



ZIMBABWE

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Common Law Civil Law Customary Law	Written	No	Federation	Republic

1. INTRODUCTION

1.1. Zimbabwe and Modern Slavery (Human Trafficking)

Zimbabwe is a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking.¹ In particular, Zimbabwean women and girls from towns bordering South Africa, Mozambique, and Zambia are subjected to forced labour, including domestic servitude and prostitution. Zimbabwean men, women, and children experience forced labour in agriculture and domestic servitude in rural areas and are lured into exploitative labour situations in South Africa and other neighboring countries.²

According to the U.S. State Department Trafficking in Persons Report, the Government of Zimbabwe is making significant efforts towards meeting the minimum standards for the elimination of trafficking.³ In 2020, the Government's efforts included investigating and prosecuting more traffickers and increasing training for law enforcement and the judiciary.⁴ The Government has improved its identification of victims of trafficking and coordination with international organizations and others to ensure victims receive immediate and long-term psycho-social support and health care.⁵ Areas for improvement include reducing the backlog of trafficking cases, increasing funding for victim protective services, and amending its 2014 Trafficking in Persons Act to align with the standards of the 2000 UN TIP Protocol (defined in Section 1.2.).⁶

1.2. Zimbabwe's Policy and Legal Position

Zimbabwe is a signatory to both the United Nations Convention against Transnational Organized Crime⁷ and its accompanying protocol, the Protocol to Prevent, Suppress and Punish Trafficking in Persons,

¹ U.S. Dep't of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=en. Zimbabwe ratified on December 12, 2007.

Especially Women and Children (**TIP Protocol**).⁸ The Government of Zimbabwe then developed a Trafficking in Persons bill, which was subsequently enacted as the Trafficking in Persons Act (**TiP Act**).⁹ The TiP Act establishes the prohibition, prevention, and prosecution of the crime of trafficking in persons and the protection of victims of trafficking in persons.

The definition of “trafficking” in Zimbabwe is linked to the concept of “transportation” of an individual and as a result does not meet the requirements of the term in the relevant protocols. Specifically, the crime of trafficking in persons consists of transporting persons involuntarily into, outside, or within Zimbabwe, or voluntarily but for an unlawful purpose. The crime also extends to others who aid and abet those acts.¹⁰

2. OVERVIEW OF ZIMBABWE’S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. Zimbabwe’s Regional and International Law Obligations

2.1.1. Fundamental human rights

Zimbabwe is a signatory to the Convention on the Rights of the Child and the accompanying Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.¹¹ In 2007, Zimbabwe ratified the United Nations Convention against Transnational Organized Crime.¹² In 2019, Zimbabwe ratified the Protocol of 2014 to the Forced Labour Convention of the International Labour Organization. That Convention pledges to eradicate forced labour, modern slavery, and human trafficking.¹³ Zimbabwe also has ratified the International Labour Organization Convention 138, Minimum Age; International Labour Organization Convention 182, Worst Forms of Child Labour;¹⁴ and the Palermo Protocol on Trafficking in Persons.¹⁵ It has acceded to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.¹⁶ Zimbabwe is a member of the African Union and has signed, for example, the African Charter on Human and People’s Rights.¹⁷

⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=XVIII-12-a&chapter=18&clang=en. Zimbabwe acceded to the Protocol on December 13, 2013.

⁹ 2014 Trafficking in Persons Act, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

¹⁰ *Id.*, section 1.

¹¹ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=EN.

¹² United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=XVIII-12&chapter=18&clang=en.

¹³ *Id.*

¹⁴ Convention No. 138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour, ILO Conventions on Child Labour, available at: <https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm>.

¹⁵ United Nations Convention against Transnational Organized Crime and the Protocols Thereto, available at: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>.

¹⁶ <http://hrlibrary.umn.edu/research/ratification-zimbabwe.html>.

¹⁷ https://au.int/sites/default/files/treaties/36390-sl-african_charter_on_human_and_peoples_rights_2.pdf.

2.1.2. Slavery and trafficking

The Government approved and adopted a national action plan to combat trafficking for 2019–2021 with support from UNICEF.¹⁸ The action plan has several goals, including collecting data on the extent of human trafficking, raising awareness throughout the country, and providing increased health and legal services for victims.¹⁹ However, there are gaps in legislation on human trafficking.²⁰ As of 2020, proposed amendments to the TiP Act, which would bring the law in line with international standards, remained pending.²¹ In 2020, the Government convicted fewer trafficking cases compared to the previous year, and there remains a backlog of trafficking case investigations, dating back to 2016.²²

In 2019, the Government, in partnership with the International Organization of Migration and with funding from the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (**JTIP**), adopted and launched a National Referral Mechanism (**NRM**).²³ The NRM outlines standard operating procedures for assisting victims of trafficking by effectively referring victims to services.²⁴

The Anti-Trafficking Inter-Ministerial Committee (**ATIMC**) drafted and adopted referral procedures set out in the NRM and launched provincial anti-trafficking task teams.²⁵ Full implementation of those procedures has not yet occurred.²⁶

The Ministry of Public Service, Labour and Social Welfare (**MPSLSW**) has the responsibility to handle trafficking cases jointly with an NGO and encourages victims to cooperate in the investigation and prosecution of trafficking cases.²⁷

2.1.3. Effect under Zimbabwe’s law

Chapter four of the Constitution of Zimbabwe provides that the country “must take into account international law and all treaties and conventions to which Zimbabwe is a party.”²⁸

¹⁸ *2019 Findings on the Worst Forms of Child Labor: Zimbabwe*, U.S. Department of Labor, p. 1, available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zimbabwe.pdf.

¹⁹ *Bulletin of the Carmelite NGO*, Vol. 9, N. 4, 2016, pp. 1–2, available at: https://carmelitengo.org/ngo/wp-content/uploads/2020/01/vol_9.n4.pdf.

²⁰ U.S. Dep’t of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

²¹ *Id.*

²² *Id.*

²³ *U.S., IOM add to Zim’s response to human trafficking*, U.S. Embassy in Zimbabwe (February 27, 2018), available at: <https://zw.usembassy.gov/u-s-iom-add-zims-response-human-trafficking/>.

²⁴ *The Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC) 2019–2021*, p. 7, available at: https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/TraffickinginPersons/2019_to_2021_Final_NAPLAC_.pdf.

²⁵ *Training enhances coordination by Government and Civil Society to trafficking response*, International Organization of Migration (August 6, 2019), available at: <https://zimbabwe.iom.int/news/training-enhances-coordination-government-and-civil-society-trafficking-response>.

