



Australian Government

Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT ZIMBABWE

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MAP



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ACRONYMS

AIPPA	Access to Information and Protection of Privacy Act
CAC	Convention Against Corruption
CAT	Convention Against Torture
CAT-OP	Optional Protocol to CAT
CCPR	International Covenant on Civil and Political Rights
CCPR-OP2-DP	Optional Protocol to CCPR aiming to the abolition of the death penalty
CEDAW	Convention on the Elimination of All Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	International Covenant on Economic, Social, and Cultural Rights
CLCRA	Criminal Law (Codification and Reform) Act
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child
CRC-OP-AC	Optional Protocol to CRC on the involvement of children in armed conflict
CRC-OP-SC	Optional Protocol to CRC on the sale of children, child prostitution, and child pornography
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DRG	Department of Registrar General
GALZ	Association of LGBTI People in Zimbabwe
GDP	Gross Domestic Product
GNI	Gross National Income
GNU	Government of National Unity
HRW	Human Rights Watch
IDP	Internally Displaced Person
ICT	Information and communications technology
ILO	International Labour Organization
ISP	Internet Service Provider

LGBTI	Lesbian, Gay, Bisexual, Transgender and/or Intersex
MDC	Movement for Democratic Change
MOPA	Maintenance of Peace and Order Act
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NIC	National Identity Card
NPF	National Patriotic Front
NPICT	National Policy for Information and Communications Technology
NSC	National Security Council
PLC	Parliamentary Legal Committee
POTRAZ	Postal and Telecommunications Regulatory Authority of Zimbabwe
POSA	Public Order and Security Act
PVO Act	Private Voluntary Organisations Act
SI	Statutory Instrument
TREAT	Trans Research, Education, and Training (a transgender advocacy organisation)
TTD	Temporary Travel Document
UDI	Unilateral Declaration of Independence
UN	United Nations
UNDP	United Nations Development Programme
USD	United States Dollar
ZACC	Zimbabwe Anti-Corruption Commission
ZANU	Zimbabwe African National Union
ZANU-PF	Zimbabwe African National Union- Patriotic Front
ZAPU	Zimbabwe African People's Union
ZCTU	Zimbabwe Congress of Trade Unions
ZDF	Zimbabwe Defence Forces
ZEC	Zimbabwe Electoral Commission
ZFTU	Zimbabwe Federation of Trade Unions
ZGC	Zimbabwe Gender Commission
ZHRC	Zimbabwe Human Rights Commission
ZPCS	Zimbabwe Prisons and Correctional Service
ZRP	Zimbabwe Republic Police

GLOSSARY

<i>Gukurahundi</i>	A period of extended violence in the 1980s in which state security forces killed thousands of Ndebele in the Matabeleland provinces
<i>Operation Murambatsvina</i>	A 2005 security operation in which authorities evicted citizens from urban areas, resulting in the destruction of homes and livelihoods and affecting an estimated 700,000 persons
Motlanthe Report	Report of the Commission of Inquiry into the 1 August 2018 post-election violence that resulted in six deaths and at least 35 injuries as a result of security force actions
<i>sjambok</i>	a heavy whip
<i>falanga</i>	beating the soles of the feet

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Zimbabwe.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019 under s 499 of the *Migration Act* (1958) states that:
Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Zimbabwe. It takes into account relevant information from government and non-government reports, including (but not limited to) those produced by the US Department of State, the United Kingdom Home Office, the World Bank, Transparency International, Amnesty International, Human Rights Watch, Freedom House, Reporters Without Borders, the Committee to Protect Journalists; various United Nations agencies; and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT Country Information Report on Zimbabwe, published on 11 April 2016.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 The boundaries and territory of contemporary Zimbabwe are those of the former British colony of Southern Rhodesia, which became a self-governing British colony in 1923. Acting against the trend of decolonisation and African-majority governments elsewhere, the white minority Southern Rhodesia government made a Unilateral Declaration of Independence (UDI) in November 1965 and declared itself the Republic of Rhodesia in 1970. Most countries did not recognise the UDI, and many imposed political and economic sanctions on the rebel state. During the UDI period, African nationalists waged a low-level guerrilla conflict ('the Liberation War') against government security forces until British-brokered peace negotiations led to a peace agreement in 1979. The Zimbabwe African National Union (ZANU), led by Robert Mugabe, won general elections in February 1980, and Zimbabwe formally gained independence from the United Kingdom in April 1980.

2.2 During the Liberation War, the rival nationalist groups ZANU (largely backed by the Shona ethnic group) and ZAPU (largely backed by the Ndebele ethnic group) frequently came into conflict as they competed for local support and resources. Mugabe's post-independence government included ZAPU representatives, but a political rift between the two organisations led to a period of extended violence in the mid-1980s in which state security forces killed or forcibly disappeared up to 20,000 Ndebele civilians in the Matabeleland provinces (the period known as the *Gukurahundi*). A 1987 Unity Accord between ZANU and ZAPU ended the violence and created the Zimbabwe African National Union - Patriotic Front (ZANU-PF) which has ruled Zimbabwe ever since. Zimbabwe's economy deteriorated significantly throughout the 1990s, worsened by the country's military involvement in a civil war in the Democratic Republic of Congo and by the major economic disruption resulting from a compulsory land redistribution policy (see White Zimbabweans). Concerns among civil society and labour groups over the economic situation and increasing political authoritarianism led to the 1999 creation of the Movement for Democratic Change (MDC), which remains Zimbabwe's primary opposition party.

2.3 Zimbabwe's economic and political environment continued to deteriorate throughout the 2000s. The international community reacted to ongoing land seizures, increasing political repression and a series of disputed elections by imposing targeted sanctions on its leadership, some of which remain in place. After a deeply flawed and highly violent national election process in 2008, internationally brokered negotiations resulted in the creation of a power-sharing Government of National Unity (GNU) in February 2009, with Mugabe as President and MDC leader Morgan Tsvangirai as Prime Minister. The political settlement temporarily stabilised the economy, courtesy in large part to a USD400 million support package from the International Monetary Fund (IMF), and reduced the level of open political violence. Although marred by constant infighting, the GNU succeeded in introducing a new constitution in March 2013 that contained numerous human rights commitments. The GNU ended after Mugabe and ZANU-PF won respective victories in the July 2013 national presidential and parliamentary elections.

2.4 A major split within ZANU-PF over who would succeed him as President marked Mugabe's final term in office, with Vice President Emmerson Mnangagwa leading one faction and Mugabe's wife Grace the other,

known as G40. In November 2017, Mugabe fired Mnangagwa and began purging his supporters from within ZANU-PF. Zimbabwe's military responded by staging an intervention and forcing Mugabe to resign, ending his 37-year reign in office. Mnangagwa assumed the presidency, and defeated the MDC's Nelson Chamisa in another disputed presidential election in July 2018 (see [Political System](#)). Initial hopes that the change of leadership would result in long-awaited improvements to Zimbabwe's political and economic climate have been tempered by further economic deterioration (see [Economic overview](#)), droughts and natural disasters, the violent repression of several demonstrations by security forces, and an increasing intolerance of political dissent (see [Political Opinion \(actual or imputed\)](#)). Mugabe died in Singapore in September 2019.

DEMOGRAPHY

2.5 Estimates of Zimbabwe's population range between 14-16 million. Harare is the capital and largest city, with an estimated population of 1.5 million in its city area (and 2.1 million in its Greater Harare peri-urban area). Bulawayo, in the south-west of the country, has a population of just over 650,000. Zimbabwe has a primarily rural population: two-thirds of Zimbabweans live outside urban centres. Apart from major urban concentrations in Harare and Bulawayo, population distribution is fairly even across the country, with slightly greater overall numbers in the eastern half.

2.6 According to government statistics, the Shona ethnic group is Zimbabwe's largest by far, making up 82 per cent of the population. The [Ndebele](#) comprise 14 per cent, [White Zimbabweans](#) and Asians less than one per cent combined, and other ethnic and racial groups three per cent combined. Article 6 of the Constitution recognises Chewa, Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, sign language, Sotho, Tonga, Tswana, Venda, and Xhosa as official languages. It requires the State and all institutions and agencies of government at every level to ensure that the languages are all treated equitably; to take into account the language preferences of those affected by governmental measures or communications; and to promote and advance their use.

2.7 Certain areas remain ethnically distinct: the Mashonaland provinces in the north are predominantly Shona; the Matabeleland provinces in the south-west are predominantly Ndebele; the Batonga tribe mostly reside in the Zambezi valley; the Shangaan populate the south-eastern Lowveld; and the Venda mostly live on the border with South Africa. While cities and towns are generally mixed, Harare is predominantly Shona, and Bulawayo mainly Ndebele.

2.8 Zimbabwe's population is young. The median age is 20.2 years (19.9 for males and 20.4 for females), and around 60 per cent of the population is aged under 25 years. Life expectancy at birth is 59 years for males and 63.2 years for females. Economic mismanagement and hyperinflation have sparked large waves of outwards migration in recent decades, primarily to other southern African countries, the UK, and the US. Migration in search of better economic opportunities continues to occur.

2.9 International organisations report that more than 250 groups of identified Internally Displaced Persons (IDPs) reside throughout the country, comprising approximately 113,000 households. The primary causes of ongoing displacement include rural evictions (45.7 per cent), natural disasters (27.7 per cent), localised conflict (13.3 per cent), and urban evictions (13.1 per cent). The government has provided no resettlement assistance to evicted families, and has depended primarily on international organisations to do this. In March and April 2019, riverine and flash flooding caused by Tropical Cyclones Idai and Kenneth put hundreds of thousands of people at risk of displacement in the east of the country. The US Department of State reported that at the end of 2018 several thousand households in disputed farming areas were at risk of displacement due to verifiable threats or eviction notices. In most cases, those at risk of displacement had resided on their land for years without formal offer letters or title deeds.

2.10 Events that have created or contributed to internal displacement include election-related violence, failed harvests and other climate-related issues, the land reform program (see [White Zimbabweans](#)), and the 2005 Operation Murambatsvina, in which the government evicted citizens from urban areas, resulting in the destruction of homes and livelihoods affecting an estimated 700,000 persons. Human rights observers report that IDPs from previous years remain in near-emergency conditions, with an overwhelming majority living without basic sanitation and many at a high risk of food insecurity. Most IDPs do not have regularised status.

2.11 According to the United Nations (UN), as at the end of 2018 Zimbabwe was hosting 18,870 people of concern, comprising 7,800 refugees, 10,210 asylum seekers, and 860 'others'. The vast majority of refugees and asylum seekers are from the Democratic Republic of Congo and Mozambique. The government maintains a formal encampment policy requiring refugees to reside at the Tongogara refugee camp in Manicaland Province, approximately 420 km southeast of Harare. The Tongogara camp hosts approximately 12,100 refugees and asylum seekers, with an estimated 100 new arrivals each month. Nevertheless, approximately 950 refugees live in urban areas, particularly Harare and Bulawayo, and around 6,500 unregistered Mozambicans reside in Zimbabwean border communities. Zimbabwe does not accept refugees from foreign countries for resettlement, but does facilitate the voluntary repatriation of refugees to their home countries. Most refugees are reportedly unwilling to return voluntarily to their home countries.

ECONOMIC OVERVIEW

2.12 The agriculture and mining sectors are the mainstays of the economy, along with tourism and manufacturing. Zimbabwe ranked 156th out of 189 countries on the United Nations Development Programme (UNDP)'s Human Development Index for 2018, with a gross national income (GNI) per capita of USD1,683 per capita. According to the World Bank, this GNI classifies Zimbabwe as a lower-middle income country (defined as one with a gross national income per capita between USD1,026 and USD3,995 per capita). Inequality in income is significant, and there is a major gap between the very rich elite and the majority of the population. UNDP figures indicate that three-quarters of Zimbabweans in some form of employment qualify as 'working poor' (defined as earning USD3.10 per day or less), 21.4 per cent of the total population lives below the income poverty line level of USD1.90 per day, and 26.3 per cent of the population is vulnerable to multidimensional poverty.

2.13 Despite experiencing years of UDI-related sanctions, Zimbabwe had a strong economy at independence. The country was commonly described as the 'breadbasket of Africa', while the economy was the second most industrialised in Africa (after South Africa). The country remained economically prosperous throughout the 1980s, expanding rapidly and utilising the industrial base established during the colonial and UDI periods. Since then, a combination of political instability, chronic economic mismanagement, global economic fluctuations, and ongoing drought has had a major debilitating effect on the economy. A World Bank-supported 'Economic Structural Adjustment Programme' in the 1990s introduced harsh austerity measures and economic liberalisation, leading to large-scale retrenchments. The agrarian economy experienced a major slump in the 2000s, caused by the flight of experienced farmers from the chaos of the land redistribution program (see [White Zimbabweans](#)) and successive droughts. This in turn affected the manufacturing sector, which relies on agricultural produce for raw materials. The consequent sharp fall in output and decline in export earnings caused a collapse in bank lending and an increase in public debt, to which the government responded by printing more money. This led to hyperinflation, with Zimbabwe's November 2008 inflation rate of 79,600,000,000 per cent – 98 per cent inflation daily – the second highest on record (behind Weimar Germany).

2.14 The economy briefly recovered during the GNU era, aided by international support and the introduction of a multi-currency system with the USD as the base currency. Since 2015, however, the

economy has again been in recession. Persistent shortages of foreign currency have caused shortages of basic commodities and driven the cost of everyday goods to record levels. Inflation has again risen to exceptionally high rates: while the official rate at the beginning of 2019 was 31 per cent, in itself the highest since the inception of the multicurrency regime, the IMF reported that annual inflation reached almost 300 per cent in August 2019. Ordinary citizens without access to foreign exchange have found themselves unable to pay for their basic needs. The Zimbabwe Vulnerability Assessment Committee reported in August 2018 that rural households spent 68 per cent of their income on food, with diet quality diminishing. In September 2019, the World Food Programme said that Zimbabwe was facing its worst food insecurity in recent memory, with more than five million people in need of assistance. In August 2019, power cuts reportedly averaged 18 to 20 hours a day, with most people only having mains power in a 2200 to 0400 hour window, while many areas also suffered from water shortages. Economic hardship has caused considerable social agitation and labour unrest (see [Trade Unionists](#)), which reached a peak after the government's announcement in January 2019 that fuel prices would rise by 150 per cent (see [Political Opinion \(actual or imputed\)](#))).

2.15 On 24 June 2019, the government responded to the growing economic crisis by announcing a new Statutory Instrument (SI) that ended the multicurrency economy, banned the use of foreign currency, and amalgamated the existing local quasi currencies into a reborn Zimbabwean dollar. While the government had foreshadowed the move, the timing of the announcement came as a surprise as most observers had anticipated it would come towards the end of 2019. The government introduced the change in a confused and apparently uncoordinated fashion, with the new measures shared via photographs of the SI on Twitter. The business community strongly criticised the move, noting that the import-dependent nature of the Zimbabwean economy meant that access to foreign exchange was essential for resupplying virtually everything, and anticipating that many businesses would fail in coming months due to liquidity issues. Several citizens subsequently challenged the re-introduction of the Zimbabwean dollar in the High Court, arguing that it was both unconstitutional and inconsistent with the Act that had established the multicurrency regime in February 2009. The impact of the SI on combating inflation in the long term, and its impact on ordinary citizens, most of whom did not have access to foreign exchange, is yet to be determined.

Employment

2.16 Very little primary data exists on employment in Zimbabwe. Different sources place the unemployment rate as low as 4 per cent and as high as 95 per cent. It is clear, however, that the majority of the labour force that participates economically does so in the informal economy, including many [Women](#) and [Children](#). A January 2018 IMF study found that the informal Zimbabwean economy averaged 60.6 per cent of the total economy between 1991 and 2015, accounting for 44 per cent of Gross Domestic Product (GDP), and that Zimbabwe had the third largest informal sector in the world, behind only Georgia and Bolivia. The government has committed to the formalisation of the informal sector, but progress to date has been limited. Legislative workplace protections do not apply to workers in the informal economy, who have few legal recourses against abuses by authorities or employers.

2.17 Human rights observers report that conditions for workers in the formal sector are generally poor, regardless of the specific sector. Inadequate monitoring systems and staffing shortages mean that authorities are unable to enforce minimum wage and work hours laws, and wage theft is common across sectors. Minimum wages, when they are paid, seldom exceed the poverty line. Penalties for occupational health and safety outcomes are not harmonised, while penalties are insufficient to deter violations. The very high inflation rates significantly erode incomes.

2.18 DFAT assesses that poor economic and employment opportunities act as a significant 'push factor' for emigration from Zimbabwe.

Corruption

2.19 Zimbabwe is a State Party to the Convention Against Corruption (CAC). Article 9(2) of the Constitution states that the government must take measures to expose, combat, and eradicate all forms of corruption and abuse by those holding political and public offices. The *Prevention of Corruption Act* (1985, revised 1996) prohibits active and passive bribery, gifts, and facilitation payments in the public and private sectors. The maximum penalty for corruption-related offences is 20 years' imprisonment, a fine not exceeding three times the value of the gift or bribe in question, or USD100,000. The *Criminal Law and Criminal Procedure and Evidence Act* (2016) provides for corporate criminal liability for corruption offences.

2.20 The 2013 Constitution provided for the establishment of the Zimbabwe Anti-Corruption Commission (ZACC), whose key functions include: investigating and exposing cases of corruption in the public and private sectors; combating corruption, theft, misappropriation, abuse of power, and other improper conduct; promoting honesty, financial discipline, and transparency; receiving and considering complaints from the public and taking appropriate action; directing and referring cases of suspected corruption to police and prosecuting agencies; and making recommendations to government on measures to enhance integrity and accountability. The President appoints the ZACC's chairperson and eight other members, who serve five-year terms with a two-term limit.

2.21 Despite this strong legal framework, DFAT concurs with the assessments of international and domestic observers that corruption remains a major problem. According to Transparency International, Zimbabwe continues to experience both 'petty' and 'grand' corruption, defined respectively as 'an everyday abuse of entrusted power by low to mid-level public officials', and 'an abuse of high-level power by political elites'. Transparency International ranked Zimbabwe 160th out of 180 countries in its 2018 Corruption Perceptions Index, giving it a score of 22 out of 100 (on a scale whereby zero represents highly corrupt). According to Global Financial Integrity, between 1980 and 2010 Zimbabwe lost an estimated USD12 billion to corruption involving smuggling, illicit financial outflows, and illegal activities.

2.22 International observers report that a bloated public service, inefficient bureaucracy, and an opaque regulatory environment drive public sector corruption. The public service reportedly has large numbers of unqualified persons on the state payroll, many reportedly serving as youth and gender officers in various ministries and other public entities. The most recent Public Service Commission audit found that illicit salary payments are often made to persons who are retired, deceased, or otherwise absent from their place of employment, while duplicate personally identifiable information in files indicates that some persons receive multiple salaries.

2.23 A May 2015 Afrobarometer survey reported that a quarter of surveyed Zimbabweans who had tried to obtain an identity-related document had paid at least one bribe in order to do so; while ten per cent had paid a bribe in order to acquire water, sanitation services, or an electrical connection. According to the survey, almost no civilians who had experienced corruption had reported it to authorities because they feared adverse consequences, did not expect authorities to take any action, or believed the authorities themselves were corrupt. Corruption is reportedly particularly problematic in the public procurement, natural resources, customs administration, land administration, and tax administration sectors; and in the Zimbabwe Republic Police (ZRP) and Judiciary. In-country media sources have advised that reporting on high-level corruption is a 'red line' issue.

2.24 Land reform is one area where corruption is particularly evident. Observers report that the implementation of the government's redistribution of confiscated white-owned commercial farms (see White Zimbabweans) has lacked transparency and has often favoured the politically-connected elite. Authorities have reportedly allowed individuals aligned with senior officials to seize land not designated for acquisition. High-level ZANU-PF officials have reportedly selected numerous farms and registered them in

the names of family members in order to evade the official policy of one farm per official. Landowners with ZANU-PF connections have reportedly routinely sold land to citizens but refused to transfer ownership officially or to develop the land as agreed upon in contracts.

