Front (ZANU-PF), and its authoritarian security sector since independence in 1980. Presidential and parliamentary elections held in 2008 were neither free nor fair. While the March 2008 parliamentary election was generally peaceful--and two parties that broke from the former opposition Movement for Democratic Change (MDC) gained a parliamentary majority--violence and intimidation perpetrated by security forces and nonstate actors loyal to ZANU-PF in the months leading to the June 2008 presidential runoff resulted in more than 270 confirmed deaths, thousands of injuries, and the displacement of tens of thousands of persons. Opposing presidential candidate Morgan Tsvangirai withdrew from the runoff contest, and President Mugabe was declared the winner. International criticism of the presidential runoff election resulted in a mediated solution outlined in the 2008 Global Political Agreement (GPA) signed by ZANU-PF and the two MDC parties led by Tsvangirai (MDC-T) and Arthur Mutambara (MDC-M). Mugabe retained the presidency in this fragile unity government, Tsvangirai became prime minister, and Mutambara became deputy prime minister. In January 2011 the MDC-M elected Welshman Ncube as its new president at the party's congress, changing the party's acronym to MDC-N. Mutambara retained his seat as the deputy prime minister. There were instances in which elements of the security forces acted independently of civilian control.

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

There were many other human rights problems. ZANU-PF controlled and manipulated the political process, effectively negating the right of citizens to change their government. Government forces committed arbitrary and politically motivated killings. Prison conditions were harsh. Lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued, and the government infringed on citizens' privacy rights. Authorities restricted freedoms of speech, press, assembly, association, and movement. The government continued to evict citizens, invade farms, private businesses and properties, and

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

Despite several cases of convictions of security sector personnel and ZANU-PF supporters who committed abuses, impunity continued to be a serious problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings. Police units sometimes organized or participated in political violence. Security sector impunity stemming from politically motivated abuses remained a problem but, in contrast to 2011, the government took some steps to prosecute security agents.

On March 18, police took Tenday Dzingarwi, Rufaro, and Emson Ngundu into custody on suspicion of armed robbery. The next day they were found on Bulawayo Road, each shot and killed. Police terminated the investigation and refused to disclose any information to the victims' families. Lawyers for the families filed court requests for copies of the terminated investigation's records, as well as an order to open a new investigation. The matter was pending at year's end.

On March 26, seven members of the Zimbabwe Republic Police (ZRP) stationed at Shamva Police Station attacked and assaulted civilians, resulting in the death of Luxmore Chivambo and severe or moderate injury to 11 other persons. The police, led by Inspector Aspias Shumba, suspected Chivambo of theft, forcibly entered Chivambo's house, and dragged him and others outside. Once on the street, ZRP members indiscriminately kicked, punched, and hit the civilians with batons before taking them to the police station, where the assaults continued. Police then denied the victims medical attention for 12 hours after the attacks, despite repeated

requests. Upon investigation authorities arrested Shumba and other officers, filed murder charges against them, and granted them bail. In reported retaliation police charged the victims with low-level crimes, forced them to sign “admission of guilt” statements, and pay a fine. Meanwhile, the transfer of the defendants to remote districts hindered the trial of Shumba and others; the case remained pending at year’s end.

In early September police officers in Chitungwiza, near Harare, detained and tortured Harrison Manyati over the course of several days. Manyati initially came to the station to inquire about a friend in custody for a petty theft charge, but was himself detained. When police released him four days later to his family, hospitals refused to admit him without a police report regarding his injuries. The Chitungwiza police refused to give Manyati’s family a police report incriminating their officers, although the family obtained one from Harare Central police station. Manyati died from his injuries three days later. A post mortem by a government-appointed pathologist found that his lungs were swollen, and he had bruises on his arms, wrists, shoulders, feet, and buttocks. Prior to his death Manyati told his family that at least four officers tortured him with baton sticks and booted feet while he was shackled to desks. Lawyers for Manyati’s family reported that, in an effort to protect their colleagues, police hampered efforts to upgrade the investigation to murder from the original “assault” charge.

On September 28, two army soldiers killed Trust Barwai in Marange, after Barwai refused to pay his regular bribes to the soldiers in an illicit diamond smuggling ring and also threatened to expose the soldiers’ complicity in the ring. The soldiers, Farai Muzombi and Biriam Zingori, buried Barwai after killing him. Witnesses informed the police, who arrested the soldiers. Premeditated murder charges were pending against the soldiers in the Mutare High Court at year’s end.

On October 4, police in Kwekwe arrested Blessing Matanda on suspected theft. Police found Matanda dead later that same day in a cell with bullet wounds to the chest. Police refused to investigate the death, and later transferred the officer suspected of shooting Matamba to another station. Matamba’s family filed a civil suit against the police for wrongful death. The case was pending in the High Court at year’s end.

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

Supporters of ZANU-PF were responsible for killings during the year. On May 26, ZANU-PF supporters killed Cephass Magura, the MDC-T Ward One chairman, and injured several others during the disruption of an MDC-T rally in Mudzi North. ZANU-PF parliamentarians Newton Kachepa, for Mudzi North, and Aqualinah Katsande, for adjacent Mudzi West, observed and helped facilitate the intimidation, in some cases ferrying ZANU-PF supporters to the MDC-T rally site. David Chumukoko, a local ZANU-PF councilor, also helped to facilitate the violence. While police initially refused to help the MDC-T organizers, they arrested seven perpetrators after the incident. Criminal investigations were completed, and the murder trial was pending at year's end.

On December 22, three brothers who were well-known ZANU-PF supporters killed Clever Marange, the headmaster of Nyagundi School in Marange and a known MDC-T supporter. The murder followed a public argument between Clever and his cousin Aaron Marange over mixing political partisanship with the local chieftainship. That evening the three men, known as the "Chikide brothers," entered Clever Marange's home, removed another resident, and hit Clever with an axe; he died the following morning. Police arrested the Chikide brothers but released them on December 28. Subsequently, police rearrested the brothers at a local human rights NGO's urging, and their case was pending at year's end. Chikide family members were known ZANU-PF supporters with a history of assaulting or undermining MDC-T supporters.

In contrast to 2011, the government took some steps to prosecute ZANU-PF supporters who committed abuses. Overall, however, police and the attorney general failed to arrest or prosecute senior or well-known ZANU-PF supporters.

In August 2011 suspected ZANU-PF supporters abducted Maxwell Ncube, a director of elections for the MDC-N in Midlands Province. A few days later, Ncube was found dead with a head injury apparently inflicted by an axe. According to witnesses the perpetrators were known ZANU-PF members who had previously attacked Ncube in 2008. The investigation continued at year's end.

The government took action against some state agents involved in both political and apolitical killings from 2011 and earlier. The High Court tried, convicted, and sentenced Joseph Chani and others for the murder of illegal diamond panner Tsorosai Kusena. Chani allegedly was connected with a number of other murders and assaults in Chiadzwa, a ward in Mutare District where the Mareng diamond fields are located.

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

In 2009 at least 19 citizens died as a result of injuries sustained during the political violence of 2008 that targeted opposition party members, in addition to the more than 270 who died in 2008. Members of ZANU-PF, including the party's youth militia, and individuals identifying themselves as war veterans primarily committed the killings. At year's end no one had been held legally accountable for the killings.

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

b. Disappearance

Unlike in 2011 there were only a few credible reports of politically motivated abductions and attempted abductions during the year. However, leaders of both MDC parties reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and MDC-N members, civil society members, and student leaders as part of an effort to intimidate them. Authorities rarely punished perpetrators.

Police took no action against Masvingo security agents who in 2010 abducted and tortured Alec Tabe and Godfrey Kuraune, two leaders of the Zimbabwe National Students Union (ZINASU). Tabe and Kuraune were organizing a demonstration against high examination fees at Masvingo Polytechnic. Central Intelligence Organization (CIO) agents detained and then tortured them on their chests and

genitals with a pair of pliers before leaving them at a nearby police station. Police released Tabe and Kuraune after they paid an admission-of-guilt fine.

In September the Supreme Court passed a final judgment finding that state agents tortured Jestina Mukoko and others, and that their earlier prosecution should be permanently terminated, as the state's evidence had been obtained through torture. In 2008 multiple court cases had been brought against Mukoko and 17 others (including 14 MDC-T members) for sabotage and bombing, based on evidence gathered during their abduction that year. The judgment responded to a 2009 challenge filed by seven of the defendants, who requested a ruling on the violation of their constitutional rights.

On February 8, longtime Bulawayo activist Paul Chizuze disappeared. His abandoned vehicle was found six months later at Beitbridge border post with a copy of a February newspaper in it. Police hinted Chizuze's disappearance was due to a personal matter, such as revenge for having had a secret second family. Activists and friends believed Chizuze's disappearance was linked to his research on the details of the 1980's Gukuruhundi mass killings and/or the disappearance of another activist, Patrick Nabanyama. No perpetrators were identified by year's end.

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

Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF. Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces assaulted and tortured citizens in custody, particularly perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged them with inciting public violence. Police units also organized and participated in political violence affiliated with ZANU-PF.

Human rights groups reported that physical and psychological torture perpetrated by security agents and ZANU-PF supporters continued. Torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (an improvised cattle prod); burning; falanga (beating the soles of the feet); solitary confinement; and sleep deprivation.

From January through December, according to one NGO, 289 persons sought treatment for injuries and trauma sustained from security force abuse, compared with 549 persons in 2011 and 5,051 in 2010. Observers attributed the significant reduction in violence in the last two years to a reduction in the number of national political events. Nearly 50 percent of the cases took place in Harare, and the majority of the victims were affiliated with the MDC-T.

In early October CIO agents abducted two Mpopoma, Bulawayo, MDC-T officials, Emmanuel Kambarami and Andrew Vera, from their homes. The victims were taken to the CIO provincial head office, accused of painting MDC-T slogans on a building owned by a senior ZANU-PF member, and beaten throughout the night. They reported the matter to the police, but as of year's end, investigations had not commenced. On November 29, soldiers assaulted attendees at a MDC-T meeting in Zhombe. The soldiers informed attendees they had no authority to hold the meeting, despite having police clearance. Soldiers ordered attendees to sit on the ground, and began kicking, slapping, and beating them with a stick. The soldiers forced several women in attendance to remove their MDC-T party T-shirts, rendering them partially naked and subjected them to taunting and humiliation; they then set the T-shirts on fire. A hospital subsequently treated two elderly male victims for fractures and severe soft tissue injuries.

Continuing a pattern that emerged in late 2011, authorities took action against security force members who used excessive force on detainees in 2010. In June a Bulawayo magistrate found three police officers guilty of assault during an arrest in which the officers beat a resident with a baton and a plank all over her body, including the soles of her feet, and then held her for two days without charge. In April a Kadoma magistrate convicted and sentenced five ZANU-PF affiliated youth gang members to up to two years' imprisonment for assaulting six MDC-T supporters (see section 1.d.).

Police occasionally used excessive force to disperse demonstrators, resulting in injuries. For example, on June 4, police used tear gas and batons to disperse supporters of MDC-T political detainees at a bail hearing (see section 1.d.).

Unlike the previous year, there were no reports that security forces raped women during the year.

According to a June 4 Human Rights Watch (HRW) report, "Zimbabwe: Diamond Abuses Show Need for Reforms," research in the Marange area indicated that while human rights violations by the military in the diamond fields were not as

severe as in 2008, abuses persisted. HRW reported significant concerns about the conduct of police and private security forces employed by companies operating in the area, and the failure of the authorities to hold to account members of the military, police, and private security companies responsible for serious abuses. Additionally, according to HRW diamond production, revenue, and the allocation of mining rights lacked transparency (see section 4).