²⁶ U.S. Dep’t of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

²⁷ *Id.*

²⁸ Constitution of Zimbabwe, chapter 4, available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf.

The Constitution also requires all courts and tribunals to apply any “reasonable interpretation” of domestic law that is consistent with a ratified treaty’s provisions.²⁹ Additionally, the Constitution provides that “[c]ustomary international law is a part of the law of Zimbabwe, unless it is inconsistent with this Constitution or an Act of Parliament.”³⁰

2.2. Human Rights Protections Under Zimbabwe’s Law

The Constitution of Zimbabwe includes protection for human rights and obliges all branches of government to respect and ensure the rights it enunciates.³¹

The Constitution protects the right to equal protection of the law,³² freedom from torture and inhuman or degrading treatment or punishment,³³ freedom of association,³⁴ freedom of expression,³⁵ freedom of movement,³⁶ liberty and security,³⁷ and the right to life.³⁸ It also prohibits slavery and forced labour – “[n]o person may be subjected to slavery or servitude” and “[n]o person may be made to perform forced or compulsory labour.”³⁹

In 2011, Zimbabwe launched a program called “Building National Response Capacity to Combat Human Trafficking in Zimbabwe,” in collaboration with the International Organization for Migration.⁴⁰

The main law prohibiting trafficking is the TiP Act. In 2016, Zimbabwe implemented the Trafficking in Persons National Plan of Action (**NAPLAC**).⁴¹

²⁹ *A review of the legal framework in Zimbabwe relating to the protection of IDPs*, Norwegian Refugee Council and Internal Displacement Monitoring Centre (December 2014), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Zimbabwe-normative-framework-exec-sum.pdf>.

³⁰ Constitution of Zimbabwe, art. 326(1), available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf.

³¹ *Id.*, chapter 4.

³² *Id.*, art. 56.

³³ *Id.*, art. 53.

³⁴ *Id.*, art. 58.

³⁵ *Id.*, art. 61.

³⁶ *Id.*, art. 66.

³⁷ *Id.*, arts. 49, 52.

³⁸ *Id.*, art. 48.

³⁹ *Id.*, arts. 54, 55.

⁴⁰ *IOM Launches New Project to Assist Zimbabwe Counter-Trafficking Efforts*, International Organization for Migration (January 31, 2011), available at: <https://southafrica.iom.int/news/iom-launches-new-project-assist-zimbabwe-counter-trafficking-efforts>.

⁴¹ *Zimbabwe Launches Trafficking in Persons National Plan of Action*, International Organization for Migration (May 8, 2016), available at: <https://www.iom.int/news/zimbabwe-launches-trafficking-persons-national-plan-action>; *Human Rights Matrix: Zimbabwe*, Policy Project, available at: <http://www.policyproject.com/matrix/matrix2.cfm?country=Zimbabwe>.

2.3. Criminalization of Modern Slavery

Forced labour, or what is also known as modern slavery, is a crime. The TiP Act prohibits sexual exploitation, debt bondage, forced labour, and other forms of servitude.⁴²

2.4. Supply Chain Reporting

Zimbabwe's Labour Relations Amendment Act (**Labour Act**) makes forced labour a crime and prescribes penalties of imprisonment for up to two years.⁴³ Forced labour, however, remains an issue in the gold and diamond mining industries, as well as in agriculture, particularly tobacco farming.⁴⁴

Zimbabwe does not have any government policies or legislation on supply chain reporting regarding human trafficking.

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

The Zimbabwe Republic Police are responsible for maintaining security within the country. Police are officially under the authority of the Ministry of Home Affairs, however, the Office of the President has directed some police roles and missions.⁴⁵ For example, in 2021, the Office of the President ordered police to set up security check points to prevent unauthorized transport operators.⁴⁶

The Department of Immigration and Police, both under the Ministry of Home Affairs, are primarily responsible for migration and border enforcement.

The military is responsible for maintaining external security, but it also has some domestic security responsibilities. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defence Forces and report to the Minister of Defence.

The Central Intelligence Organization, under the Office of the President, engages in both internal and external security matters.

Inconsistencies between national and international laws on trafficking hinder the government's anti-trafficking law enforcement. For example, the TiP Act defines trafficking in persons as a movement-based crime and does not adequately define "exploitation," making it difficult to prosecute certain crimes.⁴⁷

⁴² *Zimbabwe joins efforts to combat forced labour*, ILO, available at: https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/WCMS_706806/lang--en/index.htm.

⁴³ Labour Act, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

⁴⁴ *Trafficking Risk in Sub-Saharan African Supply Chains – Zimbabwe Country Overview*, Verité, available at: <https://www.verite.org/africa/explore-by-country/zimbabwe/>.

⁴⁵ *Zimbabwe 2020 Human Rights Report*, U.S. Department of State, p. 1, available at: <https://www.state.gov/wp-content/uploads/2021/03/ZIMBABWE-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁴⁶ Zvamaida Murwira, *President gets tough with pirate kombis*, The Herald (March 6, 2021), available at: <https://allafrica.com/stories/202103060053.html>.

⁴⁷ U.S. Dep't of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

The TIP Act criminalizes the involuntary transport of persons and their voluntary transport for an unlawful purpose into, outside, or within Zimbabwe. The focus on transport and the inadequate definition of “exploitation” leaves Zimbabwe without comprehensive prohibitions of trafficking crimes. However, the TIP Act prescribes penalties of imprisonment for 10 years to life for certain types of trafficking crimes, which is commensurate with penalties for other serious crimes, such as rape.

Although Zimbabwe’s Labour Act makes forced labour a crime, its penalty of imprisonment for up to two years is not sufficiently stringent by international standards.

The Criminal Law (Codification and Reform) Act (**Criminal Law Act**) makes it a crime to procure a person for unlawful sexual conduct inside or outside of Zimbabwe and prescribes penalties of imprisonment for up to two years; this penalty falls short of international standards for cases of sex trafficking.⁴⁸

The Criminal Law Act also makes it a crime to coerce or induce anyone to engage in unlawful sexual conduct with another person by threat or intimidation. The penalty is imprisonment for one to five years.