2.25 The Mnangagwa government has taken a number of practical steps aimed at tackling corruption, but their overall effectiveness has been limited. In January 2018, the Judicial Service Commission announced the judiciary would open a number of specialised anti-corruption courts nationwide to prosecute corrupt individuals. In April 2019, however, local media reported that only two such courts were operational. Mnangagwa ordered a mandatory declaration of assets by senior officials in February 2018, which preceded the arrests of a number of senior government officials. In-country observers report, however, that most of those arrested were political opponents of the president and/or supporters of Grace Mugabe's ZANU-PF G40 faction. Authorities subsequently released most of the arrested on relaxed bail conditions. In May 2018, President Mnangagwa created a new anti-corruption body within the Office of the President to carry out investigations, bypassing the ZACC. In February 2019, Mnangagwa dismissed the entire ZACC board, citing its ineffectiveness in tackling graft.

2.26 Mnangagwa swore in a new team of ZACC Commissioners on 15 July 2019, with the ZACC granted new powers to arrest suspects. The ZACC arrested the Minister for Tourism (a member of the Cabinet) on 30 July in relation to charges dating back to her time as Public Service Minister in 2017, after a National Social Security Authority forensic audit found that over USD95 million had gone missing from her previous department. The case against the Minister is ongoing.

2.27 In-country sources report that a number of concurrent events in July 2019 are likely to have contributed to the renewed anti-corruption push. At the beginning of the month, the ZANU-PF Youth League released a 'shame list' of senior party officials it accused of corruption, including the Reserve Bank Governor, and indicated that it had a second list ready for release. The intergovernmental Financial Action Task Force wrote to the government on 5 July to advise that it would be monitoring the government's activities closely to ensure that Zimbabwe was adhering to anti-money laundering conventions. In mid-July, the parliamentary Public Accounts Committee reported that USD3 billion had disappeared from the Command Agricultural program between 2017-18, under the administration of the Lands and Agriculture Ministry.

2.28 In-country sources report that Zimbabweans are generally cynical about government anti-corruption campaigns and bodies, including the ZACC, seeing them as being primarily a tool for settling political scores. DFAT assesses that, given the entrenched nature of corruption, it is unlikely that the government's efforts on anti-corruption will bring about substantial change in the near term.

Health

2.29 Article 29 of the Constitution commits the State to: taking all practical measures to ensure the provision of basic, accessible, and adequate health services throughout Zimbabwe; taking appropriate, fair, and reasonable measures to ensure that no person is refused emergency medical treatment at any health institution; and taking all preventative measures within the limits of the resources available to it, including education and public awareness programs, against the spread of disease.

2.30 The Ministry of Health and Child Care has responsibility for delivering health services, although mission hospitals and non-governmental organisations (NGOs) also provide services. As of 2015 (most recent available statistic), Zimbabwe had 1,848 hospitals and primary care facilities nationwide. Harare and Bulawayo have three central hospitals each. There are eight provincial hospitals covering all provinces; 63 secondary level hospitals in districts nationwide, and over 1,000 clinics and rural health centres. In 2015, Zimbabwe had 1.6 physicians and 7.2 nurses for every 10,000 people, well below the World Health Organization's recommendation of a minimum threshold of 23 doctors, nurses, and midwives per 10,000.

2.31 Zimbabwe's long-running economic and political crises, coupled with the long-running HIV/AIDS crisis and other major disease outbreaks including cholera and measles epidemics, have had a significant impact on the health system and on health outcomes overall. In 2018, life expectancy for men and women was 59 and 63.2 years respectively after reaching a low in 2006 of 34.4 years for men. The maternal mortality rate in 2015 was 443 deaths per 100,000 live births (compared to six for Australia); while the infant mortality rate was 31.9 deaths per 1,000 live births (compared to 4.2 for Australia). In 2015, an estimated 63.2 per cent of the population did not have access to 'improved sanitation' facilities (those likely to ensure hygienic separation of human excreta from human contact). Health facilities have widespread shortages of basic medicines such as painkillers and contraceptives. Zimbabweans seeking healthcare are generally required to bring their own drugs, syringes, bandages, and water, and to pay for their treatment in US dollars. In November 2018, the Zimbabwe Medical Association warned that patients were relapsing and deteriorating while operations were being cancelled due to shortages of medicines. A series of strikes in 2018-19 by doctors and nurses over pay and conditions (see [Trade Unionists](#)) has placed further pressure on the health sector. Most of Zimbabwe's political and economic elite travel to South Africa or other destinations abroad to access private medical care.

2.32 The HIV prevalence rate has dropped from approximately 29 per cent in 1997 to around 15 per cent currently. Nevertheless, it remains among the world's highest and continues to suppress the country's life expectancy rate. In 2018, Zimbabwe had approximately 40,000 new HIV infections and around 30,000 AIDS-related deaths. The HIV epidemic is generalised, and is largely driven by unprotected heterosexual sex. Key populations affected by HIV include sex workers, with an HIV prevalence of 57.1 per cent, and prisoners, with a prevalence of 28 per cent (see [Detention and Prison](#)). Advocacy groups report that approximately 1.3 million Zimbabweans were living with HIV in 2018, of whom 89 per cent of adults and 76 per cent of children were accessing antiretroviral therapy (ART). While Zimbabwe does have better access to ART than most other sub-Saharan African countries, budgetary issues, weak infrastructure, and other capacity challenges mean viral load testing (key to measuring viral suppression) is far from routine, and most existing facilities are located in cities. Over three-quarters of HIV expenditure comes from international donor sources.

2.33 A national HIV/AIDS policy prohibits discrimination against persons with HIV/AIDS, and laws also prohibit discrimination against workers with HIV/AIDS in both the public and private sectors. The Ministry of Health and Child Care and the National AIDS Council have worked with international and domestic NGOs on an active information campaign to destigmatise HIV/AIDS. Despite these efforts, local NGOs and in-country sources report that societal discrimination against persons living with HIV/AIDS remains a problem, particularly in relation to health services, education, and employment. In the 2015 Demographic Health Survey, 22 per cent of women and 20 per cent of men reported holding discriminatory attitudes towards those living with HIV/AIDS.

2.34 Despite considerable need, there are limited facilities and services available for those with mental health issues, and NGOs report that getting access to mental health services is generally slow and frustrating. There are few certified psychiatrists working in public and private clinics and teaching in the country. A shortage of drugs and adequately trained mental health professionals mean that those with mental health issues are often not properly diagnosed and do not receive adequate treatment. Many persons with mental health issues suffer from extremely poor living conditions. There is a considerable social stigma against mental health issues, which many religious Zimbabweans regard as 'spiritual' problems.

2.35 There are eight centralised mental health institutions nationwide with a total capacity of more than 1,300 residents, in addition to three special institutions that house long-term residents and those considered dangerous to society. Residents in the eight centralised institutions receive cursory screening, and most wait for at least a year for a full medical review. Prison inmates with mental health issues routinely wait for as long as three years for evaluation.

2.36 In-country sources report that drug and substance abuse is increasing, particularly for unemployed youth. Major abused substances include glue, petrol, cough mixture, alcohol, and cannabis. Treatment and rehabilitation facilities are limited, are mainly provided by NGOs rather than the state, and are often beyond the means of ordinary citizens. Periodic consultations between government and other stakeholders to discuss possible solutions have not resulted in any formal national approach to addressing the issue of substance abuse.

Education

2.37 Article 27 of the Constitution commits the State to take all practical measures to: promote free and compulsory basic education for children; promote higher and tertiary education; and ensure that girls are afforded the same opportunities as boys to obtain education at all levels. The Ministry of Primary and Secondary Education and the Ministry of Higher and Tertiary Education, Science, and Technology Development have portfolio responsibility for education, which is compulsory at the primary level. Zimbabwe has seven public and four religious universities offering diplomas and degrees that are fully internationally accredited, including one women's university. There are a number of state and privately owned vocational training centres in the major urban hubs, while polytechnic training colleges cater for more advanced skills.

2.38 Zimbabwean culture places a high premium on education. Before independence, the colonial and UDI governments denied the majority of the African population education beyond primary school level. The post-independence government made a strong commitment to education, which included abolishing primary school fees, training thousands of teachers, and building thousands of new schools. Primary school enrolments increased from 1.2 million at independence to 2.1 million at the end of the 1980s, while secondary school enrolments grew from 73,000 to 673,000 in the same timeframe. This early commitment is reflected in the fact that Zimbabwe retains the highest literacy rate in sub-Saharan Africa. Over 86.5 per cent of Zimbabweans aged 15 and over can read and write English (88.5 per cent of males, and 84.6 per cent of females).

2.39 Zimbabwe's long-running economic and political crises have had a significant impact on the education system. Per capita funding for primary school students fell by a third in the 1990s and school fees became common again. Countless schools closed during the hyperinflation period of the mid-2000s, leading to a dramatic rise in dropout rates, while an estimated 20,000 teachers left the country at that time. A large percentage of the national budget continues to be allocated to the education sector, but an overwhelming proportion of it goes towards human resources in the form of employment costs (93 per cent in 2018), leaving very little for capital expenditure. Parents are required to make up the shortfall and face significant ancillary costs, including for uniforms, supplies, and an enrolment fee that reportedly averages USD110.

2.40 Access to primary and secondary education varies considerably. The political and business elite generally educate their children in well-equipped private schools in and out of Zimbabwe, but the rural majority and those in poor urban areas are generally able to access only a basic level of education. Many rural children reportedly walk up to 20 kilometres daily simply to attend school. Accurate statistics on school attendance are difficult to find, but anecdotal evidence suggests that the dropout rate between primary and secondary level is very high, particularly for girls.

2.41 The economic situation has had a similar impact on Zimbabwe's tertiary sector. The government has cut funding to the sector, and reduced its grants and loans system for students. Some universities have responded by increasing their student intake as a revenue-generating exercise, leading to significant overcrowding and a decline in educational standards. Average tuition is reportedly around USD1,000 a year,

the same amount as the annual GDP per capita, which has caused many students to drop out on economic grounds.

POLITICAL SYSTEM

2.42 Article 5 of the Constitution outlines the tiers of government as: the national government; provincial and metropolitan councils; and local authorities, subdivided into urban and rural councils.

2.43 The President is the Head of both State and Government, and is Commander-in-Chief of the Defence Forces. Among other powers, the President has responsibility for assenting to and signing bills, calling elections and referendums, deploying the Defence Forces, declaring war and peace, and granting pardons. The President also has the power to declare a State of Emergency in all or part of the country. The President's Cabinet consists of the President, the First and Second Vice Presidents, and such Ministers as the President may appoint. Cabinet is responsible for directing the operations of government; conducting government business in Parliament, preparing, initiating, and implementing national legislation, developing and implementing national policy; and advising the President.

2.44 A candidate for President (or Vice-President) must be a Zimbabwean citizen by birth or descent; be aged 40 years or over; be ordinarily resident in Zimbabwe; and be a registered voter. Presidents can only serve two terms, which need not be continuous. Presidential candidates run on a joint ticket with two nominated Vice-Presidents (designated First and Second respectively) and voters elect them directly. The election of a President and Vice-Presidents must take place concurrently with every general election of members of Parliament, provincial and metropolitan councils, and local authorities. Terms of office are five years' maximum, conterminous with the life of Parliament.

2.45 Parliament consists of the Senate and the National Assembly, elected for five-year terms. The Senate consists of eighty Senators: six are elected from each province by a system of proportional representation; sixteen are chiefs elected from the provincial assemblies; two are the President and Deputy President of the National Council of Chiefs; and two are elected to represent persons with disabilities. Senators must be forty years of age or above. Following the 30 July 2018 election, the current party-based composition of the Senate is ZANU-PF 34, MDC Alliance 25, and MDC-T 1.

2.46 The National Assembly consists of 210 members drawn from 210 constituencies, who are elected directly through a secret ballot. In addition, 60 women are also elected as members of parliament through the proportional 'Special Measures' program, with each of Zimbabwe's ten provinces electing six women through a party list system based on the votes cast for the political party in each province. This provision only applies in the lives of the first two parliaments from the effective date of the 2017 Constitution, and will not apply to the next scheduled elections in 2023 unless there is a constitutional amendment in the meantime. All members must be 21 years of age or above. The current party-based composition of the National Assembly, based on the 30 July 2018 election results, is ZANU-PF 179, MDC Alliance 88, National Patriotic Front (NPF) 1, and MDC-T 1, meaning ZANU-PF have an effective two-thirds majority.

2.47 The Zimbabwe Electoral Commission (ZEC) is responsible for preparing for: conducting, and supervising elections and referenda at all levels; registering voters and maintaining voter rolls; delimiting constituencies; conducting and supervising voter education; and receiving election-related complaints from the public and acting on them as appropriate. The President appoints the ZEC's chairperson, who must be a judge or former judge, and eight other members. According to the Constitution, elections must be held so that polling takes place no more than thirty days before the expiry of the five-year term; or no more than ninety days after Parliament has passed resolution to dissolve. Polling in by-elections must take place within ninety days after the vacancies occurred, unless a general election is due to be held imminently. Local elections take place concurrently with presidential and parliamentary elections.

2.48 The 2013 Constitution provides the overall framework for the conduct of elections. A number of Acts have sought to align the *Electoral Act* (2004) with the Constitution, including the *Electoral Amendment Act* (2014), the *General Laws Amendment Act* (2016), and the *Electoral Amendment Act* (2018). Critics have noted that a number of outstanding issues remain that impact on the independence of the ZEC, the right to vote for expatriate citizens, the manner in which ballot papers are procured and printed, and how petitioners can obtain a recount in the case of disputed elections.

2.49 Since independence, Zimbabwean elections have been characterised by high levels of politically motivated violence, voter disenfranchisement, periodic opposition boycotts, widespread concerns over a lack of impartiality of state media coverage and electoral management, including allegations of ballot rigging and voter intimidation, and disputed results. The March 2008 presidential election period and its aftermath was marked by open violence committed by state security forces and ZANU-PF activists against supporters of the MDC and other opposition parties. The violence included killings, torture, beatings, looting, and burning of property. Perpetrators, including the police, military, local ZANU-PF officials, government-backed militia and war veterans, committed abuses with almost absolute impunity. Up to 300 people were killed, approximately 5,000 were beaten or otherwise tortured, and around 36,000 forcibly displaced.

July 2018 Elections

2.50 An unprecedented 23 presidential candidates and 55 political parties contested Zimbabwe's most recent national elections on 30 July 2018, representing a significant opening of political space. There was a markedly improved pre-election climate in contrast to previous elections, with all parties generally able to campaign freely (although local NGOs did report dozens of instances of ZANU-PF supporters removing opposition and independent parties' campaign signs and materials in electorates throughout the country). Actual pre-election violence was rare, although local NGOs did report some cases in which ZANU-PF youth members and war veterans threatened communities with violence if ZANU-PF candidates were defeated (see also [Informal Militias](#)), and police arrested an undisclosed number of ZANU-PF supporters for allegedly threatening to burn the house of an opposition parliamentary candidate in Mashonaland East Province. Voting on Election Day occurred largely peacefully, with an estimated voter turnout of 85 per cent. While the election itself was comparatively peaceful, on 1 August 2018 ZDF personnel reportedly killed six unarmed protesters during an opposition-led election-related demonstration in central Harare, with a seventh protester later dying from injuries (see also [Political Opinion \(actual or imputed\)](#) and [Extra-Judicial Killings](#)).

2.51 ZEC declared Mnangagwa the winner of the presidential election on 3 August 2018 with 50.8 per cent of the vote, and presented state-level polling results to stakeholders within 24 hours. Statistical analysis by citizen observers found ZEC's announced presidential results to be within a credible statistical range, although the margin of error indicated a presidential runoff election was also within that range. MDC Alliance's presidential candidate Nelson Chamisa subsequently challenged ZEC's declaration of Mnangagwa as the winner. The Constitutional Court held a hearing on 22 August 2018 to review the challenge to the announced results, but the court denied permits to allow four South African members of Chamisa's legal team to argue the case. On 24 August 2018, the court unanimously determined that the petition did not meet the required evidentiary standards. It declared Mnangagwa the winner of the presidential election, and ruled that the petitioners had to pay the court costs of the other parties to the case. The Chief Justice inaugurated Mnangagwa as President on 26 August 2018. Chamisa continues to maintain that he is the rightful leader of Zimbabwe.

2.52 Opposition political parties and civil society organisations strongly criticised the conduct and credibility of the elections. Critics alleged widespread voter disenfranchisement, claiming that the ZEC denied large numbers of foreign-born and/or diaspora citizens their right to vote in the elections due to them not being able to prove their citizenship (see also [Exit and Entry Procedures](#)). Those allegedly prevented from voting were widely perceived to have opposition leanings, including more than 200,000

former commercial farm workers originally from neighbouring countries, many of whom had voted in previous Zimbabwean elections, and approximately 30,000 white dual nationals. Critics also noted that traditional leaders in some rural areas mobilised voters and canvassed support for ZANU-PF in return for farms, vehicles, houses, and other benefits, in doing so breaching a law obliging them to be politically impartial. Local NGOs reported cases in which traditional leaders attempted to collect voter registration slips in an attempt to undermine the secrecy of the vote, and cases in which leaders selectively distributed agricultural inputs and food aid to reward ZANU-PF supporters and punish opposition voters. In one such case, an NGO in Mashonaland West Province reported that village heads had told their villages that government-provided maize would only be distributed to those villagers who proved they had registered to vote and were members of ZANU-PF.

2.53 Critics also questioned ZEC's performance, credibility and independence during the elections, claiming that the ZEC was composed largely of personnel loyal to ZANU-PF. Specific points of criticism – which ZEC sought to defend – included that:

- ZEC did not release a finalised voters' roll until after the nomination court had announced the 23 presidential candidates.
- The voters' roll ZEC provided to opposition parties did not include biometric information, and differed from that used at polling stations on Election Day, and ZEC did not provide any transparency of how ballot papers were stored or transported to polling stations ahead of the election.
- The printing of ballot papers in an unbalanced layout, with the names of 13 candidates in one column and nine in the next. This resulted in Mnangagwa's name appearing at the top of a column, raising questions about the lack of impartiality.

2.54 A number of international bodies officially observed the election, including the African Union (AU), Southern African Development Community (SADC), European Union (EU), and the Commonwealth Observer Group (CUG). Their post-election reports gave a mixed response in relation to the conduct and credibility of the elections. The AU and SADC reports were largely positive, while the EU and CUG reports noted considerable overall improvement from previous elections. Election observers commended ZEC for accrediting 1,209 foreign electoral observers and journalists in a timely and efficient manner, and reported that ZEC-administered polling booths were well run by competently trained officers. The CUG report did, however, note that acute bias by the state media during the election campaign in favour of ZANU-PF, limitations of ZEC in the implementation of its mandate, persistent allegations of intimidation, and the unfair use of incumbency privileges all unduly unlevelled the playing field in favour of the governing party. The Commonwealth report also noted that the post-election violence and associated behaviour of security authorities marred this phase of the elections, and that the CUG was unable to endorse all aspects of the election process as credible, inclusive, and peaceful. Despite the acknowledged shortcomings of the election process, the international community has recognised the result of the election and Mnangagwa's leadership of Zimbabwe.