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

In January Chipangano members assaulted Alex Mashamhanda, a Harare businessman and MDC-T supporter in Mbare. The gangs also targeted the victim’s business by preventing construction on an electrical substation intended to power Mashamhanda’s business, among others. In February suspected Chipangano members killed a MDC-T ward official, Shepherd Bandau, in Mbare after an altercation at a bar. On September 30, ZANU-PF supporters attacked vehicles ferrying MDC-T supporters to party celebrations in Bulawayo, badly injuring three passengers. On October 31, ZANU-PF youth broke into the home of MDC-T Midlands North Treasurer John Kinnaird. They beat Kinnaird and his wife with metal bars and a wheel spanner, stole money, and escaped. While the assault was widely reported, by year’s end an investigation had not commenced. On November 29, a Chipangano group in Mbare attacked and assaulted four MDC-T supporters attending a mourning ceremony, and significantly damaged the residence where the attacks occurred.

Throughout the year in central Harare, a ZANU-PF-aligned group known as “Mandimbandimba” assaulted citizens, including individual members of the army, as part of an extortion ring targeting commuter buses. In Kwekwe, al Shabab (not connected with the Islamist terror organization), a group reportedly linked to Defense Minister Emmerson Mnangagwa, attacked civilians, forcefully evicting shop owners from their business premises under the guise of youth empowerment.

In May local representatives and supporters of ZANU-PF began offering cheap land (belonging to the Methodist Church) in the previous MDC-T stronghold of

Epworth, Harare. Settlers who supported ZANU-PF were encouraged to intimidate the previous residents, reportedly to shift the voting balance of the community prior to elections. Organizers purposefully moved Chipangano members into parcels of land adjacent to the homes of known MDC-T representatives and succeeded in eventually outnumbering the 150 MDC-T-leaning families in the area with 750 pro-ZANU-PF families in a two-week period. The new settlers reportedly assaulted and verbally harassed the households of MDC-T supporters during the initial move into Epworth and continued to do so regularly.

Unlike in previous years, the courts took action in cases of ZANU-PF supporters accused of political violence. The Harare High Court in late March ordered the indefinite incarceration of a ZANU-PF supporter until he paid \$5,500 (the U.S. dollar is among the foreign currencies used for transactions) in compensation previously ordered by the court to an MDC-T supporter he and two colleagues had assaulted in 2006.

Prison and Detention Center Conditions

Physical Conditions: Prison conditions remained harsh, largely due to overcrowding in older urban remand facilities, although the Zimbabwe Prison Services (ZPS) made some improvements during the year. There were approximately 16,900 prisoners, including 500 women and 200 juveniles spread across 46 main prisons and 26 satellite prisons. The prison system was designed for a maximum of 17,000 prisoners. While prisons operated below capacity, NGOs reported that overcrowding continued due to dilapidated infrastructure, lengthy pretrial detentions, and prolonged trials. Prison guards occupying cells in each prison also contributed to overcrowding. Prison guards beat and abused prisoners.

Poor sanitary conditions resulted in disease, including diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Medical care, lighting, and ventilation were inadequate. There were insufficient mattresses, warm clothing, sanitary supplies, and hygiene products. Like most citizens of the country, prisoners had no access to potable water. The sale of prison farm products allowed authorities to address some shortages, and authorities provided each prisoner with two uniforms during the year.

The ZPS offered peer education on HIV/AIDS and only tested prisoners for HIV when requested by the prisoners or prison doctors. Due to inadequate facilities, outdated regulations, and the lack of medical personnel and medication, prisoners

suffered from routine medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. There were some cases of prisoners with HIV/AIDS denied access to antiretroviral drugs, and a court case was pending on the issue at year's end. NGOs also reported isolated cases of pellagra, an illness caused by a deficiency in protein and aggravated by poor lighting and ventilation.

Neither the ZPS nor NGOs provided information on the prisoner death rate during the year. NGOs confirmed that they no longer tracked death rates given the significant decrease in prisoner deaths since 2009, when an estimated 40 prisoners died monthly as a result of malnutrition and disease, particularly HIV/AIDS.

NGOs reported that female prisoners generally fared better than males. They were held in separate prison wings and were guarded by female officials. Women generally received more food from their families than male prisoners, but the 30 to 40 children under the age of three years old living with their incarcerated mothers were required to share their mothers' food allocation. Prison officials also appeared to have prioritized food distribution to women. NGOs were unaware of women reporting rapes or physical abuse, which were common among the male population. NGOs suggested that female guards may have been more diligent about protecting female prisoners from abuse or that female prisoners may not have reported abuse. Prisons, with support from NGOs, provided sanitary supplies for women. Officials did not provide pregnant and nursing mothers with additional care or food rations, but the ZPS solicited donations from NGOs and donors for additional provisions.

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

According to the ZPS, remand prisons were overcrowded, and conditions were harsh. Authorities often held pretrial detainees with convicted prisoners until their bail hearings.

Officials held many detainees in severely overcrowded police facilities. Police used cruel, inhuman, or degrading treatment or punishment against those in custody. Those detained for politically motivated reasons were kept at police

stations for days, weeks, or months while their court dates or bail hearings were pending.

Administration: There was no ombudsman for the ZPS, but there were other statutory mechanisms to allow alternatives to incarceration for nonviolent offenders. Approximately 130 social workers under the Ministry of Health and Child Welfare addressed the status and circumstances of confinement for juvenile offenders. International monitors noted the professionalism of the ZPS' recordkeeping procedures, including ensuring that prisoners did not serve beyond the maximum sentence for the relevant offense.

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

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

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

Prisoners and detainees had relatively unrestricted access to visitors, except in maximum security prisons.

Monitoring: The law provides international human rights monitors the right to visit prisons, but government requirements made such visits difficult. The ZPS was more accommodating with local groups. Church groups seeking to provide humanitarian assistance gained access. Organizations reported that their meetings with prisoners occurred without third parties present, and there were minimal restrictions on how they operated within the prisons.

Local NGOs continued to lobby the government for institutional reforms to relieve overcrowding, including alternative mechanisms to settle allegations out of court and to release prisoners who had committed only misdemeanors.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, although some laws effectively weakened these prohibitions. Despite the law, security forces arbitrarily arrested and detained persons, particularly political and civil society activists perceived to oppose the ZANU-PF party.

Role of the Police and Security Apparatus

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

Police were ill-equipped, underpaid, and poorly trained, particularly at the lower levels. Police authorities lacked sufficient fuel and resources, which reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal in the ZRP resulted in corruption and high turnover. Implicit assurances of impunity and a culture of disregard for human rights contributed to police use of excessive force in apprehending and detaining criminal suspects.

Security forces were infrequently held accountable for abuses. Senior government officials often dismissed allegations of excessive force and torture, claiming that such actions were necessary to maintain public order. Authorities routinely ignored court orders compelling investigations into allegations of abuse. ZRP leadership loyal to ZANU-PF stifled, derailed, or did not authorize the efforts of those police who sought to investigate political violence. For example, police were reluctant or refused to record reports of politically motivated violence or property destruction perpetrated by ZANU-PF-aligned individuals against political opponents, often blaming the lack of fuel for vehicles for why they could not investigate.

The continued politicization of the ZRP's upper echelons, mostly composed of war veterans loyal to ZANU-PF, made it difficult for lower ranking police to remain politically impartial or to show support for non-ZANU-PF parties. In contrast to previous years, there were no reports of police and army personnel suspected of being sympathetic to the MDCs or other political parties being threatened with demotion, suspension, incarceration, or transfer to remote areas. Most low-ranking

personnel lived in ZRP-provided housing, which allowed the monitoring of their votes during election years in certain districts.

There were several reports of corrupt police officials investigated and arrested for criminal activity during the year.

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

There were no internal or external entities to investigate security force abuse. In 2009 the National Security Council (NSC) was established to take over the role of the Joint Operation Command (JOC) in ensuring accountability of the country's security sector. The JOC consists of the army, police, prisons, and CIO. The NSC consists of representatives from the three political parties that constitute the transitional unity government, including President Mugabe as chair, Prime Minister Tsvangirai, the two deputy prime ministers, six ministers, and the security chiefs. The NSC met only four times during the year, despite statutory requirements to meet monthly; President Mugabe, however, reportedly met regularly with the JOC outside the NSC.

Between January and March, the ZRP restarted a 2007 program mandate to recruit 20,000 additional members, while the ZDF recruited 4,600 new members. To meet these recruiting goals, widespread exceptions were made for potential recruits who did not meet typical requisite academic and physical requirements. Both the ZDF and ZRF used quotas to balance ethnic group representation.

Critics of the mass hiring, including some senior government officials, questioned the change in recruitment policy, believing that it was simply a method for the ZDF and ZRP to formalize employment for politicized ZANU-PF youth. The minister of finance criticized the hiring spree for being unsanctioned by the government and contrary to a national-level hiring "freeze." When finance minister Biti threatened to freeze salaries, both the police and military undertook mass promotion ceremonies, to ensure step increases in salary among the ranks, despite ongoing austerity measures.

Security forces appeared politically biased when they repeatedly interrupted non-ZANU-PF political rallies. For example, on July 14, 2.1 infantry battalion soldiers,

based in Mutoko, interrupted an MDC-T rally there, tearing down posters and declaring that MDC-T could “never hold a rally there.” Also on July 14, 150 heavily armed soldiers tore down tents and rally supplies prior to the start of an MDC-T rally in Darwendale, more than 35 miles west of Harare, forcing the rally to be held in the nearby bush. The soldiers desisted only after direct intervention from Defense Minister Mnangagwa. On September 21, soldiers from the 2/1 battalion in Mutoko disrupted an MDC-N rally and badly injured at least six MDC-N supporters.

Police stood by without intervening on numerous occasions in which ZANU-PF-aligned individuals engaged in political violence. This occurred during the May 26 MDC-T rally in Mudzi, which ended in the murder of Cephaz Magura (see sections 1.a. and 2.b.).

Arrest Procedures and Treatment While in Detention

The law stipulates that arrests require a warrant issued either by the court or a senior police officer and that police inform an arrested person of the charges before taking the individual into custody, but these rights were not respected in practice. The law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend). Police typically made arrests on Fridays, which permitted legal detention until Monday. There were numerous reports that security forces arbitrarily arrested political and civil society activists, interrogated and beat them for information about their organizations’ activities, and then released them the next day without charge.

The law provides for bail, although the attorney general has the power to suspend bail while an appeal is lodged. High court judges at times granted bail independently. The law allows police to hold persons suspected of committing financial crimes for up to four weeks without bail. In some cases those arrested and denied bail were detained for weeks or months. In November John Muchenga applied to the Supreme Court for a permanent stay of prosecution in his 2001 murder case. Muchenga has spent 13 years in jail, with 11 of those on remand after his 2003 murder trial was interrupted. The trial remained suspended due to bureaucratic delays and deaths of key judges. The Supreme Court hearing was pending at year’s end. Unlike last year there were no cases where police continued to hold persons in jail after a judge granted bail or dropped the charges.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were

not available, especially in cases involving MDC members and civil society activists. Often authorities moved detainees overnight or on weekends from one police station or prison to another, and police refused to disclose the new location to their families and lawyers. Authorities sometimes denied family members access unless accompanied by an attorney; even then, at times, family members could be denied access in political cases. Detainees, particularly high profile detainees, often were held incommunicado. The government also continued to harass and intimidate human rights lawyers when they attempted to gain access to their clients in police custody.