In 2020, the Government trained nearly 300 detectives on the anti-trafficking law and victim protection. In September 2019, the Zimbabwe Republic Police incorporated a module on the anti-trafficking law for police recruit training and delivered the training to six classes of new officers. In collaboration with an international organization, the Government trained 50 immigration officials on trafficking. The Government trained magistrates on trafficking in November 2019.⁴⁹

2.5.2. *Mutual assistance/international cooperation*

As a Member State of the African Union (**AU**) and of the United Nations (**UN**), Zimbabwe has human rights obligations at both the regional and international levels.⁵⁰

Zimbabwe ratified the African Charter on Human and Peoples’ Rights (**African Charter**) on May 30, 1986.⁵¹ The African Commission on Human and Peoples’ Rights (**ACHPR**) monitors Zimbabwe’s human rights policies and practices. ACHPR also reviews the State’s reports concerning its human rights situation and decides complaints of alleged violations. Zimbabwe has not accepted the jurisdiction of the African Court on Human and Peoples’ Rights.⁵²

As a UN Member State, Zimbabwe is subject to the oversight of various UN human rights bodies, including the Human Rights Council and its Universal Periodic Review and thematic special procedures. As a party to specific universal human rights treaties, Zimbabwe’s policies and practices are monitored by UN treaty bodies.⁵³

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *International Justice Resource Center – Country Factsheet Series – Zimbabwe*, International Justice Resource Center (September 15, 2017), p. 1, available at: <https://ijrcenter.org/wp-content/uploads/2017/11/Zimbabwe.pdf>.

⁵¹ Ratification Table: African Charter on Human and Peoples’ Rights, African Commission on Human and Peoples’ Rights, available at: <https://www.achpr.org/ratificationtable?id=49>.

⁵² *International Justice Resource Center – Country Factsheet Series – Zimbabwe*, International Justice Resource Center (September 15, 2017), p. 1, available at: <https://ijrcenter.org/wp-content/uploads/2017/11/Zimbabwe.pdf>.

⁵³ *Id.* at 2.

3. ZIMBABWE’S FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

The most comprehensive Zimbabwean law criminalizing human trafficking is the TiP Act. The Act prescribes penalties of imprisonment for 10 years to life.⁵⁴ The Act also prescribes penalties for those who aid and abet trafficking, not just for traffickers themselves. Furthermore, penalties for sex trafficking crimes are commensurate with penalties for other serious crimes, such as rape. Zimbabwe’s Labour Act makes the use of forced labour a crime, with offenders liable for a fine, a prison sentence for no more than two years, or both.⁵⁵ Criminal offences related to the trafficking or forced labour of children are covered by the TiP Act, the Labour Act, and the Children’s Act.⁵⁶



3.2. Slavery Offenses Under Zimbabwe’s Legal Order

3.2.1. General

Slavery is illegal under Zimbabwe’s Constitution, which states: “No person may be subjected to slavery or servitude.”⁵⁷ Under the Labour Act, the penalty for using forced labour is a fine, a prison sentence for no more than two years, or both.⁵⁸ The table below shows the penalties for human trafficking crimes.

⁵⁴ U.S. Dep’t of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

⁵⁵ Labour Act, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

⁵⁶ 2019 Findings on the Worst Forms of Child Labor: Zimbabwe, U.S. Department of Labor, available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zimbabwe.pdf.

⁵⁷ Constitution of Zimbabwe, art. 54, available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf.

⁵⁸ Labour Act, section 4(A), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

HUMAN TRAFFICKING PENALTIES IN Zimbabwe	Duration of imprisonment	Amount of the fine
Human trafficking offence without aggravating circumstances	10 years to life for perpetrators, up to 10 years for abetting	Up to ZWL 1.6 million for abetting ⁵⁹
Attempt	10 years to life for perpetrators, up to 10 years for abetting	Up to ZWL 1.6 million for abetting
The perpetrator committed the offence via an abuse of official authority	10 years to life for perpetrators and abettors	N/A
The offence was committed against a minor or a person in a situation of vulnerability	10 years to life for perpetrators and abettors	N/A
The offence caused the victim's death or was committed by a criminal organization	10 years to life for perpetrators and abettors	N/A

3.2.2. Extraterritorial application

The TIP Act covers all trafficking in and out of Zimbabwe and, therefore, can be enforced extraterritorially. The Act, however, does not necessarily cover forced labour that happens extraterritorially unless the victim was trafficked.⁶⁰ Courts in Zimbabwe have convicted the perpetrators of trafficking and forced labour extraterritorially, most notably with cases involving the trafficking of Zimbabwean women to Kuwait by Kuwaiti embassy staff. They were charged under the TIP Act, which prohibits the facilitation of cross-border transportation of victims, rather than under forced labour or slavery laws.⁶¹

3.3. Slavery-Like Offenses in Zimbabwe’s Legal Order

3.3.1. Servitude

Article 54 of Zimbabwe’s Constitution, titled “Freedom from slavery or servitude,” prohibits servitude.⁶²

3.3.2. Forced labor

Forced labour is a criminal offence in Zimbabwe. Zimbabwe’s Labour Act prescribes penalties of imprisonment for up to two years, a fine, or both.⁶³

⁵⁹ ZWL 1,600,000 is the equivalent of USD 4,480, with an exchange rate of 1 Zimbabwe Dollar = 0.0028 U.S. Dollar, available on May 5, 2021 at: <https://www.worldforexrates.com/zwd/USD/1-exchange-rate/>.

⁶⁰ 2014 Trafficking in Persons Act, section 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

⁶¹ U.S. Dep’t of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>; *Kuwait human trafficking kingpin convicted*, News Day, 20 December 2017, available at: <https://www.newsday.co.zw/2017/12/kuwait-human-trafficking-kingpin-convicted/>.

⁶² Constitution of Zimbabwe, art. 54, available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf.

⁶³ U.S. Dep’t of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

The Labour Act defines forced labour as “any work or services which a person is required to perform against his or her will under the threat of some form of punishment.”⁶⁴ Article 55 of the Constitution also prohibits forced labour, stating: “No person may be made to perform forced or compulsory labour.”⁶⁵

Section 4 of the Labour Act has certain exceptions to the definition of forced labour. Labour performed as part of a court sentence, a “disciplined force,” such as the military, parental discipline, or response to a national emergency is not considered forced labour and, therefore, is not a criminal offence.⁶⁶

In addition to traditional forced labour, Zimbabwe also makes child labour a crime. Under the Children’s Act, a person found guilty of using child labour is liable for a fine of up to ZWL 2,500 and imprisonment for up to six months.⁶⁷ The Children’s Act defines child labour as the employment of “a child or young person of school-going age at a time when the child or young person might reasonably be expected to attend school.”⁶⁸ Under the Labour Act, section 11, no employer can employ a child under 16, as an apprentice or otherwise. Children between the ages of 16 and 18 can be employed only through a vocational institution. Additionally, no person under 18 can be employed for work “which is likely to jeopardize that person’s health, safety or morals.”⁶⁹ However, labour performed as part of “parental discipline” is not considered to be forced labour.⁷⁰ Despite the criminal penalties, child labour is still an ongoing problem, as discussed in Section 5.5.