HUMAN RIGHTS FRAMEWORK

2.55 Zimbabwe is a state party to most of the major international human rights instruments, including: the *International Covenant on Civil and Political Rights* (CCPR), the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD), the *International Covenant on Economic, Social, and Cultural Rights* (CESCR), the *Convention on the Rights of the Child* (CRC), and its two Optional Protocols *on the involvement of children in armed conflict* (CRC-OP-AC) and *on the sale of children, child prostitution, and child pornography* (CRC-OP-SC), and the *Convention on the Rights of Persons with Disabilities* (CRPD). Zimbabwe is not a signatory to the

Convention Against Torture (CAT) or its Optional Protocol (CAT-OP), to the Second Optional Protocol to CCPR aiming to the abolition of the death penalty (CCPR-OP2-DP), or to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

2.56 The 2013 Constitution strongly emphasises human rights. Chapter 1.4(c) lists fundamental human rights and freedoms as one of the values and principles on which Zimbabwe was founded. Article 44 commits the State and its institutions to respecting, protecting, promoting, and fulfilling the rights and freedoms set out in Chapter Four: Declaration of Rights, which are defined in Part Two: Fundamental Human Rights and Freedoms (Articles 48-78). Included among these rights are the rights to life, personal liberty, human dignity, personal security, privacy, freedom from torture or cruel, inhuman or degrading treatment or punishment, and equality and non-discrimination. Article 34 commits the State to ensuring that it incorporates into domestic law all international conventions, treaties and agreements to which Zimbabwe is a party. This is an ongoing process, and a large number of existing domestic laws remain in conflict with constitutional provisions. The Constitution also enshrines the civil and political freedoms of expression and assembly, and rights to demonstrate and petition, notwithstanding the ongoing repression of these rights since the Constitution's inception.

2.57 The 2013 Constitution provided for the establishment of five independent commissions to support and entrench human rights and democracy. The President appoints the heads of these commissions, which are: the Zimbabwe Human Rights Commission (ZHRC; see following section), the Zimbabwe Electoral Commission (ZEC; see [Political System](#)); the Zimbabwe Gender Commission (ZGC; see [Women](#)); the Zimbabwe Media Commission (ZMC; see [Media](#)); and the National Peace and Reconciliation Commission (NPRC), whose role is to promote national reconciliation, develop procedures and institutions to prevent future conflicts, and to take measures to conciliate and mediate disputes. In January 2018, Mnangagwa signed the *National Peace and Reconciliation Bill* (2018) into law to operationalise the NPRC, which in October 2018 released a national strategy document outlining its plans.

National Human Rights Institution

2.58 Articles 242-244 of the Constitution outline the ZHRC's composition, functions and mandate. Its key functions include: promoting awareness of human rights; monitoring and ensuring observance of human rights and freedoms; receiving complaints from the public in relation to human rights violations and actioning them as appropriate; investigating allegations of human rights violations and seeking appropriate redress; conducting research into human rights-related issues and making recommendations to Parliament; and visiting and inspecting prisons and other places of detention.

2.59 The Global Alliance of National Human Rights Institutions (NHRIs) gave the ZHRC an 'A' rating at its most recent review in May 2016. This rating indicated that the ZHRC was fully compliant with the principles relating to the status of NHRIs (the Paris Principles), which include: being vested with competence to promote and protect human rights; having a broad and well-defined mandate; having a reporting and advocacy role with government and/or parliament; and having a guarantee of independence from government. In-country sources report that insufficient funding and government support has restricted the NHRC's ability to protect and promote human rights.

SECURITY SITUATION

2.60 Zimbabwe's long-running political and economic instability has resulted in a highly volatile security situation. Demonstrations and street blockades against corruption and economic and political conditions occur from time to time, and have often turned violent. The government has sought to block demonstrations

over the past year (see [Political Opinion \(actual or imputed\)](#)). High levels of unemployment and ongoing shortages of basic goods, ongoing power cuts, medical supplies, fuel, and foods, have contributed to a high level of theft and other crime nationwide. Armed robberies, assaults, and other violent crimes occur frequently, particularly at night and in high-density urban areas, and gender-based violence is common.

2.61 Politically motivated violence between rival political factions and/or security services has occurred regularly, particularly around elections and protests (see also [Political Opinion \(actual or imputed\)](#)) and [Extra-Judicial Killings](#)). Intra-party violence within both ZANU-PF and the MDC has also reportedly increased considerably in recent years. A leading human rights monitoring group reported in July 2018 (before the 30 July 2018 election) that it had recorded 62 cases of intra-party violence within ZANU-PF since the beginning of that year, including assault, coercion, intimidation, and the murder of a two-year old boy; and 53 cases within the MDC over the same period. In March 2019, at least fifteen MDC members were injured in Harare during running battles between rival MDC factions ahead of nationwide ward elections. In August 2019, a ZANU-PF provincial committee member in Manicaland was attacked at home by suspected fellow party members, which reporting suggests was in relation to his outspokenness on under-utilised land and abuse of government farm inputs. The committee member's wife and 14-year old son were seriously injured by axes during the attack, and were subsequently hospitalised.

2.62 There are no known insurgent or rebel groups present in Zimbabwe. Despite highly porous borders, there are no significant security threats in the country's border regions. In June 2018, a blast at a ZANU-PF campaign rally killed two and injured at least 49, including senior party members. Police have not yet closed the case, and DFAT does not have any specific information regarding potential perpetrators. DFAT is not aware of any other significant terrorist attacks in recent years.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Article 56 of the Constitution prohibits discrimination based on nationality, race, colour, tribe, place of birth, ethnic or social origin, custom, or culture. Article 63 guarantees the right of citizens to use the language of their choice and participate in the cultural life of their choice. Section 42 of the *Criminal Law (Codification and Reform) Act* (2004) criminalises causing offence to persons of a particular race, tribe, place of origin, colour, creed, or religion, and provides for punishment of a fine, up to one year's imprisonment, or both. Human rights observers report that race and ethnicity remain significant factors of life in Zimbabwe, which may affect an individual's ability to access opportunities available to other Zimbabweans.

Ndebele

3.2 The Ndebele, who migrated to what is now Zimbabwe from South Africa in the mid-18th century, are Zimbabwe's largest ethnic and linguistic minority. They are based predominantly in the south-western Matabeleland and Midlands provinces, and are the majority population in Bulawayo. There are also Ndebele populations in other southern African countries. The Ndebele do not differ physically from Shona-speaking Zimbabweans, but are distinguishable by their linguistic differences and identifiable names.

3.3 Ndebele participate in all areas of Zimbabwean society, including government, business, civil society, and politics, although not proportionally. Many Ndebele have played prominent roles in public life, including as Vice Presidents, Ministers, and key opposition figures. In the lead-up to the 30 July 2018 elections, human rights observers reported that neither the ruling nor the opposition parties publicly disparaged any race or ethnicity. Ndebele and Shona generally co-exist harmoniously in daily life, and intermarriages are relatively common. DFAT is not aware of any recent cases in which Ndebele have been harassed or physically attacked on the basis of their ethnicity.

3.4 Ndebele representatives report, however, that Ndebele are generally unable to obtain positions of power and roles within state bodies, particularly the security services. Shona speakers from Mashonaland occupy most senior politically appointed posts in the south-western provinces and in Bulawayo, and have reportedly consistently demonstrated bias in selecting service providers from Mashonaland for development projects within Matabeleland. There has been a comparative lack of government spending in the south-west, which has high rates of poverty. The lack of any formal acknowledgment or accountability for the *Gukurahundi* remains a major source of resentment for most Ndebele, although there has now been some government action on this front (see [Enforced or Involuntary Disappearances](#)).

3.5 DFAT assesses that Ndebele face a moderate level of official discrimination in that systemic marginalisation makes them far less likely than Shona to be able to achieve senior positions in state institutions, despite the lack of any official policy of discrimination. Societal discrimination is unlikely to include violence and is less likely to occur in areas in which Ndebele are the majority population.

White Zimbabweans

3.6 The term ‘white Zimbabwean’ is used to refer to Zimbabweans of European ethnic origin. The white Zimbabwean population is predominantly of British descent, with smaller groups of people from Afrikaner, Jewish, Greek and Portuguese backgrounds. The white population of then-Rhodesia was recorded as almost 300,000 in 1975, but declined significantly following independence. The 2012 census recorded 28,732 white Zimbabweans, although this number may be an underestimation given some white Zimbabweans are believed to have classified themselves as ‘African’. The majority of white Zimbabweans reside in Harare or Bulawayo, and most work in the private sector. Many white Zimbabweans have played an active role in politics, including serving in Ministerial roles during the GNU. Mnangagwa appointed former Olympic swimming gold medallist Kirsty Coventry Minister for Youth, Sport, Arts and Recreation in September 2018 (Coventry did not compete in the July 2018 elections and is not a parliamentarian). DFAT is unaware of whether any white Zimbabweans are currently serving in the state security services, and believes it unlikely to be the case.

3.7 Under Mugabe, state media and senior government officials (particularly Mugabe himself) routinely blamed Zimbabwe’s economic and political problems on western countries and (by extension) the white minority. Human rights observers report that this practice has considerably reduced in scale under Mnangagwa, although the government did organise a poorly attended demonstration against western sanctions in Harare in October 2019. In-country sources report that ZANU-PF officials and traditional chiefs in some regional areas continue to push the old line, however. There have reportedly been cases in which local officials in rural areas have summoned white farmers to appear before them and subjected them to low-level harassment, although this has not generally involved violence.

3.8 In March 2018, the government amended the *Indigenisation and Empowerment Act* (2008), which required foreign-owned companies to offer at least 51 per cent of their shares to indigenous (black) Zimbabweans. Under the changes, the application of the law was limited to designated diamond and platinum extraction businesses only. DFAT understands that prior to the amendment, authorities had enforced the Act inconsistently, and that it had not tended to impact significantly upon white small business owners.

3.9 The Land Reform Policy (see [Recent history](#)) had a substantial impact on the white community, particularly on commercial farmers. At the beginning of 2000, state media published details of every white-owned farm in the country, declaring them state property. The government took control of over 4,000 farms nationwide from 2000-15, the majority of which were white-owned. In most cases, the confiscation of farms was preceded by government-backed ‘invasions’ by ZANU-PF youth brigades and informal militia groups, including self-declared war veterans (see [Informal Militias](#)). Farm invasions were often violent, involving physical attacks, property theft, and other forms of harassment against landowners and labourers (both white and black). In a small number of cases, the invasions resulted in the killings of farmers and farm workers.

3.10 Farmers evicted from their properties – where most of their life earnings were invested – were not compensated, resulting in scores of former farmers and farm workers being left destitute. Authorities swiftly transferred the titles of most seized farms to politically connected individuals, who included senior ZANU-PF officials (see also [Corruption](#)) and judges (see [Judiciary](#)). Estimates of the number of remaining white commercial farmers nationwide range from 300-500. The majority of these are dairy farmers, a sector largely spared from the land acquisition program due to the government considering dairy a strategically important economic sector.

3.11 Mnangagwa has openly acknowledged the failure of Mugabe-era land policies and has made a number of changes around land ownership since assuming power, departing from the unyielding and racially

tinged stance that characterised the government's approach under Mugabe. Mnangagwa has publicly said that landholding will no longer be based on ethnicity but on one's ability to produce, meaning white farmers can apply for 99-year land leases on an equal footing with black farmers, rather than the five-year leases available under Mugabe. The government has given permission to around 245,000 black farmers who acquired farms under the land reform program to sublet or lease their farms, opening up opportunities for white and black farmers to form joint venture partnerships. In December 2017, the government permitted a white commercial farmer in Manicaland to return to his farm after police carrying AK-47 rifles and using teargas had forced him to leave it in June 2017. The government also intervened to stop the eviction of a commercial farmer in Manicaland Province in July 2018, after the ZANU-PF provincial minister had reportedly ordered the farmer off the land so that she could give the farm to her son. Observers report that although widespread land invasions have ceased, sporadic cases continue to occur, particularly in Manicaland. Such takeovers are reportedly often led by either district/provincial administrators, or customary leaders. DFAT is aware of cases where government officials have intervened to prevent the land being taken over.

3.12 Article 295 of the 2013 Constitution states that any person whose agricultural land was acquired by the State and whose property rights were guaranteed or protected by the government is entitled to compensation for the land and any improvements in accordance with that agreement. Articles 296 and 297 set out the role and functions of the Zimbabwe Land Commission (ZLC), established in 2015, which provides a mechanism for dispossessed farmers to claim compensation for confiscated lands. According to the CFU, the ZLC has, to date, functioned primarily as an arbiter in zoning disputes, rather than as a compensation mechanism. To DFAT's knowledge, besides the aforementioned December 2017 Manicaland instance, there have been no other cases in which authorities have returned seized farms to their owners. The CFU has reported that none of its members has yet received a 99-year lease, citing in part a cumbersome application process set by the Ministry of Lands and Resettlement.

3.13 The Mnangagwa administration has undertaken to compensate the owners of seized farms in line with Article 72 of the 2013 Constitution, which states that compensation for acquired land should be paid only for improvements effected upon it, rather than for the land itself. Compensation of this kind was paid for the first time in October 2019, although DFAT understands the sum involved was minimal. Hard-line elements within ZANU-PF have criticised moves to compensate white farmers at all, arguing that land is the birthright of black Zimbabweans. Given Zimbabwe's considerable economic challenges, it is unclear how the government will be able to afford to fund the compensation exercise.

3.14 DFAT assesses that white Zimbabweans face a moderate level of official discrimination in that long-standing government practice and rhetoric continues to limit their access to state-sector employment opportunities open to other Zimbabweans. Despite recent improvements in the overall environment, there continues to be considerable legal uncertainty in relation to the commercial farm sector. It remains unclear when or if white farmers who were the owners of seized properties will be able to access compensation, or how substantial such compensation will actually be.

RELIGION

3.15 Article 60 of the Constitution guarantees freedom of conscience, including the freedom to practise, propagate, and give expression to religion in public or in private and whether alone or with others. No person may be compelled to take an oath contrary to their religion or belief or in a manner contrary to their religion or belief, and religious communities are free to establish institutions where religious instruction may be given. Religious groups operating schools or medical facilities must register these institutions with the

appropriate ministry. Religious groups themselves are not required to register, but most do in order to maintain a tax-exempt status.

3.16 Religion, and religious institutions, play an important role in the life of most Zimbabweans. Most official state and school gatherings and functions include nondenominational Christian prayers. According to a 2015 official survey, 86 per cent of the population was Christian, 11 per cent reported no religious affiliation, less than two per cent adhered solely to traditional beliefs, and less than one per cent was Muslim. There are also very small numbers of people who identify as Jewish, Hindu, Buddhist, or Baha'i. Of the total population, 37 per cent was Apostolic, 21 per cent Pentecostal, 16 per cent other Protestant, seven per cent Roman Catholic, and five per cent other Christian. While there are no reliable statistics regarding the percentage of the Christian population that is syncretic, many Christians also associate themselves with traditional practices, and religious leaders have reported a continued increase in syncretism. DFAT is not aware of any instances of significant sectarian or communal discord between members of the various religious groups on the basis of their religion.

3.17 During the Mugabe era, authorities frequently used security-based laws to target religious gatherings or prayer rallies perceived to be politically motivated. Security services also reportedly monitored or harassed church congregations and religiously affiliated NGOs and their members, including through surveillance and denial of police permission to hold public events. For example:

- In June 2017, police arrested a church leader for participating in a prayer meeting with university students following their protest against a rise in student fees. Police charged the church leader with subversion and with participating in a gathering with intent to promote public violence and disorderly conduct, although courts subsequently cleared him of all charges.
- In July 2017, police questioned a Bishop over the launch of a 'Christian vote' campaign aimed at mobilising Christians to participate in the 2018 general election.
- In October 2017, police in Matabeleland South barricaded the road to a memorial service that included prayers to commemorate the *Gukurahundi* victims (see [Recent history](#)). Christian aid organisations and local NGOs focused on memorialising victims of the *Gukurahundi* reported that security officials monitored their activities with increasing frequency in the lead-up to the 30 July 2018 elections, particularly in areas considered opposition strongholds.

3.18 DFAT understands that, while the prevalence of politically motivated surveillance and harassment of religious groups has reduced since Mugabe's departure, some cases have occurred under the Mnangagwa administration.

3.19 Religious institutions have occasionally engaged in the political sphere to promote and encourage peace and national unity without suffering reprisal. The Zimbabwean Council of Churches was highly active in promoting reconciliation after the 30 July 2018 election, and met with the leaders of the national security services in April 2019. The ecumenical Heads of Christian Denominations issued a statement in May 2019 that called for genuine dialogue among stakeholders, respect for human rights, and the lifting of international sanctions. Both prior to and following the 30 July 2018 elections, multiple church organisations released letters appealing for tolerance, national unity, peace, reconciliation, healing, and stability, while calling on the government to uphold the Constitution and protect citizens' rights.

3.20 DFAT assesses that most cases in which authorities have targeted religious groups for monitoring or harassment have been motivated by political considerations. Discrimination based solely on religion is rare. While high-profile religious leaders who engage in political discourse deemed as critical of the ruling party or its leadership may face official sanction; this is unlikely to be the case for ordinary members of religious congregations.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.21 The 2013 Constitution guarantees citizens the rights to: freedom of assembly and association (Article 58); freedom to demonstrate and to present petitions peacefully (Article 59); freedom of conscience; including the right to practise, propagate, and give expression to their thought, opinion, religion, or belief (Article 60); freedom of expression, including freedom of the media (Article 61); and political rights, including the rights to form, join, and participate in the activities of a political party or organisation, to campaign freely and peacefully, to participate in peaceful political activity, to participate in peaceful activities to influence, challenge, or support the policies of the government or any other cause, and to make political choices freely in free, fair, and regular elections for public office (Article 67).

3.22 Legislative restrictions have considerably constrained these constitutional freedoms in practice. Authorities have regularly used vaguely worded provisions within the *Public Order and Security Act* (POSA) and other security-based laws, such as the *Criminal Law and Criminal Procedure and Evidence Act* (CLCRA), to curtail political rights, particularly the freedoms of assembly and expression. POSA allows police to prohibit or disperse a gathering based on security concerns (while requiring police to file a court affidavit detailing the reasons behind the denial), and states that if a person was killed as a result of the use of reasonably justifiable force in dispersing the gathering, the killing should be deemed lawful. It also requires organisers to notify police of their intention to hold a public gathering (defined as 15 or more individuals) seven days in advance, penalising failure to do so with penalties of up to USD10,000 or six months' imprisonment or both. Partisan policing, particularly of demonstrations, and targeted prosecutions has worsened the impact of the repressive provisions within these laws.

3.23 In accordance with its commitment to align legislation with the 2013 Constitution, the Mnangagwa government has replaced POSA with the *Maintenance of Peace and Order Act* (MOPA). MOPA was signed into law on 15 November 2019 following significant public consultation, including input from civil society organisations and the international community. The Parliamentary Legal Committee (PLC) reviewed and rejected an earlier version of the draft bill in May 2019, citing the unconstitutionality of various sections, but withdrew its objections after parliament issued a notice of amendments.

3.24 In-country sources report that, overall, MOPA represents a subtle improvement on POSA in terms of strengthening political freedoms. MOPA includes a preamble intended to aid in interpreting when MOPA may be used to limit constitutionally enshrined freedoms of association, assembly, and demonstration. It also places additional requirements on authorities. For example, MOPA limits the grounds on which a demonstration may be refused; prevents authorities from temporarily prohibiting any and all demonstrations; requires the 'regulatory authority' to respond to certain types of notices within a fixed timeframe; and ensures that only the President, rather than the Defence Minister, may order deployment of the military. Nevertheless, the real test of whether MOPA will increase political freedoms in practice will lie in its implementation.

3.25 Public confidence in the broader political reform agenda has been set back considerably by the two recent cases in which security forces have used lethal forces against demonstrators, resulting in mass casualties. In addition to the 1 August 2018 post-election violence, security forces reportedly killed at least 17 demonstrators in mid-January 2019 during nationwide protests ('the fuel protests') against the government's announcement of a forthcoming 150 per cent fuel price increase. Fourteen of those killed were shot dead reportedly by security forces using live ammunition. Two died from injuries sustained following severe beatings, while in another case an army truck ran over and killed a 54-year old woman in unclear circumstances. Most of the 14 men and three women killed were from the Harare area. The Zimbabwe Association of Doctors for Human Rights reportedly provided emergency medical services to 81 people with gunshot injuries in various locations nationwide in the period between 14-21 January 2019.