Arbitrary Arrest: The government continued to use arbitrary arrest and detention as tools of intimidation and harassment, especially against non-ZANU-PF government officials, political activists, civil society members, student activists, and journalists. For example, on November 5, police raided the headquarters of the NGO Counseling Services Unit (CSU), arrested five senior staff members, released two, and then transferred the remaining three to Bulawayo on charges of vandalizing property, based on two cans of spray paint seized (used for marking cleaning equipment per health regulations). Police likely targeted CSU due to its work counseling victims of political violence and trauma, as well as reporting on political violence. Police violated laws on detention length, as well as those governing patient confidentiality; among other violations, police seized health records. Police released the remaining three on bail, and their case was pending at year's end.

On August 11, 44 members of Gays and Lesbians of Zimbabwe (GALZ) were arrested at GALZ's headquarters during a raid after the launch of a report on human rights violations against LGBT citizens in the previous year (see section 1.f.).

The government on occasion restricted human rights activists from using cultural platforms. For example, in May officials harassed and censored artists participating in the Harare International Festival of the Arts (HIFA). Security agents demanded to attend shows, and officials insisted on burdensome requirements for invited foreign artists, particularly those from countries with governments perceived as hostile to ZANU-PF. Upon arrival in Harare, officials questioned many artists regarding connections with local politics. Unlike 2011, however, HIFA organizers were neither detained nor arrested (see section 2.a.).

Pretrial Detention: Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several months before trial or sentencing due to a

critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and political reasons. For example, the 29 MDC-T activists arrested in May 2011 (“Glenview 29”) were denied bail three times. Authorities arrested two more activists in October, bringing the total charged to 31. Activists lodged a new bail application in September, and by the end of the year, police had gradually released 26 MDC-T activists on bail (including the two arrested in October). Five remained in custody after having been denied bail.

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

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but executive influence and interference remained a problem. In contrast with previous years, the judiciary demonstrated greater independence despite being under intense pressure to conform to government policies.

In August the Supreme Court upheld a high court ruling against the government, ordering President Mugabe to call for by-elections in at least three unrepresented parliamentary constituencies by September 30. The government conceded to the judgment, but twice requested the court to extend the period for compliance. On October 2, the Harare High Court accepted the government’s request and extended the period to call for by-elections to March 2013.

The government often refused to abide by judicial decisions and routinely delayed payment of court costs or judgments awarded against it in civil cases. Judicial corruption was widespread, extending even beyond magistrates and judges. NGOs reported that senior government officials continued to undermine judicial independence through a variety of methods, including giving farms and homes to judges.

Magistrates heard the vast majority of cases. In 2010 the Judicial Services Act (JSA) went into effect. The JSA transfers authority over judicial magistrates and their support staffs from the Public Service Commission to the Judicial Services

Commission (JSC), provides that the JSC determine remuneration and other conditions of service for magistrates, and provides for greater independence of magistrates. Legal experts claimed that defendants in politically sensitive cases were more likely to receive a fair hearing in magistrates' courts than in higher courts, where justices were more likely to make political decisions. In practice, however, the JSA's effect was limited during the year, particularly in rural areas. ZANU-PF sympathizers successfully used threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government's favor. Some urban-based junior magistrates, however, demonstrated a greater degree of independence and granted MDC and civil society activists bail against the government's wishes. Other judicial officers not covered by the JSA, such as prosecutors and private attorneys, also faced political pressure in politically charged cases, including harassment and intimidation.

Trial Procedures

The constitution provides for the right to a fair trial, but this right frequently was compromised in practice due to political pressure. Defendants enjoy a presumption of innocence under the law, although this right was not always respected in practice. Trials were held by magistrates or judges without juries and were open to the public, except in cases involving minors or state security matters. Assessors, in lieu of juries, could be appointed in cases in which the offense could result in a death penalty or lengthy prison sentence. Every defendant has the right to a lawyer of his or her choosing, but most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but this request was rarely granted except in capital cases, where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request free legal assistance from the Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR).

Authorities sometimes denied attorneys access to their clients, especially in cases involving MDC members or civil society activists. Defendants have the right to present witnesses and evidence on their own behalf and to question witnesses against them. In practice these rights were not always observed. Defendants and their attorneys have the right to be furnished with all government-held evidence relevant to their cases, although this right often was not respected. Conviction requires proof beyond a reasonable doubt, and the prosecution bears the burden of proof. The right to appeal against both conviction and sentence exists in all cases, and it is automatic in cases in which the death penalty is imposed. Although these

rights apply to all citizens, they often were not respected in politically sensitive cases.

Unlike in normal criminal proceedings, which proceed from investigation to trial within months, in cases of members of political parties or civil society critical of ZANU-PF, prosecuting agents regularly took abnormally long to bring accused persons to trial. As with many other cases in which government opponents are granted bail (see section 1.d.), the state does not conclude investigations and set a trial date, but instead chooses to “proceed by way of summons.” This leaves the threat of impending prosecution remaining over the accused person, with the accused being called to court, only to be informed of further delays. The prosecutors and police routinely retained material confiscated from the accused as evidence. In most cases the state is unable to present credible evidence at trial, and an accused person’s freedom is limited by the continuing threat of prosecution.

For example, in May the state called MDC-T national spokesperson Douglas Mwonzora to trial for an alleged fraud offense in 2006, only to further “postpone” the matter. Abel Chikomo, the head of Human Rights NGO Forum, attended his July 25 trial date from a case in early 2011, where he was instructed to “proceed by way of summons.” After extensive police harassment of GALZ in August and September, the organization’s leadership also was instructed that police would “proceed by way of summons.”

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

The public had fair access to the courts of law, particularly the magistrates’ courts around the country, although observers reported a few examples of physical and procedural impediments. For example, police screened persons attempting to attend the January through February inquest hearings about the suspicious death of General Solomon Mujuru by asking for national identity cards and questioning attendees on their relationship with the deceased.

Political Prisoners and Detainees

There were reports of individuals arrested for political reasons throughout the year, including MDC officials, their supporters, NGO workers, and civil society activists. Many were held for one or two days and released, while others were held for weeks or months. Political prisoners and detainees did not receive the same

protections as other prisoners or detainees, and prison authorities arbitrarily denied access to political prisoners. During the year police beat and tortured numerous political and civil society activists and student leaders while they were in detention.

For example, as of year's end, the "Glenview 29" (now 31) continued to await a bail hearing since their arrest in May 2011. Among the accused, Solomon Madzore, the president of the MDC-T Youth Assembly, was viewed by some in ZANU-PF as a major potential political threat, although he was among the 26 of the total 31 released on bail by year's end (see section 1.d.).

Civil Judicial Procedures and Remedies

Civil judicial procedures allow for an independent and impartial judiciary, but the judiciary was subject to political influence and intimidation--particularly in cases involving high-ranking government officials, politically connected individuals, or violations of human rights. Cases for which all remedies have been exhausted may be appealed to the (now suspended) Southern African Development Community (SADC) Tribunal. Lack of judicial and police resources contributed to problems enforcing domestic court orders.

Regional Human Rights Court Decisions

The African Commission on Human and People's Rights (based in Banjul, The Gambia, and mandated by the African Union) hears cases when member countries' internal remedies have been exhausted or do not exist. There were two pending cases from the country before the commission at year's end.

In 2009 the country withdrew from the SADC Tribunal after it ruled that the government had undermined the rule of law by refusing to compensate nine victims of state-sponsored political violence and torture, as ordered by the High Court in previous years. Complainants can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Although the tribunal's ruling against the government was not explicitly mentioned as a causative factor, SADC members decided in 2010 to review the role, function, and terms of reference of the tribunal. In May 2011 the SADC heads of state decided against reinstating the tribunal and gave its Council of Justice ministers and attorneys general one year to complete the review. In August SADC decided to suspend the tribunal until a new protocol that would limit the tribunal's role to resolving disputes between member states was negotiated.

In May South Africa's North Gauteng High Court ruled, under its obligations as a member of the International Criminal Court, in favor of an exiled Zimbabwean seeking to compel the South African government to investigate "crimes against humanity" carried out by current members of Zimbabwe's government in 2008. The South African Prosecuting Authority and Police Services later appealed to the High Court and lost. The ruling meant that any ZANU-PF officials implicated in the investigations would be subject to arrest if they visited South Africa; many ZANU-PF officials regularly visit South Africa for business or medical treatment.

Property Restitution

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

Overall, support has been uneven and inconsistent to households resettled from the allocated diamond mining grounds of Marange in Chiadzwa to a government-owned agricultural estate outside Mutare. As of year's end, more than 1,100 families had been relocated, dozens of which did not obtain houses. Each household was entitled to receive \$1,000 for relocation although, reportedly, only a handful received the money. The relocated households also faced numerous challenges, including lack of access to water, arable land, and employment opportunities, as well as shoddily constructed and unsafe houses. The government did not complete appraisal of the land and property lost by each family for the purpose of property restitution by year's end. An estimated 3,700 families in the diamond areas of Marange in Chiadzwa remained in limbo, without a timeframe or destination for their impending relocations, and prohibiting them from engaging in agriculture or other economic activities around the mining concessions.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions in practice. Security forces searched homes and offices without warrants or with warrants obtained under false pretenses; senior government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF; and the government forcibly displaced persons from their homes. Government entities

manipulated the distribution of government-provided food aid, agricultural products, and access to other government assistance programs to exclude suspected MDC supporters and to compel support for ZANU-PF.

On August 11, police raided the offices of GALZ, assaulting and arresting 44 GALZ members; authorities released them a day later. Police then visited the homes and workplaces of the arrested persons over the course of the following weeks, effectively “outing” them to their families and employers, resulting in some losing their homes or jobs, or being shunned by their families. A week after the initial raid, police raided GALZ’s offices again, this time removing computer equipment and files. Police reviewed the seized items for evidence to warrant prosecution (e.g., pornography or materials “promoting homosexuality”). Unsuccessful, police then informed GALZ’s leadership to “proceed by way of summons.” At year’s end GALZ was awaiting notice from the Office of the Attorney General as to whether it would be charged with illegally running a private voluntary organization, despite being a registered membership organization. The intended effect of targeting a vulnerable group (see section 6) effectively left GALZ unable to resume regular activities at its offices, due to fear of further raids.

The law permits the interception and monitoring of any communication (including telephone, postal mail, e-mail, and Internet traffic) in the course of transmission through a telecommunication, postal, or other system in the country. Civil liberties advocates claimed the government used the law to stifle freedom of speech and to target political and civil society activists.

According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the MDCs. ZANU-PF youths reportedly evicted owners and occupants and placed their party supporters in properties controlled by local councils, without paying rent, and leased market stalls to ZANU-PF cardholders only. By the end of 2011, ZANU-PF youth controlled almost all markets in Harare. In addition to markets, ZANU-PF youth expanded into the “kombi” (informal minibuses used for public transport) market, where they extorted both drivers and passengers. In September members of the police and army launched a violent crackdown on the ZANU-PF youth at bus stops across Harare, in retaliation for the youth beating a soldier. After the crackdown soldiers and members of the police force reportedly replaced the youths and extorted money from drivers themselves (see section 1.c.).