3.3.3. *Deceptive recruiting for labor or services*

Transporting a person in or out of Zimbabwe involuntarily by means of fraud, deception, or extortion is a criminal offence under the TiP Act, section 3, carrying the penalty of no less than 10 years in prison.⁷¹ Fraud in general is illegal under the Criminal Law Act, section 136, and is punishable by fine, the return of property, and prison time not exceeding 35 years.⁷²

3.3.4. *Early and forced marriage*

Under the Criminal Law Act, section 94, “pledging of female persons” is prohibited. The law defines pledging of female persons as a lawful custodian or relative:

⁶⁴ Labour Act, section 2, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

⁶⁵ Constitution of Zimbabwe, art. 55, available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf.

⁶⁶ Labour Act, section 4, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

⁶⁷ Children’s Act, section 10(A), available at: https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/childrens_act.pdf. ZWL 2,500 is the equivalent of USD 7, with an exchange rate of 1 Zimbabwe Dollar = 0.0028 U.S. Dollar, available, on May 5, 2021, at: <https://www.worldforexrates.com/zwd/usd/1-exchange-rate/>.

⁶⁸ *Id.*

⁶⁹ Labour Act, section 10, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

⁷⁰ *Id.*, section 4.

⁷¹ 2014 Trafficking in Persons Act, section 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

⁷² Criminal Law (Codification and Reform) Act, section 136, available at: <https://www.refworld.org/pdfid/4c45b64c2.pdf>.

- Handing a girl under the age of 18 or a woman without her consent to another in exchange for a debt or other compensation;
- Promising a girl under the age of 18 or a woman without her consent to another in marriage; or
- Compelling a girl under the age of 18 or a woman without her consent to marry.

Those found guilty of pledging of female persons are “liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding two years or both.”⁷³ A level fourteen fine, as of January 2021, is ZWL 1,600,000. It is the highest level of fine.⁷⁴

Forced marriage is also an “unlawful purpose” of trafficking, meaning both perpetrators and abettors can be sentenced to 10 years to life in prison.⁷⁵

3.3.5. *Debt bondage*

Exchanging a girl or woman for the cancellation of debt is prohibited and punishable by a fine and two years of imprisonment.⁷⁶ In May 2019, Zimbabwe ratified the ILO’s Protocol of 2014 to the Forced Labour Convention, 1930, which prohibits debt bondage.⁷⁷ The TIP Act considers debt bondage to be an “unlawful purpose” for which a person is employed or trafficked. The Act defines debt bondage as a “pledge by a debtor of his or her personal services or labour, or those of a person under his or her control, as security or payment for a debt.”⁷⁸ Perpetrators can be penalized with 10 years to life in prison.

3.3.6. *Any other relevant offenses*

Zimbabwe has no other relevant slavery-like offenses.

3.3.7. *Extraterritorial application of the offenses*

Refer to Section 3.2.2.

⁷³ *Id.*, section 94.

⁷⁴ See SI 2021-025 Criminal Law (Codification and Reform) (Standard Scale of Fines) Notice, 2021, available at: http://www.veritaszim.net/sites/veritas_d/files/SI%202021-025%20Criminal%20Law%20%28Codification%20and%20Reform%29%20%28Standard%20Scale%20of%20Fines%29%20Notice%2C%202021.pdf. ZWL 1,600,000 is the equivalent of USD 4,480, with an exchange rate of 1 Zimbabwe Dollar = 0.0028 U.S. Dollar, available, on May 5, 2021, at: <https://www.worldforexrates.com/zwd/usd/1-exchange-rate/>.

⁷⁵ 2014 Trafficking in Persons Act, sections 2 and 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

⁷⁶ *Id.*

⁷⁷ *Zimbabwe joins efforts to combat forced labour*, ILO, available at: https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/WCMS_706806/lang--en/index.htm.

⁷⁸ 2014 Trafficking in Persons Act, section 2, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

3.4. Human Trafficking/Smuggling-Related Criminal Offenses

3.4.1. *International and domestic trafficking/smuggling of people*

Zimbabwe ratified the United Nations Convention Against Transnational Organized Crime on December 12, 2007, and acceded to the Trafficking in Persons Protocol on December 13, 2013.⁷⁹ Subsequently, Zimbabwe enacted the TiP Act to penalize trafficking and smuggling of people in and out of Zimbabwe. The TiP Act also makes it a crime to knowingly aid and abet or profit from trafficking. Section 3 of the Act includes a broad range of trafficking crimes covered by the 10-year prison sentence penalty. The TiP Act defines aggravated circumstances in trafficking as cases where: the victim is a child; the victim is disabled; child adoption laws of any country are abused; an organized crime group committed the trafficking; the trafficker had parental rights over the victim; the trafficker was a member of the police or clergy; the victim died, became mentally ill, was mutilated, or was infected with human immunodeficiency virus or any other sexually transmitted disease; or the victim was trafficked involuntarily through violence, fraud, drugging, or other means.⁸⁰ Section 4 of the TiP Act empowers law enforcement in Zimbabwe to question and detain anyone going into or out of Zimbabwe.⁸¹

Despite the laws against trafficking, prosecutions have been minimal. The U.S. State Department reports Zimbabwe investigated seven potential trafficking cases in the 2020 reporting period and two in the 2019 reporting period, leading to six prosecutions in the 2020 reporting period, compared to two in 2018.⁸² Despite 20 possible cases connected to trafficking in Kuwait, Zimbabwe's prosecutions were limited. There were no convictions in the 2020 reporting period and one conviction in the 2019 reporting period.⁸³ The U.S. State Department reports that Zimbabwe "charged traffickers in three additional cases with rape and assault rather than trafficking due to a lack of familiarity with the anti-trafficking law."⁸⁴

3.4.2. *International and domestic trafficking in children*

The TiP Act makes the trafficking of children a crime with aggravated circumstances. Therefore, perpetrators and those who knowingly aid and abet the trafficking of children are punishable by penalties ranging from 10 years to life in prison.⁸⁵

⁷⁹ The Zimbabwe Trafficking in Persons National Plan of Action (NAPLAC), p. 7, available at: https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/TraffickinginPersons/Zimbabwe_TIP_National_Plan_of_Action.pdf.

⁸⁰ 2014 Trafficking in Persons Act, section 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

⁸¹ *Id.*, section 4.

⁸² U.S. Dep't of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ 2014 Trafficking in Persons Act, section 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

3.4.3. *Victim harboring*

Under the TiP Act, it is unlawful to knowingly harbor victims of human trafficking. The punishment is up to 10 years in prison or a fine, with the penalty increasing to more than 10 years in prison if aggravated circumstances apply.⁸⁶

3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

Refer to Section 3.2.2.