3.26 Authorities significantly restricted the freedom of citizens to assemble and demonstrate throughout 2019. Although the MDC was able to hold nationwide rallies to mark the one-year anniversary of the 1 August 2018 post-election violence, authorities have blocked most attempts to hold demonstrations in relation to the deteriorating economy. After initially accepting an application from the MDC to hold street demonstrations in Harare on 16 August 2019, the ZRP then issued a prohibition notice, claiming to have evidence that the protests would turn violent (it was subsequently revealed that the 'evidence' was the discovery of a cache of stones and other projectiles being hoarded by street children). Hundreds of police armed with automatic weapons, batons, and water cannon reportedly set up checkpoints on major roads and blocked access to MDC headquarters in Harare, while police used loudhailers to warn residents against participating in the demonstrations. After the High Court rejected an application by the MDC to overturn the ZRP's prohibition notice, riot police used tear gas and batons to disperse a small number of protesters who had gathered in defiance of the ban, with at least one person reported to have sustained injuries requiring hospitalisation. Authorities subsequently prohibited demonstrations planned for 19 and 20 August 2019 in Bulawayo and Gweru respectively.

3.27 There are no official restrictions on individuals criticising the government, or on the discussion of matters of general public interest. In practice, authorities have been sensitive to criticism of the government in general, and particularly in cases when it has been perceived to be directed towards Mnangagwa personally. Despite a Supreme Court challenge, authorities have continued to charge persons accused of insulting the president and his office under section 33(2)(b) of the CLCRA (undermining authority of or insulting a president). In October 2018, the ZRP cited the law when arresting a man who had given testimony at a commission of inquiry hearing in Bulawayo in which he accused Mnangagwa of complicity in the *Gukurahundi* (see [Recent history](#)). In September 2018, police cited a different section of the CLCRA (section 41(b), relating to disorderly conduct) while arresting a Harare man who had reportedly said that Mnangagwa was incapable of running the country. DFAT is not aware of the outcome of either of these cases. There have also been a number of recent cases in which perceived critics of the government have been temporarily abducted and mistreated by unknown assailants, widely believed to be state security authorities (see [Enforced or Involuntary Disappearances](#)).

3.28 DFAT assesses that the ability of Zimbabweans to criticise the government and express dissent publicly, either collectively or individually, is limited in practice. Authorities are likely to use broad interpretations of national security legislation to prevent political demonstrations from occurring where possible. Zimbabweans attempting to demonstrate without authorisation – and, to some extent, even with authorisation – face a high risk of violence from state authorities. Individuals who are perceived as being personally critical of Mnangagwa face a risk of both legal sanction and possible violence from state authorities.

Movement for Democratic Change (MDC)

3.29 The MDC is Zimbabwe's primary opposition party. It was founded in 1999 following a civil society convention in Harare aimed at coalescing groups and individuals opposed to the changes proposed in a 2000 constitutional referendum that would have further strengthened the powers of the presidency (see [Recent history](#)). The MDC's inaugural leader was former trade unionist Morgan Tsvangirai, and the party retains strong civil society and labour movement connections. The party's policies are generally characterised as centre-left in nature. The MDC's electoral heartland is the major cities, particularly Harare and Bulawayo, and the south-western provinces. The MDC's current membership is 1.5 million nationwide. MDC members join at the Branch level (for ordinary members) and are expected to attend party meetings and events for at least one year before elevation to the Ward level (for activists).

3.30 The MDC's establishment presented Zimbabweans the first genuine alternative in years to Mugabe and ZANU-PF rule, with its appeal to voters heightened by the country's economic decline and growing authoritarianism. Despite consistent and credible allegations of electoral irregularities and government intimidation, the MDC has been highly competitive in Zimbabwean elections since its establishment:

- the MDC won 57 of the 120 popularly elected seats in the June 2000 parliamentary elections, winning all seats in Harare and Bulawayo, and all but two seats in Matabeleland;
- Tsvangirai won 42 per cent of the vote in the 2002 presidential election, Zimbabwe's closest presidential election since independence;
- Despite a reduced share of the vote in the 2005 parliamentary elections, the MDC again won virtually all of the seats in Harare and Bulawayo and a majority of seats in Matabeleland;
- Tsvangirai and the MDC claimed victory in the March 2008 presidential and parliamentary elections, but were forced to contest a presidential run-off election in June 2008. Tsvangirai subsequently withdrew from the ballot in response to a campaign of violence against MDC supporters (see [Political System](#)). Internationally-brokered negotiations resulted in the creation of the GNU, with Mugabe as President and Tsvangirai as Prime Minister;
- Significant MDC in-fighting during the GNU period contributed to a poor performance in the July 2013 presidential and parliamentary elections, and the party subsequently splintered into numerous personality-based factions;
- The two largest factions formed an electoral pact (MDC Alliance) for the July 2018 presidential and parliamentary elections under the leadership of Nelson Chamisa. Although ZANU-PF comfortably defeated the MDC in the parliamentary election, Chamisa claimed victory in the presidential poll and maintains that he is the rightful leader of Zimbabwe. The MDC Alliance factions formally re-united as the MDC in September 2018.

3.31 Since the MDC's establishment, the government has responded to the threat the new party represented by restricting its ability to operate freely in the political sphere. In working to achieve this outcome, the government has utilised state authorities, including the intelligence services, judiciary, police, and military; and non-state actors, including ZANU-PF youth activists, government-backed militia and war veterans. Authorities have regularly subjected MDC leaders, members, and supporters to harassment (including physical violence), intimidation, arbitrary arrest, and judicial harassment; have used security-based legislation to prevent the MDC from holding public gatherings or political meetings; and have often violently dispersed such events when held (see [Political System](#)). Both state authorities and ZANU-PF activists have regularly carried out violent attacks targeting MDC activists and supporters, particularly around elections. Politically motivated violence has affected MDC members and supporters at all levels, including the senior leadership. In March 2007, for example, Tsvangirai was severely beaten while in detention after riot police broke up an unauthorised prayer meeting in Harare, fatally shooting one attendee.

3.32 Government discrimination against the MDC and its supporters has occurred in both rural and urban areas. In rural areas, particularly Mashonaland, human rights observers report that ZANU-PF has discouraged citizens from supporting the MDC by manipulating the distribution of government-funded food and agricultural products. In some cases, village chiefs have reportedly required recipients to possess ZANU-PF identity documents, while in other cases ZANU-PF officials have distributed goods at party meetings. The 2005 *Operation Murambatsvina* (see [Demography](#)), in which police forcibly displaced thousands of urban dwellers under the pretext of preventing the emergence of slums, disproportionately affected MDC supporters and is generally understood to have been motivated by a desire to dilute political opposition in high-density urban areas.

3.33 In a number of cases, state prosecutors have brought legal charges against senior MDC figures in cases generally seen as politically motivated. Tsvangirai, for example, was charged with treason in 2002 in relation to an alleged plot to kill Mugabe that focused on a grainy video recorded by hidden cameras of a meeting with an Israeli political consultant. Although a court acquitted Tsvangirai in October 2004 after a year-long trial, the drawn-out court proceedings prevented him from leading an effective political opposition during this time. Other MDC officials have faced charges relating to their economic interests, including MDC Secretary-General Douglas Mwonzora who was charged in September 2016 with abusing trust funds. Similar charges have not been used against ZANU-PF officials, despite their access to state funds and significant evidence suggesting abuse of the same (see [Corruption](#)).

3.34 While ever-present, the level of intensity and focus of official harassment against MDC members and supporters has varied according to circumstance. Overt politically motivated violence reportedly declined significantly in the years after 2008, which analysts have attributed to the politically stabilising GNU period and the weakened threat posed by the splintered MDC after its 2013 election defeat. During this period, harassment against the MDC still occurred but generally took more subtle forms aimed at establishing and consolidating political and electoral influence. While lower-level members were targeted through biased land and food distribution and housing destructions, for example, higher ranking officials and parliamentarians were more likely to be subjected to judicial harassment or intimidation, including occasional death threats.

3.35 The levels of overt violence against MDC Alliance candidates and supporters ahead of and during the 30 July 2018 election (see [Political System](#)) was well below that of previous elections, particularly those of March 2008. The level of harassment against MDC members and supporters has reportedly increased considerably since the disputed 30 July 2018 election (see also [Enforced or Involuntary Disappearances](#)). Security authorities targeted MDC leaders and activists for arrest in the wake of both the 1 August 2018 post-election violence and the January 2019 fuel protests, (see [Political Opinion \(actual or imputed\)](#)), and a number of senior MDC figures face serious charges. Authorities have prevented the party from holding further demonstrations throughout 2019 (see [Political Opinion \(actual or imputed\)](#)).

3.36 MDC members and supporters also increasingly face a risk of violence and harassment from within their own ranks in the form of intra-party violence (see [Security situation](#)). In-country sources have expressed concerns over the increasing role of a youth element known as the 'Vanguard', which reportedly acts as a private army in support of Chamisa. The Vanguard has reportedly been responsible for much of the MDC's intra-party violence, including the attack on the female vice-president of a rival faction during Tsvangirai's funeral in February 2018 (see [Women](#)). In March 2018, Chamisa supporters reportedly assaulted supporters of a rival MDC faction during a party meeting in Bulawayo, while supporters of two rival MDC Alliance candidates reportedly assaulted each other during a brawl in Harare in June 2018 ahead of the 30 July 2018 election.

3.37 DFAT assesses that MDC members and supporters at all levels face a moderate risk of official discrimination, in that the government continues to use state authorities to restrict their ability to operate freely in the political sphere. The level and intensity of discrimination will vary according to location, and is likely to be higher in rural areas in which ZANU-PF is in the political ascendancy. The discrimination may include harassment, intimidation, threatened or actual violence, and judicial harassment. The risk is likely to be higher for those involved in direct political activism, including through organising (or attempting to organise) and/or participate in street protests.

Non-MDC Opposition Parties

3.38 As noted in [Political Opinion \(actual or imputed\)](#), 55 political parties competed in the most recent national election. Most of these parties were newly formed, had overlapping platforms, had little to no public profile nationally, and received negligible levels of voter support. DFAT understands that officials are likely to tighten the nomination process for future elections (in particular presidential elections), with conditions likely to include candidates being nominated by at least 1,000 supporters and an increased nomination fee.

3.39 The National Patriotic Front (NPF), founded in November 2017 by members of the expelled ZANU-PF G40 faction that supported Grace Mugabe (see [Recent history](#)), was the only non-ZANU-PF or MDC Alliance-affiliated party to win a lower house seat (in Midlands Province), while one independent candidate won a seat in Mashonaland West. Although NGOs reported numerous instances in which ZANU-PF supporters removed opposition parties' and independent candidates' campaign signs and materials in wards throughout the country during the election campaign, DFAT is not aware of any cases in which security forces or ZANU-PF activists physically targeted members of opposition parties other than the MDC Alliance.

3.40 DFAT assesses that members and supporters of non-MDC opposition parties are unlikely to face the same overall level of discrimination as their MDC counterparts because the parties they follow do not represent a significant threat to the government. This risk may be higher in rural areas controlled by ZANU-PF.

GROUPS OF INTEREST

Civil Society Activists

3.41 Article 58 of the Constitution guarantees the right to freedom of assembly and association. Article 67 guarantees citizens the right to form, join, and participate in the activities of any organisation of their choice, and to participate in peaceful activities to influence, challenge or support the activities of the government or any political or other cause.

3.42 The *Private Voluntary Organisations (PVO) Act* (2007) is the primary legislation governing civil society organisation (CSO) activities. It requires that all CSOs be registered with the PVO Board in order to carry out activities or undertake fundraising. Local organisations can register through district services offices in the area where their headquarters are located. International organisations must sign a Memorandum of Understanding (MoU) with the government ministries relevant to their areas of technical operations that clearly states the proposed activities and geographic areas to be covered by the organisations. The PVOB Board may deny the application for registration if an organisation appears unable to abide by the objectives stated in its application, or if its constitution and management fail to comply with the PVO Act. Penalties for managers of unregistered CSOs that conduct activities or fundraise include up to six months' imprisonment or a fine of up to USD200 or both. The PVO Act allows the government to deregister any CSO that fails to comply with its conditions of registration, has been subject to maladministration, or has engaged in illegal activities. CSOs can also be deregistered if, in the opinion of the Minister, 'it is necessary or desirable to do so in the public interest'.

3.43 While there is no publicly available record or database of registered legal CSOs, unconfirmed statements by government officials put the number of CSOs operating in Zimbabwe at over 20,000. CSOs conduct activities on a wide range of social, cultural, political, and economic issues. A number of domestic and international NGOs investigate and publish their findings on human rights cases.

3.44 Following independence, and as the socio-political situation deteriorated in the late 1990s, there was a strong emphasis from CSOs towards issues dealing with democracy and governance. Zimbabwe's political opposition has its roots in civil society and labour movement activities from this period, and many MDC figures retain strong civil society connections.

3.45 The Mugabe government routinely rejected calls for greater civil society engagement in political affairs throughout its time in office. Authorities used provisions within a number of laws, particularly the PVO Act, POSA, and the Criminal Law (Codification and Reform) Act, to interfere with the ability of CSOs to operate effectively on socio-political issues, particularly human rights. CSOs were also frequently subjected to attacks from state-sponsored media, arbitrary arrests, harassment, intimidation, and occasional physical attacks by state authorities and/or ZANU-PF activists. While the GNU pledged to pursue a progressive legislative reform agenda that would open up more democratic working space for CSOs, this proved largely cosmetic. CSO efforts in the post-GNU period to amend restrictive laws governing CSO regulation and association, assembly, and expression rights to bring them in line with the new Constitution were largely unsuccessful.

3.46 In-country sources report that there has been little practical change to CSOs' operating environment under Mnangagwa. Security authorities reportedly remain suspicious of the motivations of CSOs and see their activities as a threat to national stability, particularly in the wake of the January 2019 fuel protests. Following these protests, authorities charged an unprecedented 22 people (including prominent CSO leaders and activists) with subverting a constitutional government, which carries a penalty of up to 20 years' imprisonment. At least 10 individuals face treason charges, for which the death penalty is applicable. In May 2019, authorities arrested seven civil society activists on return to Zimbabwe after they had attended a capacity-building workshop in the Maldives on non-violent protest actions and strategies. The activists face charges of subverting a constitutional government and are yet to face trial, although preliminary hearings have taken place. One of the seven activists was subsequently abducted from his home, severely beaten, and dumped (see [Enforced or Involuntary Disappearances](#)). After the aborted August 2019 protests in Harare, authorities reportedly arrested 128 activists in Harare and an undisclosed number nationwide.

3.47 In addition to the substantial number of high profile arrests and charges, human rights observers report that the general operating environment for CSOs remains difficult. Like other Zimbabweans, CSOs have been significantly impacted by the ongoing economic crisis, which has placed considerable limitations on their ability to carry out activities. Authorities have continued to deny requests by CSOs to hold public events if their proposed agenda conflicts with government policy positions. State media has continued to disparage CSOs critical of government, often accusing them of seeking regime change.

3.48 DFAT assesses that civil society activists who work in areas perceived by the government as being political, including those connected to human rights, face a high risk of official discrimination, which may include harassment, intimidation, monitoring, arrest, and judicial harassment.

Media

3.49 Article 61 of the Constitution guarantees the freedom of the media. It provides specific guarantees in relation to: the protection of the confidentiality of journalists' sources of information; the free establishment for broadcasting and other electronic media of communication; and the freedom of state-owned media to determine independently the editorial content of their broadcasts, while requiring them to be impartial and to afford fair opportunity for the presentation of divergent views and dissenting opinions. Article 61 also prohibits incitement to violence, advocacy of hatred or hate speech, malicious injury to a person's reputation or dignity, or malicious or unwarranted breaches of a person's right to privacy. Article 62 guarantees the right of access to any information held by the state or its institutions or agencies in so far as

the information is required in the interests of public accountability or for the exercise or protection of a right. It does allow for the restriction of access to information in the interests of defence, public security, or professional confidentiality.

3.50 Zimbabwe remains a very traditional media environment. Radio is the principal medium of public communication, particularly for the rural majority. The state-owned Zimbabwe Broadcasting Corporation operates two television networks and four radio stations, while two national private FM radio stations are also licensed. Observers report that authorities have consistently refused to grant licenses to community radio stations, and commercial radio licenses have generally gone to state-controlled companies or individuals with close links to ZANU-PF. State-run media, managed by the Ministry of Media, Information, Publicity, and Broadcasting Services, is most prevalent. Its strongly pro-government line was recognised by a number of observer missions as being particularly evident in the coverage of the 30 July 2018 election (see [Political System](#)). Several active independent newspapers and commercial radio stations express a wide variety of views. International satellite broadcasting is available through private firms, but is too expensive for most citizens.

3.51 Most international media outlets operate in Zimbabwe, including the BBC, CNN, and Al-Jazeera. Foreign reporters pay considerably more for permits and accreditation than do their local counterparts: in 2018, the ZMC charged foreign reporters USD200 for a foreigner's 60-day accreditation, while local journalists paid USD10 for a one-year accreditation. The ZEC charged journalists covering the 30 July 2018 election an additional USD50 fee for further accreditation to election-related events and facilities. In September 2018, authorities reportedly denied a passport application for a freelance journalist who had previously worked for a London-based radio station and who had lived in exile for nearly 15 years. Authorities have not disclosed the reasons for the denial.

3.52 A number of restrictive laws undermine the constitutional protections relating to the freedom of the media in practice. According to media advocates, particular laws of concern include (or have included): the *Official Secrets Act* (1970, last amended 2002), the Broadcasting Services Act, the *Access to Information and Protection of Privacy Act* (AIPPA), POSA and CLCRA. These laws inhibit the ability of journalists and media outlets to report freely; severely limit what journalists may publish; grant authorities a wide range of powers to prosecute persons for political and security crimes that are not clearly defined; and mandate harsh penalties for violators, including long prison sentences. Media registration and accreditation laws also allow the government to maintain censorship by prohibiting the 'abuse of free expression'.

3.53 The government has undertaken to replace the AIPPA with a law fully aligned to the 2013 Constitution. DFAT understands that three new pieces of legislation will replace the AIPPA: the *Zimbabwe Media Commission Bill*, the *Freedom of Information Bill*, and the *Data Protection Bill*. While the first two bills have both been gazetted and are currently the subject of consultation and consideration by parliament, the Data Protection Bill is yet to be publicly released. Amendments to the Broadcasting Services Act are also anticipated.

3.54 Authorities have routinely used the threat of prosecution under these laws to discourage perceived reporting critical of the government, a practice that has continued under Mnangagwa. As a result, most journalists have tended to practice self-censorship in their reporting, particularly in relation to sensitive issues such as the military or high-level corruption.

3.55 Human rights observers report that security forces, officials, and supporters of major political parties continue to harass journalists routinely, including through arrest, obstruction, or threatened or actual violence. Some recent examples include:

- In April 2018, police arrested a newspaper editor after he was seen taking pictures at a ZANU-PF meeting, charging him with criminal trespassing. The editor was released after paying a fine;

- In May 2018, the Deputy Minister of Justice assaulted a radio host and his wife during a live radio broadcast after the host released a video recording of an internal ZANU-PF meeting in which the Deputy Minister said the military would not recognise Chamisa as president if he won the 30 July 2018 election. When the radio host attempted to file a police complaint regarding the assault, he was told that the Deputy Minister had already made a complaint identifying him as the aggressor;
- Also in May 2018, MDC Alliance supporters allegedly manhandled a photographer with a state media outlet covering demonstrations at the party's Harare headquarters, demanding he delete the pictures he had taken;
- Security forces assaulted at least four journalists attempting to cover the 1 August 2018 post-election demonstrations, including beating them using leather whips and electric cables and a riot shield;
- In March 2019, security forces arrested a documentary filmmaker and charged him under the CLCRA with possession of an offensive weapon at a public gathering after he arrived at State House in Bulawayo for a meeting between Mnangagwa and civil society organisations with a used tear gas canister in his car. The charges carry a maximum five-year prison sentence or a fine of USD2,000. The filmmaker had been questioned by police in September 2018 about a documentary he had produced about the *Gukurahundi*, for which he had also received death threats.