Land seizures remained a serious problem. A 2005 constitutional amendment transferred title of all land previously acquired for resettlement purposes to the

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

According to the attorney general and Ministry of Lands, every white-owned farm in the country has been gazetted (officially announced as available in state media) and is state property. According to the Commercial Farmers Union of Zimbabwe (CFUZIM), soon after a property is gazetted, it is transferred to a politically connected individual at first opportunity. The exact number of remaining white commercial farmers is unknown, although they continued to be targeted, harassed, and threatened with eviction by farm beneficiaries, unemployed youth, and individuals hired by those standing to benefit. Abuse of the land reform laws continued, with invasions and seizures of noncommercial land in the protected forests of the Bvumba in the Eastern Highlands, as well as on privately owned wildlife conservancies in Masvingo Province, with the collusion of Titus Maluleke, the provincial governor, and provincial ZANU-PF party structures and leaders.

On August 25, indigenous “partners” imposed on ranch owners in the Save Valley Conservancy (SVC) in Masvingo received a sizable share of the SVC’s hunting permits for the 2012 season from the Zimbabwe Parks and Wildlife Management Authority. The “partners” included several hard-line ZANU-PF supporters. None of the new partners had invested or provided value to the patronage-acquired SVC properties and, after complaints by longtime SVC owners and the international community, President Mugabe ordered that the problems be solved or the SVC would face the risk of nationalization.

There were reports of farmers forced off their farms at gunpoint, despite being in possession of a court order allowing them to remain on the property, and denied the opportunity to collect their personal belongings. Black farm workers on white-owned farms were beaten, intimidated, or displaced (see section 2.d.). Police, in most cases, did not intervene while invaders and looters carried on their activities,

nor did they enforce court judgments evicting squatters on illegally seized properties.

Farmer unions and NGOs believed that invasions intensified after SADC's May 2008 decision to suspend its tribunal until May 2012 (see section 1.e.). In previous years the tribunal found the government in contempt of a 2008 tribunal ruling by allowing ongoing invasions, arrests, and prosecutions of evicted commercial farmers. (In August SADC decided to suspend the functions of the tribunal until a new protocol on the tribunal is negotiated, one that limits the tribunal's scope to resolving disputes between member states. (See section 1.e.)

In September the South African Supreme Court dismissed an appeal by the government against a high court decision to allow the seizure of Zimbabwean government properties in Cape Town. Plaintiffs in the high court case sought the properties to help pay legal costs stemming from a 2008 case in which the SADC Tribunal ruled against the government's seizure of a white Zimbabwean's commercial farm. Aside from this case, no action was taken against perpetrators of land invasions, seizures of property, and attacks on farm owners and workers from previous years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

In May Hwange magistrates acquitted Moses Mzila-Ndlovu, the minister of national healing and reconciliation, due to lack of evidence. Mzila-Ndlovu had

been arrested in Lupane, Matabeleland North, in April 2011 on charges of communicating false statements after addressing a meeting to commemorate the Gukurahundi military campaign (see section 1.a.). The case of a Roman Catholic priest, Marko Mabutho Mnkandla, who was also arrested at the same event for “undermining police authority,” had not been resolved by year’s end.

Freedom of Press: The government continued to restrict freedom of the press. The Ministry of Media, Information, and Publicity (MMIP) continued to control the state-run media tightly. High-ranking ZANU-PF officials, including Information and Publicity Minister Webster Shamu, used the media to threaten violence against critics of the government. MMIP officials routinely threatened independent news organizations that criticized ZANU-PF and President Mugabe with the loss of their license.

Despite threats and pressure from the government, the number of independent newspapers continued to increase after the Zimbabwe Media Commission--which oversees media regulation, registration, and accreditation--granted more publishing licenses during the year. In June *The Observer* was granted a license but did not begin publishing by year’s end. Four independent weeklies continued to operate, and all independent newspapers continued to criticize the unity government formed under the 2008 GPA and ZANU-PF. However, newspapers also exercised self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

In contrast with previous years, the government did not use accreditation laws to prevent entry into the country of international media perceived to be critical of the government. International media outlets such as CNN, Al Jazeera, and the BBC continued to operate from within the country. Foreign journalists continued to report that government agents followed them and prevented them from covering certain news events.

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

On April 26, police arrested BBC classical music presenter Petroc Trelawny in Bulawayo and charged him with contravening the country’s immigration laws by allegedly working in the country without a work permit. Trelawny was in the country as master of ceremonies for the Bulawayo Music Festival run by the Zimbabwe Academy of Music. However, the Attorney General’s Office rejected the prosecution’s claim after the music presenter’s lawyers convinced it that he did

not violate any of the country's laws. He was summoned to court on May 30 for allegedly violating the conditions under which his visitor's entry certificate had been issued. The magistrate dismissed the case.

On September 27, police raided offices of a registered company and news agency, Afronews Media Agency, and arrested nine journalists. Officials of the Broadcasting Authority of Zimbabwe (BAZ) and Zimbabwe Revenue Authority accompanied the police. Police accused the company of gathering news and exporting it to ATV, a United Kingdom television station based in Manchester, that would then broadcast the material. The company was charged with contravening the Broadcasting Services Act, which criminalizes broadcasting without a license. However, the company was fully registered with the Zimbabwe Media Commission.

On October 17, Reporters Without Borders reported a series of arrests of journalists in the country, alleging a growing pattern by authorities of intimidation of independent, privately owned media. Reporters Without Borders cited a series of lawsuits and police incidents that occurred in September and October involving reporters from the privately owned *Daily News on Sunday*, *Daily News*, *Kariba News*, and the African Open Media Initiative (AfroMedia).

In August 2011 Zimbabwe Media Commission Chairperson Godfrey Majonga threatened to ban all foreign publications circulating in the country that had not been registered with the government-appointed regulatory body. Despite the threat several foreign-based newspapers published outside the country continued to circulate, including the South African-based *Sunday Times and Business Day*. The *Zimbabwean*, based in the UK, regularized its registration and has a registered office in Harare. These publications continued to be critical of the government.

Radio remained the principal medium of public communication, particularly for the rural majority. Two new radio stations, StarFM and ZiFM, with close links to ZANU-PF, received licenses to broadcast in November 2011 and began broadcasting in May and August. Many in the media fraternity viewed the new stations as an extension of the Zimbabwean Broadcasting Corporation (ZBC). Media, Information, and Publicity Permanent Secretary George Charamba urged the stations to be guided by issues of "National interest and the liberation struggle" in their operations. After touring the ZiFM Studios in mid August, the media quoted Information Minister Webster Shamu as hailing the launch of the station as a success for the campaign against imperialists, who had been "using the weakness of pirate radio stations to reverse the gains of the liberation struggle."

In May 2011 Minister Shamu announced that the government had procured equipment to establish eight community radio stations, with technical assistance from the ZBC. However, no community radio stations had been established by year's end.

Early in the year, the BAZ called for applications for 14 free-to-air local commercial radio licenses. Applications were due on February 29. Hearings for prospective applicants were expected in September but were not held by year's end. The application fees for the potential broadcasters were \$9,500, including an initial fee of \$2,500 and a public inquiry fee of \$7,500. On being granted a license, prospective broadcasters would be expected to pay a license fee of \$15,000 each year.

The government-controlled ZBC, the only domestically based television broadcasting station, operated two television channels. International satellite television broadcasts were available through private firms but were too expensive for most citizens. A growing number of citizens watched free-to-air satellite channels on the Wiztech decoder. A Wiztech decoder and satellite dish cost approximately \$70 and allowed access (at no monthly charge) to three SABC channels, Botswana TV, France TV, Press TV, and many religious channels. During the year Harare magistrates referred two cases of unlicensed possessors of television sets to the Supreme Court. The two defendants argued that the Broadcasting Services Act requiring individuals with television and radio sets to buy an annual license from the ZBC--whether or not the owner used it to watch ZBC broadcasts--infringed on their constitutional rights of freedom of expression, freedom of association, and protection from discrimination.

Violence and Harassment: MDC and ZANU-PF supporters assaulted journalists during the year. On July 22, alleged ZANU-PF supporters assaulted freelance photojournalist Regis Marisamhuka as he traveled to cover an MDC-T rally at Murombedzi growth point in Zvimba. Marisamhuka filed a complaint of assault and theft of a camera with the officer-in-charge at Zvimba police station. Despite a ZANU-PF official admitting confiscated the camera to delete the pictures, Marisamhuka did not recover his camera, and police made no arrests.

Security forces arbitrarily harassed and arrested local and foreign journalists who reported unfavorably on government policies or security force operations. Senior ZANU-PF officials also criticized local and foreign independent media outlets for

allegedly biased reporting that discredited President Mugabe and misrepresented the country's political and economic conditions.

On July 17, police arrested *NewsDay* photojournalist Aaron Ufumeli while he was covering a demonstration organized by the women's movement at Africa Unity Square in Harare, after he took pictures of what appeared to be a confrontation between a police officer and one of the demonstrators. Police reportedly confiscated Ufumeli's camera for approximately 20 minutes, insisting that he erase the photographs that he took; they returned his camera after he did so.

On July 23, police arrested Thomas Madhuku, a freelance journalist, and detained him at Harare Central Police Station. Police alleged Madhuku tampered with the national voters' roll and practiced journalism with an expired accreditation card.

In December 2011 police in Gwanda arrested three members of the Media Monitoring Project of Zimbabwe (MMPZ), a media watchdog, for convening a meeting in October without police approval. Officials charged the three with provoking a breach of peace in connection with the MMPZ's production of a DVD. Although reliable reports indicated that the DVD was about peace and reconciliation, police claimed it was about the Gukurahundi atrocities see section 1.a. The case was referred to the Supreme Court on February 7. Lawyers successfully applied for the removal of the three from remand on April 30 after their case challenging the constitutionality of section 33 of the Criminal Law (Codification and Reform) Act was referred to the Supreme Court.

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

The law grants the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. For example, the extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties.

On April 11, Minister Shamu summoned editors from the *Daily News* and *NewsDay* to complain about repeated reports on the state of President Mugabe's health. During the meeting, he reportedly told Tafataona Mahoso, a senior official

of the Zimbabwe Media Commission, that it was “high time” that the statutory media regulatory agency started acting on errant journalists.

Businessman Ken Sharpe, who was constructing a new shopping mall in a wetlands area in the Borrowdale area of Harare, attended that same meeting. Sharpe had complained to Shamu that he was “bringing a lot of money” to the country and did not want negative publicity. Editors from the private newspapers in attendance had reported concerns raised by the Environmental Management Authority and the Harare City Council over the environmental impact of Sharpe’s construction project.

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

On September 12, Minister Shamu repeated his threats to revoke the operating licenses of media organizations, accusing them of abusing media freedom by criticizing the country’s leadership and reporting on President Mugabe’s health. The minister said that this was the final warning. The next day, the statutory Zimbabwe Media Commission (ZMC) established a media council to regulate the conduct of journalists. The commission appointed 13 councilors to the Zimbabwe Media Council, including ZMC commissioner Henry Muradzikwa, Zimpapers CEO Justin Mutasa, ZBC CEO Hapison Muchechetere, and others drawn from state media and journalism training institutions.

Internet Freedom

The law permits the government to monitor all communications in the country, including Internet transmissions, and the government sometimes restricted access to the Internet.

For example, the government blocked Blackberry’s Internet services for Zimbabwean-registered Blackberries, including its messaging service. Because these services were encrypted, they did not comply with the Interception of Communications Act, which allows the government to intercept and monitor communications.