3.5. Online Exploitation of Children Offenses

Online exploitation of all victims, not just children, is covered under section 3 of the TiP Act. For example, the TiP Act penalizes an internet service provider operating in Zimbabwe that is aware that information, advertisements, or distribution of material related to trafficking or trafficking victims is present on its websites or servers. Additionally, pornography is considered an “unlawful purpose” under the TiP Act, so persons who are trafficking those victims both involuntarily and voluntarily can be punished with 10 years to life in prison.⁸⁷ The TiP Act states that victims of pornography, prostitution, or other crimes during the time they were trafficked will not be charged.⁸⁸

3.6. Child Sex Tourism Offenses

The Criminal Law Act, section 72, makes it a crime for a person outside Zimbabwe to conspire with a person within Zimbabwe to commit a sexual crime (such as assault, rape, or sex with a minor). Perpetrators “shall be guilty of conspiracy or incitement, as the case may be, to commit the appropriate crime and liable to be sentenced accordingly,” according to the law. The Criminal Law Act also specifies that the person can be charged regardless of whether the act they conspired to commit is illegal in their jurisdiction.⁸⁹

4. ZIMBABWE’S SUPPLY CHAIN REPORTING LEGISLATION

Zimbabwe does not have official legislation on supply chain reporting.⁹⁰ Supply chain monitoring is left to individual companies and employers, which is ineffective.⁹¹ However, under the TiP Act, any company incorporated or registered in Zimbabwe can be liable for the crime of forced labour.⁹²

⁸⁶ *Id.*

⁸⁷ *Id.*, sections 2 and 3.

⁸⁸ *Id.*, section 3.

⁸⁹ Criminal Law (Codification and Reform) Act, section 72, available at: <https://www.refworld.org/pdfid/4c45b64c2.pdf>.

⁹⁰ 2014 Trafficking in Persons Act, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

⁹¹ *2019 Findings on the Worst Forms of Child Labor: Zimbabwe*, U.S. Department of Labor, available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zimbabwe.pdf.

⁹² Section (3) of the Interpretation Act [chapter 1:01], available at: <https://zimlil.org/zw/legislation/num-act/1962/1/Interpretation%20Act%20%5BChapter%201-01%5D.pdf>.

5. FORCED LABOR: OVERVIEW OF ZIMBABWE’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

The Constitution and the Labour Act prohibit forced labour.⁹³ The Labour Act defines forced labour to mean any work or services which persons are required to perform against their will under the threat of some form of punishment.⁹⁴

A person who does not comply with the Labour Act’s regulations is guilty of an offence and liable for a fine not exceeding ZWL 120,000 and imprisonment for a period not exceeding two years.⁹⁵

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

The employment law protects all types of employees, including those who are engaged on the basis of fixed term and casual contracts. The Labour Act applies to all employees except members of the disciplined forces, members of the public service, and employees whose conditions of service are regulated by the Constitution.⁹⁶

5.3. Statutory Rights

The main sources of employment law are the Constitution, the Labour Act, industry-specific collective bargaining agreements, common law, judicial precedent, and authoritative texts.⁹⁷

5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

Part IV of the Labour Act stipulates minimum conditions of service, including the accrual of vacation leave days, maternity leave, sick leave, and employee’s rights following termination of an employment contract. Industry-specific collective bargaining agreements, which are made under section 74 of the Labour Act, may provide minimum conditions applicable to an industry or sector. Those conditions cannot be less than the Labour Act’s standards.⁹⁸

Workers have the right to change jobs after serving due notice on their employer. Due notice is defined as two weeks for contracts lasting less than six months, one month for contracts lasting over six months but

⁹³ Constitution of Zimbabwe, arts. 54–55, available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf; Labour Act (1985), section 4(C), available at: <https://zimlil.org/zw/legislation/act/1985/16>.

⁹⁴ Labour Act (1985), section 4(C), available at: <https://zimlil.org/zw/legislation/act/1985/16>. See also *supra* Section 3.3.2.

⁹⁵ *Id.*, section 4(A)(3). ZWL 120,000 is the equivalent of USD 336, with an exchange rate of 1 Zimbabwe Dollar = 0.0028 U.S. Dollar, available on May 5, 2021, at: <https://www.worldforexrates.com/zwd/usd/1-exchange-rate/>.

⁹⁶ *Zimbabwe: Employment & Labour Laws and Regulations 2021*, International Comparative Legal Guides, available at: <https://iclg.com/practice-areas/employment-and-labour-laws-and-regulations/zimbabwe>.

⁹⁷ *Id.*

⁹⁸ *Id.*

less than a year, two months for contracts lasting one to two years, and three months for contracts lasting over two years.⁹⁹

Working time may be extended beyond the normal working hours set by the Ministry of Labour. Normal working hours are six hours per day for young workers and 9.5 hours per day for domestic workers. A collective bargaining agreement may regulate payment of overtime.¹⁰⁰

5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

A person who is trafficked involuntarily through fraud, extortion, or deception has remedies available to them as prescribed by the TiP Act, Section 5. A court that convicts a trafficker must also order the trafficker to compensate their victims for damages incurred.¹⁰¹

5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

Section 12A of the Labour Act prevents employers from taking unlawful deductions or remunerating employees with promissory notes.¹⁰² The TiP Act includes debt bondage as a human trafficking violation, for which remedies are prescribed in Section 5 of the Act.¹⁰³

5.3.4. *Remedies*

Remedies for violations of the Labour Act, such as unlawful working conditions or forced labour, are governed by the Labour Court. The Labour Court can also refer labour disputes to labour officers, who oversee conciliation proceedings.¹⁰⁴ The TiP Act also provides remedies for victims under Section 5 of the Act. Refer to Section 7 for more details.

5.3.5. *The well-being of workers: Inhumane working conditions*

The Ministry of Labour sets the regulations regarding working hours and overtime pay for workers in Zimbabwe. Normal working hours are six hours per day for young workers and 9.5 hours per day for domestic workers. Normal working hours for other workers are not specifically defined in the Labour Act, but are normally governed by collective bargaining agreements.¹⁰⁵ Overtime work is not permitted for young workers under any circumstances. For domestic workers, overtime pay is paid at one-and-a-half times the hourly wage for overtime worked on a regular working day and two times the hourly wage for

⁹⁹ Labour Act (1985), section 12(4 & 5), available at: <https://zimlil.org/zw/legislation/act/1985/16>.