3.56 In September 2018, the Media Institute of Southern Africa condemned what it described as the systematic censorship, banning, or expulsion of journalists from public events, stating that the trend was against the letter and spirit of media freedoms as espoused in the Constitution. Reporters Without Borders ranked Zimbabwe 127th out of 179 countries in its 2019 World Press Freedom Index.

3.57 According to official government data, 52 per cent of Zimbabweans had access to the internet as of mid-2018. The ongoing lack of electricity, however, raises doubts about the general availability of internet access to the ordinary citizen (see [Economic overview](#)). The International Telecommunication Union reported, however, that only 23 per cent of the population used the internet in 2017. Although mobile phone penetration stands at 88 per cent (according to official government data), millions of Zimbabweans remain virtually unconnected due to poor network coverage in remote areas or lack of affordable services. Zimbabwe has some of the most expensive mobile data in the world. In October/November 2018, one gigabyte cost USD75 per month, well beyond the means of the ordinary citizen. Internet users are mainly urban elites. WhatsApp is reportedly the most popular form of messaging app, followed by Facebook and Twitter.

3.58 The information and communications technology (ICT) market is diverse, with 12 licensed internet access providers and 27 internet service providers (ISPs). The government maintains ownership of two of the five international gateways for internet traffic and three of the five mobile service providers. The government also asserts its control through POTRAZ (the Postal and Telecommunications Regulatory Authority of Zimbabwe), a government parastatal tasked with the regulation of telecommunications and postal services, including the internet. Under the *Postal and Telecommunications (Subscriber Registration) Regulations* (2013), subscribers are required to register with all telecommunications service providers, providing details that include their full name, permanent residential address, and national ID number. Network operators are required to retain this information for five years after the subscriber or operator has discontinued service. The regulations also require ISPs to provide POTRAZ with copies of their subscriber registry to enable POTRAZ 'to assist law enforcement agencies on safeguarding national security'.

3.59 The *Interception of Communications Act* (2007) permits the government to monitor all communications in the country, including internet transmissions. The Act requires telecommunications operators and ISPs to install necessary surveillance technology at their own expense and to intercept

information on the state's behalf, penalising failure to comply with a fine and up to three years' imprisonment. The Act authorises the Minister for Information to issue warrants allowing the monitoring and interception of communication at the Minister's discretion, meaning there is no judicial oversight or other independent safeguard against abuse. The extent and frequency of monitoring remains unknown. In-country sources have reported that authorities are currently prosecuting a number of individuals in relation to online postings alleging untoward military involvement in the 30 July 2018 election. In August 2018, police charged a man with criminal nuisance for allegedly posting offensive statements on Facebook concerning Mnangagwa, but withdrew the charges two days later (see also [Political Opinion \(actual or imputed\)](#)).

3.60 Human rights observers have expressed concern that several forthcoming policies will serve to tighten further the government's control over the internet and online activities. In March 2018, Mnangagwa launched the National Policy for Information and Communications Technology (NPICT), initially introduced by the Mugabe administration in 2015. The NPICT details plans to establish a single national ICT 'backbone', to be owned by various public and private shareholders but ultimately controlled by the government. When introduced, this will make it easier for authorities to restrict access to the internet and mobile networks, and to order and impose internet disruptions.

3.61 The government is also in the process of introducing a Computer Crime and Cybercrime Bill, which will place considerable restrictions on online freedom of expression when passed. The proposed bill penalises the dissemination of communications with intent to coerce, intimidate, harass, threaten, bully, or cause substantial emotional damage with a fine, prison sentence of up to ten years, or both; and penalises the spreading of false information with an intent to cause psychological or economic harm with a fine, prison sentence of up to five years, or both. While the government has claimed the bill is focused on addressing financial crimes, human rights observers have expressed concern that it will instead be used to target political activists. Opponents of the bill have also criticised it for the vague language used in its provisions, and for providing too much discretionary power to the police to access personal or private information through a warrant from a magistrate, who may lack independence (see [Judiciary](#)). Human rights observers report that arrests in relation to online activity and threatening statements from government officials about posting critical content have led to an increase in self-censorship among online users.

3.62 Human rights observers report that 'fake news' has become increasingly prevalent. There was a notable increase in unverified reports, false information, and rumours disseminated on social media during the November 2017 military intervention, including stories that a number of Mugabe's allies had been arrested or killed. False information also fuelled political attacks on the opposition in the lead up to the 30 July 2018 elections: the state media reported incorrectly, for example, that Chamisa had been mingling with Mugabe ahead of the vote. While the government and military have denounced fake news, NGOs have reported that ZANU-PF has paid pro-government commentators on social media to defend the administration and attack opponents online. While addressing ZANU-PF youths in March 2018, Mnangagwa was reported as urging them to 'dominate' the social media space in the lead-up to the 30 July 2018 elections. The period following saw a noticeable increase in attacks on perceived government opponents, including human rights defenders and opposition party members, from anonymous social media accounts.

3.63 During the January 2019 fuel protests, the government issued directives from the president's office, channelled through POTRAZ, instructing all mobile and fixed telephony companies in the country to restrict access to entire networks on the grounds of national security. This resulted in total network shutdowns in Harare and Bulawayo, and restricted access to social media platforms and messaging apps nationwide. Services were restored after the High Court ruled that the government did not have the authority to order mobile operators to restrict services. Despite the High Court's ruling, government officials have not ruled out shutting down internet services in the future, and have repeatedly described access to social media as a potential threat.

3.64 DFAT assesses that journalists attempting to cover sensitive topics such as the military and high-level corruption face a moderate risk of official discrimination in the form of harassment, intimidation, obstruction, and threatened or actual violence. Such journalists are likely to seek to minimise these risks through practising self-censorship. DFAT further assesses that Zimbabwean internet users are likely to be subjected to monitoring, may face legal sanction should they post material perceived to be political in nature, and are also likely to practise self-censorship.

Trade Unionists

3.65 Article 65 of the Constitution guarantees citizens (with the exception of members of the security services) the right to organise and join trade unions, bargain collectively and participate in collective job action, including the right to strike. Various articles of the *Labour Act* (2002) reflect these rights, including Article 108, which guarantees protection for persons engaged in lawful collective action (including strikes). Article 30, however, prohibits unregistered trade unions from recommending collective job action or accessing other rights guaranteed to unions in the Act. The Labour Court handles labour-related disputes, and is empowered to reinstate directly workers fired due to discrimination, including due to membership of a trade union.

3.66 The Labour Act empowers the Minister of Public Service, Labour, and Social Welfare to: regulate union activities such as collecting dues and paying staff salaries; make decisions concerning the equipment and property that may be purchased by trade unions; veto collective bargaining agreements perceived to be harmful to the economy; and appoint investigators who can (without prior notice) enter trade union premises, question employees, and inspect and copy documents. The *Labour Amendment Act* (2015) empowers the Minister to order an investigation of a trade union or employer's organisation, and to appoint an administrator to run its affairs.

3.67 Despite the constitution guaranteeing the right to strike, the law strictly regulates the ability of workers to do so. Lawful strikes are limited to disputes regarding work issues, and a majority of employees must agree to strike in a secret ballot. Strike procedure requirements include a mandatory 30-day reconciliation period and referral to binding arbitration in some cases. Following a failed attempt at conciliation, the party proposing a collective job action must provide 14 days' written notice of intent to resort to such action, including specifying its grounds, in order to call a strike legally. There are no provisions prohibiting employers from hiring replacement workers in the event of a strike. Military and police members are the only legally recognised essential services employees, and are constitutionally prohibited from striking. The Minister may declare any non-essential service an essential service, however, if a strike is deemed a danger to the population. Employers can sue workers for liability during unlawful strikes, with penalties including fines, up to five years' imprisonment, or both. Authorities can suspend individual unions for up to a year for organising unlawful strikes.

3.68 Unions representing at least 50 per cent of workers may bargain collectively on behalf of all workers in an industry, rather than just union members. The Labour Amendment Act, however, gives the Minister the power to veto a collective bargaining agreement if they deem it to be contrary to the public interest. While some Zimbabwe Congress of Trade Unions (ZCTU) affiliates have been able to engage in collective bargaining with employers without government interference, ZCTU members have reported that employers did not generally recognise the right of unions to represent their members' full interests. According to International Trade Union Confederation reports, employers have frequently abused institutional weaknesses within the Zimbabwean labour law system by creating deadlocks in the bargaining process, thus forestalling a decision within a reasonable timeframe. Employers have reportedly attacked agricultural workers both verbally and physically during negotiations. Human rights observers report that members of trade unions often perceive

that they are targeted specifically for adverse employment action, and that workers themselves fear the consequences of participating in trade union activities.

3.69 Zimbabwe has two competing umbrella organisations that claim to represent the interests of the country's workers. The Zimbabwe Congress of Trade Unions (ZCTU) is the older and larger of the two and its membership is strongly pro-MDC, while the smaller Zimbabwe Federation of Trade Unions (ZFTU) is aligned with ZANU-PF. Under Mugabe, security authorities regularly targeted ZCTU members due to their political affiliations. A 2010 commission of inquiry on trade union rights by the International Labour Organization (ILO) identified a clear pattern of intimidation by security forces against ZCTU members nationwide, including arrests, detentions, violence, and torture. The government accepted the recommendations made in the ILO's report, and has reportedly taken some steps to address the concerns raised. In-country sources report that there were some moves towards reconciliation from the government under Mnangagwa, including a personal meeting between Mnangagwa and the ZCTU leadership.

3.70 Despite these positive signs, human rights observers report that official interference with trade union activity remains common, and that authorities have withheld or delayed the registration certificates for a number of unions. Although the law does not require unions to notify police of public gatherings, police have reportedly required such notification and have shut down 'unauthorised' events. ZANU-PF supporters have also occasionally prevented unions from holding meetings with their members and carrying out organisational activities. Police and intelligence services have reportedly attended and monitored trade union meetings and activities. In October 2018, police arrested the ZCTU president and 35 other trade unionists in Harare and other major city centres as they awaited a court decision to overturn the ban on their planned demonstration against the government's two per cent tax on electronic transfers. Police had previously denied the ZCTU's request for a permit. A Harare magistrate subsequently dismissed the ZCTU's challenge to the police ban. In August 2019, police arrested 10 union officials who had attempted to lobby the Finance Minister over low pay for teachers, along with the group's lawyer and a journalist attempting to film the arrest. Several prominent union leaders have also been the subject of abductions, allegedly by security authorities (see [Enforced or Involuntary Disappearances](#)).

3.71 Unions have regularly undertaken strike action under the Mnangagwa administration. The January 2019 fuel protests occurred on the first day of a three-day general strike. Junior doctors at public hospitals went on strike in September 2019 over pay and conditions. According to media reporting, hundreds were fired as a result. Junior doctors had undertaken earlier strike action in March, November and December 2018 (see [Health](#)). In mid-April 2018, the government fired 16,000 nurses after they went on strike for better working conditions, but reinstated the nurses after mediation. In May 2018, the government agreed to an increase in the proposed pay rise for public sector employees after teachers' unions threatened to go on strike. In July 2019, public sector workers threatened to go on strike over wages, amid an inflation crisis.

3.72 DFAT assesses that trade unionists affiliated with the ZCTU face a moderate risk of discrimination in the form of monitoring, intimidation, arrest, and threatened or actual violence, particularly during periods of labour unrest. This risk is higher for those in leadership roles.

Women

3.73 Article 17 of the Constitution commits the State to promoting full gender balance in Zimbabwean society, requiring the State to promote the full participation of women in all spheres of society on the basis of equality with men and to take all measures (including legislative measures) needed to ensure that both sexes are equally represented in all institutions and agencies of government at every level. The principle of gender equality is further promoted throughout the Constitution, including in Article 56 (2), which guarantees women and men the right to equal treatment and opportunities; Article 65 (6), which guarantees

women and men the right to equal remuneration for similar work; and Article 80 (3), which states that all laws, customs, traditions, and cultural practices that infringe on the rights of women conferred by the Constitution are void to the extent of the infringement.

3.74 The ZGC (see [Human Rights Framework](#)) is mandated to monitor issues concerning gender equality; investigate possible violations of rights; receive, consider, and action complaints from the public; recommend changes to laws and practices that lead to gender-based discrimination; advise public and private institutions on steps to ensure gender equality; and secure appropriate redress where rights related to gender have been violated. Despite the appointment of commissioners in 2015, the ZGC has been significantly underfunded and has been criticised for lacking sufficient independence from government. The Ministry of Women's Affairs, Gender, and Community Development is the lead government agency addressing women's rights and gender equality. The Ministry, supported by the UN Development Programme (UNDP) and UN Women, produced a revised National Gender Policy in 2017. 'Gender Focal Points' within government ministries have the role of ensuring that ministries comply with gender parity pledges, although they reportedly lack the capacity and power to do so. Numerous laws seek to promote women's rights and counter discriminatory traditional practices.

3.75 Article 26 of the Constitution commits the State to taking appropriate measures to ensure that marriages are not entered into without the free and fair consent of the intending spouses; that children (defined as under 18 years of age) are not pledged in marriage; that there is equality of rights and obligations of spouses during marriage and at its dissolution; and that, in the event of dissolution of a marriage through death or divorce, provision is made for the necessary protection of any children and spouses. The Constitutional Court ruled in 2016 that no individual younger than 18 may enter into marriage, including customary law unions, and struck down a provision of the Marriage Act that allowed girls (but not boys) to marry at age 16.

3.76 Despite legal prohibitions, human rights observers report that rural families in particular continue to force girls to marry young, and that there is particularly strong support for early marriage among apostolic groups. Child welfare NGOs have reported evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDs orphans who lacked relatives willing or able to take care of them. High rates of unemployment, the dropout of girls from school, and the inability of families to earn a stable income were major reasons cited for child marriage. Families reportedly give girls or young women to other families in marriage to 'placate evil spirits', as compensatory payment in interfamily disputes, or to provide economic protection for the family. Some families have reportedly sold their daughters as brides in exchange for food, and younger daughters have at times married their deceased older sister's husband as a 'replacement' bride.

3.77 A 2014 NGO study found that, because of the cultural emphasis placed on virginity, any loss of virginity – real or perceived, consensual or forced – could result in marriage, including early or forced marriage. According to the US Department of State, in some instances family members had reportedly forced girls to marry men based on the mere suspicion that the two had had sexual intercourse. This cultural practice had applied even in cases of rape, with NGOs reporting numerous instances in which families had concealed rape by facilitating marriages between rapist and victim. Although reportedly decreasing, virginity testing reportedly continued to occur in some regions.

3.78 Divorce and maintenance laws are equitable, but many women reportedly lack awareness of their rights. The customary practice of patriarchal inheritance means that property tends to revert to the man in case of divorce or to his family in the case of his death. Widows forced to relocate into rural areas are reportedly sometimes 'inherited' into marriage with an in-law after the deaths of their spouses. Less than 20 per cent of female farmers are official landowners or named on government lease agreements.

3.79 No laws limit the participation of women in the political process. Women fully participated in the 30 July 2018 elections as voters and candidates for all parties, although their representation is not in proportion

to their percentage of the population. Four female presidential candidates competed in the election, representing the People's Rainbow Coalition, the MDC-T, the #1980 Freedom Movement Zimbabwe, and the United Democratic Movement. Following the elections, women accounted for six of the 21 cabinet minister positions, an increase from 2013, but still well below the equal representation required by the Constitution. Women made up 31 per cent of the National Assembly and Senate, down slightly from 34 per cent in 2013. Women also accounted for six of 12 minister of state positions, six of 13 deputy minister positions, and the position of president of the Senate. At the local government level, women held approximately 19 per cent of councillor positions nationwide.

3.80 A gender analysis of the election process produced by the ZGC found that men occupied most decision-making positions within the election management system while women occupied mostly administrative and support functions. NGOs reported that decision-making structures and processes in all political parties tended to exclude young women in particular. Observers reported that female candidates faced particularly vitriolic gender-based insults regarding their appearance, alleged sexual proclivity, and other gender-based stereotypes. Several female MDC Alliance candidates reported that some inside the party leadership demanded that the women have sex with them in order for their names to be included on the party candidate list.

3.81 Women occupy primarily administrative positions in the Zimbabwe Defence Forces (ZDF) and national services, although there are currently two female brigadier generals and one female air commodore, and the current Minister of Defence and War Veterans is a woman. Despite a constitutional requirement that both sexes be equally represented in all institutions and agencies of government at every level, there is a general lack of women in decision-making positions. Women's salaries generally lag behind those of men in most sectors. NGOs have reported that women are often unable to access gender-based benefits such as maternity leave, which are provided for by law. Zimbabwe's economic decline has particularly affected women, as many work in the informal sector (see [Employment](#)). Women have also been affected disproportionately by the government's forced evictions, demolition of homes and businesses, and takeovers of commercial farms.

3.82 Articles 65-69 of Division B: Sexual Crimes of the CLCRA cover rape and other sexual offences (sexual crimes against [Children](#) are discussed in that section). Article 65 provides for a maximum punishment of life imprisonment for rape. Article 68 disallows being married to the victim to be used as a defence to a rape or a sexual assault charge. Rape remains a significant and widespread problem, including within marriage. Human rights observers report that social stigma and societal perceptions that rape was a 'fact of life' continue to inhibit reporting of rape. This is particularly the case in relation to spousal rape, which women are reluctant to report due to fear of losing economic support or of reprisal. Other reasons contributing to a low reporting rate for rape include a lack of adequate and widespread services for rape victims, unfamiliarity with laws relating to sexual offences (particularly in rural areas), and reluctance of police to become involved in domestic disputes (in the case of spousal rapes).

3.83 Rape victims also face bureaucratic obstacles in accessing treatment. The law requires victims of any form of violence to produce a police report to receive free treatment at government health facilities. This requirement has reportedly prevented many rape victims from receiving necessary medical treatment, including post-exposure prophylaxis to prevent victims from contracting HIV. Adult rape clinics in public hospitals in Harare and Mutare receive referrals from police and NGOs and provide medical services including HIV tests, medication for HIV and other sexually transmitted diseases, and pregnancy-related services. These clinics are run as NGOs and do not receive significant financial support from the Ministry of Health and Child Care. Although police refer for prosecution the majority of reported rapes of women (and men) receiving services from the rape centres, few prosecutions reportedly result. When prosecutions do result in convictions, sentences are inconsistent. Rape victims are not consistently offered protection in court. Children born from rape reportedly suffer stigmatisation and marginalisation. The mothers of children

born from rape are sometimes reluctant to register their births, meaning the children do not have access to social services.

3.84 Human rights observers have consistently reported the use of rape and sexual violence as a political weapon, including by security forces. Following the nationwide protests in January 2019, at least eight women in Harare told Human Rights Watch (HRW) in separate interviews that multiple uniformed and armed soldiers and police had raped them, some while concealing their identities with masks. One woman said that before they took turns to rape her without using condoms, two soldiers had said she should be raped to ‘make her tell the truth’ about her husband’s possible involvement in opposition politics. Another woman reported that police at her local station had refused to record her complaint, telling her that ‘these things are happening all over the country’. The government responded to the allegations by stating its commitment to accountability and justice for victims and encouraging women to come forward and report the cases. Several similar cases reportedly occurred following the 31 July 2018 national election and around previous elections.

3.85 The *Domestic Violence Act* (2006) criminalises domestic violence, which is punishable by a fine and a maximum prison sentence of ten years. Authorities generally consider domestic violence to be a private matter, however, and prosecutions are rare. Human rights observers report that there is a deeply ingrained societal acceptance of the use of violence within relationships as a show of both power and love. Domestic violence rates have reportedly increased in line with Zimbabwe’s ongoing economic decline. Government agencies and women’s rights groups have undertaken public awareness campaigns against domestic violence, including through working with law enforcement agencies, but these campaigns have been largely ineffective in reducing its prevalence. NGOs report that most urban police stations have trained officers to deal with victims of domestic violence, but that stations have a limited ability to respond in the evening and on weekends. A limited number of NGO-run women’s shelters also offer counselling to victims of domestic violence, but these are insufficient to meet demand.