Despite the restrictive environment for the traditional media, Internet and mobile phone communication in the country is widely available and nominally free from government interference. However, human rights groups have noted growing efforts by the government to curb speech transmitted through information and communication technologies, as evidenced by the arrest of a man in 2011 for a comment he made on Facebook. The growth of mobile phone use has also seen an increase in Internet access by citizens overcoming some barriers that were largely infrastructural and due to low bandwidth. According to the International Telecommunications Union, 15.7 percent of individuals used the Internet in 2011.

Academic Freedom and Cultural Events

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

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

On November 19, a lecturer at Bindura University (and former CIO operative) Obediah Dodo and his student, Assistant Police Inspector Collen Musorowegomo, were arrested on charges of publishing false statements prejudicial to the state in their academic report on 2008 political violence. In June the *American International Journal of Contemporary Research* published Dodo's and Musorowegomo's report "Political Intolerance, Diversity and Democracy: Youths Violence in Bindura Urban Zimbabwe." The report highlights murder and torture of MDC-T supporters by state agents and ZANU-PF supporters. The defendants sought protection under the Academic Act, and the case was pending at year's end.

State-run universities frequently cancelled scheduled events organized by foreign embassies and refused public lectures by senior foreign diplomats. In August authorities prevented a group of visiting foreign writers from holding a scheduled workshop at Great Zimbabwe University (GZU) in Masvingo, although faculty members of GZU independently attended an off-campus alternative. The

government also denied foreign academics from countries deemed critical of ZANU-PF from assuming academic residencies at the University of Zimbabwe.

The government on occasion restricted human rights activists from using cultural platforms to criticize the ruling party, President Mugabe, or political violence. In August police attempted to cancel a foreign-funded performance of the award-winning play *No Voice, No Choice* at the Youth Cultural and Arts Festival in Masvingo but were overruled by a local magistrate who allowed the opening show to proceed; the play later was banned nationally by the Zimbabwe Censorship Board. The play's director appealed to the Supreme Court to continue shows based on an original preapproval by the censorship board (the board was not operational at year's end).

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government restricted this right in practice. The law requires that organizers notify the police of their intention to hold a public gathering--defined as 15 or more individuals--seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. The law also allows police to prohibit a gathering based on security concerns but requires police to file an affidavit in a magistrate's court stating the reasons behind the denial. Although many groups did not seek permits, other groups informed the police of their planned events and were denied permission or received no response.

In March Munyaradzi Gwisai and five others were convicted for conspiracy to commit violence and sentenced to community service in connection with a 2011 arrest for watching videos of the "Arab Awakening." In April the accused successfully applied for a suspension of their sentence, pending the determination of their appeal by the High Court. Civil suits against the state agents were pending at year's end.

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

State security actors and/or local ZANU-PF politicians played a major role in disrupting MDC-T rallies during the year. The most notable disruption occurred in

May, resulted in the killing of Cephass Magura (see section 1.a.), and involved soldiers (see section 1.d.). On July 22, in Zvimba West a disruption of a planned rally at which MDC-T Finance Minister Tendai Biti was to speak turned violent, with police unwilling to intervene. ZANU-PF supporters destroyed two MDC-T vehicles, threw rocks, and physically assaulted MDC-T supporters, seriously injuring 11 persons. The Rural District Council then acting chief reported that Minister of Local Government Ignatius Chombo ordered the cancellation of the rally; Chombo was the ZANU-PF MP for neighboring Zvimba North. On August 24, police in Mashonaland West sent MDC-T organizers a letter denying clearance for a rally two days later in that province, citing a need for rural authorities' permission, which was not legally required. These examples of disruptions of MDC-T rallies were not new, but as the party tried to increase the frequency and geographic reach of its rallies, the disruptions occurred with similar frequency.

Security forces also broke up and arrested organizers of sanctioned rallies that were perceived as overtly critical of government officials or state organs. On July 4, in Masvingo, police and the CIO dispersed a rally for peace and remembrance of 2008 violence organized by a youth-oriented NGO, Community Tolerance Reconciliation and Development (COTRAD). When COTRAD organizers produced their clearance letter from the police, CIO agents tore it up. Police arrested senior COTRAD members; eventually, police released all on bail that month.

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

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

Although the government harassed university student unions for protesting against increased tuition fees, arrests of student demonstrators declined significantly during the year.

Freedom of Association

The constitution and law provide for freedom of association, but the government restricted this right in practice. Although the government did not restrict the formation of political parties or unions, security forces and ZANU-PF supporters continued to interfere with their activities during the year. ZANU-PF supporters,

sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with other political parties. Suspected security force members visited the offices and inquired into the activities of numerous NGOs and other organizations believed to oppose government policies. Organizations generally were free of governmental interference only if the government viewed their activities as apolitical.

c. Freedom of Religion

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

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

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

In-country Movement: Police made in-country movement difficult by regularly mounting checkpoints nationwide along most major routes; within urban areas a single road could have several roadblocks in the span of a few miles. Despite court injunctions against “on-the-spot” fines, police charged for minor offenses ranging from five to several hundred U.S. dollars, and demanded immediate payment. For example, the 19-mile-long Seke Road that leads from Chitungwiza into the center of Harare regularly had five police stops. Public transport vehicles (kombis) were always targeted, and kombi operators passed the cost to commuters.

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

Foreign Travel: The registrar general continued to deny passports to citizens based on his interpretation of the Citizenship Act, which requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain Zimbabwean citizenship. The act also revokes the citizenship of persons who fail to return to the country in any five-year period. In 2002 the High

Court ruled that this interpretation did not take into account that persons are not automatically assured foreign citizenship merely because their parents were born in a foreign country, as some countries require persons to confirm their citizenship, in which case they could be rendered stateless. The court further held that it is incorrect to presume that, when persons have a parent or parents born out of the country, they are citizens of the other country by descent. Additionally, some countries, including countries in southern Africa, do not have a means to renounce citizenship. Independent groups estimated that as many as two million citizens may have been disenfranchised by the law, including those perceived to have anti-ZANU-PF leanings, such as the more than 200,000 commercial farm workers from neighboring countries and approximately 30,000, mostly white, dual nationals. During the 2008 elections, some persons were denied the right to vote--despite having voted previously--because they could not adequately demonstrate their citizenship.

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

Citizenship: The government deprives some sectors of the population of citizenship rights. Descendants of persons originally from SADC countries must fulfill complex and burdensome procedures to renounce the citizenship of the country of the parents' origin before being registered as Zimbabweans, essentially renouncing a citizenship that was never possessed. National identity documents eventually issued to such persons classify them as aliens, which disqualifies them from voting. Most affected persons were among the population of displaced former commercial farm workers.

Internally Displaced Persons (IDPs)

According to the Internal Displacement Monitoring Center's 2009 estimate, approximately 600,000 persons remained displaced as a result of government policies, including state-sponsored election-related violence, land reform, and Operation Murambatsvina (the government's evictions of citizens from nonfarming areas in 2005). According to a 2010 assessment, Murambatsvina was the cause of displacement for approximately one-third of the IDPs. More recent estimates were unavailable due to the government's sensitivity on the issue; until 2009 the government denied the existence of any IDPs.

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

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

Coordination on IDP issues improved greatly during the year with central, provincial, and local governments engaging in mutual dialogue and with international organizations.

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

Restrictions sometimes occurred at the local level, notably in ZANU-PF strongholds like Mudzi and Bikita. Local officials charged that some NGOs advocated regime change (see section 5). In July local government officials threatened to shut down the teams conducting surveys in Mutasa for an international aid organization, despite previous cooperation. Contractors and NGOs independent of the government that carried out food security and other assessments faced challenges in accessing certain rural districts. In isolated cases local authorities advised organizations against traveling to farms involved in ownership disputes, where workers might be at risk.

In February the governor of Masvingo attempted to ban 29 NGOs, which had not secured written agreements with provincial or district officials, from operating in

that province. As a result one international NGO was not permitted to distribute one month of humanitarian food assistance. The UN World Food Program intervened and was able to provide assistance to this district; however, security agents reportedly questioned aid recipients afterwards about whether aid workers also interviewed them.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the UNHCR, the country hosted approximately 4,900 refugees and asylum seekers during the year.

Refugee Abuse: The government maintained a formal encampment policy requiring refugees to live at the Tongogara refugee camp. However, as many as one-fifth of refugees lived in Harare at year's end. Refugees living in urban areas without the permission of the government remained at risk of arrest and return to the refugee camp. There were reports of arrests and returns to the camp during the year and also reports of police extorting refugees with threats of arrest. There were also several cases of criminal allegations against other refugees. The UNHCR assisted such refugees in obtaining access to legal representation. With the assistance of the International Organization of Migration, the government established the Nyampanda Transit Center, where new arrivals, including those arriving in mixed migratory population movements, were processed before being sent to Tongogara. This obviated detention of asylum-seekers upon entry.

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

Access to Basic Services: Refugees in the Tongogara camp were provided access to very basic services and accommodation. The UNHCR operated a transit center in Harare to host refugees from Tongogara with serious protection problems or those in the process of resettlement interviews. The government's encampment policy--which also applied to the UNHCR transit center--posed limitations on refugees' freedom of movement and ability to earn a livelihood. In some cases the government informally allowed refugees with special needs to live in urban

centers. The government granted work permits to a few refugees, primarily those with special skills.

Durable Solutions: While the government did not accept refugees for resettlement from third countries, it facilitated the voluntary repatriation of refugees to their home countries by recognizing the Voluntary Repatriation Declaration Form as a valid document for travel purposes.

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

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

Elections and Political Participation

Recent Elections: International observers characterized the March 2008 harmonized presidential, parliamentary, and local elections and the June 2008 presidential runoff as neither free nor fair. The results of the March presidential race were not released for more than a month, calling into question the credibility and independence of the Zimbabwe Electoral Commission (ZEC). When the tally was released, Tsvangirai had obtained 47.9 percent of the vote, while Mugabe had obtained 43.2 percent. Since neither President Mugabe nor MDC-T candidate Tsvangirai secured the 50 percent-plus-one needed to win outright in the March 2008 presidential election, a runoff election was set for June. While the March election was generally peaceful, violence and intimidation perpetrated by members of the security sector and ZANU-PF officials and their supporters in the months leading to the June runoff resulted in 270 confirmed deaths, thousands of injuries, and the displacement of tens of thousands of persons. In the wake of the violence, Tsvangirai announced that he would not contest the runoff election. Nevertheless, the government held the election, and in June 2008 the ZEC announced that Mugabe had won with more than 85 percent of the vote; he was inaugurated immediately. Following domestic and international protests over Mugabe's inauguration, ZANU-PF and both MDC parties resumed negotiations, with former South African President Thabo Mbeki as lead SADC mediator. In September 2008, Mugabe, Tsvangirai, and former MDC-M party leader Arthur Mutambara signed the GPA, a power-sharing agreement, to establish an "inclusive" government. Under the GPA Mugabe retained the presidency, Tsvangirai became

prime minister, and Mutambara became deputy prime minister. In a significant shift, the two MDC parties gained a parliamentary majority. In January Welshman Ncube replaced Mutambara as the head of the smaller party, and the previously denoted MDC-M became the MDC-N as a result of a party congress vote; however, Mutambara remained deputy prime minister.

In the weeks preceding the March 2008 elections, the registrar general and the ZEC did not ensure an open inspection of voter rolls until they were compelled to do so by a court order. According to a local NGO that examined voter rolls, there were numerous attempts to register voters at ghost addresses, multiple registrations of the same person in different constituencies, and an improbable number of registered voters over the age of 90.