¹⁰⁰ *Id.*, sections 17(3)(C & J) & 74(3)(E); Labour Relations (Employment of Children and Young Persons) Regulations, section 4(1)(a), available at: <https://www.law.co.zw/download/1050/>; Labour Relations (Domestic Workers) Employment Regulations, section 5, available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/31951/27151/F1923737899/ZWE31951.pdf>.

¹⁰¹ 2014 Trafficking in Persons Act, sections 3 and 5, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

¹⁰² Labour Act, section 12A, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

¹⁰³ 2014 Trafficking in Persons Act, sections 3 and 5, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

¹⁰⁴ Labour Act, sections 89 and 93, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

¹⁰⁵ Sharon C. Tayfield, *What You Need to Know About Payroll in Zimbabwe*, Global Payroll (July 2018), available at: <https://www.gpminstitute.com/publications-resources/Global-Payroll-Magazine/july-2018/what-you-need-to-know-about-payroll-in-zimbabwe>; *Zimbabwe: Employment & Labour Laws and Regulations 2021*, ICLG, available at: <https://iclg.com/practice-areas/employment-and-labour-laws-and-regulations/zimbabwe>.

overtime worked on a day off.¹⁰⁶ Under the Labour Act, collective bargaining agreements for workers other than young or domestic workers may make provision for “all issues pertaining to overtime.”¹⁰⁷

5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness

Section 6 of the Labour Act, titled “Protection of employees’ right to fair labour standards,” protects workers by prohibiting employers from requiring employees to work under unsafe conditions. Employers found to be in violation of Section 6 must pay either a fine of no more than ZWL 120,000, spend no more than two years in prison, or both.¹⁰⁸ Workers’ compensation is governed by the National Social Security Authority (Accident Prevention and Workers’ Compensation Scheme) Notice, 1990 (S.I. 68 of 1990).¹⁰⁹

5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

Employers are barred from interfering with workers’ access to justice, per Section 6(1)(E) of the Labour Act.¹¹⁰ Workers can seek compensation via the Labour Court, labour officers, collective action, or workers’ compensation. Despite these legislative measures, however, victims still face barriers accessing justice in Zimbabwe. In 2020, the U.S. State Department reported, “The government did not respect workers’ right to form or join unions, strike, and bargain collectively.”¹¹¹ They also reported that work hours and working condition violations are widespread, particularly in industries like agriculture that use informal migrant workers, and laws like the Labour Act protecting workers are rarely enforced.¹¹²

5.6. Interaction Between Employment Law and Migration

5.6.1. Employment rights affected where employment is unlawful under migration law

Zimbabwe has a long history of labour migration and has been a sender, transmitter, and receiver of migrants. Inward migration has mostly been from neighboring countries, such as Malawi, Mozambique, and

¹⁰⁶ Labour Act, sections 17(3)(C & J) & 74(3)(E), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>; Labour Relations (Employment of Children and Young Persons) Regulations, section 4(1)(a), available at: <https://www.law.co.zw/download/1050/>; Labour Relations (Domestic Workers) Employment Regulations, section 5, available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/31951/27151/F1923737899/ZWE31951.pdf>.

¹⁰⁷ Labour Act, section 74(3)(E), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

¹⁰⁸ Labour Act, section 6, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>. ZWL 120,000 is the equivalent of USD 336, with an exchange rate of 1 Zimbabwe Dollar = 0.0028 U.S. Dollar, available on May 5, 2021, at: <https://www.worldforexrates.com/zwd/usd/1-exchange-rate/>.

¹⁰⁹ National Social Security Authority (Accident Prevention and Workers' Compensation Scheme) Notice, 1990 (S.I. 68 of 1990), available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&isn=29289.

¹¹⁰ Labour Act, section 6(1)(E), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

¹¹¹ *Id.*, Section 7.

¹¹² *Id.*

South Africa. The causes of migration are both economic and political.¹¹³ Many Zimbabweans leave for other countries, including South Africa, largely to work in agriculture.¹¹⁴ This type of work is characterized by the absence of employment contracts and social protection, exploitative wages, long working hours, and lack of union representation and support from the employer.¹¹⁵

The Government of Zimbabwe has undertaken several major initiatives to address the challenges presented by migration:

- The adoption of the National Diaspora Policy (2015) in conjunction with the enactment of the TiP Act and establishing the Anti-Trafficking Inter-Ministerial Committee in 2016;
- The adoption of the Zimbabwe National Employment Policy Framework (2010) and Zimbabwe Agenda for Sustainable Socio-Economic Transformation, which calls for measures to encourage remittances from the diaspora as a key strategy for economic growth and development;
- The development of the Zimbabwe United Nations Development Assistance Framework (**ZUNDAF**) (2016–2020) to work with institutions to formulate and implement socioeconomic policies, strategies, and programs for improved livelihoods and reduced poverty;
- Zimbabwe’s Decent Work Country Program 2012–2018, which identified migration in terms of diaspora outreach, migration management, access to social benefits, finalization and adoption of the National Labour Migration Policy, and review of the bilateral agreement on labour and employment between Zimbabwe and South Africa; and
- The Government of Zimbabwe and the International Organization for Migration’s Migration Management Strategy (2014–2018), which covers broad migration management issues relating to migration and development, counter-trafficking, community-based planning, integrated border management, internal migration, mixed migration flows, migrant health, and migration data, among others.¹¹⁶

5.6.2. *Rights/remedies available under applicable migration law and regulations*

Refer to Section 7.

5.7. Employment Laws and Child Labor

In 2019, Zimbabwe made moderate advancements to eliminate child labour in the areas of commercial sexual exploitation, mining, tobacco production, and agriculture, each sometimes as a result of human trafficking.¹¹⁷

¹¹³ National Labour Migration Policy for Zimbabwe, available at: <https://publications.iom.int/system/files/pdf/national-labour-migration-policy-for-zimbabwe.pdf>.

¹¹⁴ *The Regularization of Zimbabwean Migrants: A Case of Permanent Temporariness*, Center for Migration Studies, available at: <https://cmsny.org/publications/2018smc-sihma-zimbabwe-regularization/>.

¹¹⁵ National Labour Migration Policy for Zimbabwe, p. xii, available at: <https://publications.iom.int/system/files/pdf/national-labour-migration-policy-for-zimbabwe.pdf>.

¹¹⁶ *Id.*

¹¹⁷ *2019 Findings on the Worst Forms of Child Labor: Zimbabwe*, U.S. Department of Labor, p. 1, available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zimbabwe.pdf.

