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EXECUTIVE SUMMARY

Zimbabwe is constitutionally a republic, but its authoritarian government was not freely elected and has been dominated by President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) since independence in 1980. Presidential and parliamentary elections held in 2008 were neither free nor fair. While the March 2008 election was generally peaceful--and two factions of the 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 up to the June 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 condemnation 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 factions led by Morgan Tsvangirai (MDC-T) and Arthur Mutambara (MDC-M). Mugabe retained the presidency, Tsvangirai became prime minister, and Mutambara became deputy prime minister. In January 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 in the country remained the government's targeting for harassment, arrest, abuse, and torture of members of non-ZANU-PF parties and civil society activists, widespread disregard for the rule of law among security forces and the judiciary, and restrictions on civil liberties.

ZANU-PF's control and manipulation of the political process effectively negated the right of citizens to change their government. 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. Freedoms of speech, press, assembly, association, and movement were restricted, and the government continued to evict citizens, invade farms, and demolish homes and 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.

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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. Government interference with labor-related events occurred. Child labor, including the worst forms of child labor, was a problem.

The government did not take steps to prosecute or punish security force or ZANU-PF supporters who committed abuses, and 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. Perpetrators were rarely punished.

On September 23, private security guards took four individuals suspected of being illegal diamond panners to the local police base in the Chiadzwa diamond field. The four individuals--Tsorosai Kusena, Onesai Kusena, Pikirai Kusena, and John Gwite--were subsequently beaten by Joseph Chani, the police officer in charge. Tsorosai Kusena died later that night due to traumatic shock from assault, according to a postmortem exam. The next day police took the three survivors to the Mutare Central Police Station, where they were interrogated until late that night before being released without charge. All three survivors suffered injuries to their backs, knees, and buttocks. The police opened a criminal investigation, and the security guards who brought the four to the police base were witnesses in the case. An investigation was pending at year's end.

Supporters of both ZANU-PF and MDC-T were responsible for killings during the year.

On August 5, suspected ZANU-PF supporters abducted Maxwell Ncube, a director of elections for the MDC-M in Midlands Province. On August 8, Ncube's body was found with an injury to the head apparently inflicted by an axe. According to witnesses the perpetrators were known ZANU-PF members who had previously attacked Ncube in 2008. An investigation was pending at year's end.

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On May 29, alleged MDC-T youths attacked and killed police inspector Petros Mutedza at a bar in a high-density township in Harare. Police arrested 28 individuals in connection with the killing and charged them with murder. Most of the arrestees were members of the MDC-T, including a member of the MDC-T National Executive Council, several employees of the Harare City Council, and a number of local party officials. During interrogation police beat the detainees' knees with batons and subsequently refused to comply with a court order to provide victims with medical treatment. By July 28, the High Court had released 17 of the 24 individuals on bail. Bail was repeatedly denied for the remaining seven detainees, who remained in remand prison at year's end. On September 7, police arrested two more MDC-T members in connection with the killing, both of whom were released on bail on September 21. On October 4 and 5, police arrested MDC Youth Assembly chair Solomon Madzore and Lovemore Taruvinga Magaya in connection with the killing. Magaya was released on bail on October 20; Madzore was denied bail despite multiple appeals. A total of eight persons remained in custody, and a police investigation continued at year's end.

No action was taken against ZANU-PF party activists responsible for numerous killings in 2010. For example, no action was taken 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 April 2010 beat Memory Chaduka and 25 other informal traders in Masvingo for failing to contribute money toward Independence Day celebrations. Those who failed to make such contributions were accused of being MDC supporters. Chaduka died from complications resulting from her injuries.

During the year trials for a few politically motivated killings from 2009 were heard in court. For example, on September 19, a magistrate's court in Gweru opened the trial of four ZANU-PF activists and two soldiers accused of the 2009 killing of MDC activist Moses Chokuda, who was abducted from his home and beaten to death. On September 26, the High Court convicted the four activists of murder and sentenced each to 18 years in prison. The High Court acquitted the two soldiers of the murder but convicted them of assault; the two received a suspended 18-month sentence.

In 2009 at least 19 citizens died as a result of injuries sustained from political violence that targeted members of the opposition party in 2008, in addition to the more than 270 who died in 2008. The MDC-T released a statement in July 2010 that named approximately 11,000 perpetrators and catalogued them by province.

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Mashonaland East had the largest number of perpetrators--an estimated 3,700. The killings were primarily committed by members of ZANU-PF, including the party's youth militia; individuals identifying themselves as war veterans; and, to a lesser extent, members of the military and police. At year's end no one had been held legally accountable for the killings.

In August the BBC reported the existence in 2008 of a torture camp run by police and military personnel in the Marange diamond fields. Police and military personnel reportedly recruited civilian workers to illegally dig for diamonds. According to witnesses workers who were caught mining for themselves or who demanded too large a share of the profits were tortured, raped, and sometimes killed. In addition to beatings and sexual abuse, prisoners were mauled by dogs, and at least one woman reportedly died after such a mauling.

On March 8, Human Rights Watch (HRW) released the report *Perpetual Fear: Impunity and Cycles of Violence in Zimbabwe*. The report examined the lack of justice in several cases of political killings, torture, and abductions by government security forces and their allies during and after the presidential election run-off in 2008. In 2008 HRW charged that the ZANU-PF government was responsible, at the highest levels, for widespread and systematic abuses that led to the killing of up to 200 people, the beating and torture of an estimated 5,000 others, and the displacement of approximately 36,000 people.

b. Disappearance

There were several credible reports of politically motivated abductions and attempted abductions during the year. Leaders of both MDC factions reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and MDC-M members, civil society members, and student leaders as part of an effort to intimidate them. Perpetrators were rarely punished.

For example, on June 24, police abducted Jameson Timba, the MDC-T minister of state in the Office of the Prime Minister, as he departed his government office. Timba had published a June 19 editorial that accused ZANU-PF of distorting the outcome of the Southern Africa Development Community (SADC) Extraordinary Summit in early May. Police did not confirm either the detention or Timba's whereabouts for more than 24 hours after his detention. On June 26, High Court Judge Joseph Musakwa found no grounds for Timba's detention and ordered his immediate release. Police furnished Timba with a "warned and caution statement"

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for allegedly undermining the Office of the President in his editorial. The case was pending at year's end.

According to the Students Solidarity Trust, a local NGO that provides assistance to student activists, there were three cases in which activist students were abducted and tortured during the year.

No action was taken against Masvingo security agents who in May 2010 abducted and tortured Alec Tabe and Godfrey Kuraune, two leaders of the Zimbabwe National Students Union. Tabe and Kuraune were organizing a demonstration against high examination fees at Masvingo Polytechnic. They were picked up by Central Intelligence Organization (CIO) agents, who then tortured them on their chests and genitals with a pair of pliers before leaving them at a nearby police station. Tabe and Kuraune were released after paying an admission-of-guilt fine to the police.