Numerous restrictions were imposed on non-ZANU-PF party candidates. Although Tsvangirai was allowed to campaign, police did not permit the MDC-T to hold all of its planned rallies, and some MDC-T activists were intimidated and beaten in the weeks before the March election. Foreign journalists were not granted permission to cover the election. The domestic media heavily favored Mugabe.

While the country did not allow citizens of most Western countries to observe the June elections, it allowed election observer missions from three African groups: the Pan African Parliament, the SADC, and the African Union. Each group subsequently issued statements critical of the elections, as did the leaders of a number of neighboring countries, including Botswana and Zambia.

Due to a government policy shift from the first round, the Zimbabwe Election Support Network (ZESN) and other domestic observers faced significant obstacles that prevented them from observing the June election. The government greatly reduced the number of accreditations from more than 8,600 in the harmonized election to 500 in the presidential runoff. Observers charged that the reduction of accreditations was designed to curtail the ability of civil society to monitor the election, especially polling.

The GPA mandated the writing of a new constitution. The outreach process to solicit public input was completed in October 2010, despite reported intimidation, disruption, harassment, arrest of MDC-T parliamentarians and supporters, and pre-coaching conducted by ZANU-PF supporters. In July the Constitutional Parliamentary Committee produced a draft constitution signed by all GPA parties.

The process of adoption by a Stakeholders' Conference and then parliament continued at year's end.

President Mugabe continued to make unilateral decisions without consulting the other two principals in the government, as required by the GPA.

Political Parties: Although the constitution allows for multiple parties, elements within ZANU-PF and the security forces intimidated and committed abuses against other parties and their supporters and obstructed their activities. The government routinely interfered with MDC-T-led local governments.

Participation of Women and Minorities: Women remained largely underrepresented in local and national politics, and the most senior positions in the public sector were overwhelmingly held by men. Twenty percent of ministers and 9 percent of deputy ministers were women, and two of 10 provincial governors were women. Of the 270 elected positions in the House of Assembly and the Senate, women filled 55, constituting 21 percent of the total. While one of each of the two vice presidents and deputy prime ministers were women, 74 percent of the powerful permanent secretaries and principal directors in all government ministries were men. One of the six members of the GPA negotiating team was a woman.

The same pattern existed for rural and urban councils. According to 2009 estimates, the country had a 10 percent female participation rate in local government, with a corresponding 20 percent in parliament. Men also dominated the judiciary, with less than a third of Supreme Court and high court judges being women, as well as a minority among judicial officers (for example, prosecutors) in lower courts.

The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations.

There were 11 members of minority groups in the cabinet, including Deputy Prime Minister Thokozani Khupe and Vice President John Nkomo. There were 46 members of minority groups in the House of Assembly, including three white members.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption occurred at every level of the police force but took different forms depending on position, rank, or location. At the lower levels, corrupt officers extorted nominal to exorbitant fines from the public for varying claimed offenses to augment their low salaries. Armed police routinely erected roadblocks, claiming to be looking for criminals, smuggled goods, and food. In many cases police arbitrarily seized goods for their own consumption or extracted bribes from commuters.

Implementation of the government's redistribution of expropriated white-owned commercial farms often favored the ZANU-PF elite and continued to lack transparency. High-level ZANU-PF officials selected numerous farms and registered them in the names of family members to evade the government's policy of one farm per official. The government continued to allow individuals aligned with top officials to seize land not designated for acquisition. Public officials were not subject to financial disclosure laws.

There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military. There were reports that the government assigned soldiers and youth service members to work in government ministries, including in August during well-publicized attempts by soldiers to take census counter jobs usually reserved for teachers. Teachers in Hurungwe who supported the MDC-T were removed from the list of enumerators and replaced by persons perceived as either politically neutral or as known ZANU-PF supporters. The government appointed senior military figures aligned with ZANU-PF to the managing boards of state-owned enterprises like the National Railways, the Grain Marketing Board, and several diamond-mining ventures.

It remained common for ZANU-PF Minister of Local Government Ignatius Chombo to appoint ZANU-PF supporters to bureaucratic positions in MDC-T-led local governments. City public administrators reportedly earned hugely inflated salaries. Chombo continued to dismiss and suspend elected MDC councilors from the various city councils and replace them with ZANU-PF members, as in the cases of the MDC-T mayor of Chinhoyi and his deputy, and Gwanda's former

MDC-N mayor. In most rural areas, the government appointed ZANU-PF activists as “special interest” councilors.

Unqualified persons employed by the Public Service Commission remained on the state payroll. The majority served as Youth and Gender Officers in various ministries and other public entities. According to the most recent audit, approximately 75,000 of the 188,000 civil servants in the Public Service Commission did not have the requisite minimum qualifications, and only 86,000 civil servants possessed the requisite qualifications for their designated positions. Almost 14,000 on the payroll were retired, deceased, absconded, transferred, or otherwise absent from their place of employment. The audit also uncovered duplicate personally identifiable information and files missing required documentation.

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

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted MDC-T officials, persons who had fallen out of favor with ZANU-PF, and individuals without high-level political backing. The law does not require income or asset disclosure by elected or appointed officials. While government policy requires officials to disclose interests in transactions that form part of their public mandate, in practice this was not enforced.

The Anti-Corruption Commission investigated and arrested low-level politicians in all political parties. In February officials arrested parliamentarians Franco Ndambakwa (ZANU-PF), Marvellous Khumalo, Cleophas Machacha, and Albert Mhlanga (all MDC-T) for misusing constituency development funds, and criminal investigations were ongoing at year’s end. Some observers dismissed the arrests, citing the failure by the commission to investigate and arrest senior politicians implicated in corruption cases.

During the year a magistrate acquitted former MDC-T Harare city councilors Casper Takura and Warship Dumba, who were arrested for criminal defamation (and later fired in retaliation) for their involvement in a 2010 report that exposed illegal business dealings between Minister Chombo and Mugabe relative Phillip Chiyangwa.

Citizens were generally unable to access government information. The government stated that the AIPPA was intended to improve public access to government information; however, the law contains provisions that restrict freedom of speech and press, and these elements of the law were the ones the government enforced most vigorously.

In June UK-based NGO Global Witness released a report, “Financing a Parallel Government?” The report documented how the CIO had received off-budget financing from Sam Pa, a Hong Kong-based businessman, and how members of the CIO were directors of a group of companies, Sino Zimbabwe Development, registered in Zimbabwe, Singapore, and the British Virgin Islands. The report also documented how a military lawyer owned half of Anjin Investments (Pvt) Ltd, the biggest diamond company in the Marange diamond fields, on behalf of the Ministry of Defense. Members of the CIO have been repeatedly identified as perpetrators of violence (see sections 1.a. and 1.c.), and the report concluded that Sam Pa’s apparent material assistance helped to fund human rights abuses.

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

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Such groups were subject to government restrictions, interference, monitoring, confiscation of materials and documentation, and harassment. Major domestic independent human rights organizations included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZESN, ZLHR, Zimbabwe Peace Project, the NGO Zimbabwe Human Rights Organization (ZimRights), National Constitutional Assembly, Students Solidarity Trust, and Women of Zimbabwe Arise.

The government harassed NGOs it believed would expose abuses by government personnel or which opposed government policies and continued to use government-controlled media to disparage and attack human rights groups.

Articles typically dismissed the efforts and recommendations of NGOs that criticized the government and charged that their real agenda was regime change.

Police arrested or detained local NGO members and harassed their leaders, often in connection with NGO meetings or demonstrations. During the year security forces beat during arrest and tortured several NGO members while in custody (see section 1.d.).

Police and the CIO regularly followed and harassed researchers working with international and local human rights organizations. In July the CIO detained a team of international human rights researchers in the airport and interrogated them on their activities and travels, seizing their written notes and computers. The agents released the computers after they copied certain files to thumb drives. In late September a human rights researcher with an international organization had her camera and data cards removed from checked luggage upon departure from the country, with another data card wiped clean and left behind.

Unlike in previous years, there were no reports that police seized radios.

Government Human Rights Bodies: The bill enabling the national Human Rights Commission (HRC) was signed into law in October, despite commissioners having been appointed since 2010. In December the chairperson for the HRC resigned, citing a lack of resources and legislative enforcement mechanisms necessary for the commission to fulfill its mandate.

The constitution provides for a public protector, whose mandate is to investigate injustices or offenses committed by state actors where remedy may be available through the courts. The office has been consistently incapable of addressing human rights cases, and the public is generally unaware of both the office and its mandate as a means of recourse.

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

The constitution and law provide that no person can be deprived of fundamental rights, such as the right to life, liberty, and security of person, based on one's race, tribe, place of origin, political opinions, color, creed, gender, or disability. Nevertheless, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities persisted. The government and ZANU-PF continued to infringe

on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

Women

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

The government media frequently published stories criticizing rape and reporting convictions. However, police seldom acted on reported rape cases if the perpetrators were aligned with ZANU-PF or if the rape was used as a political tool against non-ZANU-PF members, as occurred during the 2008 election.

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

In 2010 two adult rape clinics (alternatively known as “one-stop centers”) were created in public hospitals in Harare and Mutare. The clinics were designed to receive referrals from the police and NGOs and to administer HIV tests and provide medicines to prevent HIV infection, other sexually transmitted diseases, and pregnancy. The clinics could collect evidence and give medical examinations that could be used for court processes. Some private clinics provided medical and psychological support to victims of rape and provided referrals to the police and judiciary.

The law criminalizes domestic violence, which was a serious problem, especially wife beating. Domestic violence is punishable by a fine and a maximum prison sentence of 10 years, but authorities generally considered domestic violence to be a private matter and usually arrested an offender only if there was physical evidence

of abuse. Most cases of domestic violence went unreported, due to traditional sensitivities, victims' fear of abandonment without support, and police reluctance to intervene. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes.

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

The government continued a public awareness campaign against domestic violence. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence, as well as shelters and counseling for women. However, the high turnover rate within the police force demanded a continuous level of training that could not be met. While public awareness increased, other problems emerged. For example, the police form required to report domestic violence was difficult to complete, and victims were often required to make their own photocopies due to police budgetary constraints. The law requires victims of any form of violence to produce a police report to receive any treatment at government health facilities. This requirement prevented many rape victims from receiving necessary medical treatment, including post-exposure prophylaxis to prevent victims from contracting HIV. In December the Judicial Commission launched a Revised Protocol on Sexual Abuse and Violence, which details the roles and responsibilities of 11 government entities with regard to sexual violence.

Sexual Harassment: Labor legislation prohibits sexual harassment in the workplace, and an employer may be held liable for civil remedies if found to be in violation of provisions against "unfair labor practices," including sexual harassment. The law does not specify penalties for these violations. Women commonly faced workplace sexual harassment, government enforcement was not effective, and there were no reports of any prosecutions during the year.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Inadequate medical facilities, including a lack of electricity and medication, contributed to a high maternal mortality ratio of 790 deaths per 100,000 live births. HIV/AIDS disproportionately affected females and was the major contributing

factor to maternal deaths in the context of a weakened health delivery system. According to the UN Population Fund's 2011 State of the World's Midwifery Report, as well as Zimbabwe's Demographic and Health Survey 2010-11, 60 percent of women who were married or in a domestic union used modern methods of contraception. Skilled attendants attended approximately 86 percent of urban and 58 percent of rural births, while 40 percent of rural women gave birth at home. Approximately 90 percent of women received prenatal care during pregnancy at least once. No information was available on whether women were equally diagnosed and treated for sexually transmitted infections.