3.86 There is no specific law criminalising sexual harassment, although Articles 8 (g) and (h) of the *Labour Act* (2002) prohibit it in the workplace. In-country sources report that sexual harassment is prevalent throughout society, particularly in workplaces and universities. Female university students routinely encounter unwanted physical contact from male students, lecturers and non-academic staff, ranging from touching and inappropriate remarks to, in some instances, rape.

3.87 DFAT assesses that, despite constitutional and legislative protections, women in Zimbabwe face a moderate risk of societal discrimination due to a number of significant disadvantages that include the threat of gender-based violence and other sexually-based harassment (including from state authorities), and long-standing traditional values and gender roles that limit their full participation in the workplace and community. Women in rural communities are particularly disadvantaged.

Sexual Orientation and Gender Identity

3.88 Article 78(3) of the Constitution specifically prohibits persons of the same sex from marrying each other. The Constitution does not prohibit discrimination based on sexual orientation or gender identity. Section 73 of the CLCRA criminalises as ‘sodomy’ anal sexual intercourse between male persons, or ‘any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act’. Sodomy is punishable by up to a year’s imprisonment, a fine of up to USD5,000, or both. Section 73 does not distinguish between consensual and non-consensual cases, meaning that the media occasionally misreports some cases of male-on-male or male-on-child rape as ‘homosexual sex’. There are no legislative prohibitions against lesbianism, or in relation to gender identity. The media regularly covers intersex issues, which authorities generally treat as medical rather than identity-related issues.

3.89 While official rhetoric under the Mugabe administration was strongly homophobic, particularly from Mugabe himself, actual prosecutions in relation to consensual same-sex sexual activities were very rare. In many cases where police did arrest LGBTI (lesbian, gay, bisexual, transgender or intersex) individuals, the charges were usually unclear from the outset and, at most, police would charge individuals with low-level misdemeanours such as loitering, indecency, or public order statutes. Despite the lack of prosecutions, however, the ongoing high-level official rhetoric, frequent homophobic commentary from church leaders and media reporting, and general conservative social attitudes all contributed to a difficult social environment for LGBTI individuals. Human rights observers reported that the criminality and social stigma of same-sex activity left homosexual men in particular vulnerable to blackmail, dismissal from employment or education, eviction from housing, and/or violence or harassment from families, neighbours, or the police. LGBTI individuals were particularly vulnerable to assault in cases where they were in the presence of a crowd, which would depend on the strength of numbers to initiate an attack following a tip-off. In cases where such mob attacks took place in the neighbourhoods of LGBTI individuals, they would usually be followed by property owners issuing eviction notices to the victims. GALZ recorded 170 violations (of all kinds) between 2012-17, but the stigma attached to LGBTI issues means this is likely to understate substantially the true number.

3.90 There has been a substantial decrease in the level of official hostility towards the LGBTI community under Mnangagwa, particularly in relation to homophobic rhetoric from state officials. President Mnangagwa met with LGBTI advocates following his accession, while ZANU- PF officials also engaged for the first time ahead of the July 2018 elections. LGBTI advocates also report that they have been able to commence a dialogue with police representatives in order to build a better understanding of the community and its needs, including through developing a field manual for policing marginalised communities. Advocates are also working with the media towards more sensitive and objective reporting of LGBTI issues, rather than the sensationalism that was the norm under Mugabe. In April 2018, the LGBTI community was for the first time granted permission to exhibit at the Zimbabwe International Trade Fair.

3.91 Despite these positive signs, there is no indication that constitutional or legislative change on LGBTI issues is on the government's agenda. In-country sources advise that societal attitudes towards same-sex attraction and/or gender identity remain very conservative, but that these attitudes tend to be based more around a lack of understanding of the issues than on active hostility. Many Zimbabweans are reportedly under the impression that simply identifying as LGBTI is in itself a criminal offence, thus justifying homophobic and transphobic attacks. Human rights violations against LGBTI individuals have continued to occur, including blackmail and extortion from police, discrimination in employment and education, threats of violence in colleges and universities, and intimate partner and family violence. In one high-profile case in September 2018, a deputy headmaster at an elite private school resigned from his position after receiving death threats and protests from parents angered at his public declaration of his sexual orientation. In February 2018, a Masvingo magistrate convicted two prison inmates of sodomy and gave them each additional six-year prison terms to their existing sentences after they were caught having consensual sex in a cell.

3.92 While lesbian relationships are not criminalised, they remain socially unacceptable. The 2018 GALZ report on human rights violations reported that intolerance of lesbian relationships was increasingly manifesting in the form of 'corrective' rape and other forms of violence, although no accurate figures were available. In September 2018, a 21-year-old suspected lesbian was charged with aggravated indecent assault in Harare after allegedly drugging and sexually abusing her friend on several occasions. The defendant argued that the alleged assault was consensual, and that the complainant made a complaint only after rumours of the relationship reached her family.

3.93 According to a 2016 study by Trans Research, Education, and Training (TREAT), Zimbabwe's first transgender advocacy organisation, there are approximately 400 openly transgender people in the country

(although the true number is likely higher). TREAT reports that the main issues affecting transgender individuals relate to difficulties in changing identity documents to reflect their preferred gender identity; limited access to inclusive health services and affordable medications, particularly hormones; discrimination in housing and employment; and societal violence and harassment. In December 2018, TREAT's founder Rikki Nathanson (a transgender individual) fled Zimbabwe and sought asylum in the United States following a series of incidents. Police in Bulawayo had arrested Nathanson in January 2014 for using the women's toilet facilities in a hotel, reportedly stripping her naked in front of five police officers and keeping her in jail for three days. Nathanson subsequently filed a lawsuit against the Minister for Home Affairs, the Commissioner of the ZRP and several other local officials, although the judge who heard the case in mid-2017 had not issued a ruling as of the publication date. Nathanson claimed to have been threatened and warned to drop the case by unidentified persons who broke into her house, and said that she had been tipped off that authorities were likely to arrest her imminently.

3.94 GALZ is Zimbabwe's leading LGBTI advocacy organisation, operating since 1990 and registered as a voluntary association. GALZ had around 500 members at its peak in 2000, but numbers have subsequently dropped to around 300 as many members have left Zimbabwe. GALZ's current membership includes LGBTI individuals from a wide range of ethnic and socio-economic backgrounds, including from urban townships. GALZ is headquartered in Harare, but runs regular social events, education, and outreach activities nationwide. TREAT appears to be moribund following Nathanson's departure from Zimbabwe. There are few, if any, other LGBTI service providers or social venues operating openly in Zimbabwe.

3.95 DFAT assesses that gay men face a moderate risk of official discrimination in that the existence of legislation prohibiting male homosexual acts can be used as a means of harassment, even if prosecutions or legal punishments are not generally pursued. DFAT further assesses that gay men, lesbians, and transgender individuals face a high risk of societal discrimination due to long-standing traditional views about sexuality and gender that limit their full participation in the community and workforce. Such risks may include intimidation, threatened or actual violence from both families and the general public, blackmail, extortion, or discrimination in employment or education. The risk is likely to be higher for those residing in more conservative and/or rural areas.

Children

3.96 Article 81 of the Constitution guarantees children the right to equal treatment before the law, including the right to be heard; to be given a name and family name; to the prompt provision of a birth certificate (if born in Zimbabwe or a Zimbabwean citizen by descent); to family, parental, or other appropriate care; to protection from economic and sexual exploitation, and from child labour, maltreatment, neglect, or any form of abuse; to education, health care services, nutrition, and shelter; to not be recruited into a militia force or to take part in armed conflict or hostilities; to not be compelled to take part in any political activity; to not be detained except as a measure of last resort, and, if detained, to be held for the shortest appropriate period, kept separate from detained adults; and to be treated in a manner and in conditions that take account of their age (see [Detention and Prison](#)).

3.97 Article 70 of the CLCRA criminalises sexual intercourse with, and indecent acts committed against, young persons, defined as under the age of 16 years. It provides for a punishment of a fine of USD2,000, imprisonment of up to ten years, or both. Article 70 clarifies that children aged below 12 cannot grant consent. Articles 64(2)(a) and (b) of the Act, however, allow a person charged with rape or indecent assault of a person aged between 12 and 14 years to argue that the young person was capable of giving consent to the sexual intercourse or other sexual conduct, and did so. It is unclear whether these provisions are applied differently in cases where the offender is also a minor or only just over the age of consent themselves. Article 83 of the Act criminalises the procurement of a child younger than age 16 for the purposes of

engaging in unlawful sexual conduct, providing for punishments of a fine of up to USD5,000, up to ten years' imprisonment, or both. NGOs report that persons charged with facilitating the prostitution of a child are often also charged with statutory rape, indicating that the child was aged under 12 years.

3.98 Child abuse, including incest, infanticide, child abandonment, and rape, are serious problems in Zimbabwe. In 2018, the NGO Childline reportedly received more than 14,500 reports of child abuse via its national helpline, managed more than 5,500 in-person cases at its drop-in facilities across the country, and counselled more than 4,000 children. Just less than half of all reported cases of abuse concerned a child who had been sexually, physically, or emotionally abused, neglected, or forced into marriage (see [Women](#)). Approximately twice as many girls reported abuse as boys. Increasing economic hardships, coupled with the effect of drought, have led more girls to resort to prostitution as a means of survival. NGOs report that girls from areas bordering South Africa, Zambia, and Mozambique are often subjected to prostitution in brothels catering to long-distance truck drivers.

3.99 Government efforts to combat child abuse have generally proved ineffective, due in part to underfunding. The government is continuing to implement a case management protocol developed in 2013 to guide the provision of child welfare services. There are some government and NGO facilities that serve underage victims of sexual assault and abuse.

3.100 The Labour Amendment Act raised the minimum age for general labour and apprenticeship by boys and girls to 16 years (from 13 and 15 respectively), and declared void and unenforceable apprenticeship contracts entered into by children younger than age 18 without the permission of a guardian. The Act further states that no person younger than age 18 shall perform any work likely to jeopardise that person's health, safety, or morals, and prohibits forced or compulsory labour with the exception of work for the national youth service.

3.101 Despite the reformed provisions contained within the Act, and a National Action Plan, child labour remains endemic, primarily in the informal economy. NGOs report that forced labour by children occurred in the agricultural, street vending, herding, forestry, fishing, artisanal gold and chrome mining, and domestic sectors. Adults have also utilised children in the commission of illegal activities, including gambling and drug smuggling. Street children, who live and/or beg on the streets, are highly common in urban areas. Children working in all of these sectors often face hazards to their health and safety, lack necessary equipment and training, and are highly vulnerable to wage exploitation and other forms of abuse.

3.102 NGOs report that the general lack of free basic [Education](#) for children increases the risk of children's involvement in child labour. Because children are legally required to attend school up to age 12, those aged between 12 and 15 are particularly vulnerable to becoming involved in child labour as they are not required to attend school and not legally permitted to work. In a 2018 HRW report on child labour in tobacco farms, many child workers cited the need to pay school fees or buy basic necessities as reasons for working. Teachers interviewed in the report noted that many children missed school in order to raise funds for the next set of school fees.

3.103 Zimbabwe has a very high proportion of orphans, due primarily to the HIV/AIDS crisis (see [Health](#)). UNICEF estimated in 2016 that 18 per cent of children had lost one or both parents to HIV or other causes. Many orphaned children are cared for by their extended families or live in households headed by children, while others are homeless. Many are not enrolled in school, and some are forced to turn to prostitution for income. Orphaned children suffer discrimination and social stigma, and are vulnerable to abuse, food insecurity, malnutrition, and HIV/AIDS.

3.104 DFAT assesses that the ongoing political and economic dysfunction in Zimbabwe increases the risk of abuse for children, particularly for those without family support and/or those involved in the informal economy. The level of this risk will vary according to geographic location and individual circumstance.

Persons with Disabilities

3.105 Articles 22 and 83 of the Constitution guarantee equality for persons with disabilities; prohibit discrimination against them in employment, access to public places, and the provision of services; and commit the State to taking appropriate measures to ensure that persons with disabilities realise their full mental and physical potential. Other articles commit the State to taking necessary measures to ensure the inclusion and representation of persons with disabilities in employment, education, and political bodies. The *Disabled Persons Act* (1992) is the primary law addressing disability issues. Like other forms of legislation, it has not been aligned with the 2013 Constitution. Neither the Constitution nor the law specify physical, sensory, mental, or intellectual disabilities, and NGOs have lobbied the government to broaden the legal definition of ‘disabled’ to include persons with albinism, epilepsy, and other conditions.

3.106 Human rights observers report that government institutions are often uninformed about the law and their requirements to implement it. Although two senators are specifically elected to represent persons with disabilities, parliament rarely addresses issues especially affecting persons with disabilities. Parliament does not provide specific line items for persons with disabilities in the various social service ministry budgets. Although the law stipulates that government buildings be accessible, implementation has been slow and most buildings remain inaccessible. There are minimal legal or administrative safeguards to allow persons with disabilities to participate in electoral processes. Administrative arrangements for voter registration at relevant government offices are burdensome, and often necessitate return visits that effectively serve to disenfranchise some persons with disabilities. Access to justice in courts is compromised for persons with hearing disabilities due to a lack of sign language interpreters, particularly in rural areas.

3.107 NGOs report that three-quarters of children with disabilities have no access to education. Few government schools or education facilities are specifically equipped to cater for children with disabilities, and many refuse to accept them as students. Although some children with disabilities in urban areas are able to obtain informal education through private institutions, these options are generally unavailable for those in rural areas. Children with disabilities are highly vulnerable to sexual abuse. According to NGOs, the public generally consider persons with disabilities to be objects of pity rather than persons with rights. Most persons holding traditional beliefs reportedly view persons with disabilities as bewitched. In many cases, families will hide children with disabilities from public view by confining them to the home.

3.108 For information on people with mental disabilities, see [Health](#).

3.109 DFAT assesses that, notwithstanding the constitutional and legislative protections in place, persons with disabilities continue to face considerable official and societal restrictions that limit their ability to participate fully in society. This is particularly the case for children with disabilities.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 The two most significant recent cases of multiple extra-judicial killings involving security forces relate to the 1 August 2018 post-election demonstrations and the January 2019 fuel protests (see [Political System](#) and [Political Opinion \(actual or imputed\)](#)). On 18 December 2018, President Mnangagwa released the 128-page report ('the Motlanthe Report') of the Commission of Inquiry into the 1 August 2018 post-election violence (see [Political System](#)). In its report, the Commission noted that its approach to the task was that of an independent fact-finding body, not a court of law, and that its findings were based on 'a balance of probabilities' rather than a strict burden of proof. The Motlanthe Report found that:

- the 1 August 2018 demonstrations were 'incited, pre-planned, and well organised by the MDC Alliance';
- both the 2013 Constitution and the circumstances on the day justified deployment of the military to assist the police, but the military should have been placed under police command;
- the use of live ammunition directly at protesters was clearly unjustified and disproportionate, as was the use of *sjamboks*, baton sticks, and rifle butts to assault members of the public indiscriminately;
- six people died and 35 were injured as a result of military and police actions;
- at least six people sustained injuries as a result of actions by the protesters, and there was significant damage to property (including looting).

4.2 The Motlanthe Report's recommendations included compensation for all victims of the violence and dependents of the deceased, 'professional and non-partisan' training of the police, and a review of standing orders and procedures for military engagement in law and order enforcement operations. The Commission also advocated for: registration of political parties; electoral reforms to enhance transparency and expedite the announcement of election results; and the establishment of a multi-party reconciliation initiative to address the root causes of the post-election violence; as well as highlighting a broader need for national healing.

4.3 Critics of the Motlanthe Report argued that its approach to the inquiry suggested a lack of impartiality, raising particular concerns that its recommendations on accountability appeared to distinguish between the prosecution of those persons responsible for all alleged crimes committed on 1 August 2018, and the internal investigation and appropriate sanction of members of the military and police found to have been in breach of their professional duties and discipline on that day. In-country sources report that the military has not identified anyone responsible for the killing of demonstrators more than a year on from the 1 August 2018 violence, and there has been very little movement overall on implementing any of the Motlanthe Report's recommendations.

4.4 In responding to the January 2019 events, Mnangagwa said that, while the loss of life was regrettable, the use of force had been proportionate because the demonstrations had ‘represented a direct threat to the stability of the country’. The government stated its commitment to accountability and justice for the victims of the violence, including through establishing hotlines for complaints. DFAT is not aware, however, of any formal investigations into the use of lethal force by security forces during the protests.

4.5 Authorities have reported that investigations continue into historic cases of extra-judicial killings and other politically motivated violence committed by security forces, including the 1980s *Gukurahundi* campaign. There have not been any arrests or charges laid in relation to these events. In April 2019, the government announced that it would take steps to compensate victims of the *Gukurahundi*, including through exhuming and reburying those killed and buried secretly or in mass graves, and issuing them with death certificates.

Enforced or Involuntary Disappearances

4.6 Zimbabwe is not a signatory to the *Convention for the Protection of All Persons from Enforced Disappearance*. The overwhelming majority of disappearances in Zimbabwe are historic in nature. The *Gukurahundi* campaign resulted in thousands of cases of enforced disappearances of civilians in Matabeleland and Midlands provinces. There is little information available on the thousands of Zimbabweans who disappeared during the Independence War. The whereabouts of an opposition political activist and journalist abducted from a Harare barbershop in March 2015 remain unknown.

4.7 As noted in Political Opinion (actual or imputed), there have been a number of recent cases in which unknown armed assailants (in most cases) have abducted, interrogated, and physically mistreated perceived critics of the government before subsequently releasing them. The MDC reported in late August that 26 officials had been subjected to such abductions and mistreatment. Examples include:

- On the night of 13 August 2019, unknown armed men abducted a political activist from his home on the outskirts of Harare, and severely beat him with metal rods on his feet and buttocks before dumping him. During the beating, the men accused him of being involved in the organisation of the protests scheduled for 16 August 2019. The activist, who was hospitalised following the attack, had previously been arrested (along with six others) in May 2019 upon his return from the Maldives where he had attended a capacity-building workshop on non-violent protest tactics (see Civil Society Activists).
- On the same night, unknown armed men abducted an MDC activist from his home in a Harare suburb before beating and dumping him.
- On the night of 22 August 2019, six armed and masked men who identified themselves as ZRP officers abducted a prominent comedian/political satirist from her home in front of relatives. They reportedly drove her to an unknown place, stripped and beat her, and forced her to perform army drills and drink raw sewage, while questioning her about her partner, colleagues, and employer. The abductors reportedly threatened to kill her mother before dumping the comedian on the outskirts of Harare. The ZRP had previously arrested the woman and a colleague in February 2019 for public nuisance after they appeared in a sketch wearing costumes resembling police uniforms. At the time, authorities reportedly warned her that her comedy was becoming too political.
- On the night of 14 September 2019, Dr Peter Magombeyi, the head of the Zimbabwe Hospital Doctors Association disappeared from his home. Dr Magombeyi subsequently reappeared on 20 September, after the government issued a statement of concern for his apparent abduction. Dr Magombeyi required ongoing hospitalisation after his return, with friends and colleagues alleging he

had been poisoned during his abduction. Dr Magombeyi's involvement in the ongoing industrial action by doctors and nurses through 2018-19 (see [Health](#) and [Trade Unionists](#)) led to widespread allegations that his abduction was state-orchestrated. Following his return, authorities initially prevented him from leaving Zimbabwe to receive specialist medical treatment in South Africa, despite a court order declaring this action illegal. Although the ZRP claim that he was needed in Zimbabwe to assist the investigation into his abduction, many allege that he was prevented from leaving the country because of fear that substantial medical tests would reveal the extent of his mistreatment (and confirm the involvement of security authorities).

4.8 The full facts of the recent abductions remain unclear, including the identity of the perpetrators. While the government's statement of concern in relation to Dr Magombeyi is a positive development, the government has yet to fully demonstrate its commitment to apprehending and prosecuting those responsible for the abductions, or to preventing any further incidents.