The government investigated none of the numerous 2010 abductions perpetrated by unidentified assailants who interrogated, assaulted, or tortured victims, some of whom were located in police custody days or weeks later.

On September 15, the Supreme Court held the first hearing in connection with the 2008 abduction and torture by state security agents of 18 individuals, including 14 MDC-T members, three human rights activists, and one journalist. In 2008 multiple court cases were brought against the 18 for sabotage and bombing. The Supreme Court hearing responded to a challenge filed by seven of the defendants, who requested a ruling before the next court proceeding on the violation of their constitutional rights. The Supreme Court postponed its ruling to an undermined date.

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 and detaining 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.

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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, and cables; burning; falanga (beating the soles of the feet); solitary confinement; and sleep deprivation.

From January through December, according to one NGO, 549 persons sought treatment for injuries and trauma sustained from security force abuse, compared with 5,051 victims who sought treatment in 2010. Observers attributed the dramatic reduction in violence to a reduction in national political events. Nearly 70 percent of the cases took place in Harare, and approximately 65 percent of the victims were affiliated with the MDC.

Police harassed and assaulted citizens for minor offenses. For example, on February 9, police arrested MDC-T member of parliament (MP) Costin Muguti and nine others for inciting public violence. The group had allegedly parked their car on the road and danced to MDC music. A lawyer provided by Zimbabwe Lawyers for Human Rights (ZLHR) was charged with acting violently toward the police when he attempted to gain access to the detainees. On February 14, the magistrate released the group on $50 bail each (the U.S. dollar is among foreign currencies used for transactions). Muguti was arrested at least three more times for politically motivated reasons during the year and faced concurrent multiple charges in court. A trial continued at year's end.

No action was taken against security forces who used excessive force on detainees in 2010. For example, no investigation was conducted against police involved in the September 2010 arrest and abuse of Choga Njiva, who was hospitalized with lacerations to the eye and back, swollen genitals, a swollen chest, and fractured ribs. Njiva was arrested on allegations of armed robbery and killing a senior police officer. An investigation had not taken place by year's end.

Police use of excessive force to disperse demonstrators resulted in injuries (see section 2.b.).

Security forces raped women during the year (see section 1.a.).

According to media reports, Franco Ndambakuwa, a ZANU-PF MP from Magunje, was arrested on July 1 for allegedly raping a 15-year-old girl. After news of the incident was released, other victims made similar charges against Ndambakuwa,

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who was accused in 2010 of impregnating a 17-year-old girl who subsequently committed suicide.

On September 19, a magistrate's court in Masvingo sentenced Gilbert Mavhenyengwa, a war veteran, to 20 years in jail for leading a group of ZANU-PF-affiliated youth who assaulted and raped an MDC-T supporter in the 2008 presidential runoff. Mavhenyengwa and the ZANU-PF youths abducted the victim from her home and marched her to their base, where the rape occurred

ZANU-PF supporters--often with support from police--continued to assault and torture suspected and known MDC members and their families, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either ZANU-PF or the MDC-T continued, particularly in urban areas. Supporters of both parties instigated such incidents.

During the year ZANU-PF youth attacked scores of people, mainly MDC supporters, in the high-density neighborhoods of Harare, as well as in areas outside the capital such as Chitungwiza, Mbare, and Bikita. Police arrested the victims of the violence rather than the perpetrators.

In a similar case, in early February several MDC-T supporters were injured and some hospitalized as a result of attacks by alleged ZANU-PF youth in Mbare. Police later arrested 19 MDC-T supporters and accused them of inciting the violence. They were eventually released on bail.

On February 28, ZANU-PF supporters, including youth and individuals identifying themselves as war veterans, abducted MDC-T supporter Sibongile Ncube in Gwanda and tortured him with an iron bar. On February 29, Ncube was released. An investigation was pending at year's end.

No investigation was conducted into October 2010 attacks by ZANU-PF supporters in Harare. In one incident ZANU-PF supporters stabbed MDC-T member Jonsaya Manyere after a constitutional outreach meeting in Harare. Manyere suffered a head wound and was discharged from the hospital in November. In a separate incident, ZANU-PF sympathizers beat MDC-T member Peter Garanewako, who had participated in another constitutional outreach meeting in Harare the same day.

Reports surfaced during the year that security forces in 2008 beat and abused illegal miners in the Marange diamond fields (see section 1.a.).

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Prison and Detention Center Conditions

Conditions in the 46 main prisons and 22 satellite prisons were harsh, although there were some improvements during the year. Prison guards beat and abused prisoners. While prisons operated below capacity, NGOs reported that overcrowding continued due to dilapidated infrastructure, lengthy pretrial detentions, and prolonged trials. The occupation of cells in each prison by prison guards also contributed to overcrowding.

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. In marked improvement from previous years, however, prisoners received at least two meals a day as a result of the revitalization of the country's 23 prison farms; prisoners received one daily meal the previous year. 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 each prisoner was provided with two uniforms during the year.

The Zimbabwe Prison Service (ZPS) tested prisoners for HIV only 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. 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 dramatic decrease in prisoner deaths since 2009, when an estimated 40 prisoners died monthly as a result of malnutrition and disease, particularly HIV/AIDS.

There were approximately 14,000 prisoners, including 340 women and 130 juveniles; the prison system was designed for a maximum of 17,000 prisoners. Between 20-30 children under the age of three lived with their incarcerated mothers. NGOs reported that female prisoners generally fared better than males, were held in separate prison wings, and were guarded by female officials. Women generally received more food from their families than male prisoners, but children

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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. Pregnant and nursing mothers were not provided additional care or food rations, but the ZPS solicited donations from NGOs and donors for additional provisions.

There was one juvenile prison, but juveniles were also held in adult prisons throughout the country. Officials generally tried to place juvenile inmates in separate cells. Juveniles were generally 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, and one church group confirmed two cases of abuse against juveniles by year's end. In both cases the Department of Social Services took over the investigation.

According to the ZPS, remand prisons were overcrowded and conditions were harsh. Pretrial detainees were often held with convicted prisoners until their bail hearings. Unlike in previous years, lack of fuel no longer impeded the transport of detainees to court to attend their trials.

Many detainees were held 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.

Due to a lack of health care professionals and medications, prisoners with confirmed mental disabilities were generally sent to prison rather than mental institutions (see section 6).

Prisoners were permitted 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 to prisoners. Churches also conducted spiritual programs in prisons.

Authorities permitted prisoners to submit complaints, but investigations rarely were conducted. The ZPS continued to assess prison conditions periodically, but no results of such assessments were released.

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

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

There was no ombudsman or other mechanism to consider alternatives to incarceration for nonviolent offenders; address the status and circumstances of confinement for juvenile offenders; improve pretrial detention, bail, and recordkeeping procedures; or ensure that prisoners did not serve beyond the maximum sentence for the charged offense.