The government prosecutes crimes related to the trafficking of children; however, law enforcement agencies lack resources to enforce child labour laws.¹¹⁸ In addition, gaps remain in the country's legal framework in the fight against child labour, including the lack of free basic education, which increases children's vulnerability to child labour.¹¹⁹

Zimbabwe has ratified all key international conventions concerning child labour, including the International Labour Organization Convention 138, Minimum Age; International Labour Organization Convention 182, Worst Forms of Child Labour;¹²⁰ UN Convention on the Rights of the Child Optional Protocol on Armed Conflict;¹²¹ UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography,¹²² and the Palermo Protocol on Trafficking in Persons.¹²³

The Government of Zimbabwe has established laws and regulations related to child labour that meet international standards, including a minimum age for work of 16;¹²⁴ a minimum age for hazardous work of 18;¹²⁵ a prohibition of forced labour;¹²⁶ a prohibition of child trafficking;¹²⁷ and a prohibition of commercial sexual exploitation of children.¹²⁸

The minimum age is 16 years old for voluntary state military recruitment,¹²⁹ and the state military is prohibited from compulsory recruitment of children.¹³⁰

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ Convention No. 138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour, ILO Conventions on Child Labour, available at: <https://www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm>.

¹²¹ Optional Protocol on the Involvement of Children in Armed Conflict, available at: <https://childrenandarmedconflict.un.org/tools-for-action/optional-protocol/>.

¹²² UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en.

¹²³ United Nations Convention against Transnational Organized Crime and the Protocols Thereto, available at: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>.

¹²⁴ Labour Act, section 9, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>; Children's Act, section 10(A), available at: https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/childrens_act.pdf.

¹²⁵ Labour Act, section 9, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>; Children's Act, section 10(A)(4), available at: https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/childrens_act.pdf.

¹²⁶ Constitution of Zimbabwe, arts. 54–55, available at: https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf; Labour Act, section 4(A), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F-1082062874/Labour%20Act%20No.%2016%20of%201985,%20as%20amended.pdf>.

¹²⁷ 2014 Trafficking in Persons Act, section 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

¹²⁸ Criminal Law (Codification and Reform) Act, sections 61, 83, 86 and 87, available at: <https://www.refworld.org/pdfid/4c45b64c2.pdf>; Children's Act, section 8(2)a, available at: https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/childrens_act.pdf; 2014 Trafficking in Persons Act, section 3, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

¹²⁹ National Service Act, sections 5, 9, and 10, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101336/122043/F272718380/ZWE101336.pdf>.

¹³⁰ *Id.*, section 9.

However, gaps exist in Zimbabwe’s legal framework to adequately protect children from the worst forms of child labour, including no prohibition of military recruitment by non-state armed groups, no compulsory education age, and no free public education.¹³¹

6. GOVERNMENT PROCUREMENT RULES

6.1. Overview

Zimbabwe has laws that establish regulatory authorities responsible for the monitoring and oversight of public procurement. The laws charge regulatory authorities with harmonizing the existing government policies and practices by regulating, setting standards, and developing the legal framework and professional capacity for public procurement at the national level. Zimbabwe is also in the midst of implementing a five-year Strategic Plan (2019–2023) related to public procurement that identifies five objectives: (1) improving public procurement effectiveness through targeted capacity building of market players; (2) increasing private sector competition in public markets; (3) increasing the value received for the money spent; (4) increasing transparency and accountability in the public procurement processes; and (5) promoting regulatory compliance.¹³² As of April 2021, no federal or state procurement statute, rule, or procedure specifically addresses human trafficking in procurement. Improvements in the government procurement process may indirectly benefit the detection and prevention of human trafficking.

6.2. Public Procurement and Disposal of Public Assets Act

The Public Procurement and Disposal of Public Assets Act (**Public Procurement Act**) came into force in January 2018. It repealed the Procurement Act and abolished the State Procurement Board, a body which conducted procurement on behalf of government entities.¹³³ The Public Procurement Act regulates the procurement cycle from procurement planning, approaches to the market, evaluation and award of tenders, contract management, and disposal of assets.¹³⁴ The Public Procurement Act establishes the Procurement Regulatory Authority of Zimbabwe (**PRAZ**), which aims to “promote the training and professional development of persons engaged in public procurement so as to ensure their adherence to high ethical standards.”¹³⁵ The mandate of PRAZ is “to supervise public procurement proceedings to ensure transparency, fairness, honesty, cost-effectiveness and competition as required by Section 315 of the

¹³¹ *2019 Findings on the Worst Forms of Child Labor: Zimbabwe*, U.S. Department of Labor, available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zimbabwe.pdf.

¹³² Nazaneen Ismail Ali, *Zimbabwe: public procurement reform to catalyze greater transparency and development*, World Bank Blogs (Feb. 1, 2019), available at: <https://blogs.worldbank.org/governance/zimbabwe-public-procurement-reform-catalyze-greater-transparency-and-development>.

¹³³ *Public Procurement and Disposal of Public Assets Act*, 2017, available at: [https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-\(002\).pdf](https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-(002).pdf); Phillimon Mhlanga, *British firm completes e-govt procurement strategy*, Business Times (December 9, 2018), available at: <https://businesstimes.co.zw/british-firm-completes-e-govt-procurement-strategy/>.

¹³⁴ *Zimbabwe Public Procurement Legislation Assessment*, SymaconSolutions (2019), available at: https://www.tpp-rating.org/public/uploads/PPL%20Assessments%20ENG/PPL_Assessment_Zimbabwe_19.pdf.

¹³⁵ *Public Procurement and Disposal of Public Assets Act*, Section 5, 2017, available at: [https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-\(002\).pdf](https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-(002).pdf).

Zimbabwean Constitution.”¹³⁶ The PRAZ Board of Directors is composed of members that represent all regions of the country and that come from both the public and private sectors.¹³⁷

The Public Procurement Act defines a “procuring entity” broadly to cover not only government ministries and departments but also statutory bodies, government-controlled companies, provincial and metropolitan councils, local authorities (e.g., urban and rural district councils), and state partnerships and joint ventures.¹³⁸ The overall objective of the Public Procurement Act is “to provide for the control and regulation of public procurement and the disposal of public assets so as to ensure that such procurement and disposal is effected in a manner that is transparent, fair, honest, cost-effective and competitive.”¹³⁹ Those standards do not deal specifically with the principles set out in the UN Guiding Principles on Business and Human Rights.¹⁴⁰

6.3. Electronic Government Procurement Strategy

Zimbabwe has also developed an Electronic Government Procurement (e-procurement system) strategy.¹⁴¹ The e-procurement system is part of the e-Government program encapsulated in the Results-Based Management (RBM) system that the Government recently adopted. It aims to reduce “bureaucratic procedures, inordinate delays and inefficiencies,” which government officials believe provide “a fertile ground for unbridled corruption and other forms of malpractices.”¹⁴² According to government studies, revenue is lost through an inefficient, costly, and time-consuming tendering process that is prone to corruption.¹⁴³ The e-procurement system will replace the outdated paper-based procurement system.