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

In May the Group of 20 (G20) was formed from a broad coalition of women's rights advocacy and political organizations to help consolidate women-centered strategies into national politics. Their recommendations for the draft constitution included enshrining gender as a protected class with freedom from discrimination, and specific labor and socio-economic rights. The G20 also called for removal of a subsection that protected "culture" as a permissible basis for discrimination, noting that certain social and cultural patterns were inherently patriarchal and therefore discriminatory to women.

The law recognizes a woman's right to own property, but very few women do because of patriarchal inheritance rights under customary practice. Less than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights. Women have the right to register their children's births, although in practice either the fathers or male relatives must be present.

Women and children continued to be adversely affected by the government's forced evictions, demolition of homes and businesses, and takeover of commercial farms. Many widows who earned their income in the informal economy or by renting cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas, and sometimes were "inherited" into marriages with an in-law after the deaths of their spouses.

The Ministry of Women's Affairs, Gender, and Community Development continued its efforts to advance women's rights. The ministry, through collaboration with local NGOs, continued training workshops for traditional leaders in rural communities to create more awareness of women's issues. The government gave qualified women access to training in the armed forces and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry.

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

Several women's rights groups concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS. The government established the National AIDS Trust Fund to levy a 3 percent tax on incomes of individuals in formal employment and corporate entities to assist AIDS victims.

Children

Birth Registration: Citizenship is derived from birth in the country and from either parent, and all births are to be registered with the Births and Deaths Registry. According to this year's government-led Demographic Health Survey (DHS) 17.7 percent of children under two years old had a birth certificate and 39 percent had their births registered. The numbers increased with children's age; 40.2 percent of children ages two to four had birth certificates and 56 percent had their birth registered. Children in urban households were more likely to have their birth registered than were children in rural households. The highest proportion of registered births was in Bulawayo and the lowest in Masvingo. Richer households were more likely than poor households to register children's births. Reasons for failure to register births included the birth occurring outside of a hospital, fathers being absent or lacking time to register, parents not having a national identity card

or birth certificate, the high cost of registration, and distance from a place of registration. Many orphaned children were unable to obtain birth certificates. Lack of birth documentation impeded access to public services, such as education and health care, resulting in many children being unable attend school and increasing their vulnerability.

Education: Primary education is not compulsory, free, or universal. According to the annual DHS 94 and 90 percent of female and male children ages 10 to 14, respectively, attended primary school. School attendance was only slightly higher in urban than in rural areas. However, enrollment for older children was in decline. According to the 2005-10 UNICEF Situational Analysis of Women's and Children's Rights in Zimbabwe, examination pass rates were dropping, and 50 percent of students ceased attending school after grade seven, primarily girls. Increasing school fees were the main reason for lack of attendance, and girls were more easily able to obtain work as domestic workers than their brothers. Despite a directive from the Ministry of Education that no child should be refused education for not paying school fees, there were reports that schools turned away students with unpaid fees.

In 2011 the Ministry of Labor launched Phase II of its National Action Plan for Orphans and Vulnerable Children. Phase II includes a focus on equity and access to quality education for children. It aims to assist 80,000 persons, including providing protection services to 25,000 children. The policy prescribes a three-pronged approach to assisting at-risk children, including providing child protection and health services, delivering conditional cash transfers, and continuing BEAM.

Child Abuse: Child abuse, including incest, infanticide, child abandonment, and rape, continued to be serious problems. According to Childline, an NGO that ran a crisis hotline for children, they received nearly 834,000 calls during the year, compared with 516,000 calls in 2011, 250,000 calls in 2010, and 116,000 calls in 2009. Most of the substantive calls concerned sexual and physical abuse, generally inflicted by a relative or someone who lived with the child. Approximately twice as many girls reported abuse as boys. Childline attributed the increase in calls to the hotline being more available to children, improved telephone access with upgraded mobile phone signals across the country, and the expansion of its community-based drop-in centers. Girl Child Network reported that girls believed to be virgins were at risk of rape due to a lingering belief that having sex with a virgin would cure men of HIV/AIDS. According to the 2011 National Baseline Survey on Life Experiences of Adolescents Preliminary Report (NBSLEA), approximately 9 percent of girls and just under 2 percent of boys between 13 and

17 years old reported experiencing sexual violence in the previous 12 months. Older adolescents between 18 and 24 years old reported that one-third of females and nearly one-tenth of males experienced sexual violence during childhood. The NBSLEA defined sexual violence as unwanted sexual touching, unwanted attempted sex, physically forced sex, and pressured sex.

It is legal for parents and schools to inflict corporal punishment on boys. The NBSLEA reported that 47.8 percent of women and 60.0 percent of men 18 to 24 years old experienced physical violence from a parent or adult relative. The same survey showed that 47.3 percent of females and 57.6 percent of males 18 to 24 years old experienced physical violence from an adult authority figure.

Government efforts to combat child abuse continued to be inadequate and underfunded. The country had a ratio of one social worker per 50,000 children.

Child Marriage: Despite legal prohibitions families continued to force girls to marry, primarily among the rural population. Families gave young women to other families in marriage to avenge spirits, as compensatory payment in interfamily disputes, or promised to others--sometimes before birth--to ensure economic protection for the family. According to her family, in May a 14-year-old Bikita girl was given in marriage to a 15-year-old boy to “appease vengeful spirits” from a past murder involving members of the two families.

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

Sexual Exploitation of Children: Statutory rape, legally defined as sexual intercourse with a child under the age of 12, carries a fine of \$2,000, imprisonment for up to 10 years, or both. A person in possession of child pornography can be charged with public indecency and face a fine of \$600, imprisonment up to six months, or both. Child prostitution carries a fine of \$200, imprisonment for up to six months, or both. Those charged with facilitating the prostitution of a child often were also charged with statutory rape. A parent or guardian who causes or

allows a child under age 18 to associate with or become a prostitute can face up to 10 years in prison. Girls from towns bordering South Africa and Zambia were subjected to prostitution in brothels that catered to long-distance truck drivers.

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

Orphaned children were more likely to be abused; not enroll in school; suffer discrimination and social stigma; and be vulnerable to food insecurity, malnutrition, and HIV/AIDS. Some children were forced to turn to prostitution for income.

The UNICEF 2005-10 report stated that government support of the poor "suffered from a severe lack of human and financial resources in the last decade," and was "in urgent need of review and revival to meet the growing needs of children."

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

Anti-Semitism

The Jewish community numbered approximately 270 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services, including education and health care. Nevertheless, government institutions did not widely know or implement the law, which does not specify physical, sensory, mental, or intellectual disabilities. The lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with

disabilities, but implementation was slow. NGOs continued to lobby to include persons with albinism in the definition of “disabled” under the law. Persons with disabilities faced harsh societal discrimination and exclusion, as well as poor service delivery from state bodies. For example, the National Council for the Hard of Hearing reported that access to justice in courts was compromised for the hearing impaired due to a lack of sign-language interpreters.

Most people holding traditional beliefs viewed persons with disabilities as bewitched and, consequently, as persons who should be locked away. Families often hid children with disabilities when visitors arrived.

Educational institutions discriminated against children with disabilities. The unavailability of essential services, including sign language interpreters, Braille materials, and ramps, prevented children with disabilities from attending school. Many schools refused to accept children with certain disabilities.

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

Government programs like Basic Educational Assistance Module (BEAM), intended to benefit children with disabilities, failed to address adequately the root causes of the systematic exclusion of disabled children. For example, despite BEAM’s provision that all children with disabilities are eligible for educational assistance, in Manicaland province it only paid fees for 13 percent of deaf children.

Persons with mental disabilities also suffered from inadequate medical care and a lack of health services. There were eight centralized mental health institutions in the country with a capacity of more than 1,300 patients, in addition to the three special institutions run by the ZPS for long-term patients and those considered dangerous to society. Inpatients in the eight centralized institutions received cursory screening, and most waited for at least one year for a full medical review. A shortage of drugs and adequately trained mental health professionals resulted in patients not being properly diagnosed and not receiving adequate therapy. There were fewer than 10 certified psychiatrists working in public and private clinics and teaching in the country. There was a 50 percent vacancy rate for psychiatric-trained nurses. The mental institution in Bulawayo provided more than 90 percent of the available psychiatric services. NGOs reported that patients were subjected to extremely poor living conditions due in part to shortages of food, water,

clothing, and sanitation. Budgetary constraints and limited capacity at these institutions resulted in persons with mental disabilities being kept at home and cared for by family, normally in chains and without treatment.

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

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

National/Racial/Ethnic Minorities

According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites and Asians less than 1 percent, and other ethnic groups 3 percent. There was tension between the white minority and other groups, which ZANU-PF leaders often manipulated to further their political agenda. Historical tension between the Shona majority and the Ndebele minority resulted in marginalization of the Ndebele by the Shona-dominated government.

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

None of the provisions or timelines in the 2008 indigenization law were enforced during the year, and no businesses were forced to transfer ownership. The law defines an indigenous Zimbabwean as any person, or the descendant of such person, who before the date of the country's independence in 1980 was disadvantaged. The official purpose of the indigenization law was to increase the participation of indigenous citizens in the economy, with the ultimate objective of at least 51 percent indigenous ownership of large businesses. Legal experts criticized the law as being itself unfairly discriminatory and a violation of the constitution. Critics also said that the real purpose of the law was to create patronage for ZANU-PF.

Historically, the government has discriminated against language minorities through the Education Act, which mandates the teaching of English in schools, along with Shona or Ndebele, depending on the region. In 2001 other minority language groups (Tonga, Shangani, Kalanga, Suthu, Venda, and Nambya) formed the Zimbabwe Indigenous Languages Promotion Association (ZILPA) to petition the government for legal reforms so that their languages could be taught in their schools. In 2008 the government agreed to allow the teaching of these languages in the areas in which they were spoken, along with English and Shona or Ndebele. The government did not provide resources for related teacher training or instructional materials. Nonetheless, the Tonga successfully developed curriculum and instructional materials to cover the seven years of primary school education. In 2009 officials from the Ministry of Education, Sport, Art, and Culture met with ZILPA and agreed to support its request for funding to teach all minority languages; however, schools lacked the necessary materials to teach minority languages.

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

According to the country's criminal code "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act" carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of charges being brought to prosecute consensual same-sex sexual activity. Common law prevents gay men and, to a lesser extent lesbians, from fully expressing their sexual orientation. In some cases it criminalizes the display of affection between men.

Leadership in both ZANU-PF and MDC-T, including President Mugabe and Prime Minister Tsvangirai, have publicly criticized the LGBT community and warned against the inclusion of LGBT rights in the constitution. In 2011 Mugabe publicly blamed the LGBT community for Africa's ills and declared its members to be worse than "pigs and dogs." In February Mugabe said that same-sex marriage was "insanity" and "satanic." However, in an apparent shift of position, Tsvangirai declared in a 2011 press interview that LGBT rights were a human right that should be enshrined in the country's new constitution.

Members of GALZ, the primary organization dedicated to advancing the rights of the country's LGBT community, experienced assault, harassment, and discrimination.

The significantly increased harassment and scrutiny of GALZ by the government was, as in years past, attributed to political machinations surrounding the constitution-making progress. In February the cochairs of the Constitution Select Committee, representing all major parties, specifically opposed antidiscrimination clauses for gays and lesbians in any new draft. LGBT activists who sought sexual orientation as a protected class eventually settled for language offering a “right to privacy.”