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. The government adopted guidelines developed for a pretrial diversion program for prisoners under the age of 21 who committed minor offenses. Under the program juveniles would receive training from diversion officers, prosecuting officers, and the police.

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 Zimbabwe Republic Police (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, under the Ministry of Defense, are responsible for external security, but the government sometimes used them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security.

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Police were ill equipped, underpaid, and poorly trained, particularly at the lower levels. Although prison authorities had sufficient fuel, police did not, and the lack of fuel and other resources further reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal in the ZRP resulted in corruption and high turnover. De facto 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 rarely held accountable for abuses. Allegations of excessive force and torture were often dismissed by senior government officials, who claimed that such actions were necessary to maintain public order. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. 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.

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. Police and army personnel suspected of being sympathetic to the MDC or other political parties were 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.

On July 15, Assistant Inspector Tedious Chisango was fired from the police force allegedly for playing an MDC song on his personal cell phone while on duty. He was formally charged for actively participating in politics while in the police force. Chisango and his family were expelled from a police camp near Bulawayo.

There were numerous 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 taken against security officers who erred in ZANU-PF's favor in their official conduct. Training on nonpartisan implementation of the rule of law was rarely provided.

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There were no internal or external entities to investigate security force abuse. In 2009 the National Security Council (NSC) was established to replace 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 during the year, but President Mugabe reportedly continued to meet with the JOC outside the NSC.

In March the ZRP relaunched an unsuccessful program begun in 2007 to recruit 20,000 additional members. ZRP officials reserved set quotas for different ethnic groups to ensure equal representation in the police force.

In November 2010 the *Standard* newspaper published an article linking the cancellation of the annual police examination to a ploy by police to hire war veterans and retired police officers ahead of the next round of presidential elections, which had not been scheduled by year's end. The recruitment was not meant to appear as new recruitment, but as a transfer of war veterans and retired officers from one post to another. Two journalists from the *Standard* were arrested and charged with criminal defamation after the article appeared (see section 2.a.).

Police stood by without intervening on numerous occasions in which ZANU-PF-aligned individuals engaged in political violence. For example, at the September 6 opening of parliament, ZANU-PF brought in by bus hundreds of supporters a few hours prior to the official opening. Donning party regalia and singing pro-ZANU-PF songs, the group made its way to Unity Square, near parliament, where the crowd swelled to an estimated 4,000 people. ZANU-PF supporters used sticks and iron bars to assault suspected MDC supporters, and police took no immediate action to quell the disruption. ZANU-PF supporters also threw stones at the crowd that had assembled to observe the opening of parliament. More than 14 individuals were seriously injured.

In November police did not intervene when ZANU-PF youths violently disrupted two MDC-T rallies in Harare's high-density neighborhoods in early November.

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

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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 kept detained for weeks or months. In other cases police continued to hold persons in jail even after a judge had 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 detainees were moved 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. Family members sometimes were denied access unless accompanied by an attorney, and even then were at times denied access in political cases. Detainees, particularly those of high profile, were often 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.

For example, on July 9, the chief superintendent of the Harare Central Police Station attempted to seize the cell phone of ZLHR lawyer David Hofisi to download information about a case that he was representing. Hofisi refused to hand over his phone, citing privacy and the need to protect attorney-client privilege. On July 10, Hofisi was ordered to return to the police station and was threatened with arrest for obstruction of justice if he did not hand over the phone. On the same day, High Court Justice Francis Bere granted the provisional order sought by the ZLHR to interdict the police from seizing Hofisi's phone and any other information related to his legal practice.

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,

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and journalists. For example, on February 19, police arrested and detained 46 labor union and student activists who had gathered for a video presentation and discussion of popular protests in Egypt and Tunisia. The activists were charged with attempting to overthrow the government by unconstitutional means. During their first two nights in detention, unidentified individuals reportedly beat eight of the detainees. On February 24, the 46 detainees appeared in court and were charged with treason, which carries a maximum penalty of death. On March 7, a magistrate's court dismissed treason charges against 39 of the 46 defendants but found there was a prima facie case against six others and referred their bail application to the High Court; the seventh activist was released for unknown reasons. On March 16, the High Court granted bail to the remaining defendants and noted in its ruling the weakness of the state's case. In May the state changed its charge against the six remaining defendants from treason to subverting a constitutional government. On July 18, the state altered its charges for the second time to conspiring to commit public violence, which is punishable by a fine or imprisonment. The trial was postponed multiple times, and the case was pending at year's end.

The nullification of the 2008 election of MDC-T's Lovemore Moyo as speaker of parliament in early March prompted a series of arrests of MDC-T MPs during the year in what appeared to be a coordinated effort to influence the vote in the weeks leading up to the new election on March 29. In the week before the new election, for example, Douglas Mwonzora--MDC-T spokesperson and cochair of the Constitutional Parliamentary Committee--was arrested for allegedly instigating violence at a rally in his constituency on February 15. Mwonzora was subsequently released. Police had previously arrested Mwonzora and kept him in detention for 25 days on the same charge.

According to the local NGO Students Solidarity Trust, approximately 30 students were arrested or detained, and approximately seven students were expelled or suspended, for engaging in student activism between January and August. The NGO also reported three cases of torture and abduction during the same time period.

The government on occasion restricted human rights activists from using cultural platforms. For example, on January 5, police in Manicaland Province arrested nine artists and a driver with Rooftop Promotion and charged them with criminal nuisance, allegedly for holding a theater performance that could incite the audience to public violence. The play, called *Rituals*, focused on the theme of healing and reconciliation and was to be performed throughout the country. The group was

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detained for two nights and released on January 7. On March 22, a magistrate's court acquitted the group due to lack of credible evidence. On February 18, police in Mashonaland Central Province arrested three members of the same group and released them the next day without charge.

There were no developments in the March 2010 arrest of Bulawayo artist Owen Maseko following the launch of his exhibition on the Gukurahundi massacres (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. Other prisoners remained in prison because they could not afford to pay bail, which remained exorbitant given economic conditions in the country. 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, and the government did not routinely notify parents when a juvenile was arrested.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary lacked independence and was under intense pressure to conform to government policies. The government repeatedly 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.

For example, in a three-to-two ruling on March 10, the Supreme Court nullified the 2008 election of MDC-T member Lovemore Moyo as the country's first non-ZANU-PF speaker of parliament. The Supreme Court's decision to nullify the election of Moyo was widely perceived as politically motivated, and Moyo was reelected to the speaker position on March 29 in a process that was not legally contested.

On March 10, police arrested Elton Mangoma, the MDC-T deputy treasurer general and minister of energy and power development, for alleged irregularities in procurement of fuel in early January. On March 11, a magistrate's court ruled that it had no jurisdiction to preside over the matter and referred the case to the High Court. On March 16, Mangoma was released on $5,000 bail. On March 25, police rearrested Mangoma for allegedly cancelling a tender for the supply of prepaid

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electricity meters. Mangoma applied for bail at the High Court, and the Attorney General's Office consented to bail on condition that Mangoma stay away from his ministerial duties until the conclusion of his trial, which was scheduled to start on July 18. On April 4, the High Court granted bail and threw out the prosecution's request that Mangoma be barred from his ministerial duties. On June 28, the High Court acquitted Mangoma of the fuel procurement charge, and on July 18, the state withdrew criminal charges in connection with the electricity meter tender.