DEATH PENALTY

4.9 Article 48(2) of the Constitution permits the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances. The death penalty cannot be imposed on a person who was less than twenty-one years old when the crime was committed; who is more than seventy years old; or who is a woman. Persons sentenced to death have the right to seek pardon or commutation of the penalty from the President. Hanging is the method of execution, although Zimbabwe has not employed an official hangman since 2005. Although Zimbabwe has not carried out an execution since 2005, it is yet to declare an official moratorium. Amnesty International reported that judges passed more than five death sentences in 2018, and that at least 81 people were known to be under sentence of death as of the end of 2018.

4.10 Official moves on the death penalty have been mixed. In December 2018, the government voted against a UN resolution on a worldwide moratorium on the death penalty. In January 2019, however, the Justice, Legal, and Parliamentary Affairs Ministry reportedly recommended to Cabinet that it abolish the death penalty due to the lack of increased deterrence and the inevitability of error. Mnangagwa, a former death row inmate during the UDI era, has been vocal in his personal opposition to the death penalty. In March 2018, he exercised the constitutional 'Power of Mercy' provisions in commuting to life imprisonment the death sentences of prisoners who had been on death row for ten or more years. A 2017 survey found that 61 per cent of Zimbabweans supported the retention of the death penalty. Eighty per cent, however, said that if the government took leadership in abolishing the death penalty they would accept it as government policy.

TORTURE

4.11 Zimbabwe is not a signatory to CAT or CAT-OP (see [Human Rights Framework](#)). Article 53 of the Constitution states that no person may be subjected to physical or psychological torture or to cruel, inhuman, or degrading treatment or punishment. Article 86(3)(c) further emphasises the right not to be tortured or subjected to cruel, inhuman, or degrading treatment or punishment as an enshrined right that cannot be limited by law.

4.12 Despite these legal protections, human rights observers continue to report cases of security forces and/or ZANU-PF supporters using physical abuse or torture to intimidate political opponents, or to obtain confessions from suspects in detention. Reported torture methods included beating victims with sticks, clubs, cables, gun butts, *sjamboks* (a heavy whip), and *falanga* (beating the soles of the feet), while security forces have also reportedly utilised psychological torture. As noted in [Enforced or Involuntary](#)

Disappearances, those subjected to the recent spate of abductions have experienced physical and psychological abuse amounting in some cases to torture.

4.13 Human rights observers report that torture and other human rights abuses are particularly likely to occur during periods of national unrest, including during or after elections or political protests. Particular targets of torture include actual and perceived opponents of the government, particularly opposition political activists. One NGO reported that in the eight-month period between January and August 2018, 367 victims of organised violence and torture sought medical treatment and counselling after sustaining injuries in multiple incidents across the country. The NGO reported that approximately half of those claiming to have been tortured were MDC Alliance supporters and around 10 per cent associated with other opposition parties, while the remainder did not indicate their political affiliation. The NGO reported that ZANU-PF supporters committed 35 per cent of the violations, the ZRP 31 per cent, and the ZDF 22 per cent. Human rights observers reported numerous cases of alleged torture in relation to security crackdowns following the 1 August 2018 post-election demonstrations and the January 2019 fuel protests (see Extra-Judicial Killings).

4.14 Human rights observers have also reported cases in which security forces have detained and tortured illegal diamond miners. One NGO reported that 23 miners had separately sought assistance from them after being caught by security forces attempting to mine at the Chiadzwa mine in Manicaland Province. The security forces had reportedly detained the miners, beaten them with sticks, kicked them, and allowed dogs to attack them.

4.15 According to NGOs, authorities do not generally investigate thoroughly most allegations of torture or other abuses committed by security forces, and few cases result in prosecution. In April 2017, however, the High Court ordered the state to pay a human rights activist USD150,000 in damages after she was abducted, tortured, and held incommunicado for 21 days in 2008. DFAT is not aware of any other cases in which courts have ruled in favour in cases in which victims have made torture allegations against state authorities.

4.16 DFAT assesses that security authorities and ZANU-PF activists continue to use torture as a means of intimidation and punishment, particularly against political opponents. Those arrested during political protests face a high risk of being tortured in custody, while those subjected to enforced disappearance face a high risk of experiencing physical and psychological mistreatment that may amount to torture. Individuals who have been subjected to torture at the hand of state authorities or ZANU-PF activists are highly unlikely to receive redress through official channels. DFAT notes that reports of politically related violence are not confined to ZANU-PF.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.17 Article 49 of the Constitution guarantees the right not to be detained without trial, and not to be deprived of liberty arbitrarily or without just cause. Article 50 states that any arrested person must be informed of the reason for the arrest at the time; must be permitted to contact a lawyer, family member or anyone else; must be released pending charge or trial unless there are compelling reasons justifying their continued detention; and must be permitted to challenge the lawfulness of their arrest in person before a court and released promptly if the arrest is unlawful. Authorities must bring an arrested person before a court within 48 hours. Arrested persons have the right to remain silent. The law absolves individual security officers from criminal liability regarding unlawful arrests and detention. The April 2017 High Court ruling

referred to in the previous section found that officials could be sued, however, especially if they had acted unlawfully.

4.18 The law provides for bail for most accused persons. In 2015, the Constitutional Court declared invalid a section of the *Criminal Procedure and Evidence Amendment Act* (2006, subsequently amended in 2016) that had allowed prosecutors to veto bail decisions made by the courts and to keep accused persons in custody for up to seven days based on the prosecution's stated intent to appeal bail. The government responded to the court's ruling by amending the law to include provisions that allow prosecutors a veto over judicial bail decisions. Prosecutors have reportedly used these provisions to extend the detention of opposition political activists.

4.19 Human rights observers have continued to report numerous cases in which the government has used arbitrary arrest and detention as tools of intimidation and harassment, including through regularly arresting large numbers of people during anti-government protests. Particular targets for arbitrary arrest include opposition political activists, civil society activists, and journalists (see relevant sections).

4.20 Civil society groups reported that security forces indiscriminately rounded up and detained hundreds of people for allegedly participating in the January 2019 fuel protests. Police and army personnel reportedly carried out seemingly indiscriminate door-to-door raids in a number of Harare suburbs, forcibly entering homes by breaking doors and windows. Many of those arrested were quickly convicted on charges of public violence and criminal nuisance, in trials criticised by observers as unfair and lacking due process. DFAT understands that a number of senior MDC party officials and ZCTU leaders arrested in connection with the protests remain in custody, while others have been released on bail but remain subject to legal proceedings. Human rights observers also reported a number of cases of arbitrary arrest and detention during and following the 1 August 2018 post-election demonstrations. A number of victims, including the MDC Alliance's Information and Public Secretary, reported being abducted, assaulted, and subjected to hours-long interrogations in remote locations regarding opposition members' whereabouts.

4.21 Prosecutors have declined to bring charges in some cases involving arbitrary arrest. For example, in October 2018, prosecutors declined to charge three ZCTU members in Gweru who police had arrested for demonstrating against government economic measures. In July 2018, a magistrate declined to charge three MDC Alliance members who police had arrested for attempting to observe postal voting at a police camp in Mutare.

4.22 Authorities reportedly often prevent detainees from having prompt or regular access to their lawyers, including through telling lawyers attempting to visit their clients that detainees or those with authority to grant access are unavailable. In some cases, authorities have reportedly monitored, harassed, and intimidated lawyers attempting to gain access to their clients. In August 2018, for example, the Zimbabwe Lawyers for Human Rights reported that police had attacked the lawyer of arrested former finance minister and senior MDC Alliance official Tendai Biti, and had prevented the lawyer from accompanying Biti to Harare Central Police Station.

Corporal Punishment

4.23 The Constitutional Court ruled in April 2019, that judicial corporal punishment constituted cruel, inhuman, or degrading punishment and was therefore illegal under Article 53 of the Constitution. The *Criminal Procedure and Evidence Act* (2016) had permitted caning as a judicial punishment for males under the age of 18, which had been a common sentence. The law is yet to be amended to incorporate the court's ruling.

4.24 Corporal punishment is legal and widely utilised in Zimbabwean homes, alternative care settings, schools, and day care centres. The *Children's Act* (1972) prohibits ill-treatment and neglect of children but protects the right of parents/guardians to administer 'reasonable punishment', while the *Education Act* (1987) specifically authorises the administration of corporal punishment. The Minister of Primary and Secondary Education announced in March 2019 that the Government was moving to remove corporal punishment in schools through the *Education Amendment Bill*, which states that under no circumstance is a teacher permitted to beat a child (although it does not explicitly prohibit all corporal punishment of children).

4.25 A survey conducted in early 2017 found that around three-quarters of Zimbabweans believed that the use of physical force to discipline children was always or sometimes justified. Men and women held similar views, as did rural and regional respondents. In contrast, 80 per cent of respondents believed that it was never justified for a man to beat his wife.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Article 209 of the Constitution mandates the formation of a National Security Council (NSC), composed of the President, Vice-President, and selected ministers and members of the security services. The NSC's primary designated functions are to develop a national security policy, and to inform and advise the President on matters relating to national security. The Constitution also mandates that independent Commissions oversee state protection bodies, including the Zimbabwean Defence Force (ZDF), Zimbabwe Republic Police (ZRP), and the Zimbabwe Prisons and Correctional Service (ZPCS). According to international human rights observers, the NSC has never met. The Joint Operations Command, an informal administrative body, has instead discharged the NSC's functions at national, provincial, and district levels. It is unclear whether any of the other Independent Commissions are operational.

5.2 Human rights observers report that state protection forces are heavily politicised and lack independence from government. As earlier described, the government has routinely used state authorities to restrict the activities of political opponents, particularly the MDC, and the partisan stance of security forces remains a key feature of political life. Human rights observers have consistently raised concerns that civilian authorities have at times not maintained effective control over security forces, and that impunity for abuse by security forces remains the norm. The government has not established an independent complaints mechanism to investigate allegations of security force misconduct as required by the Constitution. Insufficient funding and limited support restricts the ability of national human rights institutions such as the ZHRC to deliver justice to victims of human rights abuses, particularly involving cases in which state authorities are the perpetrators (see also [National Human Rights Institution](#)). All state protection institutions are significantly subject to and affected by [Corruption](#).

Zimbabwe Defence Forces (ZDF)

5.3 Chapter 11, Part 2 of the Constitution (Articles 211-218) sets out the role and functions of the Zimbabwe Defence Forces (ZDF), which consist of an Army and an Air Force. The ZDF is required to be non-partisan, national in character, patriotic, professional, and subordinate to civilian authority. The President is Commander-in-Chief, and appoints a responsible Minister. The President also appoints the ZDF's Commander, and the Commanders of each service for fixed five-year terms with a two-term limit. The President, as Commander-in-Chief, has the sole power to authorise the deployment of the ZDF or to determine its operational use. With the President's authority, the ZDF may be deployed in Zimbabwe in national defence, in support of the ZRP in the maintenance of public order, or in support of the ZRP and other civilian authorities in the event of an emergency or disaster. With the President's authority, the ZDF can deploy outside Zimbabwe on multilateral peacekeeping operations, to defend allies, in fulfilment of international commitments, or in defence of Zimbabwe's national security or national interests.

5.4 The ZDF has an estimated total strength of 30,000 personnel, most of whom serve in the Army. All ZDF personnel are volunteers. The Army has eight brigade-sized formations and district commands in Harare

and Bulawayo. The government has frequently deployed ZDF personnel in support of ZRP operations, including in response to the 1 August 2018 post-election demonstrations and the January 2019 fuel protests.

5.5 As noted in [Recent history](#), the ZDF staged a military intervention into domestic politics between 13 November and 18 December 2017 ('Operation Restore Legacy') to force Mugabe's resignation. According to a statement delivered on state television by ZDF's official spokesperson, the objective of the intervention was to allay public anxiety through removing 'criminal elements' that had surrounded Mugabe. The ZDF formally departed the political stage upon Mnangagwa's assumption of the presidency, but in-country sources have expressed concern that numerous aspects of Zimbabwean society have become increasingly militarised. For example, a number of former military personnel have transitioned into senior government roles: retired general Constantino Chiwenga, who played a prominent role in the military intervention in November 2017 as Commander of the ZDF, has served as Vice-President since December 2017; while former Major-General Sibusiso Moyo is currently Foreign Minister. Chiwenga also continues to serve concurrently as Vice-President of ZANU-PF, a role he has also held since December 2017, and the ZDF is widely perceived as being a deeply politicised organisation. Mnangagwa oversaw a major shake-up of the ZDF in February 2018 when he retired four generals, including the officer primarily responsible for the November 2017 removal of Mugabe. A government representative said that the four would be appointed to diplomatic posts abroad.

Zimbabwe Republic Police (ZRP)

5.6 Chapter 11, Part 3 of the Constitution (Articles 219-223) and the *Police Act* (1995) set out the role and functions of the Zimbabwe Republic Police (ZRP). The ZRP is responsible for detecting, investigating, and preventing crime; preserving internal security; protecting and securing the lives and property of the people; maintaining law and order; and upholding the Constitution and enforcing the law. The ZRP is required to be non-partisan, national in character, patriotic, professional, and subordinate to civilian authority. The Ministry for Home Affairs is responsible for the ZRP; and the President appoints a Commissioner-General of Police in consultation with the Home Affairs Minister. The Commissioner-General has a fixed five-year term with a two-term limit.

5.7 The ZRP is headquartered in Harare and organised provincially. It has specialised riot, paramilitary, investigative, forensic and ballistics, and intelligence functions. The ZRP does not publish details on its force numbers, but estimates of its size range from 40,000-60,000, including reserves. In-country sources report that, like other state protection forces, the ZRP is a highly politicised organisation. Top police commanders are expected to support and promote ZANU-PF. Political affiliation can influence police investigations, particularly in cases involving criminal and political violence; and ZRP personnel have regularly used POSA and other legislation to restrict freedom of assembly and expression in support of ZANU-PF interests.

5.8 Poor working conditions, a lack of training and resources, and low salaries mean that [Corruption](#) is common in the ZRP, with police often using roadblocks to extort goods or bribes. A May 2015 survey found that most Zimbabweans perceived the ZRP to be the most corrupt institution in the country, with a quarter of respondents reporting having paid a bribe to obtain a service or to avoid problems. Resource and capacity constraints can also limit the ability of police to investigate or deal with ordinary crimes, including those involving violence.

5.9 Human rights observers and in-country sources report that the ZRP has been weakened as an institution under Mnangagwa. In early 2018, the government forcibly retired 11 senior ZRP officials and reassigned dozens more. In-country sources have suggested that this has resulted in the police losing the confidence of the public, and in a growth in crime due to the emboldening of criminals. Low pay and high inflation are reported to have had a negative impact on police morale. Short supply of petrol has also reduced the capacity of the police.

Informal Militias

5.10 Informal state-sponsored militias comprised of war veterans and youth brigades played a prominent role in farm invasions and attacks on opposition party members during the 2000s, particularly in rural areas. The two most prominent militia groups at that time were: the Zimbabwe National Liberation War Veterans Association, made up of actual or self-declared veterans of the independence war; and the Youth Brigades (also known as the Green Bombers), made up of participants or graduates of a National Youth Service (NYS) program established in 2001 for Zimbabweans aged 10-30. The NYS program reportedly provided militia training to approximately 80,000 youths at more than 150 camps nationwide before being suspended in 2007 due to lack of funding. At the height of the farm invasion period in the mid-2000s, security analysts put the numbers of war veterans at around 30,000 active and 10-15,000 inactive members, and the Youth Brigades at around 15,000.

5.11 The profile of informal militias has reduced considerably in recent years, due in part to the significant reduction in the number of violent farm invasions (see [White Zimbabweans](#)). While there were some reports of intimidation by informal militias during the 30 July 2018 elections, interlocutors report this was at a much lower level than had previously been the case. DFAT understands that some prominent individuals and political parties, including the MDC, use youth or other informal militias to protect their political and economic interests, sometimes using violence.

ZANU-PF Activists

5.12 Human rights observers report that ZANU-PF activists continue to carry out acts of intimidation and politically motivated violence, targeting in particular members of opposition political parties such as the MDC (see also [Torture](#)). Ahead of the 30 July 2018 elections, ZANU-PF activists in rural areas dominated by the party reportedly compelled individuals to contribute money towards ZANU-PF political rallies through threats and intimidation, and monitored and reported on persons suspected of supporting opposition political parties (see also [Political System](#)). In some constituencies, ZANU-PF supporters threatened to withhold food aid unless villagers could prove that they had voted for ZANU-PF.

5.13 ZANU-PF activists have often acted with the support or acquiescence of state security forces, and have generally not faced legal sanction. In July 2018, however, the ZRP arrested a number of ZANU-PF supporters in Mashonaland East Province for allegedly threatening to burn down the house of a non-MDC opposition parliamentary candidate.

Judiciary

5.14 Chapter 8 of the Constitution outlines the role and functions of the judiciary and the courts. The court system comprises the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court, magistrates courts, customary law courts, and other courts established by or under an Act of Parliament. The Chief Justice is head of the judiciary and heads the Constitutional Court and the Supreme Court. The High Court, Labour Court, and Administrative Courts are headed by respective Judge Presidents.

5.15 The Constitutional Court is the highest court in all constitutional matters, and its decisions on those matters bind all other courts. The Supreme Court is the final court of appeal, except in matters over which the Constitutional Court has jurisdiction. The High Court has original jurisdiction over all civil and criminal matters, and has jurisdiction to supervise magistrate courts and other subordinate courts and to review their decisions. The Labour Court and Administrative Courts have jurisdiction over matters of labour and

employment, and administrative matters respectively. Magistrate courts adjudicate on civil and criminal cases, and customary law courts on the application of customary law. Magistrates hear the vast majority of cases. The Judicial Services Commission (JSC), headed by the Chief Justice, tenders advice to the government on matters related to the judiciary and the administration of justice; and promotes and facilitates the independence and accountability of the judiciary and the efficient, effective, and transparent administration of justice.

5.16 Article 164 of the Constitution guarantees the judiciary's independence, while Article 165 sets out its guiding principles. It prohibits members of the judiciary from engaging in political activities, holding office or being a member of any political organisation, soliciting funds for or contributing towards any political organisation, or attending political meetings. The President appoints all judges in consultation with the JSC. The JSC appoints magistrates, and approves the appointment of judicial officers other than magistrates or judges. Judges must retire at the age of 70. Judges may only be removed from office if they demonstrate an inability to perform the functions of their office, due to mental or physical incapacity, for gross incompetence, or for gross misconduct.

5.17 Article 69 of the Constitution guarantees defendants the right to a fair and public trial within a reasonable time before an independent and impartial court. Persons accused of an offence have the constitutional rights: to the presumption of innocence; to be informed promptly of the charge against them; to be given adequate time and facilities to mount a defence; to be represented by a legal practitioner (and to be provided one by the State if necessary); to be present when being tried; to present witnesses and evidence on their own behalf; to challenge evidence; and to exercise the right to silence to avoid self-incrimination. In both civil and criminal proceedings, parties are given the option to engage in either English, Shona, or Ndebele (depending on region). In many cases where parties have legal representation, legal representatives will speak in English as many legal terms will not have a Shona or Ndebele equivalent. All court proceedings must be interpreted into a language that the defendant understands. A person who has been tried and convicted of an offence has the right to have the case reviewed by a higher court, or to appeal to a higher court against the conviction and sentence. Conviction requires proof beyond a reasonable doubt, and the prosecution bears the burden of proof.

5.18 The ZRP serves as the entry point for any matter concerning the criminal justice system. ZRP personnel receive statements from complainants; investigate cases; apprehend suspects; compile briefs of evidence (known variously as 'dockets' or 'Form 242s'); and present suspects to court. Some ZRP personnel also have quasi-judicial roles, responsible for assessing bail applications in minor cases; accepting admissions of guilt on behalf of the court; warning accused persons for minor cases; and summoning witnesses to court.