The new system will address historical loopholes in the current public procurement system and will result in increased disclosure of procurement data, monitoring, and oversight of procurement activities.¹⁴⁴ It will also furnish statistics that will shed light on how the government spends money and will help to reduce government procurement costs and avoid situations in which the government awards multi-million dollar tenders to undeserving bidders as it has in the past.¹⁴⁵ As of July 2020, the establishment of the e-

¹³⁶ *Welcome to PRAZ*, Procurement Regulatory Authority of Zimbabwe, available at: <http://www.praz.org.zw/>.

¹³⁷ Nazaneen Ismail Ali, *Zimbabwe: public procurement reform to catalyze greater transparency and development*, World Bank Blogs (Feb. 1, 2019), available at: <https://blogs.worldbank.org/governance/zimbabwe-public-procurement-reform-catalyze-greater-transparency-and-development>.

¹³⁸ *Public Procurement and Disposal of Public Assets Act*, Section 2, available at: [https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-\(002\).pdf](https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-(002).pdf).

¹³⁹ *Public Procurement and Disposal of Public Assets Act*, Section 4, available at: [https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-\(002\).pdf](https://www.dpcorp.co.zw/assets/public-procurement--disposal-act-22-23-(002).pdf).

¹⁴⁰ United Nations, *Guiding Principles on Business and Human Rights*, 2011, available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

¹⁴¹ Nazaneen Ismail Ali, *Zimbabwe: public procurement reform to catalyze greater transparency and development*, World Bank Blogs (Feb. 1, 2019), available at: <https://blogs.worldbank.org/governance/zimbabwe-public-procurement-reform-catalyze-greater-transparency-and-development>.

¹⁴² Oliver Kazunga, *Govt sets up e-procurement facility*, Chronicle (March 3, 2017), available at: <https://www.chronicle.co.zw/govt-sets-up-e-procurement-facility/>.

¹⁴³ *Id.*

¹⁴⁴ Phillimon Mhlanga, *British firm completes e-govt procurement strategy*, Business Times (December 9, 2018), available at: <https://businesstimes.co.zw/british-firm-completes-e-govt-procurement-strategy/>.

¹⁴⁵ *Id.*

procurement system, which is estimated to cost USD 2–3 million, has been stalled due to resource constraints.¹⁴⁶

6.4. Federal and State Government Procurement Rules and Action Plan

Zimbabwe is yet to develop and adopt a national action plan on business and human rights or to integrate the UN's Guiding Principles into its policies, laws, and regulations.¹⁴⁷

As of April 2021, Zimbabwe has no federal or state procurement statute, rule, or procedure specifically addressing the issues of human trafficking in procurement.

7. RESTITUTION AND VICTIM COMPENSATION

7.1. Overview

Zimbabwe's TiP Act requires convicted traffickers to compensate victims of trafficking. However, the lack of shelters and other assistance for victims of trafficking, especially for male victims, impedes victims' ability to seek compensation.¹⁴⁸ Existing safe houses for vulnerable people currently cater only to women and children.¹⁴⁹ Moreover, formal training is not provided for trafficking victim assistance, and there is no comprehensive national monitoring and evaluation system for handling cases of trafficking in persons.¹⁵⁰

7.2. Statutory Compensation

Under the TiP Act, a court which has convicted any trafficker shall order the trafficker to compensate the victim for any (a) damage to, or loss of, property, including money, suffered by the victim; (b) physical, psychological, or other injury suffered by the victim, including medical expenses; or (c) loss of income or support suffered by the victim.¹⁵¹

The TiP Act incorporates the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children against Transnational Organized Crime (**Protocol**), which requires every nation state to ensure "that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered."¹⁵²

The TiP Act, by virtue of incorporating the Protocol, requires Zimbabwe to inform victims of trafficking about relevant court and administrative proceedings and to assist them in presenting their views and concerns

¹⁴⁶ Kudzanai Gerede, *Funding Gap Stalls Zim's E-Procurement System* (July 6, 2020), available at: <https://www.263chat.com/amp/funding-gap-stalls-zims-e-procurement-system/>.

¹⁴⁷ United Nations, *State national action plans on Business and Human Rights*, available at: <https://www.ohchr.org/en/issues/business/pages/nationalactionplans.aspx>.

¹⁴⁸ *The Zimbabwe Trafficking in Persons National Plan of Action, 2016–2018*, p. 12, available at: https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/TraffickinginPersons/Zimbabwe_TIP_National_Plan_of_Action.pdf.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ 2014 Trafficking in Persons Act, Section 5(3), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101342/122053/F810374046/ZWE101342.pdf>.

¹⁵² *Id.* at Part III, First Schedule, Article 6.

for consideration at appropriate stages of criminal proceedings against offenders.¹⁵³ Zimbabwe, as a signatory to the Protocol, is also encouraged to implement measures for the “physical, psychological and social recovery of victims of trafficking in persons” by providing appropriate: (a) housing; (b) counseling and information on their legal rights in a language that the victims can understand; (c) medical, psychological, and material assistance; and (d) employment, educational, and training opportunities.¹⁵⁴

7.3. Victim Protection and Assistance

NGOs provide shelters for both male and female victims of gender-based violence, trafficking, and domestic violence. However, in 2020, the NGOs that provided protective services did not receive government funding for at least the second consecutive year and struggled to operate without such support. The Government has not established centers in each of Zimbabwe’s 10 provinces to provide counseling, rehabilitation, and reintegration services, as the TIP Act requires.¹⁵⁵

As the U.S. Department of State noted, “The government implemented a comprehensive system for victim-witnesses, which includes police units, courts, health services, and a referral system that were more victim-centered. Courts had a separate room for victims to testify separately from their alleged perpetrators, and victims could choose to testify via video; however, not every court had access to the necessary equipment, especially in rural areas, and the government did not report whether any victims utilized these services ...”

“The government [has] trained prosecutors, probation officers, and magistrates to treat victims sensitively, handle cases quickly, and refer victims to post-trial support services. In addition, the government trained health service providers to collect evidence for criminal investigations, prepare medical affidavits, and offer immediate and long-term psycho-social support and health care.”¹⁵⁶

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¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ U.S. Dep’t of State, 2020 Trafficking in Persons Report: Zimbabwe, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

¹⁵⁶ *Id.*