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

Magistrates heard the vast majority of cases. In June 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 impact was limited during the year, particularly in rural areas. ZANU-PF sympathizers continued to successfully use 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

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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 ZLHR.

Attorneys sometimes were denied 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 was often 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. 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.

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 were not given 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 in detention.

At year's end there were no known political prisoners in police custody or prison.

Regional Human Rights Court Decisions

The African Commission on Human and People's Rights (an organization 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 Zimbabwe 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

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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 August 2010 to review the role, function, and terms of reference of the tribunal. On May 21, the SADC heads of state decided against reinstating the tribunal and gave its Council of Justice Ministers and Attorneys General until May 2012 to complete the review.

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

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 seldom provided restitution or compensation for the taking of private property.

During the year more than 570 households were resettled from the allocated mining grounds in Chiadzwa to a government-owned agricultural estate outside Mutare. In 2010 more than 70 households were resettled in the same area. Each household received $1,000 for relocation but faced numerous challenges, including lack of access to water, arable land, and employment opportunities. By year's end the government had not completed appraisal of the land and property lost by each family for the purpose of property restitution.

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, 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

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

For example, on June 10, police in Bulawayo raided a property belonging to the NGO Women of Zimbabwe Arise (WOZA) without a search warrant. Several WOZA members who were holding a meeting on the premises during the raid escaped. Police occupied the property until June 21, when the High Court ordered the police to vacate the premises. After police left WOZA members found the property in a state of disrepair with several household items missing. They also found several items believed to have been planted by the police, including two bullets and copies of a falsified document calling for an Arab Spring-style revolt in Zimbabwe on a bookshelf and in the document folders of members who were at the meeting at the time of the raid.

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 MDC. ZANU-PF youths reportedly evicted owners and occupants and placed their party supporters in properties controlled by local councils without paying rent and leased out market stalls to ZANU-PF card holders only. By year's end ZANU-PF youth controlled almost all markets in Harare..

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 was forcibly seized by the government 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

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country for seizure and redistribution to black Zimbabweans, particularly ZANU-PF supporters.

Some of the approximately 400 remaining white commercial farmers continued to be targeted, harassed, and threatened with eviction by farm beneficiaries, unemployed youth, and individuals hired by those who stood to benefit. Invasions also took place on privately owned wildlife conservancies in Masvingo Province, reportedly with the collusion of Titus Maluleke, the provincial governor. 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.

For example, on October 4, white Zimbabwean farmer Wayne Greaves left his farm along with 90 of his laborers after a High Court judge ruled that he had a week to vacate the property to allow Hudson Zhanda, a black farmer, to take over his property. Greaves, who was named tobacco farmer of the year in 1997, was forced to leave a tobacco crop worth $700,000 in the ground.

On August 13, Onisimas Makwengura, a self-identified CIO agent, led a group in an attack on the farm of Dolf and Alida du Toit. The attackers surrounded the farm house and destroyed the windows and the roof to get into the house. On August 14, the mob used a tractor to pull off the security gates. One of the attackers hit Dolf du Toit in the head with a rock when he attempted to stop the looting. Police, who were informed of the planned invasion on August 12, did not arrive until August 14, when they escorted the du Toit family off the farm. The police, who said they could not guarantee the safety of the family, made no arrests. The du Toit family was the fourth family in the area to be forced off their farm by the same group since March.

Farmer unions and NGOs believed that invasions intensified after the SADC's May 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.

No action was taken against perpetrators of land invasions, seizures of property, and attacks on farm owners and workers from previous years.

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Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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 the government's agenda. CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the government were targeted for harassment, abduction, interrogation, and sometimes torture.

On December 19, MDC-T parliamentarian Lynette Karenyi was arrested for insulting the president at a political rally. Karenyi had criticized President Mugabe over his stand against homosexuality (see section 6). On December 28, Karenyi was released on bail, and her case continued at year's end.

During the year police instructed Prime Minister Tsvangirai to refrain from invoking hate speech or making derogatory remarks against other political parties during MDC rallies held in March. Many observers considered the police warning against the prime minister, who did not use hate speech, as a political tactic.

In November Magistrate Charles Murove referred the cases of Eliah Jemere, an MDC-T legislator, and Gilbert Kagodora, the provincial party treasurer for Mashonaland Central, to the Supreme Court. In June 2010 Jemere and Kagodora were arrested for insulting the Office of the President at an MDC-T rally. Both were subsequently released on bail. Kagodora filed an application challenging the constitutionality of the charge. The case was pending at year's end.

During the year a magistrate's court acquitted Teddy Chipere, MDC-T chairman of Makoni Central, on the grounds that the state took too long to bring the case to

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trial. In June 2010 police in Mutare arrested Chipere for insulting the Office of the President. He was released on bail three days later.

The appeal remained pending of Gift Mafuka, who was released on bail pending appeal after being sentenced in September 2010 to one year in prison with hard labor for insulting President Mugabe.

Freedom of Press: The government continued to restrict freedom of the press. The Ministry of Media Information and Publicity (MMIP) controlled the state-run media. High-ranking ZANU-PF officials, including President Mugabe, 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.

Despite threats and pressure from the government, the number of independent newspapers increased after the Zimbabwe Media Commission--which oversees media regulation, registration, and accreditation--granted publishing licenses in 2010. In March the *Daily News*, which was banned in 2003, resumed publishing. The *Mail*, another daily, also began publishing in March but ceased publication in July due to financial problems. Four independent weeklies continued to operate, and all independent newspapers continued to criticize the "inclusive" government and ZANU-PF. They also exercised self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

The government continued to use accreditation laws to prevent entry into the country of international media perceived to be critical of the government. Nevertheless, international media outlets such as CNN, Al Jazeera, and 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.

In March the government denied accreditation to ETV reporter Robyn Kriel, who was born in the country but lived and worked in South Africa. No reason for the denial was given, but Kriel previously reported on human rights abuses committed by ZANU-PF supporters during the 2008 elections.

On April 25, CIO officials raided the headquarters of independent newspaper *Newsday* and confiscated hard disks and 11 computers. The office of *Newsday* editor Brian Mangwende was ransacked. A few days before the raid, the

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newspaper published an article that called on President Mugabe to step down. During the year *Newsday* vendors were threatened and copies of their newspapers confiscated.

On August 26, 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 in the country, including the *Sunday Times*, *Business Day*, and the *Zimbabwean*. These publications continued to be critical of the government.