5.19 Human rights observers report that authorities often do not respect constitutional rights in practice, particularly in relation to politically sensitive cases. Delays in pre-trial procedures are common due to a shortage of magistrates and court interpreters, poor bureaucratic procedures, and resource and capacity constraints, but normal criminal proceedings still generally proceed from investigation to trial within months. In cases involving the trials of government critics, such as members of opposition political parties or civil society activists, however, prosecuting agents reportedly regularly take excessively long times to submit their cases for trial. In many cases wherein authorities have granted bail to government opponents, they have not concluded investigations and have instead chosen to 'proceed by way of summons', leaving the threat of impending prosecution remaining. Some persons accused in this manner have eventually been ordered to appear in court, only to be then informed of further delays. In some politically sensitive cases, government officials have reportedly frequently ignored court orders and delayed bail and access to medical care.

5.20 Defendants in politically sensitive cases are reportedly more likely to receive fair hearings in lower courts than in higher courts, particularly in urban areas. Observers have reported cases in which judges have used threats and intimidation to force magistrates, particularly in rural areas, to rule in the government's

favour in politically sensitive cases, as well as cases in which urban-based junior magistrates have granted opposition party members and civil society activists bail against the government's wishes.

5.21 In-country sources and human rights observers report that the judicial sector is highly politicised, and that executive influence and interference remain a problem. NGOs have reported that senior government officials have undermined judicial independence, including by giving farms, land, and homes to judges. The government often refuses to abide by judicial decisions that go against it, and routinely delays payment of court cases or judgements awarded against it in civil cases. A May 2015 survey found that the majority of Zimbabweans perceived judges and magistrates to be involved in Corruption, and that around 20 per cent of civilians had paid a bribe or given a gift to gain assistance from courts. Human rights observers continue to report that judicial corruption is widespread at all levels of the judicial system. In April 2019, Zimbabweans reacted with anger on social media to news that the JSC had placed an order for 64 judicial wigs from a legal outfitters in London, at an equivalent cost of AUD210,225.

5.22 DFAT assesses that capacity and funding restrictions, corruption, and politicisation restrict the ability of the judiciary to deliver effective justice to citizens. Individuals with politically sensitive cases are less likely to receive a fair trial if their case is high profile or if the case is being heard in a rural area. Ordinary citizens whose case is not politically sensitive are more likely to be able to access justice through the courts, but may find their case subject to delays due to capacity restraints.

Detention and Prison

5.23 Chapter 11, Part 5 of the Constitution (Articles 227-231) outlines the role and functions of the Zimbabwe Prisons and Correctional Service (ZPCS), requiring it to be non-partisan, national in character, patriotic, professional, and subordinate to civilian authority. The President appoints a Minister responsible for the Prisons and Correctional Service; and appoints a Commissioner-General of the Prisons and Correctional Service in consultation with the Minister.

5.24 Zimbabwe's prison population consists of approximately 17,000 prisoners, spread across 46 main prisons and 26 satellite prisons. The ZPCS's inspections and audit unit has responsibility for assessing prison conditions and improving the monitoring of prisoners' rights, but does not release publicly the results of such assessments. The ZHRC and international human rights monitors all have the right to conduct monitoring visits, and have reported that they have been able to meet with prisoners with minimal restrictions and without third parties present. Prisoners and detainees have relatively unrestricted access to visitors, except in maximum-security facilities where remoteness can hamper access by prisoners' relatives. While there is no prison ombudsman, there are statutory mechanisms to allow alternatives to incarceration for non-violent offenders. Prisoners are able to practise their religion freely: NGOs report that prisoners have sufficient access to chaplains and most prisons offer minority religious services. The ZPCS's responsibilities include prisoner rehabilitation and reintegration into society, and inmates have opportunities to participate in various forms of life skills and occupational training.

5.25 Conditions in detention facilities are generally harsh. NGOs report that outdated infrastructure and judicial backlogs have contributed to overcrowding in some facilities. In March 2018, President Mnangagwa granted amnesty to approximately 3,000 prisoners, including most women and all juveniles, to address overcrowding. NGOs report that food shortages are widespread (if not life threatening) with protein in short supply, and that prisoners' access to clean water varies according to prison. Prisoners have access to very basic medical care, with a clinic and doctor at nearly every prison. Due to outdated regulations and a lack of specialised medical personnel and medications, however, prisoners suffer from routine but treatable medical conditions such as hypertension, tuberculosis, diabetes, asthma, and respiratory diseases. Diarrhoea is prevalent in most prisons, and diseases such as measles and tuberculosis, and HIV/AIDS-related illnesses

thrive in those with the poorest conditions. Lighting and ventilation are inadequate, and there are insufficient mattresses, bedding, warm clothing, sanitary supplies, and hygiene products. Financial constraints mean that the ZPCS has at times been unable to transport prisoners with emergency medical needs to local hospitals. Prisoners with mental health issues are often held together with regular prisoners until a doctor is available to make an assessment. Psychiatric sections are available at some prisons but offer little specialised care.

5.26 There is one juvenile prison that houses boys only: girls are held together with women. International human rights observers have reported that authorities often hold boys in adult prisons while in remand; and generally send juvenile offenders to prison rather than to reformatory homes as stipulated in the law. NGOs report that juvenile offenders are vulnerable to abuse by prison officials and other prisoners. Due to overcrowding in remand facilities, authorities often hold pre-trial detainees with convicted prisoners until their bail hearings. While political prisoners are generally held in the main prison population, they may in some cases be held in either isolation or in 'D' class solitary confinement as a means of punishment.

5.27 Although there have been cases in which prison guards have beaten and abused prisoners, NGOs report that the use of excessive force by authorities is not systemic and that the general relationship between prison guards and prisoners has improved in recent years. Political prisoners and detainees, however, reportedly receive a lower standard of treatment than other prisoners and detainees. NGOs have reported cases in which authorities have beaten and physically abused political and civil society activists while they have been in detention.

5.28 NGOs report that conditions for female prisoners are generally better than those provided for men. Authorities hold women in separate prison wings and provide female guards. NGOs have not reported any cases in which women inmates have reported rapes or other physical abuse. There are reportedly several dozen children under the age of four residing with their incarcerated mothers: these children share their mothers' food allocation rather than receiving their own. Although pregnant women and nursing mothers do not receive additional care or food rations out of the ZPCS budget, the ZPCS reportedly solicits donations from NGOs and donors to provide them with additional provisions.

INTERNAL RELOCATION

5.29 Article 66, Sections 2(a), (b) and (c) of the Constitution guarantees Zimbabwean citizens (and others legally present in Zimbabwe) the right to move freely within Zimbabwe; reside in any part of the country; and leave Zimbabwe. Zimbabwean citizens can and do relocate internally for a variety of reasons. Large numbers of citizens have relocated in search of employment, and due to displacement caused by rural evictions, natural disasters, localised conflict (including in relation to state-sponsored election-related violence), and urban evictions. According to international organisations, as of 2018 approximately 113,000 households were displaced throughout the country. Internal displacement in relation to political violence reportedly peaked following the 2008 election, although there were some reports of political opposition members relocating from the Mashonaland provinces following the 2013 and 2018 elections. DFAT understands that Bulawayo offers a safer environment for political opposition members than other parts of the country.

5.30 In-country sources report that internal relocation is generally easier for single men and family groups than for women, who will generally have less access to financial resources and who are bound by cultural expectations that they will look after their children. Single women are less likely to have access to sufficient support services and may face societal discrimination, particularly in rural areas.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.31 Article 66, Sections 1(a) and (b) of the Constitution guarantee every Zimbabwean citizen the right to enter Zimbabwe, and immunity from expulsion. The *Immigration Act* (1979) and *Immigration Regulations* (1998, amended 2005) regulate the entry of persons into Zimbabwe and their departure. The legal instruments prohibit the entry into the country and removal of certain persons, and provide for the control of foreign visitors. All potential entrants are required to make a declaration on an official form to an immigration officer at an official point of entry, and to provide valid travel documents. The Immigration Act gives authorities power to question any person desiring to enter Zimbabwe, to photograph and take the fingerprints and palm prints of any person suspected of being a 'prohibited person' (see following paragraphs), and to deny that person entry into the country. Immigration authorities may arrest any person they suspect of having entered Zimbabwe illegally and detain them for up to fourteen days while establishing their status.

5.32 The Immigration Act restricts entry and exit into and out of Zimbabwe to designated ports of entry/exit, and provides for penalties for violations of up to one year's imprisonment and a fine. The official ports of entry/exit are: Harare and Bulawayo International Airports; Harare and Bulawayo Railway Stations; and border crossing points at Beitbridge (South Africa), Sango, Forbes, and Nyamapanda (all Mozambique), Chirunda, Kariba, and Victoria Falls (all Zambia), and Plumtree (Botswana). The Department of Immigration and the ZRP, both under the Ministry of Home Affairs, are primarily responsible for migration and border enforcement.

5.33 As noted in Demography, large numbers of Zimbabweans have left the country for economic reasons in recent decades. A large percentage of those who have departed have gone to neighbouring southern African countries, particularly South Africa, with many departing Zimbabwe through irregular means. Migrants have crossed the South African border illicitly by truck or train, by walking, or by swimming across the Limpopo River. Some female migrants reportedly traded sex for transportation by truckers, or with border guards to secure entry. Many migrants who paid gangs at border crossing points to guide them across the border reportedly had their clothing and belongings stolen, or were subjected to physical or sexual abuse. South African security forces have intercepted and subsequently detained many would-be migrants. It is unclear how many attempted migrants have been forcibly returned to Zimbabwe, or whether they have faced prosecution on return for leaving Zimbabwe illegally.

5.34 The Immigration Act states that an individual may lose their 'domicile' (lawful permanent resident) status in Zimbabwe if they voluntarily depart from and reside outside Zimbabwe with the intention of making their home there; or are absent from Zimbabwe for a continuous period of five years or longer. Taking up residence outside Zimbabwe is regarded as *prima facie* evidence of such an intention, and the onus of proving otherwise is on the person whose status is in question. Losing domicile status would generally preclude the individual from re-entering Zimbabwe without obtaining a new visa.

5.35 The Immigration Act lists a number of categories for which a potential entrant would be determined a 'prohibited person'. These include being a homosexual or a prostitute, or someone who has lived on or knowingly received earnings from prostitution or homosexuality; epileptic or 'mentally disordered' persons; deaf, dumb, or blind persons, or those with other physical incapacitations; those infected with or suffering from prescribed diseases; and certain classes of convicted criminals. Human rights observers have expressed concern that a number of these provisions represent human rights breaches and potential constitutional violations. The Immigration Act confirms that Zimbabwean citizens cannot be considered 'prohibited

persons'. It is unclear, however, whether authorities might consider as a prohibited person an individual who has lost their domicile status (as discussed above) or a dual national.

5.36 The *Zimbabwe Citizenship Bill* (1984; amended 2001 and 2005), which remains in force, prohibits the simultaneous holding of a Zimbabwean citizenship and that of any other country for any citizen, regardless of their place of birth. This conflicts with Section 42(e) of the 2013 Constitution, which allows dual citizenship for those who are citizens by birth, but provides for Parliament to make provision for the prohibition of dual citizenship for those who acquired citizenship by descent or registration. In February 2019, Cabinet approved amendments to the draft *Zimbabwe Citizenship Bill* to allow dual citizenship for citizens born in Zimbabwe and prohibiting it for descent and registration. When approved by Parliament, this Bill will bring the law into compliance with the 2013 Constitution. In-country sources have reported that there have been numerous cases in recent years in which citizens who have left Zimbabwe and taken up citizenship of their host country have been denied the rights of citizenship, including the right to vote (see [Political System](#)). Many dual nationals reportedly keep their dual national status secret when returning to Zimbabwe in order to avoid attracting negative attention from authorities.

5.37 Like other agencies, immigration and border authorities are significantly underfunded and face significant capacity restraints that can affect their ability to enforce travel restrictions. Authorities at international airports maintain a stronger capacity to uphold entry and exit regulations than those at land borders. International observers report that instances in which authorities interfere with the entry or exit of government critics – including through seizing passports of domestic political opponents, and expelling or denying entry to foreign critics – are occurring less often under Mnangagwa than under Mugabe. In August 2018, however, authorities prevented former finance minister and senior MDC Alliance official Tendai Biti, from leaving for Zambia, instead forcibly returning him to Harare (see also [Arbitrary Arrest and Detention](#)).

Conditions for Returnees

5.38 The International Organization for Migration runs a voluntary assisted return and reintegration program aimed at assisting migrants who wish to return voluntarily to Zimbabwe, including failed asylum seekers. DFAT is unaware of any cases to date in which returnees, including failed asylum seekers, have faced persecution or mistreatment on return.

DOCUMENTATION

5.39 Article 35 of the Constitution states that persons are Zimbabwean citizens by birth, descent, or registration. It guarantees the entitlement of all citizens to passports and other travel documents, and to birth certificates and other identity documents issued by the State. The Ministry of Home Affairs' Department of Registrar General (DRG) issues all forms of official documentation, and holds records centrally in its Harare headquarters. The DRG has sub-offices in a large number of locations throughout the country. As with other government bodies, the ongoing economic crisis has had a significant impact on DRG's operations.

5.40 In-country sources report that international organisations are working with the government to provide access to identity documents for stateless persons.

National Identity Card (NIC)

5.41 The *National Registration Act* (1976) specifies that all citizens, aliens, and refugees aged 16 and above must register for and carry a national identity card (NIC). NICs are required to obtain a passport, open a bank account, or obtain a driver's licence. To obtain a card initially, applicants must present to their nearest DRG office their birth certificate, their parent or guardian's identity card, and a valid passport (where applicable) if a citizen; and their passport and student, work, or residence permit if a non-citizen.

5.42 NICs are plastic and the size of a standard credit card. The most recent form of the NIC features the Zimbabwean Soapstone bird on a red star in the top left corner, the words 'Republic of Zimbabwe' above the words 'National Registration' in the top middle, and the national coat of arms in the top right hand corner; an oval shaped hologram on the bottom left corner below the bearer's photograph, a hologram of the bearer's photograph below the coat of arms; and the bearer's fingerprint in the bottom right corner. The card includes the bearer's ID number, full name, date and place of birth (and village of origin, if applicable), and date of issue. The cards also show the bearer's National Identity Number, an eleven character alphanumeric code in which the two-digit prefix denotes the district in which the applicant resides or registered for the NIC.

5.43 DFAT understands that authorities commenced issuing plastic NICs around 2003. Previous NICs were metal, were last issued officially around 2002-03, and are replaced with plastic NICs if reported lost. Many older Zimbabweans reportedly still use metal cards as their primary source of identification, although authorities announced that they would begin phasing out metal cards for identity purposes ahead of the 2018 general elections.

Birth Certificates

5.44 The legal framework for birth registration is the *Birth and Death Registration Act* (last updated 2005). Birth certificates are required for identification, travel, education, voting, inheritance, and obtaining social services. There is a legal obligation to register births within 42 days, regardless of whether the child is born in or out of a medical institution. Births can be registered at the civil registrar's office or any hospital or health centre nationwide by the parents, the occupier of the house, medical staff, or any witness of the birth aged 18 years of older. Registrars record the child's name, date and place of birth, sex, weight at birth, ethnicity, and the date and place of registration. They also record the mother's and father's marital status, date of marriage, ethnicity, and place of usual residence.

5.45 Possession of birth certificates is far from ubiquitous across Zimbabwe. The 2012 population census data indicated that nearly 40 per cent of school age children did not have a birth certificate, while only one in three children aged younger than five had one. Children in poorer and rural areas are less likely to have birth certificates than are their wealthier and urban counterparts. International observers report that children born of rape are unlikely to have birth certificates, as their mothers are unlikely to register their births due to stigma; while in other cases mothers have been unable to register their children due to the absence of the father or another male relative. Orphaned children who do not obtain a birth certificate at the time of their birth are also often unable to obtain a certificate later on because they are unable to provide enough information regarding their parents, or afford to travel to offices that issue birth certificates. In-country sources also report that there have been cases of authorities refusing to issue birth certificates to the Zimbabwe-born children of dual nationals (see [Exit and Entry Procedures](#)). The lack of a birth certificate impedes a child's ability to acquire identity documents, enrol in school, and access social services (see also [Children](#)).

Marriage Certificates

5.46 The legal framework for marriage registration is the *Marriage Act* (1964, last amended 2001) and the *Customary Marriages Act* (1950). Marrying couples must register their marriage immediately at a Civil registrar's office. The requirements for marriage registration are the presence of the marrying couple and proof that they are of legal age (18 for both males and females). Information collected includes the date of birth/age of the bride and groom and their usual residence(s), and the date and place of the marriage and registration.

Passports

5.47 The DRG issues ordinary, diplomatic, and service passports, and temporary travel documents (TTDs). Applicants for passports must provide their birth certificate, NIC, marriage certificate/divorce order (where applicable), two photographs, a citizenship certificate (where applicable), and their previous passport or a police report for a lost and stolen passport (where applicable), as well as photocopies of all documents. Parents or guardians of children aged under 18 must sign section five of the passport application and produce their NIC or valid Zimbabwe passport. Zimbabweans residing abroad can submit passport applications through a Zimbabwean diplomatic mission. According to the DRG website, the current charges for ordinary passports are USD53, USD253 for an urgent passport (3 working days), and USD318 for an express urgent passport (24 hours), and USD38 for a TTD. Ordinary passports are green, and are valid for ten years.

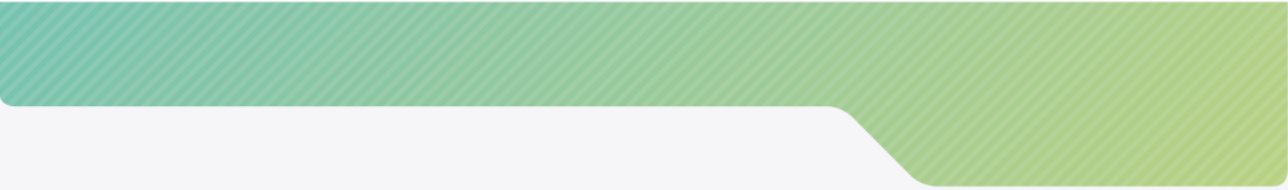
5.48 International human rights observers have reported that authorities have imposed administrative obstacles in the passport application process for citizens entitled to dual citizenship (see [Exit and Entry Procedures](#)), particularly Malawian, Zambian, and Mozambican citizenship. Despite high-profile cases in which courts confirmed the rights of Zimbabweans to hold dual citizenship, many poorer citizens are unable to afford the legal costs of appealing passport and other travel document denials. In-country sources report that passports currently have a wait time of up to two years due to a lack of printing materials.

Police Clearance Certificates

5.49 The ZRP's Criminal Investigations Headquarters issue Police Clearance Certificates, which detail a person's criminal history and list their previous names (if applicable). The certificates, which are valid for six months only, have a ZRP crest at the top centre; and include the signature of the commanding officer (for the Director, Criminal Investigation Department) in the bottom right corner, bar coding in the left bottom corner, an official stamp in the top left corner, and a record number in the top right corner.

PREVALENCE OF FRAUD

5.50 Article 137 of the *Criminal Law (Codification and Reform) Act* (2004) penalises the forgery of, or tampering with, documents with the intention of defrauding another person with imprisonment of up to fifteen years and/or a fine. The Ninth Schedule of the Law includes the theft or forgery of a passport or driver's licence issued by the government of Zimbabwe or any passport, identity document, or driver's licence issued by a foreign government as an offence involving corruption, organised crime, or harm to the national economy. Article 36(1) of the *Immigration Act* (1979) penalises the production or use of fraudulent travel documents with a fine and up to ten years' imprisonment.



5.51 Despite these legal provisions, in-country sources report that document fraud is widespread. Authorities have little capacity to verify claims by applicants, and do not provide information about the outcome of investigations or subsequent prosecutions. Fraud in relation to marriage certificates is reportedly more common than in relation to birth certificates or passports.