Religious leaders in a society that was traditionally conservative and Christian espoused and encouraged discrimination against LGBT individuals. In May Tom Deuschle, the founder of the largest Pentecostal church in the country, Celebration Ministries, said “[legalizing homosexuality] is an insult to the respect that we are supposed to show God. We can’t respect what is dishonorable. We love them but what they are doing is a sin...an abomination.”

In contrast to GALZ, the Bulawayo based Sexual Rights Center, an organization similarly dedicated to advancing the rights of “sexual minorities,” faced minimal harassment.

LGBT individuals reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their LGBT members to “corrective” rape and forced marriages to encourage heterosexual conduct. Such crimes were rarely reported to police. Women, in particular, were subjected to rape by male family members. LGBT persons often left school at an early age due to discrimination and had higher rates of unemployment and homelessness. Many persons who identified as LGBT did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them.

Other Societal Violence or Discrimination

Inexplicable disappearances and murders, sometimes involving mutilation of the victim, often were attributed to customary or traditional rituals, in some cases those in which a healer requested a human body part to complete the required tasks. The police generally rejected the “ritual killing” explanation, despite it being commonly used in society and the press. In September there were confirmed reports of at least seven murders near Harare, initially identified as “ritual killings.” Villagers and police found the bodies of Clemence Pareriwa Jonasi, Macheke Marongedze, Cephas Muchenje, Wainitani Tsoka, Cephas Dewa, and Gerald Masawi at various locations in Domboshava; some of the bodies were

mutilated. A criminal investigation was pending at year's end, and several suspects were arrested. In late 2011 and early in the year, Masvingo residents also reported a serious of unsolved disappearances of young children, some of whom were later found murdered, as connected to "ritual" practices.

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

Despite the government's agreement in the 2006-07 Presidential HIV/AIDS Strategic Plan to address the problem of HIV/AIDS among gay men, no action had been taken to address the health needs of this population by year's end.

Promotion of Acts of Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides private sector workers with the right to form or join unions, conduct legal strikes, and bargain collectively. However, these rights were abrogated by other provisions of law. The law gives the registrar of the Ministry of Labor (MOL) the power to supervise the election of officers of workers' and employers' organizations, to cancel or postpone elections, and to change the venue of an election. The law grants the minister of labor extensive powers to regulate union activities. For example, the minister has the authority to appoint an investigator who can, without prior notice, enter trade union premises, where any person employed can be questioned and any books, records, or other documents can be inspected and copied, or to veto collective bargaining agreements perceived to be harmful to the economy. The law encourages the creation of workers' committees in enterprises where less than 50 percent of workers are unionized. The workers' committees exist in parallel with trade unions. Their role is to

negotiate on shop floor grievances, while that of the trade unions is to negotiate on industry level issues, notably wages. (The existence of such a parallel body was regarded by trade unions as an arrangement that employers could potentially use to undermine the role of the unions.) Public sector workers are governed by a different law. They are not allowed to form and join trade unions, but instead may form associations that can bargain collectively and strike without notice.

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

Collective bargaining agreements applied to all workers in an industry, not just union members. Agreements reached by employers and employees must be gazetted by the MOL to go into effect, although in practice workers and employers can come to a binding agreement outside of gazetting. The law prohibits antiunion discrimination, provides that the labor court handle complaints of such discrimination, and may direct that workers fired due to such discrimination be reinstated. There are no export processing zones. Migrant workers can join unions if they work in industries for which there are unions, and their rights are covered. Domestic workers are unionized and are protected by labor laws.

Due to a shortage of manpower, the MOL did not effectively enforce applicable laws. The rights to form or join unions, strike, and bargain collectively were not respected in practice. Unions were prevented from holding meetings with their members and carrying out organizational activities, sometimes by police or ZANU-PF supporters. Although the law does not require unions to notify the police of public gatherings, such notification was required in practice. Authorities often denied permission to unions that applied. Police have been misinterpreting the Public Order and Security Act. The MOL states it is working on educating police because the act does not apply to labor issues. Unions risked suspensions

from registration for 12 months for minor infractions, and union members could be fined and imprisoned for participating in union activities.

No worker organizations were independent of the government and/or political parties. The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, was involved in labor-related discussions with employer and labor organizations.

Police continued to deny application by the Zimbabwe Congress of Trade Unions (ZCTU)--an umbrella group of unions--to hold ZCTU-organized events.

In March the Bulawayo western district police banned a ZCTU-organized Women's Day march. Antiriot police reportedly were deployed and troops were stationed near the ZCTU headquarters, where commuter omnibuses and civilians were searched.

In May police reportedly instructed the Zimbabwe Banks and Allied Workers' Union to suspend its plans for a peaceful demonstration, just a few days after initially approving plans for the protest against low pay and poor working conditions.

Police banned a May Day commemoration; however, the MOL reported that the denial was overturned by a court on the spot.

In December police arrested Cosmas Sunguro and Tawanda Zhou while they were leading a union recruitment drive in Chiadzwa for diamond field workers. The two men were charged with trespassing, despite Sunguro being a resident in the area. Both men were part of an earlier abrupt mass dismissal of an estimated 1,500 persons from the Chinese-owned Anjin Investments diamond mines. Observers believed the arrests were likely intimidation for a pending suit in which Sunguro, Zhou, and others were seeking damages for labor and human rights violations from their previous employer. They were released on bail after three days and had a pending February 2013 court date.

In February 2011 six individuals were arrested from 46 total labor union and student activists who gathered to watch and discuss "Arab Awakening" protest videos. They were convicted of conspiracy to commit violence and sentenced to community service. In April the conviction was suspended, and the case was pending at year's end (see section 1.b.).

There were reports that the ZCTU's affiliates were able to engage in collective bargaining with employers without interference from the government. However, there were also reports of government interference in the ZCTU's internal activities. Unions reported that a high-ranking government official engineered the factional fighting within the ZCTU when the breakaway faction of the ZCTU was leading a national protest against low salaries for workers.

Collective bargaining agreements applied to all workers in an industry, not just union members. Agreements reached by employers and employees must be gazetted by the MOL to go into effect. In practice any agreement could be blocked administratively for an indefinite period of time if it is not gazetted. There were no reports of employers refusing to bargain, bargaining with unions not chosen by workers, and/or using hiring practices (for example, subcontracting or short-term contracts) to avoid hiring workers with bargaining rights.

Union members faced discrimination and harassment, including dismissal and transfer. President of Zimbabwe Energy Workers' Union Angeline Chitambo, who is also a member of the IndustriALL Executive Committee, was dismissed without a fair hearing, following the firing of 135 workers by Zimbabwe Electricity Supply Company in July. There were reports that union members dismissed as a result of union activities were reinstated during the year.

In April armed soldiers barred more than 30 construction workers of a foreign-owned construction company working at the National Defense College from protesting the illegal termination of their contracts and nonpayment of wages.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, with the exceptions of work for the national youth service and forced prison labor. Forced prison labor includes "any labor required in consequence of the sentence or order of a court" as well as what "is reasonably necessary in the interests of hygiene or for the maintenance or management of the place at which he is detained." Forced labor is punishable by a fine, two years' imprisonment, or both.

Forced labor occurred in practice, including by children, although the extent of the problem was unknown. Adults and children were subjected to forced labor in agriculture and domestic service in rural areas, as well as domestic servitude in cities and towns. Children also were used in the commission of illegal activities, including gambling and drug smuggling. Forced labor by children occurred in the

agricultural, artisanal mining, and domestic sectors. During the year workers arrested for striking or persons arrested for speaking out against the government often were sentenced to forced labor.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most forms of child labor. Under the law a child between the ages of 13 and 15 can work as an apprentice if the work is an integral part of "a course of training or technical or vocational education." The law further states that no person under the age of 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between ages 15 and 18 is not directly addressed, but age 15 remains the minimum for light work, work other than apprenticeship, or work associated with vocational education. Child labor is punishable by a fine, two years' imprisonment, or both.

However, the laws were not effectively enforced. The Department of Social Welfare in the MOL is responsible for enforcing child labor laws, but the department lacked personnel and the commitment to carry out inspections or other monitoring. There were approximately 170 labor inspectors responsible for investigating labor-related violations and for enforcing labor laws, including those covering children. Child labor is primarily in the informal sectors and, therefore, not closely monitored by inspectors. Additionally, penalties of fines not exceeding \$400 or imprisonment not exceeding two years or both, were not sufficient to deter violations.

Child labor remained endemic and on the rise. A study of child labor conducted by the MOL together with the International Labour Organization (ILO) and UNICEF, released in June 2011, concluded that "the prevalence of the worst forms of child labor is on the rise and cause for concern." Concrete data on the extent of child labor remained difficult to evaluate and confirm, despite the government's indication that comprehensive data on child labor would be collected in 2010. The results of a 2011 nationwide survey conducted by ZimStats on child labor were released during the year. According to the survey, 96 percent of children in

economic child labor were employed in agriculture, forestry, and fishing. Poverty and the breakdown of the family unit were major factors that resulted in the use of the worst forms of child labor. A 2007 survey by a domestic NGO documenting child labor reported that approximately one-third of children were working, primarily in the informal sector. Children worked in agriculture (tobacco, sugar, and cotton); cattle herding; forestry; informal gold and chrome mining; as domestic staff and street vendors; and in other parts of the informal sector.

Children often faced hazards to their health and safety and lacked necessary equipment and training. Children working on farms were exposed to bad weather, dangerous chemicals, and the use of heavy machinery. Most children involved in mining worked for themselves, a family member, or someone in the community.

Some employers did not pay wages to child domestic workers, claiming that they were assisting a child from a rural home by providing housing and board. Some employers paid the parents for the child's work. Relatives often took children orphaned by AIDS into their homes but used them as domestics without pay.

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

d. Acceptable Conditions of Work

There is no national minimum wage, except for agricultural workers (\$100 a month) and domestic workers (\$85 a month). An estimated poverty guideline for the country was \$253, based on the lowest government salary after 2011. The law does not provide for a standard workweek, but it does prescribe a minimum of one 24-hour continuous rest period a week. The maximum legal workweek is negotiated between unions and employers in each sector. No worker is allowed to work more than 12 continuous hours. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. The government sets safety and health standards on an industry-specific basis. The public service commission sets conditions of employment in the public sector. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment. The Labor Act is a blanket law for all workers and does not differentiate between workers based on different sectors or industry.

The MOL is responsible for enforcing the minimum wage and work hours law, but the standards were not effectively enforced due to ineffective monitoring systems

and a labor inspector shortage. In January the government announced a pay increase for the lowest paid public service workers to \$296 a month. However, many public servants still earned less than the poverty line. Typically, and for many years, workers have had to protest on a regular basis to demand wage increases.

Many agricultural and domestic workers were paid below the minimum wage. In 2008 the ILO reported that four of five jobs in the country were in the informal sector, 78 percent of which were in agriculture. These jobs generally provided extremely low income and poor working conditions and did not offer adequate worker protections.

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

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

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

The NSSA lacked enough safety inspectors to monitor the thousands of work sites, formal and informal, across the country, but it closed some shops and factories found not in compliance with safety regulations. In some cases safety inspectors were reluctant to close noncompliant factories associated with government officials. From January to June, the NSSA reported 67 workplace fatalities and 3,850 injuries. The number of injuries and fatalities by sectors was not available. Despite the law allowing workers to remove themselves from dangerous working conditions, in practice they risked the loss of their livelihood if they did.

Information on the treatment of foreign and migrant workers was not available. The government considered many commercial farm workers to be foreigners

because one or both parents were born in another country. Foreign farm workers also were covered under labor laws and standards.