Radio remained the principal medium of public communication, particularly for the rural majority. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings. The government continued to jam news broadcasts by radio stations based in other countries, including the Voice of America's Studio 7, SW Radio Africa, and Voice of the People.

In May MMIP minister Webster Shamu announced that the government had procured equipment to establish eight community radio stations with technical assistance from the Zimbabwean Broadcasting Corporation (ZBC). Nevertheless, no community radio stations had been established by September. In July the Broadcasting Authority of Zimbabwe, the regulatory body that licenses radio and television stations, invited applications for two national commercial radio broadcast licenses, but no new licenses were issued despite numerous applications submitted from independent prospective broadcasters. The Broadcasting Authority of Zimbabwe was not formally constituted by year's end.

The government controlled ZBC, the only domestically based television broadcasting station, which operated two television channels. International satellite television broadcasts were available through private firms but were too expensive for most citizens.

Violence and Harassment: Journalists were assaulted by MDC and ZANU-PF supporters during the year. For example, on March 24, supporters of Prime Minister Tsvangirai attacked *Daily News* reporter Xolisani Ncube, who was interviewing persons at MDC headquarters. One of the assailants hit Ncube in the face and stole his camera. The attack came two weeks after MDC spokesman Nelson Chamisa expelled freelance journalist Nkosana Dhlamini from a Tsvangirai news conference after Dhlamini asked Tsvangirai a question.

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

On May 10, police arrested independent journalist Mzwandile Ndlovu and charged him with reporting a fictitious story. On April 23, Ndlovu published an article noting that a scheduled meeting between the Organ on National Healing, Reconciliation, and Integration and a coalition of organizations had been cancelled because two of the main participants--including Vice President John Nkomo--had not arrived. The article also reported on the arrest of Moses Mzila Ndlovu, a government minister and a member of the MDC-N faction. Trial was pending at year's end.

On July 15, police in Ntabazinduna arrested and briefly detained journalists Nqobani Ndlovu of the *Standard*, Pindai Dube and Oscar Nkala of the *Daily News*, and freelance journalist Pamenos Tuso. The four journalists reported on the expulsion of Tedious Chisango, a police officer who was fired from the police force on July 15 allegedly for playing an MDC song on his personal cell phone while on duty. He was formally charged for actively participating in politics while in the police force. Chisango and his family were expelled from a police camp near Bulawayo.

On December 5, 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. The three were also charged with provoking a breach of peace in connection with MMPZ's production of a DVD. Although reliable reports indicated the DVD was about peace and reconciliation, police claimed it was on the Gukurahundi atrocities. (Approximately 20,000 persons were killed during the 1980s as a result of a government-sanctioned crackdown on perceived insurgents in Matabeleland and Midlands region.) A magistrate's court granted the three members bail on December 9, but they remained in jail until December 16 pending the state's appeal against bail. On December 7, police in Harare detained and questioned MMPZ national director Andrew Moyse for five hours and released him without charge. On December 28, police charged Moyse with publishing statements undermining the president and served him with a warned and cautioned statement. The case against the three members and Moyse continued at year's end.

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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 August 29, police questioned *Zimbabwe Independent* editor Constantine Chimakure and reporter Wongai Zhangazha about a story published in the newspaper's July 8 edition. The story alleged that the MDC-T objected to attempts by Youth and Indigenization Minister Saviour Kasukuwere to reintroduce the National Youth Service training program because it was a ZANU-PF election strategy. The two were questioned on the sources of the story, which was alleged by the police to be based on cabinet deliberations, an offense under the Official Secrets Act.

Publishing Restrictions: In April 2010 the government adopted new regulations for the accreditation of journalists and registration of media services and effectively instituted a new pricing regime for accreditation and registration. The new regulations significantly reduced the previously prohibitive fees. Practicing journalism without accreditation can incur a fine or maximum of two years' imprisonment.

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 June 29, police arrested *Standard* journalists Patience Nyangove and Nevanji Madanhire for criminal defamation and publication of falsehood prejudicial to the state. The journalists had published a story on the abduction of MDC-T Minister Jameson Timba in June (see section 1.b.). Nyangove was released the same day

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after questioning. Madanhire was released on $100 bail after two nights in detention. On December 14, a magistrate's court dismissed the journalists' application to refer the court to the Supreme Court. A trial was pending at year's end.

Internet Freedom

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

For example, the government blocked Blackberry's Internet services, including its messaging service. Because these services are encrypted, they are not in compliance with the Interception of Communications Act, which allows the government to intercept and monitor communications.

On February 24, police arrested Vikas Mavhudzi for subversion after he allegedly posted a remark on Prime Minister Tsvangirai's Facebook wall allegedly suggesting that the prime minister emulate prodemocracy protests in Egypt. On March 16, a magistrate's court denied bail to Mavhudzi, citing public security considerations. On March 31, the High Court reversed the bail denial after an appeal. The trial was scheduled to start on August 3 but was postponed after police admitted they could not gain access to the page where the message was posted to use it as evidence in court. On September 20, the magistrate's court dismissed the case due to lack of evidence.

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 all vice chancellors. The government has oversight of all higher education policy at public universities. 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 all classes where noted MDC activists were lecturers or students. In response both faculty and students often practiced self-censorship.

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The government on occasion restricted human rights activists from using cultural platforms to criticize the ruling party or President Mugabe (see section 1.d.).

There were no developments in the case of Owen Maseko, who was arrested in March 2010 following the launch of his exhibition on the Gukurahundi massacres. Maseko was charged with undermining the authority of President Mugabe and was released on bail. Bulawayo Art Gallery director Voti Thebe was also summoned to court for displaying Maseko's exhibition. In September 2010 Magistrate Mazhandu granted an application to refer the matter to the Supreme Court for determination of whether Maseko's freedom of expression had been violated. The prosecution of Thebe's case was suspended pending outcome of the Supreme Court challenge in Maseko's case, which remained pending 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 that held meetings did not seek permits, other groups informed the police of their planned events and were denied permission or received no response.

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

For example, in March police banned the MDC-T from holding rallies in Harare on three occasions, citing security concerns. Police also disbanded a March 20 MDC-N rally. In late October police disrupted and cancelled a series of MDC-T rallies by Prime Minister Tsvangirai in Matabeleland, North Province.

On April 13, police in Lupane arrested and detained Moses Ndlovu, the MDC-N cominister of the Organ on National Healing and Reconciliation and Integration, and Father Marko Mkandla, a Catholic priest, allegedly for convening a meeting

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without notifying police. Ndlovu and Mklandla, who had conducted a healing service at a primary school in the area, were released on April 19 on $500 bail each. Their case continued at year's end.

Police forcibly dispersed demonstrations and gatherings during the year. For example, on April 6, police used tear gas to quell skirmishes between ZANU-PF and MDC-T youths at a burial memorial in Harare. On April 9, police disrupted a peace prayer session held at a church in Harare. Approximately 20 riot police fired tear gas into the church and arrested 13 persons; 12 of the detainees were released on April 11 and the final detainee two days later. One detainee was charged with assault. On May 10, police in Bulawayo beat an estimated 40 WOZA members during a demonstration. Some women sustained mild injuries; none were arrested.

No action was taken 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 movement, civic groups, and journalists considered critical of ZANU-PF. For example, in July ZANU-PF supporters disrupted four public hearings conducted by a joint parliamentary committee on the Human Rights Commission Bill. On July 23, several hundred ZANU-PF supporters in Harare forced their way into parliament, where the final public hearing was being conducted. The group assaulted journalists who were covering the meeting, including Alpha Media photographer Aaron Ufumeli and *Financial Gazette* reporter Lev Mukarati. None of the assailants was arrested. The speaker of parliament ordered a report on the incident and commissioned a joint report from police and security; however, no report, investigation, or arrest was made by year's end.

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

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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 IDPs.

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 their 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. In addition some countries, including countries in southern Africa, do not have a means to renounce citizenship. Independent groups estimated that as many as two million citizens 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

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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 under fear of persecution.

Internally Displaced Persons (IDPs)

According to the Internal Displacement Monitoring Center's 2009 estimate, between 600,000 and one million persons remained displaced within the country 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 IDP assessment report, approximately one-third of the IDPs interviewed cited Murambatsvina as the cause of displacement. 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. Since 2010 approximately 2,180 new household displacements were documented. In September 2010 alone, the government evicted approximately 1,750 households from resettled former commercial farm lands. At year's end another estimated 15,000 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 were served often in the presence of police or army personnel.

On December 13, nearly 150 families were forcibly displaced from Bromley Farm, east of Harare, by police and hired gang members. Most of those displaced were former workers at the former tobacco processing farm. The families were left camping on the side of the road. After unsuccessful efforts by the local government to negotiate a settlement for the families, NGOs delivered the first round of food and shelter on December 23. The families remained displaced at year's end.

The government's campaign of forced evictions and the demolition of homes and businesses continued during the year under the land reform policy.

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In August 2010 approximately 50 armed police raided and burned an informal settlement at a race course in Harare. Police burned shacks and tents, beat the few who resisted, and arrested nearly 55 individuals. Most of the victims were employees of the race course, but others were victims of Operation Murambatsvina. At year's end the ZLHR was assessing the property damage in order to file civil claims against the city of Harare, the police, and the Ministry of Home Affairs.

The government provided no resettlement assistance to families who were evicted. Since 2010 the International Organization for Migration (IOM) and the World Food Program provided food assistance to approximately 32,000 IDPs and temporary shelter to more than 2,780 IDPs.

While the central government did not impose formal restrictions on international agencies and NGOs providing humanitarian assistance during the year, restrictions occurred at the local level. In February the provincial administrator in Manicaland Province convened a meeting to warn international agencies and NGOs from meddling in politics. Between February and April, the district administrator of Harare instituted a moratorium on NGOs providing assistance to an IDP resettlement near Harare. Local officials charged that some NGOs advocated regime change. In a few cases, local authorities advised organizations against traveling to farms involved in ownership disputes, where workers might be at risk. Some local governments interfered with aid distribution, notably in ZANU-PF strongholds. There were also reports of security agents questioning the recipients of aid distribution on whether they were interviewed by aid workers during the process.

Projection of an early election in 2011 led to increasing politicization of humanitarian assistance at the community level during the year. There were credible reports that ZANU-PF local councilors and officials formed "committees" through which NGOs had to channel humanitarian assistance. As a result MDC-T/N supporters were excluded from receiving subsidized farm inputs, food aids, and medicine.

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 5,500 refugees and asylum seekers during the year.

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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 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. The detention of asylum seekers at the border due to illegal entry was also a problem, since the government lacked the budget and capacity to transfer them to Tongogara camp.

Access to Basic Services: Refugees in Tongogara camp were provided access to very basic services and accommodation. The UNHCR ran 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.

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 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 run-off 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 Morgan Tsvangirai secured the 50 percent-plus-one needed to win outright in the

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March 2008 presidential election, a run-off election was set for June. While the March election was generally peaceful, violence and intimidation perpetrated by ZANU-PF officials and supporters in the months leading up 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 run-off 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 factions 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, two MDC factions--the MDC-T led by Tsvangirai and the MDC-M led by Arthur Mutambara--gained a parliamentary majority. In January Welshman Ncube replaced Mutambara as the head of the MDC's smaller faction, 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 March elections. 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, 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.

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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 run-off. Observers charged that the reduction of accreditations was designed to curtail the ability of civil society to monitor the election, especially polling.

The GPA mandates 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 supporters and MPs, and precoaching conducted by ZANU-PF supporters. The drafting of the new constitution 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: Of the 270 elected positions in the House of Assembly and the Senate, 55 were filled by women, constituting 21 percent of the total. The president of the Senate was a woman, as well as one vice president, one deputy prime minister, five ministers, and two governors. 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. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively or impartially, and officials

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frequently engaged in corrupt practices with impunity. World Bank 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 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 removed persons perceived to be MDC-T/N supporters from the civil service and the military. There also were reports that the government assigned soldiers and youth service members to work in government ministries. It was common for the minister of local government to appoint ZANU-PF supporters to bureaucratic positions in MDC-T led local governments. City public administrators reportedly earned hugely inflated salaries. 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 who remained on the payroll were retired, deceased, had absconded, were transferred, or were otherwise absent from their office of employment. The audit also uncovered duplicate personally identifiable information and files missing required documentation.

Corruption was particularly 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.

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Councilors practiced nepotism in the hiring of general council workers and in the allocation of lands. 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.

There were developments in corruption cases from previous years. On March 21, local government minister Ignatius Chombo (ZANU-PF) fired MDC-T Harare city councilors Casper Takura and Warship Dumba for fraud and mismanagement of council funds. In April 2010 police arrested Takura and Dumba for alleged criminal defamation for their involvement in a report that exposed illegal business dealings between Chombo and Phillip Chiyangwa. Many observers considered the dismissals of Takura and Dumba as punishment for their exposure of Chombo's corruption.

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.

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, 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 WOZA.

The government harassed NGOs it believed 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

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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 several NGO members were beaten during arrest and tortured while in custody.

On February 8, police in Harare arrested two employees of the Zimbabwe Human Rights NGO Forum. The employees, who were conducting a survey on transitional justice, were later released without charge. The following day police summoned forum director Abel Chikomo and questioned him for six hours at Machipisa and Harare Central police stations about the organization's activities. Police also raided and searched the group's offices.

On May 23, police arrested ZimRights members Walter Dube and Florence Ndlovu after disrupting a meeting they held near Bulawayo earlier in the day. ZimRights had obtained a court order on May 20 to hold the meeting. Dube was released on May 26 without charge, and Ndlovu was released on May 27 on $50 bail. On October 3, a magistrate's court acquitted Ndlovu due to lack of evidence.

On September 10, unidentified security agents at the airport confiscated personal property belonging to Farai Maguwu, director of the NGO Center for Research and Development, as he was leaving for an international conference. The agents conducted a body search on Maguwu and confiscated his laptop, boarding passes, travel documents, and other personal belongings. Maguwu's passport was then restamped for entry back into the country. On September 11, lawyers filed an urgent application at the High Court seeking the return of the seized items. In response the Attorney General's Office sought to postpone the hearing to verify the identity of the security agents involved. On September 12, the High Court ordered the minister of state security in the President's Office to return all the seized property and cease interfering with Maguwu's movement. In May 2010 Maguwu was arrested and detained for almost two months before being acquitted after the government withdrew its case.

There were no developments in the case of four ZimRights employees who were arrested in April 2010 for organizing a photograph exhibit of the 2008 elections. The four were subsequently released.

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The government also arrested and harassed the representatives of foreign NGOs. For example, on March 25, police arrested a German NGO employee who was in Harare for a conference. She was deported the following day.

On November 10, police and immigration officials in Harare, seeking to investigate the travel and visa documents of nine foreign participants, disrupted a meeting hosted by Oxfam. The officials took the passports of the visiting participants to the immigration office for verification and returned them two hours later.

Unlike in previous years, there were no reports that police seized radios. In October 2010 police in Gweru raided the office of the NGO Democratic Councils Forum (Demcof), seized 862 solar radios, and arrested and charged the Demcof training coordinator with a customs violation. The case was pending at year's end.

Government Human Rights Bodies: Although members of the parliamentary Human Rights Commission were appointed in 2010, the commission was not operational because the required enabling legislation for its establishment had not been passed by year's end.

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 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,

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unawareness that spousal rape was a crime, police reluctance to interfere in domestic disputes, and bureaucratic hurdles involved.

The government media frequently published stories denouncing 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 were sometimes reluctant to register the births, and such children were denied access to social services.

For example, in July Wallen Chiwawa, a law officer in the Attorney General's Office, allegedly burned his wife with a hot iron before raping her six times because he suspected her of having an affair. The wife reported the rape and assault to the police, and Chiwawa was arrested and detained briefly before being released on bail. He subsequently appeared before a magistrate, and the case was postponed. In cases of marital rape, the prosecution needs authorization from the Attorney General's Office to press charges, and the Attorney General's Office reportedly was reluctant to do so in Chiwawa's case. Chiwawa's wife subsequently withdrew charges.

In 2010 two adult rape clinics were set up 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.

The law criminalizes domestic violence, but it 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 was ineffective due

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to lack of funding and the unavailability of statistics and information on prevailing trends of 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.

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. Penalties for these violations are not specified in the law. 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 880 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 UNICEF's 2009 Multiple Indicators Monitoring Survey (MIMS), 65 percent of women who were married or in a domestic union used modern methods of contraception. Approximately 60 percent of births were attended by skilled attendants, while 40 percent of women gave birth at home. Half of mothers between the ages of 15 and 19 delivered their babies at home. Approximately 93 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. Despite legal prohibitions, women remained vulnerable to entrenched customary practices,

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including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.

The law recognizes a woman's right to own property, but many women were unaware of their property and inheritance rights. 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.

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.

NGOs reported anecdotal evidence indicating that women experienced economic discrimination, including in access to employment, credit, pay, and owning or managing businesses.

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

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Birth Registration: Citizenship is derived from birth in the country and from one's parents, and all births are to be registered with the Births and Deaths Registry. The 2003 Citizenship Amendment Act significantly changed citizenship laws and resulted in statelessness for some persons who were born to foreign-born parents (see section 2.d.). According to MIMS only 37 percent of children under five years of age possessed birth certificates. The births of children in rural areas outside a government hospital frequently were unregistered. Other reasons for failure to register births included 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.

Education: Primary education is not compulsory, free, or universal. According to MIMS 92 and 90 percent of female and male children of primary school age, respectively, attended primary school. In most regions of the country, fewer girls than boys attended secondary school. If a family was unable to pay tuition costs, it was most often female children who left school or never began. Girls were more likely to drop out because they were more readily employable, especially as domestic workers. Due to a lack of central government funding, some schools began to charge levies of up to several hundred dollars for the school year, which prevented many students from attending school. Some families continued to pay school fees and levies with crops and livestock if they did not have adequate hard currency. Despite a directive from the minister of education that no child should be refused education for not paying school fees, there were reports that students with unpaid fees were turned away from schools.

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, nearly 250,000 calls were received in 2010, compared with approximately 116,000 calls in 2009. Most of the calls related to sexual and physical abuse, generally inflicted by a relative or someone who lived with the child. 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 belief that having sex with a virgin would cure men of HIV/AIDS.

Despite a 2009 campaign launched by the government and an NGO to eradicate child abuse in schools, it remained a problem. The campaign began after a study

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found that many children had been victims of unreported sexual and physical abuse by their teachers and peers. Students were also subjected to corporal punishment, which is a legal form of discipline for parents, teachers, and magistrates. While the law stipulates strict regulations in the execution of corporal punishment, most teachers and parents were not aware of them.

Government efforts to combat child abuse were inadequate and underfunded. The country had a ratio of one social worker per 50,000 children. During the year two baseline studies were initiated to address the problem more effectively. UNICEF, in partnership with other UN agencies, NGOs, and the government, began setting up a national database for the Department of Social Services to integrate existing data and reporting standards for all entities documenting abuses of children. In addition the government launched a national baseline survey on abuses occurring in households.

Child Marriage: The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued, as did arranged marriages of young girls. 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 UNICEF one-third of women married when under age 18, and 5 percent of women married when under age 15. Approximately 21 percent of young women between the ages of 15 and 19 were married or in a union. 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 faces 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 were often 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.

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Displaced Children: According to UNICEF more than one-fifth of the country's children were orphans, 77 percent of whom lost their parents to HIV/AIDS. Orphans and vulnerable children (OVC) together constituted 37 percent of the country's children, and approximately 80 percent of OVCs did not receive any form of government support. The vast majority of orphans were cared for by the extended family. An estimated 100,000 children lived in child-headed households.

Orphaned children were more likely to be abused; not to be enrolled in school; to suffer discrimination and social stigma; and to be vulnerable to food insecurity, malnutrition, and HIV/AIDS. Extended families and communities often refused to take orphans due to fear that they or their own children might contract HIV. Some children were forced to turn to prostitution for income.

As of February 2010, more than 800,000 OVCs received comprehensive support and protection under the 2005-10 National Action Plan for OVCs. The goal of the plan is assist approximately one million children and their families throughout the country.

UNICEF estimated that at least 10,000 children were displaced in election-related violence in 2008. Several thousand were also displaced with their parents as a result of farm-related violence and evictions in 2009. At year's end NGOs were uncertain how many children remained affected. Various government-sponsored studies between 1999 and 2009 indicated that approximately 12,000 children were living on the streets. Economic hardships and the government's lack of support for social welfare institutions contributed to a highly vulnerable population of street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

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

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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, the law was not widely known or implemented by government institutions. 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. Traditional belief viewed persons with disabilities as bewitched and, consequently, as persons who should be locked away. Children with disabilities often were hidden when visitors arrived.

Children with disabilities were discriminated against in educational institutions. 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 only 33 percent of children with disabilities had access to education.

Persons with mental disabilities also suffered from inadequate medical care and general provision 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 to be 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. More than 90 percent of the available psychiatric services were provided at the mental institution in Bulawayo. NGOs

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reported patients subjected to deplorable 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. In practice prisoners with mental disabilities routinely waited as long as three years before being evaluated. Prisoners with confirmed mental disabilities were increasingly sent to prison rather than mental institutions due lack of capacity in those institutions.

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 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

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constitution. Critics also said 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 Ministry of Education, Sport, Art, and Culture officials met with ZILPA and agreed to support its request for funding to teach all minority languages; however, schools lacked the necessary materials to teaching of minority languages.

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

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

Leadership in both ZANU-PF and MDC-T, including President Mugabe and Prime Minister Tsvangirai, publicly denounced the LGBT community and warned against the inclusion of LGBT rights in the constitution. Mugabe publicly blamed the LGBT community for Africa's ills and declared its members to be worse than "pigs and dogs." However, in an apparent shift of position, Tsvangirai declared in an October 24 press interview that LGBT rights were a human right that should be enshrined in the country's new constitution.

Members of Gays and Lesbians of Zimbabwe (GALZ), the sole organization dedicated to advancing the rights of the LGBT community in the country, experienced assault, harassment, and discrimination.

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For example, on September 2, at a bar in Harare, two individuals assaulted a GALZ member with a beer bottle after making discriminatory statements regarding her sexual orientation. She and her partner reported the incident to the police, who took no action.

GALZ employees Ellen Chademana and Ignatius Muhambi, who were arrested in May 2010 for possession of pornographic materials, were not summoned to court during the year. Chademana and Muhambi, whom police beat in the face and knees during an interrogation, were released five days after their arrest and subsequently acquitted of the pornography charge. However, both still faced a charge of undermining the president at year's end.

Members of the LGBT community 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 members of their own families. LGBT members often left school at an early age due to discrimination and had higher rates of unemployment and homelessness. Many persons who identified with the LGBT community 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

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 condemnation 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

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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 without prior authorization, conduct legal strikes, and bargain collectively. These rights were sometimes abrogated by other provisions of law. The law grants the labor minister extensive powers to regulate union activities. For example, the minister has the authority to veto collectively bargained agreements perceived to be harmful to the economy or 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. The law denies public sector employees the right to form unions, strike, and bargain collectively. Procedural requirements--including 14-day advance-notice requirements, mandated 30-day reconciliation periods, and possible and mandatory referral to binding arbitration--further curtailed the right to call a legal strike. Essential services employees are prohibited from striking, and the law allows that any nonessential service may be declared an essential service if a strike is deemed a danger to the population. Managers are prohibited from striking, and in some industries, the government defined most employees as managers. 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 Ministry of Labor to go into effect. 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 neither organized nor unionized but are protected by labor laws.

The government 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 the 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. Often unions that applied for permission were denied. Unions risked suspensions from registration for 12

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

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to exist but did not wield real influence over labor negotiations. The government was disinclined to include the ZFTU in labor-related discussions with employer and labor organizations.

Police often denied ZCTU's applications to hold commemorations in particular venues and banned processions from taking place. The police also sought to restrict union activities by prescribing certain conditions.

On February 19, police arrested and detained 46 labor union and student activists who had gathered for a video presentation and discussion of popular protests in Egypt and Tunisia (see section 1.d.).

Government-imposed delays prevented most employees and their unions from declaring legal strikes, and those who participated in strikes deemed illegal faced government intimidation and sentences of up to five years in prison.

The ZCTU reported that its affiliates were able to engage in collective bargaining with employers without interference from the government. 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 Ministry of Labor to go into effect. In practice any agreement could be administratively blocked when left ungazetted over an indefinite period of time.

Union members faced discrimination and harassment, including dismissal and transfer. There were no reports that union members dismissed as a result of union activities were reinstated during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, with the exceptions of working for parents or the national youth service. Forced labor is punishable by a fine, two years' imprisonment, or both. The law provides for forced prison labor, and workers arrested for striking or persons arrested for speaking out against the government were often sentenced to forced labor.

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

Workers on seized farms reported that new owners occasionally forced them to work without pay and under threat of eviction from the farm.

There were no records of 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. Child labor is punishable by a fine, two years' imprisonment, or both. 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 was common. 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. 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, tea, coffee, and cotton), cattle herding, forestry, illegal gold and diamond mining, and as domestics, street vendors, construction workers, and car watchers.

Children often faced hazards to their health and safety and lacked necessary equipment and training. Children between the ages of 12 and 16 were used to crawl into small spaces in abandoned gold mine shafts near Shurugwi in Midlands

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Province. In other areas (near Kwekwe, Bindura, and Mazowe), children panned for alluvial gold and used dangerous chemicals, including mercury, in purification processes. Most of these children 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.

The Department of Social Welfare in the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws, but the department lacked personnel 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.

On June 29, the results of a 2008 nationwide survey conducted by the government and the International Labor Organization (ILO) on the worst forms of child labor were released. According to the survey, children were involved in the worst forms of child labor in informal, artisanal, and small-scale mining; the agriculture sector, particularly tea and tobacco; prostitution; domestic services; and illicit activities. Poverty and the breakdown of the family unit were major drivers for the existence of the worst forms of child labor. An action plan to address the problem was pending government approval at year's end.

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 ($85 a month) and domestic workers ($176 a month). The maximum legal workweek was 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. 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 government did not effectively enforce these laws.

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The Ministry of Labor and Social Welfare is responsible for enforcing the minimum wage, but monitoring systems were ineffective, and many agricultural and domestic workers were paid below the minimum wage. More than 85 percent of the population lived below the government's poverty line, which was set at $533 a month. 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. The ZCTU reported that more workers moved out of the formal sector during the year due to the prolonged economic collapse and lack of job creation.

In January the government announced pay raises between 18 and 24 percent for civil servants after a series of negotiations. In early July civil servants, including soldiers and police, received pay raises, with the lowest-paid workers seeing their monthly salaries almost doubled from $128 to $253.

There was little or no enforcement of the work-hour 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.

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 complying with safety regulations. In some cases safety inspectors were reluctant to close noncompliant factories associated with government officials. From January to November, the NSSA reported 71 workplace fatalities and 3,744 injuries. The ZCTU reported a total of 90 fatalities and 4,410 workplace injuries since 2010. 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.

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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 were also covered under these laws and standards.